



Governor  
Douglas A. Ducey

## ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

### IN MEDICINE AND SURGERY

1740 W. ADAMS STREET #2410  
PHOENIX, ARIZONA 85007  
PH (480) 657-7703 | FX (480) 657-7715  
www.azdo.gov | questions@azdo.gov

**Board Members**  
Douglas Cunningham, D.O., Pres.  
Jerry G. Landau, J.D., V.P.  
Gary A. Erbstoesser, D.O.  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Christopher Spiekerman, D.O.

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## MINUTES OF THE SPECIAL PUBLIC BOARD MEETING OF THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

January 31, 2019

### BOARD MEMBERS PRESENT:

Douglas Cunningham, D.O. President  
Jerry G. Landau, J.D., Vice-President  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Gary A. Erbstoesser, D.O.  
Christopher Spiekerman, D.O. (By telephone)

### STAFF / OTHERS PRESENT:

Amber Brake, JD, MHA, FACHE, Executive Director (as indicated)  
Erin A. Hertzog, Legal Counsel to Ms. Brake (as indicated)  
Barbara Prah, D.O., Medical Consultant (By telephone)  
Jenny Webb, Administrative Assistant III  
Melissa Dangel, Licensing Administrator  
John Fry, Assistant Attorney General  
Jennifer Larsen, Assistant Attorney General  
Mary De'Laat Williams, Assistant Attorney General  
Jeanne M. Galvin, Assistant Attorney General

### 1. CALL TO ORDER

Dr. Cunningham called the meeting to order at 6:55 pm.

### 2. ROLL CALL AND REVIEW OF AGENDA

Ms. Webb called roll. Board members were present as noted above, establishing quorum for the meeting. Dr. Cunningham read the Board's Mission.

### 3. Personnel Matters

#### A. Review, Discussion and possible action regarding performance and continued employment of the Board's Executive Director

Dr. Cunningham informed those present that the Board is here to consider Ms. Brake's work performance and her continued employment with the Board.

Ms. Brake appeared with her legal counsel, Ms. Erin Hertzog, who she introduced to the Board.

Mr. Landau stated that Ms. Hertzog previously worked as an intern in his office but that prior relationship would not affect his ability to consider this matter involving Ms. Brake.

Dr. Cunningham asked Ms. Brake if she would like to make a statement to the Board. Ms. Brake stated that less than 48 hours ago, she received notice that the Board would be discussing her work performance. She further stated that she had no idea that the Board had concerns with her work performance.

At 7:01 p.m., a motion was made by Mr. Landau, seconded by Dr. Reiss to move into Executive Session for the purpose of (1) receiving legal advice and (2) consideration of personnel matters involving Ms. Brake.

At 8:49 p.m., the Board reconvened in Public Session. Ms. Webb and Ms. Dangel were present. Neither Ms. Brake nor Ms. Hertzog re-joined the meeting.

Dr. Cunningham noted that he had received Ms. Brake's written resignation and had accepted the resignation.

**B. Review, Discussion and possible action on possible appointment of Interim Executive Director**

Dr. Cunningham asked Dr. Prah if she was willing to serve in the role of Interim Executive Director. Dr. Prah expressed her willingness to serve in that role. She stated that she is very committed to the Board, would ask for the Board's patience but that she would work very hard to address all issues facing the Board.

Mr. Landau moved to appoint Dr. Prah as Interim Executive Director, seconded by Dr. Reiss. The motion passed unanimously.

Dr. Prah is currently scheduled part-time so it was noted that the Board will have to work with ADOA to move her to full-time and seek a salary increase to full-time status. Mr. Fry suggested the Board reach out to Eric Abt at ADOA, he is the Chief of Shared Services.

At 8:55 p.m., Mr. Fry and Jennifer Larsen left the meeting.

**C. Review, Discussion and possible action on possible search for a new Executive Director**

Dr. Cunningham noted that the Board is still in possession of the resumes from the last search but that the Board also has the option of posting the position and starting the search anew.

Dr. Cunningham stated he believed that it is important to get someone who is a great administrator, a great executive and not necessarily someone who has a medical background. He stated that he believes it is important that the next candidate have experience working in the state. Mr. Landau concurred but noted that it is important for the next candidate to have the right level of State experience.

Dr. Prah stated she believes she can get the position posted next week.

With respect to the February meeting, it was discussed that respondents were not given the correct amount of notice for the Investigative Hearings and per staff, there is not enough on the agenda (without Investigative Hearings) to hold a meeting. Staff was then directed to cancel the February 16, 2019, meeting and keep the March 16, 2019, meeting and to notify all involved.

The adjourned at 9:04 p.m.