

1 Prescott – yes; Schmidt – yes; Schoening – yes; Voss – yes; Yedlik – yes. **MOTION**
2 **CARRIED UNANIMOUSLY.**

3

4 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-98**, the
5 Board find probable cause to establish a violation of the following provisions of the
6 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(c), and order this case
7 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

8

9 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-99**,
10 the Board find that, although one or more of the allegations in the complaint may be
11 substantiated by the witnesses interviewed in the course of the investigation [and/or]
12 the documents gathered in the course of the investigation, and the allegations may
13 constitute a technical violation of the board’s statute or administrative rules; the
14 evidence before the board indicates that the alleged violation was an isolated incident,
15 and adequate steps have been taken to remedy the violation and to ensure that
16 incidents of a similar nature do not occur in the future. The Board will not pursue
17 formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

18

19 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-115**, the
20 Board find probable cause to establish a violation of the following provisions of the
21 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(b) and (e) and
22 25.3(6)(m), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

23

24 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
25 **123**, the Board find probable cause to establish a violation of the following provisions
26 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(3), and order
27 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Ann Lebo left the
28 room during the discussion of this case in closed session.)

29

30 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-20**, the
31 Board find probable cause to establish a violation of the following provisions of the
32 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(5)(a)(4), and 25.3(6)(l)

1 and (m), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**
2 (Ann Lebo left the room during the discussion of this case in closed session.)

3

4 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-66**,
5 the Board find that the evidence gathered in the investigation, including witness
6 statements and the documentary evidence, does not substantiate the allegations in the
7 complaint, and that the Board therefore lacks probable cause to proceed with this
8 matter. Roll call vote: Behrens – no; Bice – no; Hill – no; Overholtzer – recused;
9 Prescott – yes; Schmidt – yes; Schoening – yes; Voss – no; Yedlik – yes. **MOTION DID**
10 **NOT CARRY.** Sara Yedlik moved, with a second by Katherine Schmidt, that the board
11 table the case until the November meeting. **MOTION CARRIED UNANIMOUSLY.**

12

13 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-95**,
14 the Board find probable cause to establish a violation of the following provisions of the
15 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(4), and order this
16 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

17

18 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-96**, the
19 Board find probable cause to establish a violation of the following provisions of the
20 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(c) and 25.3(6)(c) and
21 (d), and order this case set for hearing. Roll call vote: Behrens – yes; Bice – yes; Hill –
22 yes; Overholtzer – no; Prescott – yes; Schmidt – yes; Schoening – yes; Voss – yes;
23 Yedlik – yes. **MOTION CARRIED.**

24

25 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-97**,
26 the Board find probable cause to establish a violation of the following provisions of the
27 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(2)(b), and order this case
28 set for hearing. **MOTION CARRIED UNANIMOUSLY.**

29

30 Tony Voss moved, with a second by Sara Yedlik, that in **case number 18-104**, the
31 Board find probable cause to establish a violation of the following provisions of the
32 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(7), and order this
33 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

1 Katherine Schmidt moved, with a second by Tony Voss, that in **case number 18-114**,
2 the Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(4), and order this
4 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

5
6 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-**
7 **122**, the Board find probable cause to establish a violation of the following provisions
8 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(e)(7), and order
9 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

10
11 Katherine Schmidt moved, with a second by Sara Yedlik, that in **case number 18-93**,
12 the Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(1)(a) and 25.3(4)(e), and
14 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

15
16 Sara Yedlik moved, with a second by Katherine Schmidt, that in **case number 18-**
17 **126**, the Board find that the evidence gathered in the investigation, including witness
18 statements and the documentary evidence, does not substantiate the allegations in the
19 complaint, and that the Board therefore lacks probable cause to proceed with this
20 matter. **MOTION CARRIED UNANIMOUSLY.**

21
22 Tony Voss moved, with a second by Sara Yedlik, that the Board not initiate review of
23 the proposed decision in **case number 17-142, In the Matter of Michael Gelsinger**,
24 and allow the proposed decision to become the final decision of the Board unless an
25 appeal is taken by one of the parties within the time allowed by rule. **MOTION**
26 **CARRIED UNANIMOUSLY.** (Allison Schmidt and Darcy Hathaway left the room
27 during the discussion of this case in closed session.)

28
29 Sara Yedlik moved, with a second by Tony Voss, that the Board accept the
30 respondent's waiver of hearing and voluntary surrender in **case number 17-78**, and
31 that the Board issue an order permanently revoking the license with no possibility of
32 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Katherine Schmidt moved, with a second by Tony Voss, that the Board accept the
2 respondent's waiver of hearing and voluntary surrender in **case number 17-77**, and
3 that the Board issue an order permanently revoking the license with no possibility of
4 reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5
6 Tony Voss moved, with a second by Sara Yedlik, that the Board extend the 180-day
7 deadline for issuance of the final decision in **case number 18-76**, based upon the
8 amount of time needed to complete the investigation due to pending criminal charges.
9 **MOTION CARRIED UNANIMOUSLY.**

10
11 Sara Yedlik moved, with a second by Tony Voss, that the Board extend the 180-day
12 deadline for issuance of the final decision in **case number 18-77**, based upon the
13 amount of time needed to complete the investigation due to a state audit. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 Tony Voss moved, with a second by Sara Yedlik, that the Board extend the 180-day
17 deadline for issuance of the final decision in **case number 18-84**, based upon the
18 amount of time needed to complete the investigation due to pending criminal charges.
19 **MOTION CARRIED UNANIMOUSLY.**

20
21 Katherine Schmidt moved, with a second by Sara Yedlik, that the Board approve the
22 amended closed session minutes for August 3, 2018. Roll call vote: Behrens – yes;
23 Bice – yes; Hill – yes; Overholtzer – abstain; Prescott – yes; Schmidt – yes; Schoening –
24 yes; Voss – yes; Yedlik – yes. **MOTION CARRIED.**

25
26 Katherine Schmidt moved, with a second by Sara Yedlik, that the Board approve the
27 closed session minutes for the August 22, 2018 special telephonic meeting. **MOTION**
28 **CARRIED UNANIMOUSLY.**

29
30 The following case was discussed in open session:

31 Request for reinstatement – Peter Foxhoven received a reprimand and minimum 18-
32 month suspension after a complaint alleging he solicited or encouraged an
33 inappropriate relationship with a student. He was ordered to complete an ethics

1 course and a mental health evaluation. He has submitted a transcript for the ethics
2 course and documentation regarding his mental health evaluation. Sara Yedlik
3 moved, with a second by Katherine Schmidt, in **case number 15-164**, that the Board
4 grant the Respondent's request for reinstatement and issue an order stating the basis
5 for the suspension no longer exists and it will be in the public interest for the license
6 to be reinstated. Roll call vote: Behrens – yes; Bice – yes; Hill – yes; Overholtzer – yes;
7 Prescott – yes; Schmidt – yes; Schoening – yes; Voss – no; Yedlik – yes. **MOTION**

8 **CARRIED**

9
10 Communication from the Public

11 None.

12
13 Board Member Reports

14 Dr. Lebo was asked by the Department of Education to attend the Council of Chief
15 State School Officers (CCSSO) as their Chief Talent Officer in Columbus, Ohio. This
16 meeting discussed teachers and shortages and how do we manage the talent that
17 schools bring in.

18
19 Executive Director's Report – Dr. Lebo

20 Agency Update: Financially, it has been beneficial to become an independent agency.
21 We now contract services directly through DAS and are able to make adjustments in
22 our services based on our requests. Our daily functionality is more efficient and
23 simplified. We are continuing to look at our office space and possible relocation based
24 on our needs for more confidentiality and security.

25
26 Licensing System Update: We are moving forward with a new licensing system. We
27 have started to have meetings for building the system. We are now receiving weekly
28 progress reports along with a timeline of the work completed and related charges. The
29 targeted completion date is February, 2019.

30
31 Financial Update: Dr. Lebo reviewed the financial report.

1 Stakeholder Presentation: Alan Beste, Executive Director, Iowa High School Athletic
2 Association (IHSAA) and Jean Berger, Executive Director, Iowa Girls High School
3 Athletic Union (IGHSAU). They updated the Board on the current state of the
4 coaching field in Iowa. There was also dialogue with them about possible
5 opportunities for collaboration between our organizations in the area of ethics.

6

7 Rules

8 Adopt:

9 None.

10

11 ARRC Review Pending:

12 None.

13

14 Notice:

15 None.

16

17 Items for Discussion:

18 IAC 282 Chapter 25.3(5) – Standard V – violations of contractual obligations. Clearly
19 delineate a June 30 line – If someone provides notice before that date, regardless of
20 what they arrange with their school district, it would not be grounds for an ethical
21 violation. Also, there would not be potential liability for an administrator for hiring
22 someone who had provided notice to the district they are leaving prior to that date.
23 The BoEE, SAI, and ISEA did meet regarding this potential rule revision and were in
24 agreement on the amendment of this rule. This will return for possible notice at the
25 November meeting.

26

27 Petitions for Waiver

28 None.

29

30 Reports/Approvals

31 Nominations for Board Vice Chair – Tony Voss nominated Jay Prescott, with a second
32 by Mary K. Overholtzer. Sara Yedlik nominated Mary K. Overholtzer, with a second by
33 Katherine Schmidt. There being no other nominations, Katherine Schmidt moved to

1 close nominations, with a second by Erin Schoening. Ballots were distributed to
2 board members to vote for either Jay Prescott or Mary K. Overholtzer. Ballots were
3 collected and tallied – five votes for Mary K. Overholtzer and three votes for Jay
4 Prescott. Mary K. Overholtzer is vice chair of the BoEE.

5
6 Professional Educators of Iowa (PEI) Ethics Course – Terry Gladfelter, Deputy Director,
7 and Bryan Stearns, Deputy Director, from PEI, addressed the Board regarding the
8 ethics course provided by PEI. Larry Bice moved, with a second by Tony Voss, to
9 provide the PEI ethics course for renewal credit as well as an option for licensees who
10 are required to complete an ethics course as part of a license disciplinary sanction.
11 Roll call vote: Behrens – yes; Bice – yes; Hill – yes; Overholtzer – yes; Prescott – absent;
12 Schmidt – absent; Schoening – yes; Voss – yes; Yedlik – yes. **MOTION CARRIED.**

13
14 There being no further business, Tony Voss moved, with a second by Sara Yedlik, to
15 adjourn the meeting at 1:30 p.m.