



Janice K. Brewer  
Governor

## State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;  
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

### **MINUTES OF SPECIAL COMBINED PUBLIC MEETING FOR THE PURPOSE OF RATIFYING PAST ACTION AND TAKING ADDITIONAL ACTION**

July 22, 2011; 12:00 p.m.  
1400 West Washington St. #230  
Phoenix, AZ 85007

Board Members: Barry Kaplan, D.P.M., President  
Joseph Leonetti, D.P.M., Member  
Barbara Campbell, D.P.M., Member  
M. Elizabeth Miles, Secretary-Treasurer  
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Seth Hargraves

#### **I. Call to Order**

Dr. Kaplan called the meeting to order at 12:07 p.m.

#### **II. Roll Call**

Roll was called verbally. Dr. Joseph Leonetti was not present and did not participate in the meeting. All other Board members were present by phone. Mr. Hargraves and Ms. Penttinen were present in the Board's office.

#### **III. Ratification: Review, Discussion and Possible Action:** Pursuant to A.R.S. §38-431.05(B), the Board will vote on ratification of the following actions taken during the July 13, 2011 Board meeting:

- a. Approval of Regular Session Minutes from the June 8, 2011 Board meeting.
- b. Review, discussion and action to issue a Letter of Concern in complaint investigation case number 10-18-M for Dr. Gary Friedlander.

(The actions to be ratified, which were taken by the Board at the July 13, 2011 meeting, are reflected in the open session minutes of that meeting, a copy of which is attached to this agenda and incorporated by reference.)

Dr. Kaplan verified that each Board member had reviewed the actions to be ratified by stating the following: "We need to poll each member of the Board to determine whether you have reviewed the Board materials from the July 13, 2011 meeting; the detailed written description of the deliberations, consultations, decisions and actions taken by the Board at the July 13, 2011 meeting as set forth in the Draft meeting minutes attached to the agenda of today's meeting; or whether you believe that you remember enough of the information that you feel comfortable ratifying the legal action taken at the July 13, 2011 meeting without reviewing the materials. When I call your name, please answer "yes" if you have reviewed the materials, the written description or if you believe that you remember enough of the information that you feel comfortable ratifying the legal action taken at that meeting, or answer "no" if you believe that you cannot remember enough of the information to feel comfortable ratifying the legal action taken at that meeting without reviewing the materials."

Each Board member's name was called individually and all answered affirmatively that they have reviewed the Board materials and actions as stated in the Draft meeting minutes for July 13, 2011.

MOTION: Dr. Kaplan moved to ratify the Board actions as stated in the Draft meeting minutes of July 13, 2011. Mr. Rhodes seconded the motion. There was no discussion on the motion.

VOTE: The motion passed unanimously by roll call vote.

**IV. Approval of Minutes**

a. June 8, Executive Session Minutes

MOTION: Dr. Kaplan moved to approve the minutes as written. Mr. Rhodes seconded the motion. There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**V. Review of Administrative Law Judge Recommendation:** The Board will review, discuss and take action to accept, reject, or modify the recommendation of the Administrative Law Judge in the following matter:

a. 11-07-B – James Wilson, DPM: Failure to report criminal charges as required by A.R.S. §32-3208, misdemeanor conviction for assault, patient abandonment.

Mary Jo Foster of the Attorney General's Office was present by phone to provide the Board with independent legal advice. Dr. Kaplan called the agenda item by stating this is the time set for consideration of the Administrative Law Judge's Recommended Decision in Case No. 11A- 11-07-B-POD, the matter regarding License No. 0390 issued to James P. Wilson. Dr. Kaplan called for the parties to come forward and identify themselves. Dr. Wilson was not present and was not represented by any legal counsel. Mr. Hargraves reviewed the matter as it was presented at formal hearing by Assistant Attorney General Keely Verstegen. Mr. Hargraves recommended that the Board accept the Findings of Fact, Conclusions of Law, and Recommended Order as set forth in the decision of the Administrative Law Judge.

Dr. Kaplan advised that, having reviewed the Administrative Law Judge's Proposed Findings of Fact, Conclusions of Law and Order in this case, the record provided to the Board, and the arguments from the parties, the Board will now discuss its decision.

MOTION: Dr. Kaplan moved that the Board accept the Findings of Fact as stated in the Administrative Law Judge's Decision. Mr. Rhodes seconded the motion. There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved that the Board accept the Conclusions of Law as stated in the Administrative Law Judge's Decision. Ms. Miles seconded the motion. There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved that the Board adopt the recommended Order as stated in the Administrative Law Judge's Decision to revoke Dr. Wilson's license. Mr. Rhodes seconded the motion. There was no discussion on the motion.

VOTE: The motion passed unanimously by roll call vote.

Dr. Kaplan advised that this matter is now concluded. The Board's decision will be reduced to writing and sent out to the parties shortly. Further appeal rights of the Board's decision will be set forth in writing in the Order.

Ms. Foster departed from the teleconference. Mr. Rhodes asked if there was a possibility that Dr. Wilson could re-apply for a license in the future. Dr. Kaplan stated there had been a case in the past when a license was revoked and included in the Order was a condition that the licensee not re-apply for a period

of at least ten (10) years. Dr. Kaplan asked if such a condition could be included in the present matter. Ms. Penttinen advised that Ms. Foster was already departed from the call and Mr. Hargraves was not able to provide the Board with legal advice in this matter. She advised that there is nothing in the Board's laws which provides for such a time prohibition; therefore, such a condition would have to have been included in the vote already taken on the Order portion of this matter. Ms. Penttinen also advised that if Dr. Wilson were to re-apply for a license in the future, the Board could consider the present case and, if they felt it appropriate, it could be considered grounds for denial of the re-application.

**VI. Review, Discussion and Possible Action on Administrative Matters:**

a. Request from AzPMA for CME approval for August conference in San Diego, CA.

Dr. Kaplan advised that the Board was in receipt of a request from the Arizona Podiatric Medical Association for approval of five (5) hours of continuing medical education. The education will be provided at the AzPMA meeting in August and will cover diabetic conditions and biomechanics.

**MOTION:** Dr. Kaplan moved to approve the CME request for the full five (5) hours. Dr. Campbell seconded the motion. There was no discussion on the motion.

**VOTE:** The motion passed unanimously by voice vote.

b. Review of license renewal applications and dispensing registration renewals for the following podiatric physicians:

Dr. Kaplan advised the Board that he and Ms. Penttinen had reviewed the license renewal applications of all licensees listed on the agenda. All applications are complete and appropriate, and all CME is acceptable. Dr. Campbell recused herself from the vote regarding her renewal application.

**MOTION:** Ms. Miles moved to approve the license renewal application for Dr. Barbara Campbell. Mr. Rhodes seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by voice vote with Dr. Campbell recused.

**MOTION:** Dr. Kaplan moved to approve the license renewal applications of all other licensees listed on the agenda. Ms. Miles seconded the motion. There was no discussion.

**VOTE:** The motion passed unanimously by voice vote.

William Accomando  
David Agoada  
Kimberly Akkerman  
Brian Allen  
Robert Andersen  
Barbara Aung  
Daniel Bangart  
Keith Bangart  
Darren Barrus  
Justin Beabes  
Randy Bernstein  
Janet Black  
Erich Bock  
Raymond Bock  
Steven Born  
Joseph Borreggine  
Raymond Botte  
Joel Bowen  
Mark Brekke  
Michael Brewer  
Katherine Brigandi  
Brian Broadhead  
Randall Brower  
Alex Bui  
William Burke  
Anna Burns  
Barbara Campbell  
Garald Campbell  
Alan Carlson

S. Chainson-Kaye  
Allison Cheney  
John Chiakmakis  
Donald Chudy  
Janice Clark  
Jamie Coffey  
Richard Cohen  
Stanton Cohen  
Karl Collins  
Charles Connell  
Heather Couch  
Samuel Cox  
Donald Curtis  
Evan Cwass  
Amram Dahukey  
Paul Daines  
Michael Dershowitz  
Joseph DeRose  
John DiMaggio  
Carlos Dimidjian  
Kris DiNucci  
Joseph Dobrusin  
Samuel Dolnick  
Joseph Domanico  
Richard Donela  
Peyman Elison  
Viedra Elison  
John Erotas  
Albert Eulano

Robert Evans  
Scott Evans  
Dale Fienberg  
Barton Fink  
John Fiorino  
William Fishco  
Edward Flake  
Mark Forman  
Robert Fridrich  
Gary Friedlander  
Robert Frykberg  
Christopher Funk  
Louis Geller  
Stephen Geller  
April Glesinger  
Eugene Goldman  
Ryan Golub  
Ike Gorman  
Mark Gorman  
Julia Granone  
Douglas Griffin  
Thomas Hale  
Hugh Hall  
Jared Hall  
John Harlan  
William Harrant  
Jason Harrill  
Brad Hayman  
Carrie Hess

Steve Hollander  
Daniel Hsu  
Erika Huston  
Brian Hutcheson  
David Jaffe  
Richard Jacoby  
Sanford Kaner  
Paul Keller  
Robert Kenrich  
Ronald Killian  
Anthony Kimball  
Patricia Kirk  
Barbara Kluger  
Edalyn Ko  
Bruce Krell  
Adam Kruczay  
Ladislav Kuchar  
Robert Kuvent  
Todd Lamster  
David Laurino  
Paul Ledesma  
Herbert Lee  
Howard Lepolstat  
Joseph Leonetti  
Michael Leonetti  
Brian Lepow  
James Longton  
Gregory Loo  
Theresa Losi  
Andrew Lowy  
Adam Lu  
Stanley Lubeck  
Scott Maling  
Neal Mansdorf  
Verlan Marshall  
Cathleen McCarthy  
Cameron McKay  
Ivan McLaws  
Peter Merrill  
Floyd Miller

Kara Montes  
Richard Mott  
Peter Myskiw  
Ronald Nagy  
Aprajita Nakra  
Anna Natcher  
Katherine Neiderer  
Glenn Nelson  
Bradley Newswander  
Brent Nixon  
Dennis Noss  
Kevin O'Brien  
Ron Olsen  
S. Otero-Quintero  
Jeffrey Page  
Marie Paul  
Jeffrey Pawlowsky  
Raymond Peterson  
Tawnya Pfitzer  
Mark Pipher  
Jess Price  
Richard Quint  
Ralph Rabin  
Richard Rand  
Terry Ranta  
Joyce Ratner  
Trena Reed  
H. W. Reese  
Jeffrey Resnick  
Kathleen Richards  
Lee Richer  
Terrance Roach  
Brent Roeder  
Michael Rosenblum  
Martin Rosenthal  
Brian Roth  
Blair Sandall  
Karyn Sallus  
Daniel Saunders  
Edward Scates

Arthur Seidner  
Michael Sekoksy  
Paul Selander  
Allen Sherman  
Elaine Shapiro  
Gilbert Shapiro  
Paul Shapiro  
Alan Shih  
Ryan Shock  
James Shoffer  
Donald Shumway  
Jerome Steck  
Michael Stegman  
James Stocker  
C. Suykerbuyk  
Arthur Tallis  
Selena Tang  
John Tassone  
Wesley Taxier  
George Thaler  
Chad Thompson  
Eric Trattner  
Thomas Troy  
Phillip Tutnauer  
Tharesh Udupa  
Wayne Vetter  
Michael Warheit  
Mark Weissfeld  
Bruce Werber  
Loren Wessel  
Chad Westphal  
Edward Wiebe  
Lance Wissman  
Margaret Withrow  
Paul Woodward  
Mark Woolley  
Scott Wyant  
Susan Young  
Robert Zachow  
Frank Zappa

**VII. Call To The Public**

Ms. Penttinen advised that there were no members of the public present.

**VIII. Adjournment**

There being no other business before the Board, the meeting was adjourned at 12:25 p.m.