

IOWA BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS
Lucas State Office Building, 5th Floor Boardroom #526
321 East 12th St.
Des Moines, Iowa 50319

MINUTES

May 14, 2012 ----- 10:00 a.m.

Call to Order

The meeting of the Iowa Board of Sign Language Interpreters and Transliterators was called to order by Chairperson Brent Welsch at 10:00 a.m.

Roll Call/Introductions

Members present: Cindy Crawford, L.I.; John Gannon, Consumer of Services; Judy Gouldsmith, L.I.; David Theobald, L.I.; and Brent Welsch, Consumer of Services

Members absent: Diana Kautzky, L.I.; and Stephanie Lyons, Consumer of Services

Interpreters: Peggy Chicoine and Jeff Reese

Staff present: Pierce Wilson, Board Executive; Barb Huey, Bureau Chief; Julie Bussanmas, AAG; and Barb Christiansen, Administrative Assistant

Public present: Ellen Hayes, Hayes Interpreting Services; and Mary Theilen

Review Agenda

Agenda was accepted as written.

Approval of Minutes

February 20, 2012

Motion was made to approve the February 20, 2012 minutes as corrected. (MSC: Gannon/Theobald) Motion passed unanimously.

Reports

Chairperson, Brent Welsch

Cindy, David, and Brent met before the Board meeting to discuss temporary licensure. The committee is in favor of a couple of ideas. One suggestion is that the Board requires individuals to have either a degree from an Interpreter Training Program or meet the requirements for an alternative pathway; which has a point system. The degree or alternative pathway shows that the person has knowledge and skills. The second suggestion is that individuals pass the written exam for either the NIC or the EIPA. Passing a written exam shows that the person has knowledge of ethics. Julie Bussanmas,

AAG, indicated that the Board cannot require a test for temporary licensure. A specific level of education could be required but this would mean the statute would have to be changed and the educational requirement would also have to be required for people to get a permanent license.

The committee has some questions for Julie and then they would like to talk with the interpreting community. Cindy, David, and Brent will do more research and bring their findings back to the Board at the August meeting. Pierce asked that when the committee completes a draft, it be sent to him so he and Julie can edit it. This should be done before the August meeting. After that, it will be sent out to the community for feedback. Once this is done, the draft will be brought back to the Board.

Board Executive, Pierce Wilson

Pierce welcomed new Board member, John Gannon, and ask him to introduce himself to the other Board members. Mr. Gannon mentioned that he has been heavily involved with the Deaf community all of his life. Mr. Wilson then asked each Board member to introduce himself or herself and talk a little bit about his or her background.

Bureau Chief, Barb Huey

The Bureau is actively testing the new licensing application software. Staff will be introduced to the software next week. Individuals will be able to fill out licensure applications and renewals online. Board members will be able to receive documents through the new system as well.

AAG, Julie Bussanmas

An overview of Board member responsibilities will be presented later on in the meeting.

10:20 a.m. — the Board took a 10 minute break to prepare for the hearing.

Hearing - Theilen – 10:30 a.m.

Portions of this hearing may be held in closed session in accordance with Iowa Code section 21.5.

Open Session:

Judge Maggie LaMarche, an Administrative Law Judge from the Department of Inspections and Appeals, gave the Board members an overview of what will happen during the hearing. All parties will be sworn in. Opening statements will be given by both the State and Ms. Theilen. Ms. Theilen will testify in narrative form. Board members will be able to ask questions during the hearing. Closing summary arguments will be given and then the Board will go into closed session to deliberate. Judge LaMarche will draft the Board's decision in this case and it will be e-mailed to the Board. Board members are asked to review the document and submit revisions to Mr. Wilson. A

new draft will then be sent to the Board and a vote will be taken either during open session at the next Board meeting or through a conference call.

Julie Bussanmas — the Board filed an Intent to Deny licensure against Ms. Theilen due to a felony conviction. Ms. Theilen was sentenced in July 2009, put on probation, and ordered to pay restitution to her former employer, the North Iowa Vocational Center. Total loss to the business was \$199,734.50. Insurance paid \$100,000 and Ms. Theilen was ordered to repay \$99,734.50.

Ms. Theilen explained the circumstances involving her conviction. She cannot explain what happened except it was a time in her life that was very emotional and she was very depressed. Since 2009 Ms. Theilen has made strides in turning her life around and takes full responsibility for what she did. Ms. Theilen stated that she wanted to “give back” instead of take. She said she continues to seek the help she needs to make sure it never happens again. Ms. Theilen feels she has a lot to offer the Deaf community and hopes the Board will give her a chance. She wants to be a productive member of society again.

Julie Bussanmas — Ms. Theilen is currently on probation and her probation will end June 5, 2012. The theft of funds took place over a five year period. The status of the restitution is that she is making monthly payments and plans to purchase a life insurance policy, naming her former company as the beneficiary, that will cover the restitution should she die before it is paid off. Julie reported that Ms. Theilen stole funds from the North Iowa Vocational Center where she was employed and used the stolen funds for her own benefit. The vocational center finds employment for people with disabilities. Ms. Theilen said she was the Human Resources Director and worked with the organization’s finances. She did not work directly with consumers.

Ms. Bussanmas asked Ms. Theilen how she can ensure, if granted a license, that this does not happen again. Ms. Theilen responded that she continues to work with her therapist and is willing to meet with the Board on a periodic basis. She also said she is willing to follow any stipulations the Board would require of her. Julie asked for Ms. Theilen’s practice plan if granted a license. Ms. Theilen stated she would like to work in the high school or community college setting and also work with churches. Ms. Theilen stated she wished to also work in medical settings but would require more education before doing so. Ms. Bussanmas asked if Ms. Theilen had a mentor or a practice monitor. Ms. Theilen reported that she does not have someone at this time but would ask the college where she graduated to refer her to someone.

Board Members — the Board was concerned with Ms. Theilen’s ability to deal with consumers and wondered if granting her a license would be in the best interest of the public. They asked Ms. Theilen if her therapy was court ordered and she responded that it was not. When asked how often she sees her therapist, Ms. Theilen replied that she sees the therapist once a month. She sought out a therapist because she was depressed due to the deaths of her mother and father. When asked if she was on medication for

depression, Ms. Theilen said that she was taking a low dosage of the medication to help with anxiety and stress. She said that she will not be on medication the rest of her life. Also as she improves, she will see the therapist on a quarterly basis and then reduce her visits to once every six months. Eventually, she will see the therapist on an as-needed basis.

When asked how she obtained the money, Ms. Theilen replied that she had access to the funds as part of her job. She withdrew money out of a flex account and used the Executive Director's stamp to authorize the funds. The Executive Director found discrepancies on the financial reports. The Board asked Ms. Theilen how she used the money she took. She responded that she does not remember what she used the money for. It was probably to just buy things.

When asked how she learned about sign language interpreting, Ms. Theilen stated that she had a good friend who learned sign language many years ago. The more she visited him and learned about the activities of the Deaf community, the more she became interested in sign language. She wants to give back to the community. The Board asked how she relates sign language interpreting to "giving back" to the community since interpreters charge for their services. Ms. Theilen responded that she really wants Deaf people to be able to live and socialize both with the hearing community and the Deaf community. She stated she would also be willing to do some volunteer work.

Board members asked if Ms. Theilen was currently employed. She stated that she works for her husband, who is self-employed. She answers the telephone. When asked if Ms. Theilen has ever been licensed in any other profession, she stated that she had not received a license in another profession.

Closing Arguments:

Julie Bussanmas — the Board needs to consider if it is in the best interest of the public to license Ms. Theilen. Given the information presented today if the Board grants her a license, it is permissible to impose conditions on her license because of this conviction. The Board can require additional education, require her to notify employers of her past offense, or impose probation.

Ms. Theilen — she stated that if she were granted a license, she would follow any directions or restrictions set forth by the Board. She then thanked the Board for their time.

Closed Session:

Motion was made to go into closed session to deliberate the decision to be rendered in a contested case according to Iowa Code Chapter 21.5(1)f. (MSC: Theobald/Gouldsmith) A roll call vote was taken.

Crawford – Aye Gouldsmith - Aye
Gannon - Aye Theobald - Aye

Motion carried unanimously. The Board went into closed session at 11:16 a.m.

Open Session:

The Board returned to open session at 12:03 p.m. (MSC: Gouldsmith/Gannon) A motion was made to have Judge LaMarche draft a decision based on the Board’s deliberations. (MSC: Theobald/Crawford) Motion carried unanimously.

Election of Officers

Chairperson

Theobald nominated Welsch and Gouldsmith nominated Gouldsmith. A motion was made to close nominations. (MSC: Gannon/Crawford) Motion carried unanimously. Vote taken: Gouldsmith – 1 aye and Welsch – 3 ayes. Welsch was elected Chairperson.

Vicechairperson

Theobald nominated Theobald. A motion was made to close nominations. (MSC: Gannon/Crawford) Motion carried unanimously. Vote taken: Theobald – 4 ayes, none opposed. Theobald was elected Vicechairperson.

Secretary

Theobald nominated Gouldsmith. A second was received from Crawford. All ayes, none opposed. Gouldsmith was elected Secretary.

Public Comment

No public comments were received.

New Business

Overview of Board Responsibilities

Julie Bussanmas, AAG, distributed a handout entitled “Bureau of Professional Licensure: Guidelines for Board Members 2011.” Ms. Bussanmas briefly discussed the responsibilities of Board members.

Old Business

Discussion of new or existing examinations that may be considered for Board approval and listing in administrative rules.

Judy handed out a document entitled “Chapter 361 Proposed Revisions Revised May 4, 2012” which Mr. Wilson previously e-mailed to Board members. The proposed revisions included revising the names of RID certifications to match RID’s names for their

certifications, separating the new NIC test from the old NIC test that had three levels (NIC, NIC Advanced, and NIC Master) and listing the dates the NIC tests were in effect, and revising the names of the NAD certifications to match NAD's names for their certifications. Pierce stated that the rules will be filed as proposed rules, a public hearing will be scheduled, and hopefully the rules will be adopted at the next scheduled meeting. A consensus was received from the Board to file the proposed rules.

Applications Discussion

Discussion of any licensure applications that need board decision.

Chris Prudhom:

The Board received a response for additional information from Mr. Prudhom. Board members reviewed the case materials and the narrative that was sent in. The crime occurred in 1997 and the amount taken was greater than \$2,500.00. Mr. Prudhom was Treasurer for the RID Region IV conference and so basically, he stole the money from interpreters.

A motion was made to deny Mr. Prudhom's application for permanent licensure. (MSC: Theobald/Crawford) A roll call vote was taken.

Crawford – Aye	Theobald - Aye
Gannon - Aye	Welsch – Aye
Gouldsmith – Aye	

Motion carried unanimously. Pierce will draft a notice of Intent to Deny and have Brent look it over.

Barry Yarnell:

Board members reviewed the application documents. Mr. Yarnell has numerous convictions for controlled substances, alcohol, and supplying alcohol to minors. Brent does not see evidence of this individual turning his life around. This is very poor judgment on his behalf. The last conviction was in 2009. Pierce mentioned that this person could be mandated to participate in the IPRC program and provide a substance abuse evaluation. Julie reminded the Board that all of the crimes were misdemeanors. David called Mr. Yarnell's ethics into question, noting that interpreters are not supervised and wondered if this individual would cross the boundaries once again. Cindy stated that the Deaf community is very small and people are going to know about this person's life. The Board needs to be aware of how the granting of this license would impact consumers and keep in mind that their goal is to protect the public.

A motion was made to deny Mr. Yarnell's application for licensure. (MSC: Gannon/Gouldsmith) A vote was taken: ayes 4, opposed – 1 (Theobald). Motion carried.

Julie Bussanmas, AAG, left the meeting at 1:09 p.m.

Closed Session

The Board will go into closed session to discuss complaints according to Iowa Code 21.5-1 paragraph “d” and “e”.

In accordance with Iowa Code 21.5(1) “a” & “d,” the Board went into closed session at 1:10 p.m. by unanimous roll call vote to discuss closed session agenda items. (MSC: Gouldsmith/Gannon) A roll call vote was taken:

Crawford – Aye	Theobald - Aye
Gannon - Aye	Welsch – Aye
Gouldsmith – Aye	

Motion carried unanimously.

Open Session

Finalize closed session actions

The Board returned to open session at 1:23 p.m. (MSC: Theobald/Gannon) A motion was made to close Case # SLI-11-002 as discussed in closed session. (MSC: Gouldsmith/Theobald) A roll call vote was taken:

Crawford – Aye	Theobald - Aye
Gannon - Aye	Welsch – Aye
Gouldsmith – Aye	

Motion carried unanimously.

Brent reminded everyone that the next Board meeting is August 20, 2012. Pierce stated that the Board will have a conference call to discuss the hearing.

Future Meetings

August 20, 2012
November 19, 2012

Adjournment

Motion was made to adjourn the meeting at 1:26 p.m. (MSC: Gouldsmith/Gannon)
Motion carried unanimously.