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FLORIDA | Board of Clinical Laboratory Personnel

DRAFT MINUTES

March 10, 2017

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Carleen P. Van Siclen, MS, MLS (ASCP)
Chair

Linda Valdes, MS, MT (ASCP)
Vice-Chair

Anthony B. Spivey, DBA
Executive Director

1 The Florida Board of Clinical Laboratory Personnel held a meeting on Friday, March 10, 2017,
2 commencing at 9:04 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress
3 Way, Tallahassee, Florida, at meet me number (888) 670-3525, participant code 7342425515, to
4 which all persons were invited to attend. Participants in this public meeting were made aware that
5 these proceedings are being recorded and that an audio file of the meeting will be posted to the
6 board's website.

7

8

9 AGENDA

10

11 **I. CALL TO ORDER (Roll Call):**

12 Roll was called by Gail Curry, Program Operations Administrator

13 **BOARD MEMBERS PRESENT:**

14 Carleen P. Van Siclen, MS, MLS (ASCP), Chair

15 Linda Valdes, MS, MT (ASCP), Vice-Chair

16 Michele Morgan, D.B.A.

17 Beatriz E. Montoya, MBA, BSMT, AMT

18 Yvette McCarter, Ph.D.

19

20 **Board Staff Present:**

21 Anthony Spivey, DBA, Executive Director

22 Gail Curry, Program Operations Administrator

23 Brandi May, Regulatory Supervisor

24 Kelly Woodard, Regulatory Specialist II

25 Nicole Wiley, Regulatory Specialist II

26

27 **Board Counsel:**

28 Deborah Loucks, Assistant Attorney General

29 Office of Attorney General

30

31 **Court Reporter:**

32 For the Record

33 (850) 222-5491

34

35 **II. APPROVAL OF MINUTES:**

36

37 **a. December 2, 2016 – Teleconference Call**

38

39 Linda Valdes on Page 5, the name is misspelled.

40 Dr. Yvette McCarter will be taking over the Healthiest Weight Committee, not Dr. Morgan.

1 The minutes throughout the script make mention of Ms. McCarter instead of Dr. McCarter.

2
3 Page 3 makes mention of 723 credit hours; should say 23 credit hours.

4
5 **Action:** Motion made to approve the December 2, 2016 minutes with corrections was made by
6 Ms. Valdes and seconded by Dr. Yvette McCarter.

7 Vote: 5 yeas/0 opposed; motion carried

8
9 **III. PETITIONS:**

10
11 **Declaratory Statement** – Ms. Loucks advised the board that Mr. Peloquin’s request for a
12 Declaratory Statement is not valid since he is not requesting an interpretation of statutes or rules.
13 Mr. Peloquin currently holds a restricted license as a Technologist. Ms. Loucks advises the board
14 the more reasonable alternative would be to amend the conditions issued for Charles Peloquin’s
15 license than to define his request for Declaratory Statement.

16
17 **Action:** Ms. Van Siclen motions to deny Declaratory Statement because it does not apply to this
18 issue. Dr. McCarter seconds.

19
20 Vote: 5 yeas/0 opposed; motion carries

21
22 **Charles Peloquin** – Dr. Peloquin is seeking information as to whether or not his current restricted
23 licensure allows for usage of all forms of detectors used in HPLC Technology. Dr. McCarter agrees
24 with Ms. Van Siclen that the restriction on Dr. Peloquin’s license is still all encompassing of HPLC
25 Technology. Dr. McCarter read aloud a statement made by Ms. May from the board office.

26
27 **Action:** Ms. Loucks advised Ms. Van Siclen the motion could also include Ms. May’s statement
28 along with the statement that currently Dr. Peloquin’s restricted licensure does not need to be
29 altered at this time.

30
31 Vote: 5 yeas/0 opposed; motion carries

32
33 **IV. PETITIONS WITH APPLICATIONS:**

34
35 **a. Etna Eyma**

36 Present. Not represented by counsel.

37
38 Respondent holds a bachelor’s degree in Public Administration. Petitioner is requesting the Board
39 waive the educational requirements. Discussion ensued.

40
41 **Action:** Motion to deny the petition due to not meeting the educational requirements was made
42 by Ms. Van Siclen. Second by Dr. McCarter.

43
44 **Vote:** 5 yeas/ 0 opposed; Motion carries.

45
46 Ms. Van Siclen gave Ms. Eyma the opportunity to withdraw her application. Ms. Eyma did not
47 withdraw her application. Ms. Eyma waived her 90 days and would like her application tabled

1 until a future meeting.

2

3 **Action:** Motion to deny the application due to not meeting the educational requirements was
4 made by Dr. McCarter. Second by Ms. Valdes.

5

6 **Vote:** 5 yeas / 0 opposed; motion carries.

7

8 **a. Gregory Hendricks**

9

10 Present. Not represented by counsel.

11

12 Petitioner is asking the board to reconsider previous decision. Petitioner is seeking specialty
13 qualification for Molecular Pathology at a Supervisor level. Petitioner has not taken the required
14 exam. Ms. Valdes informed Mr. Hendricks that his current Generalist license already encompasses
15 molecular techniques. Ms. Van Siclen offers Mr. Hendricks the ability to take the Molecular Exam.

16

17 **Action:** Dr. McCarter denies reconsideration. Ms. Valdes second.

18 **Vote:** 5 yeas / 0 opposed; motion carries.

19

20 **Action:** Motion to deny the application was previously ruled on.

21 **Vote:** 5 yeas / 0 opposed; motion carries.

22

23 **b. Yasmina Salchert**

24

25 Present. Not represented by counsel.

26

27 Petitioner is asking the board to consider issuing a license in the specialty of Histocompatibility at
28 a Supervisor Level. The Board advised Ms. Salchert needs to seek the national exam in
29 Histocompatibility.

30

31 **Action:** Motion to deny the petition by Ms. Van Siclen. Dr. McCarter second.

32 **Vote:** 5 yeas / 0 opposed; motion carries.

33

34

35 **Action:** Ms. Salchert will apply in June after the national examination is taken.

36

37 **c. Debbie Jenkins**

38

39 Not Present. Not represented by counsel.

40

41 Petitioner is applying as a technologist in the generalist categories. Previously, she took the Health
42 and Services Examination but does not meet the current criteria. She would like to request the
43 national exams currently required be waived.

44

45 **Action:** Motion to deny the petition by Ms. Van Siclen. Second by Linda Valdes.

46 **Vote:** 5 yeas / 0 opposed; motion carries.

47

48 **Action:** The application is hereby denied. Petitioner is offered the opportunity to withdraw her

1 application within two weeks of the order.

2

3 **Action:** Motion to deny the application by Ms. Van Siclen. Second by Linda Valdes.

4 **Vote:** 5 yeas / 0 opposed; motion carries.

5

6 **V. CLARIFICATION ON QUALIFICATIONS FOR LICENSURE**

7

8 **a. Debra Crain**

9 Ms. Crain did not make her appearance known.

10

11 Erwin Technical College is an accredited institution. Ms. Van Siclen asks if the board wants to
12 clarify Option 2 which reads the 90-college credit hours and specifically add 6 hours of Biology, 6
13 hours of Chemistry, and an additional 12 hours of Biology, Chemistry or Medical Laboratory
14 Sciences. Discussion is tabled because it is already under Rules towards the end of the Agenda.

15

16 **Action:** No action is taken.

17

18 15-minute break. Resume at 10:50 a.m.

19

20 Roll was called. All members are present.

21

22 **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**

23

24 **a. Bryan Windhorst – Supervisor**

25 Present, Not represented by counsel.

26

27 Mr. Windhorst is seeking to upgrade his Technologist License to a Supervisor Generalist in Blood
28 Banking. Mr. Windhorst is lacking academic science hours.

29

30 Ms. Van Siclen agrees with Dr. Morgan that the transcripts do not meet the 8 hours of Biology, 8
31 hours of chemistry, and a total of 24 hours of academic science. Mr. Windhorst cited his military
32 training program. Mr. Windhorst was advised to submit a variance and waiver for the future. If
33 the applicant can demonstrate he took the academic science classes in the military, the board
34 would reconsider.

35

36 **Action:** Motion to accept the withdrawal of Mr. Windhorst's application was made by Ms. Van
37 Siclen. Second by Dr. McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

38

39 **b. Sajani Mamallapalli - Supervisor**

40 Present.

41

42 **Discussion:** Ms. Mamallapalli submitted an application to upgrade from a Technologist to a
43 Supervisor in the Specialty areas of Clinical Chemistry, Serology, and Hematology. Ms.
44 Mamallapalli submitted two different educational evaluations. The last evaluation states she
45 holds the equivalent of a Bachelor's degree. Ms. Van Siclen believes Ms. Mamallapalli qualifies
46 for Chemistry and Serology. Ms. Van Siclen has questions regarding Hematology. Ms. Loucks
47 verifies the Hematology Specialty as a Technologist.

48

1 **Action:** Motion to approve the application for Supervisor was made by Dr. McCarter. Second by
2 Ms. Van Siclen. **Vote:** 5 yeas / 0 opposed; motion carries.

3
4 **c. Gina Boudreaux – Supervisor**

5 Present. Not represented by counsel.

6
7 Ms. Boudreaux is seeking an upgrade of her license from a Technologist to a Supervisor. Ms.
8 Boudreaux is missing academic science credits in chemistry. After reviewing the transcripts, Ms.
9 Van Siclen and Dr. Morgan concur Ms. Boudreaux is still missing the 8 hours of required chemistry.
10 Applicant was asked if she would like to withdraw her application.

11
12 **Action:** Motion to accept the withdrawal of Ms. Boudreaux's application was made by Ms. Van
13 Siclen. Second by Dr. Morgan.

14 **Vote:** 5 yeas / 0 opposed; motion carries.

15
16 **d. Qin Xu – Supervisor**

17 Not present. Not represented by counsel.

18
19 Ms. Xu has applied to upgrade her Technologist License to a Supervisor's License in the areas of
20 Generalist. Ms. Xu has a master's degree in Pharmacological Science. The educational credential
21 evaluation states Ms. Xu's bachelor's degree is equivalent to a bachelor's of science degree in
22 Medical Laboratory Science. Applicant needs additional experience to qualify under a bachelor's
23 degree. The masters of Pharmacy degree is considered an applied science.

24
25 **Action:** Motion to deny the application for Supervisor's License with the chance to withdraw the
26 application within 14 days of the order per Ms. Loucks was made by Ms. Van Siclen. Second by
27 Ms. Valdes. **Vote:** 5 yeas / 0 opposed; motion carries.

28
29 **e. Julie Finch – Technologist**

30 Present. Not represented by counsel.

31
32 Ms. Finch was awarded a certificate as a medical laboratory technician. Ms. Finch wants to use
33 experience to substitute for the required education. Ms. Finch currently is licensed in Florida as
34 a Technician. The State of Louisiana did not require Ms. Finch to hold a license until 1995 and she
35 was grandfathered in as a Technologist. Ms. Finch needs to take a national exam in order to
36 qualify as a Technologist in Florida. She also needs a minimum of an associate's degree.

37
38 **Action:** Motion to accept the withdrawal of Ms. Finch's application was made by Ms. Van Siclen.
39 Second by Dr. McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

40
41 **f. Ranjini Valiathan - Technologist**

42 Present. Represented by counsel, Monica Rodriguez, Esq.

43
44 Ms. Valiathan is applying for a license as a Technologist in Serology and Hematology. Discussion
45 ensues regarding Ms. Valiathan's laboratory experience. Ms. Loucks discusses with the board the
46 previous cases similar to this one in the past have been approved from The University of Miami.

47
48 **Action:** Motion to accept the application for Technologist License in Serology and Immunology

made by Dr. McCarter. Second by Ms. Valdes. **Vote:** 5 yeas / 0 opposed; motion carries.

g. Danny Lambert – Technologist

Present. Not represented by counsel.

Mr. Lambert is currently applying as a Technologist in the generalist categories. Mr. Lambert attended at The Atlantic College of Medical and Dental Careers. This school issued a certificate and does not list a degree conferred. Ms. Van Siclen states this does not meet Florida's associate degree requirement.

Action: Motion to accept the withdrawal of Mr. Lambert's application was made by Dr. Morgan. Second by Dr. McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

h. University of Miami – Clinical Chemistry Technologist Training Program

Dr. Huong is not present from the University of Miami.

The board has concerns about the lack of information in how the training would be provided in the chemistry and molecular area. The admission procedures are not clear. There is no indication if an associates or a bachelor's degree is required for admission. Question 2 on the information for self-study does not meet the Board Rule 64B3-3.001(c). This program does not meet the Florida Department of Education Commission on Independent Education Standards as listed in the Florida Administrative Code 6E-2.004.

Action: Motion to deny application was made by Ms. Van Siclen. Second by Dr. McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

i. Lisa M. Bochenek – Technologist (from August 26, 2016 agenda)

Present. Not represented by counsel.

Applicant was required to make an appearance before the board due to a positive answer on health history questions. Ms. Van Siclen requests Ms. Bochenek to request a letter from her treating physician as to her ability to perform her job duties. Ms. Loucks informed the board to have Ms. Bochenek's letter from her treating physician sent to the board staff instead of requiring a reappearance within one year.

Action: Motion to approve Ms. Bochenek's application with the condition of satisfactory documentation by the treating physician stating she is safe to practice within one year and approved by board staff was made by Ms. Van Siclen. Second by Ms. Montoya.

Vote: 5 yeas / 0 opposed; motion carries.

j. Albert Fisher – Technologist

Not Present. Not represented by counsel.

Mr. Fisher is applying for a Technologist License in the Specialty Area of Immunohematology. Mr. Fisher meets the qualifications for licensure just outside of the way the current Matrix reads.

1 **Action:** Motion to approve application for licensure made by Ms. Van Siclen. Second by Dr.
2 McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

3
4 **k. Jeffrey Shelquist – Technician**

5 Present. Not represented by counsel.

6
7 Applying as a Public Health Technologist in the area of Microbiology. This specialty automatically
8 requires a degree in either biological science or chemical science as set forth in statute 483.812
9 F.S. Mr. Shelquist has a bachelor's degree in Sports and Exercise Science. This degree does not
10 appear to meet the requirements of a Florida Statute. Applicant is offered the chance to withdraw
11 his application. Dr. McCarter suggests receiving clarification from The University of Central Florida
12 if this degree is compatible to the biological sciences. Applicant waives the 90-day requirement
13 and requests a continuance.

14
15 **Action:** Motion to accept to waive the 90-day requirement in order for the applicant to obtain
16 information from UCF was made by Ms. Van Siclen. Second by Ms. Montoya.

17 **Vote:** 5 yeas / 0 opposed; motion carries.

18
19 **l. Esther Rayl (Thompson) – Trainee**

20 Present. Not represented by counsel.

21
22 Applicant has applied for a Trainee License in the area of Histology. Applicant has a positive
23 criminal history question.

24
25 **Action:** Motion to approve Trainee Registration made by Ms. Van Siclen. Second by Dr.
26 McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.

27
28 15-minute break. Resumed at 12:50 p.m.

29
30 Roll is called by Dr. Spivey. All members are present.

31
32 **VII. RATIFICATION:**

33
34 **a. Licensure –**

35
36 **i. Clinical Laboratory Personnel**

37
38 **Action:** Motion to ratify the licensees 48717 thru 48913 made by Ms. Van Siclen. Second by Dr.
39 McCarter.

40 **Vote:** 5 yeas / 0 opposed; motion carries.

41
42 **ii. Clinical Laboratory Personnel Trainees**

43
44 **Action:** Motion to ratify the list of 11408 thru 11500 made by Dr. Morgan. Second by Ms.
45 Montoya.

46 **Vote:** 5 yeas / 0 opposed; motion carries.

1 **iii. Clinical Laboratory Personnel Training Program**

2
3 **Action:** Motion to ratify the University of Cincinnati Medical Laboratory Science Program as a
4 Florida approved training program made by Ms. Van Siclen. Second by Dr. McCarter.

5 **Vote:** 5 yeas / 0 opposed; motion carries.
6

7 **a. Continuing Education**

8
9 **b. CE Providers and Courses Approved by CE Committee Chair**

10
11 **Action:** Motion to approve all C.E. providers and courses made by Ms. Valdes. Second by Ms.
12 Montoya.

13 **Vote:** 5 yeas / 0 opposed; motion carries.
14

15 **VIII. PROSECUTION REPORT:**

16
17 There is no prosecution report at this time.
18

19 **IX. BOARD COUNSEL REPORT:**

20 **a. Rules Report – January 2017**

21
22 Ms. Loucks made some changes to the rules that previously the board voted on at the December
23 2, 2016 meeting.
24

25 **b. 64B3-5.002 Supervisor**

26
27 For the bachelor's degree requirement, Ms. Loucks added some changes to Option 3a, thereby
28 removing the 8 hours of biology, the 8 hours of chemistry and the 24 hours of academic science
29 because the board has plans to add the degrees themselves. This rule will be published for public
30 comment.
31

32 **Action:** Motion to approve Ms. Loucks to do the Notice of Rule Development made by Ms. Van
33 Siclen. Second by Dr. McCarter. **Vote:** 5 yeas / 0 opposed; motion carries.
34

35 Will the proposed Rule amendment have an adverse impact on the small business or be likely to
36 directly or indirectly increase regulatory cost to any industry including Government in excess of
37 \$200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

38 **Action:** Motion to move that the approved revisions to the rules would not require preparation
39 of a SERC by Ms. Van Siclen. **Vote:** 5 yeas / 0 opposed; motion carries.
40

41 **c. 64B3-5.003 Technologist**

42
43 References Rule 64B3-5.003 (3)(a), Option 2, to include 24 hours of academic science including 6
44 hours of biological science and 6 hours of chemical science.
45

1 The Sheridan Program needs clarification. The board considers adding the CLIA requirements to
2 the 90 semester hours of college credit to the matrix which would include 6 hours of biology, 6
3 hours of chemistry, plus an additional 12 hours of academic science. For an MLT program, it has
4 been difficult for an applicant to upgrade to a Technologist because the transcripts were not
5 showing the academic science requirement. The individuals applying through Option 2 tend to be
6 applicants that lack an associate's degree.

7
8 **Action:** Motion to start rule-making and to publish the qualifications as amended made by Ms.
9 Van Siclen. Second by Ms. Montoya.

10 **Vote:** 5 yeas / 0 opposed; motion carries.

11
12 Will the proposed Rule amendment have an adverse impact on the small business or be likely to
13 directly or indirectly increase regulatory cost to any industry including Government in excess of
14 \$200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

15 **Action:** Motion to move that the approved revisions to the rules would not require preparation
16 of a SERC by Ms. Van Siclen.

17 **Vote:** 5 yeas / 0 opposed; motion carries.

18
19 **d. 64B3-5.007 Director, Limitations and Qualifications**

20
21 Dr. McCarter discussed the changes that need to go in 64B3-5.007(h) Clinical Chemistry. The rule
22 should read Certification in Clinical Chemistry by ABCC, HCLD, and ABB with certification in
23 chemistry or clinical chemist or toxicological chemist certification by NRCC or F-ABFT Certification
24 in forensic toxicology.

25
26 **Action:** Motion to begin rule-making for 64B3-5.007 made by Dr. McCarter. Second by Ms. Van
27 Siclen. **Vote:** 5 yeas / 0 opposed; motion carries.

28
29 Will the proposed Rule amendment have an adverse impact on the small business or be likely to
30 directly or indirectly increase regulatory cost to any industry including Government in excess of
31 \$200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?

32 **Action:** Board Members agree that the approved revisions to the rules would not require
33 preparation of a SERC.

34
35 **e. 64B3-3.001 General Requirements of Clinical Laboratory Training Programs**

36 **f. 64B3-3.002 Personnel of Clinical Laboratory Training Programs**

37 **g. 64B3-3.003 Curriculum Requirements of Clinical Laboratory Programs**

38
39 There will be a Rules Committee that will draft language for the next meeting to be held next
40 month. Ms. Van Siclen and Dr. McCarter will prepare the report along with Ms. Loucks at a publicly
41 noticed meeting.

42
43 Ms. Van Siclen opened up the floor for public comment. No comments were made.

44
45 **X. CHAIR/VICE CHAIR REPORT:**

1
2 No report at this time.

3
4 **XI. EXECUTIVE DIRECTOR'S REPORT:**

5
6 Mr. Steve Shelfer resigned effective January 5, 2017. Dr. Spivey states if anyone is interested in
7 wanting to become a board member, the application can be obtained from the governor's
8 website. There will be an upcoming rule reduction exercise.

9
10 The travel reimbursement policy has changed and now calls for an original signature on
11 reimbursement forms. If a board member lives within 50 miles of the meeting location, they will
12 not be reimbursed the hotel cost unless there are extenuation circumstances to stay at the hotel.

13
14 On the anti-trust issue, The Board of Podiatry lost three members due to believing they were not
15 protected as board members if there was an anti-trust issue but under section 456.008 the
16 Department is obligated to provide protection.

17
18 House Bill 1195 removes Clinical Laboratory Personnel from under the auspices of The Agency for
19 Healthcare and places it at federal guidelines. The attempt was to remove Part I and Part III but
20 Part III should not be removed. The Department is currently working with the Legislature after
21 much concern.

22
23 Ms. Van Siclen questions statute 483.201 (a) The Grounds for Discipline against Clinical Laboratory
24 and there is question how it affects the boards rule regarding pertinent laboratory experience.
25 Ms. Loucks explained the board's rules would have to be looked at in the future if Part I passes.

26
27 **XII. OLD BUSINESS:**

28
29 **a. Clinical Laboratory Training Program**
30 **NAACLS Approved Programs vs. Board Approved Programs**

31
32 Training Program approvals are set out in statute 483.811. Ms. May reported to the board there
33 are currently 52 Florida approved training programs and out of those, 29 are NAACLS approved
34 and the rest are board approved. Ms. Van Siclen explained the objective should be for the board
35 members to review the rules and current application. This will be discussed at the meeting in
36 April.

37
38 **XIII. NEW BUSINESS**

39
40 Ms. Montoya discussed incorrect information being shared about the hotel. Dr. Morgan discussed
41 Mr. Lambert's application pending for one year. Ms. Loucks explained the 90-day waiver does not
42 start until all of the documents have been received by the board office and Mr. Lamberts'
43 application is not late. Ms. Van Siclen started a discussion on issuing certificates of completion
44 for continuing education courses and even though it is in the rule, CE providers are required to
45 enter the information within 30 days of completion. Self-reporting is allowed in CE Broker. This
46 rule discussion is tabled until the next board meeting in April.

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XIV. COMMITTEE REPORTS:

- a. Budget – Dr. Morgan**
Nothing to report at this time.
- b. Continuing Education – Ms. Valdes c. Credentials – Ms. Van Siclen**
Nothing to report at this time.
- c. Disciplinary Compliance – Ms. Montoya**
Nothing to report at this time.
- d. Examination – Ms. Montoya**
Nothing to report at this time.
- e. Healthiest Weight – Dr. McCarter**
Nothing to report at this time.
- f. Legislation – Dr. McCarter**
Only the discussion on House Bill 1195. Nothing else to report.
- g. Probable Cause – Dr. Morgan**
Nothing at this time.
- h. Professional Association – Ms. Valdes**
- i. Rules – Ms. Van Siclen**
- j.Training Program – Dr. McCarter**
- k. Unlicensed Activity – Ms. Valdes**
No report at this time.

XV.NEXT MEETING DATE:

June 2, 2017

XVI. 2018 PROPOSED MEETING DATES:

- MARCH 23, 2018
 - JUNE 15, 2018
 - SEPTEMBER 7, 2018
 - DECEMBER 7, 2018
- Dr. Morgan may have a conflict with the December Meeting. Ms. Loucks stated the March date may be tentative but will update the board staff. The board staff needs an alternate date for December 7, 2018.

XVII. ADJOURNMENT

Ms. Van Siclen adjourned the meeting at 1:59 p.m.