



ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY  
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**Board Members**  
Gary A. Erbstoesser, D.O., Pres.  
Jonathan Maitem, D.O., V.P.  
Douglas L. Cunningham, D.O.  
Jerry G. Landau, J.D.  
Jeffrey H. Burg, AIF  
Dawn K. Walker, D.O.  
Ken S. Ota, D.O.  
**Executive Director**  
Justin Bohall

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## DRAFT MINUTES FOR SPECIAL VIRTUAL MEETING OF THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Held on Friday, February 12, 2021

### 1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 4:11 p.m. and thanked the Board members and staff for facilitating today's proceedings.

### 2. ROLL CALL AND REVIEW OF AGENDA

	Dr. Erbstoesser	Dr. Maitem	Dr. Cunningham	Mr. Landau	Mr. Burg	Dr. Walker	Dr. Ota
Present:	X	X		X		X	X
Absent:			X		X		

Dr. Maitem joined the meeting at 4:19 p.m. and remained for the duration.

### 3. CALL TO THE PUBLIC

President Erbstoesser read aloud the Board's mission statement: "The mission of the Board is to protect the public by setting educational and training standards for licensure, and by reviewing complaints made against osteopathic physicians, interns, and residents to ensure that their conduct meets the standards of the profession, as defined in law (A.R.S. § 32-1854)."

A. No individuals addressed the Board during the Call to the Public portion of the meeting.

### 4. REVIEW, DISCUSSION AND ACTION ON THE FOLLOWING ITEMS FROM THE SUPERIOR COURT OF ARIZONA

#### A. Remanded Decision on LC2020-000056-001 E. Griffin Cipolla v. Arizona Board of Osteopathic Examiners in Medicine and Surgery

Ms. Jeanne Galvin, Attorney for the Board, provided the Board with a Summary of the Order issued in the case, the hearing before the Superior Court and the decision of the court to Remand and Rescind the Board's order.

Mr. Jay Fradkin, Attorney for the Respondent, provided a statement on the Respondent's position on the underlying complaint.

**MOTION: Mr. Landau moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).**

**SECOND: Dr. Walker**

**VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

	VOTE	Dr. Erbstoesser	Dr. Maitem	Dr. Cunningham	Mr. Landau	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	5	X	X		X		X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2			X		X		

The Board entered into Executive Session at 4:24 p.m.  
The Board returned to Open Session at 4:48 p.m.  
No legal action was taken by the Board during Executive Session.

**MOTION: Dr. Maitem moved for the Board to not appeal the decision in LC2020-00056-001.**

**SECOND: Dr. Walker**

**VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

	VOTE	Dr. Erbstoesser	Dr. Maitem	Dr. Cunningham	Mr. Landau	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	5	X	X		X		X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2			X		X		

**MOTION: Dr. Maitem moved for the Board to proceed as discussed in Executive Session.**

**SECOND: Dr. Walker**

**VOTE: 5-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSED.**

	VOTE	Dr. Erbstoesser	Dr. Maitem	Dr. Cunningham	Mr. Landau	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	5	X	X		X		X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2			X		X		

## 5. ADJOURNMENT

**MOTION:** Dr. Walker moved for the Board to adjourn.

**SECOND:** Mr. Landau

**VOTE:** 5-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

**MOTION PASSED.**

	VOTE	Dr. Erbstoesser	Dr. Maitem	Dr. Cunningham	Mr. Landau	Mr. Burg	Dr. Walker	Dr. Ota
Yay:	5	X	X		X		X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2			X		X		

The Board's meeting adjourned at 4:52 p.m.

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Justin Bohall, Executive Director