83rd Annual Congress
of the
Federation of Chiropractic Licensing Boards

MINUTES

2009 Annual Business Meeting
Marriott Renaissance Hollywood, California

Session I
Thursday, May 7, 2009

Session II
Friday, May 8, 2009

Chair: Oliver R. Smith, Jr., D.C. - FCLB President

Approved by the 2009 Minutes Committee:
Dr. William Rademacher (IL) - Chair
Mr. Joe Baker, Jr. (FL)
Dr. Shannon Gaertner-Ewing (ID)

Session I - Thursday, May 7, 2009

1. Call to Order - Dr. Smith called the meeting to order at 10:50 a.m. He introduced the FCLB Board of Directors and noted that Ms. Donna Liewer would serve as recording secretary, Dr. Paul Morin (ME) would serve as Parliamentarian, and attorney Mr. Dale Atkinson of the Chicago law firm Atkinson & Atkinson would serve as legal counsel.

2. Dedication to Service - Dr. Ali Jafari (NY), FCLB District III Director, led the dedication to service.

The chair then recognized special guests, including FCLB past leaders; NBCE Board of Directors and Executive Vice President; representatives from other organizations and colleges; and the 2009 supporters of the 83rd FCLB Congress.

3. Credentials Committee Report - Dr. Valerie Hoffman (VA), chair, reported that the committee which included Drs. Gene Jenkins (FL) and David Hayes (QC), reviewed the credentials of the delegates and alternates. They found them to meet the requirements of the bylaws and recommended they be seated. Hearing no objections, the chair declared the delegates and alternates seated.

4. Roll Call - Ms. Donna Liewer called the roll. Based on 35 as the number of properly registered delegates present, the chair declared 18 as the number of votes which constitute a simple majority, and 24 as the number for a 2/3 majority vote.

5. Adoption of Business Meeting Rules and Protocol - Dr. Kirk Shilts (MA) clarified that those properly registered delegates not in attendance on Thursday would be able to vote at the Friday business meeting. Hearing no objections or amendments, the chair declared the Business Rules and Protocol adopted as presented.
6. **Approval of Agenda** - It was clarified that #12 on the Annual Business Meeting - Session I agenda should read *motion to recess until Friday morning*. Hearing no objections, *the chair declared the Agenda approved as amended.*

7. The chair announced *the minutes for 2008 were approved by the Minutes Approval Committee* which was chaired by Dr. William Rademacher (IL) and included Drs. Minga Guerrero (OR) and Donn Fahrensdorf (SD). The minutes committee for 2009 will be chaired by Dr. William Rademacher (IL) and include Mr. Joe Baker, Jr. (FL) and Dr. Shannon Gaertner-Ewing (ID).

8. **Financial Report - Dr. Lawrence O'Connor (NJ), Chair**

Dr. O'Connor, FCLB Treasurer, introduced the members of the Finance and Audit Committee, Drs. Carol Winkler (ND) and Mark Korchok (OH), and the FCLB Finance Manager, Joan Carl.

The committee met on May 6, 2009, and reviewed the audit in detail, as prepared by the Certified Public Accountant Firm of Watkins & Schommer, Inc. A summary of the 2008 figures was included in the Annual Report section of the attendee notebooks. In addition, the committee reviewed the various reports, financial policies, and the budget for 2009.

Dr. O'Connor discussed with the members, in detail, the 2008 year end report and the 2009 budget. He expressed appreciation to the NBCE, NCMIC, conference supporters, and the member boards for their financial support, as well as the many volunteers who ensure the Federation’s success.

On April 21, 2009 the FCLB was granted tax exempt status of 501(c)(3) retroactive to November 19, 2008. This aligns FCLB with the mission and goals of its membership. Mr. Dale Atkinson and Ms. Donna Liewere were thanked for their efforts to complete this project.

Dr. Hoffman (VA) questioned the increase in the meeting expenses budget. It was explained the bulk of the increase was convening the PACE committee and review team for an in person meeting, and projection of attending additional meetings of associated organizations as needed.

9. **Resolutions and Bylaws Committee Report - Dr. Ron Tripp (OK), Chair**

Dr. Tripp expressed appreciation to his fellow members of this committee, Drs. Larry Davis (NV), Beverly Foster (AR), Paul Morin (ME), and Leslie Schmidt (NM).

A. **Resolutions**

Dr. Tripp reported there were three resolutions in the member notebook to be voted on by the membership. He noted the deadline of 1:00 p.m. Thursday, May 7, 2009, for resolutions to be submitted to the committee. The Resolutions and Bylaws Committee planned to meet May 7 at 3:00 p.m. to review the resolutions and suggest any appropriate modifications and develop its recommendations to the delegate body regarding their adoption. This meeting is always open to all attendees to observe the committee’s deliberations.

B. **Bylaws Revision**

Dr. Tripp referred members to the current bylaws and the proposed revision as presented the member notebook. He thanked Drs. Shilts and Morin for their work over the past two years on the proposed revision.

Attendees were invited to attend the meeting of the Resolutions and Bylaws Committee to review the document in detail, and also the Candidates’ and Bylaws Forum during the general breakfast Friday, May 8, 2009.
10. 2008 Nominating Committee Report - Dr. Ed Weathersby (AZ) – Chair

Dr. Weathersby recognized the members of the 2008-2009 Nominating Committee: Drs. Minga Guerrero (OR); Kathleen McConnell (PA); Al Stabile (NJ); and Kirk Shilts (MA).

A. Election of President to the FCLB Board of Directors

After careful review the committee unanimously nominated Dr. Daniel Saint-Germain (QC) for the office of President for the 2009-2011 term of office.

There were no nominations from the floor.

M/S Schmidt (NM) / Zimmerman (AK) to close nominations. Passed, no opposition

B. Election of Vice President to the FCLB Board of Directors

After careful review the committee unanimously nominated Dr. Lawrence O’Connor (NJ) for the office of Vice President for the 2009 - 2011 term of office.

There were no nominations from the floor.

M/S Hoffman (VA) / Earhart (NE) to close nominations. Passed, no opposition

C. Election of Treasurer to the FCLB Board of Directors

After careful review the committee unanimously nominated Dr. LeRoy Otto (MN) for the office of Treasurer for the 2009 - 2011 term of office.

There were no nominations from the floor.

M/S Rademacher (IL) / James (MO) to close nominations. Passed, no opposition

D. Election of Executive Fellow to the FCLB Board of Directors

After careful review the committee unanimously nominated Dr. Larry Spicer (MN) for the office of Executive Fellow Director for the 2009 - 2011 term of office.

There were no nominations from the floor.

M/S Zimmerman (AK) / Davis (NV) to close nominations. Passed, no opposition

D. Nominating Committee

After careful review the committee unanimously nominated Dr. Kirk Shilts (MA) from District III for a one-year term on the Nominating Committee.

The chair reminded the delegates that the current bylaws require four members of the Nominating Committee to be elected annually by the delegate body. He noted that the proposed Bylaws Revision, if passed on Friday, would increase the committee to include one representative from each district, plus the immediate past president of the FCLB who will continue to serve as chair.

The chair recommended that the Delegate Body nominate at least one person from each district in the event the decision is to adopt the bylaws revision. All candidates for the Nominating Committee will participate in the Candidates’ Forum during the Friday morning general breakfast.

Qualified candidates must have attended at least one FCLB meeting, must be currently on a chiropractic regulatory board or have been on such a board in the last five years. Qualified candidates are not eligible to be slated or elected to any other elected position in the Federation for the duration of their service on the Nominating Committee.
The chair encouraged delegates to nominate those who have a good grasp of the Federation’s past, its current mission, and future possibilities as well as the ability to identify leadership qualities in candidates for elected office.

In addition to Dr. Kirk Shilts from District III, the following nominations were submitted:

Dr. Shannon Gaertner-Ewing (ID), District I  
Dr. Teresa Marshall (MN) District II  
Dr. Hugh Lubkin (CA), District IV  
Dr. Valerie Hoffman (VA), District V

Hearing no further nominations and with no objections from the membership, the chair declared the nominations for the 2009-2010 Nominating Committee closed.

11. Motion to Recess

M/S Drs. Hoffman (VA) / Winkler (ND) to recess until Friday morning, May 8, 2009, at 9:30 a.m. Passed, no opposition

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MINUTES
2009 FCLB Annual Business Meeting
Marriott Renaissance Hollywood, CA

Session II - Saturday, May 8, 2009

Awards presentation preceded Session II of the Annual Business Meeting

1. Call to Order - Dr. Oliver Smith (TX), FCLB President, continued to serve as chair. The meeting was called to order at 9:15 a.m. The chair noted that Ms. Donna Liewer would continue to serve as recording secretary, Dr. Paul Morin (ME) would continue as Parliamentarian, and Mr. Dale Atkinson would continue as legal counsel.

The chair reminded the delegates that the FCLB Board of Directors had been introduced during the first session on Thursday.

2. Roll Call to Determine Quorum

Donna Liewer called the roll. Based on 38 as the number of properly registered delegates present at the roll call, the chair declared 20 as the number of votes which constitute a simple majority, and 26 as the number for a 2/3 majority vote.

The chair reminded the delegates that the Business Meeting Rules and Protocol as duly adopted during Session I would continue to govern the meeting.

3. Announcements

The chair announced the FCLB District Director elections for District IV Director and Alternate Director, and District III Alternate Director would be held Saturday morning during the District Breakfast. Installation of the FCLB board of directors would be held Saturday at the close of the Annual Conference.

4. Chairs of Past and Present Committees: Appreciation - On behalf of the membership, the chair recognized the leaders of the Federation’s standing and ad hoc committees, and expressed appreciation to the many volunteers who guide the Federation’s projects. He noted that the president appoints the chairs of the ad hoc committees and seeks their
recommendations for the rest of the committee membership before making the final committee appointments. He encouraged those interested in committee service to submit the Committee Interest Form in the attendee notebook or contact the FCLB offices.

There were no questions for the standing or ad hoc committees.

5. **Other Organizations to Which FCLB Has Voting Representation - the chair introduced representatives of other affiliate organizations:**

   A. **National Board of Chiropractic Examiners (NBCE)**  
      Dr. Oliver Smith (TX) and Dr. Daniel Saint-Germain (QC)

   B. **Council on Chiropractic Guidelines and Practice Parameters (CCGPP)**  
      Dr. Albert Stabile (NJ)

   C. **Federation of Associations of Regulatory Boards (FARB)**  
      Ms. Donna M. Liewer, FCLB Executive Director

There were no questions for the FCLB representatives to other affiliate organizations.

6. **Business Reports**

   A. **President’s Report** - Dr. Oliver Smith (TX) noted that his earlier comments from the podium had constituted his report.

   B. **Executive Director’s Report** - Ms. Donna Liewer referred members to the FCLB achievements listed under the annual report tab in the notebook. She acknowledged the spirit and heart that come from the members, recognized her co-workers, and the talented and dedicated leadership team of board members. She noted several second-generation regulators. The Federation is very well positioned to move forward on a world-wide basis.

   C. **Legal Report** - FCLB attorney Dale Atkinson of Atkinson & Atkinson, LLC, reported there were no current or pending lawsuits.

7. **Bylaws and Resolutions Committee Report - Dr. Ron Tripp (OK), Chair**

   **Part 1: Resolutions**

   Dr. Tripp reported that there were three resolutions submitted to the committee by the Thursday, May 7th 1:00 p.m. deadline.

   A. **Resolution #1-09: Amendment to the Statement of Principles, Ethical Behavior, Non-Disclosure, and Conflict of Interest of the FCLB to add a procedure for handling complaints**

   **Procedure**

   1. Members of the FCLB Board of Directors who are not party to the potential conflict of interest shall in Executive Session have the authority to determine whether such conflict exists.

   2. At the discretion of the presiding officer or the determining Board of Directors, any interested person including the impacted Board of Director member, with relevant information may be invited to make a presentation to the Board of Directors.

   3. The FCLB Board of Directors may adopt a strategy to correct the conflict of interest, and may also impose such sanctions as it determines may be reasonable.
The committee reviewed and corrected one typographical error under Procedure, paragraph 2, line 1, change the word “of” to “or” - corrected above.

*The committee recommended pass on resolution #1-09.*

There was no discussion or questions.

*The vote to adopt was passed with no opposition*

B. *Resolution 2-09: To revise the FCLB mission Statement*

Resolved, that the FCLB Mission Statement to be restated as follows:

Protecting the public by promoting excellence in chiropractic regulation through service to our member boards.

*The committee had no recommendation.*

There was no discussion or questions.

*The vote to adopt was passed with no opposition*

C. *Resolution 3-09: Revising the dues structure to offer Member Boards two payment options, and to round dues amounts to the nearest $10*

Resolved, that the Member Boards be offered the option of paying their dues to include one prepaid annual conference registration fee or paying dues and registration fees separately; and be it

Resolved, that the five percent (5%) dues increase be rounded up or down to the nearest ten dollars.

*The committee recommended pass on resolution #3-09.*

There was no discussion or questions.

*The vote to adopt was passed with no opposition*

Part 2: Bylaws

Dr. Tripp reported the committee met and reviewed the Bylaws revisions in depth. He noted this is the first major revision in nearly two decades. The application for the IRS 501(c)(3) determination brought the bylaws under the microscope and gave opportunity to modernize the document. He thanked those who participated in the survey and the regional meetings over the past two years and those who attended the two meetings in Hollywood. Drs. Morin and Shilts were recognized for their devotion to and work on this major revision. Dale Atkinson was thanked for his precise and helpful direction.

*The Resolutions and Bylaws Committee moved to adopt the proposed bylaws revision in its entirety.*

There was no discussion or questions.

M/S Knight (UT) / Zimmerman (AK) also moved

*to adopt the bylaws revision as proposed.*

Passed, no opposition
8. Elections

A. FCLB Officers

The chair reported that there was only one candidate for each of the following offices:

President, Dr. Daniel Saint-Germain (QC)
Vice President, Dr. Lawrence O’Connor (NJ)
Treasurer, Dr. LeRoy Otto (MN)
Executive Fellow Director, Dr. Larry Spicer (MN)

M/S Hoffman (VA) / Winkler (ND) to elect the slate of officers as presented, by acclamation. Passed, no opposition

B. Nominating Committee

The chair reported that with the adoption of the Bylaws revision this morning by the Delegate Assembly, the 2009-2010 nominating committee would be composed of one representative from each of the Federation’s five Districts plus the Immediate Past President of the FCLB who will continue to serve as Chair.

The candidates for the 2009-2010 Nominating Committee were:

District I Dr. Shannon Gaertner-Ewing (ID)
District II Dr. Teresa Marshall (MN)
District III Dr. Kirk Shilts (MA)
District IV Dr. Hugh Lubkin (CA)
District V Dr. Valerie Hoffman (VA)

M/S Schmidt (NM) / Sadula (MD) to elect the candidates for the 2009-2010 nominating committee by acclamation. Passed, no opposition

9. New Business

A. DOT Registry of Certified Medical Examiners

Dr. Marc Gamerman (MD) questioned why it is in the best interest of the FCLB to be involved with the NRCME / DOT program. Dr. Michael Megehee (OR) and Dr. Rosemary Zimmerman (AK) responded regarding the program’s importance, including how training hours obtained from PACE recognized providers will probably apply toward license renewal. Dr. Megehee noted that chiropractic has been fully welcomed into the program and it is significant that the Federal Motor Carrier Safety Administration (FMCSA) sent a representative to speak to regulators at the FCLB conference. The FMCSA wants to be sure the regulations are understood. Participation in this program sets a precedent that can lead to participation in other federal programs.

Members were invited to attended the NRCME Training breakout session on Saturday morning for more discussion.

B. Fall FCLB Regional Meetings

Dr. Rademacher (IL) recommended the board consider moving the District meetings to a central location in the fall of 2010 to lessen some of the costs and time away from family and practice in tight economic times.

The chair responded that this possibility and others are under consideration especially with the current trends in travel restrictions.


The chair thanked the speakers, hosts, supporters, legal counsel, hotel staff, FCLB staff, and the many others for their work in putting together an excellent and successful conference program.
11. The Passing of the Gavel

Dr. Saint-Germain was called to the podium and the gavel was passed from Dr. Smith to Dr. Saint-Germain. He explained that the new FCLB Board of Directors would be installed formally on Saturday morning, May 9, 2009.

Dr. Saint-Germain invited Dr. David Chapman-Smith of the World Federation of Chiropractic to address the membership briefly on the international picture of chiropractic.

Dr. Saint-Germain noted that the 84th Annual Congress will be held April 28 - May 2, 2010, at the Baltimore Marriott Inner Harbor at Camden Yards in Baltimore, Maryland. The room rate is $199.

12. Adjournment - the 2009 Annual Business meeting was adjourned at 10:10 a.m.

[Signature]
Donja M. Liewer
Recording Secretary