

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS  
SPECIAL MEETING MINUTES  
January 16, 2014**

**DATE OF MEETING**            January 16, 2014

**PLACE OF MEETING**        Oklahoma Osteopathic Board Offices  
4848 N. Lincoln  
Oklahoma City, OK 73105

**MEMBERS PRESENT**        Dennis Carter  
Jay D. Cunningham, D.O.  
C. Michael Ogle  
Carl B. Pettigrew, D.O.  
LeRoy E. Young, D.O.

**MEMBERS ABSENT**        Gordon Laird, D.O.  
Catherine Taylor, J.D.  
Cheryl Vaught, J.D.

**ALSO PRESENT**            Leah Avey, J.D.  
Christi Aquino, *Board of Osteopathic Examiners*  
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*  
Kasey Egelston, *DNR Court Reporting*  
Brandon Gamble, *Board of Osteopathic Examiners*  
Daniel Gamino, J.D., *Board's General Counsel*  
Richard A. Mildren, J.D., *Board Prosecuting Attorney*  
Jim Priest, J.D.  
Jerry Valentine, *Board of Osteopathic Examiners*  
Richard Zimmer, *Board of Osteopathic Examiners*

**PRESIDING**                Carl B. Pettigrew, D.O. *President*

**1.        CALL TO ORDER**

Dr. C. B. Pettigrew, D.O., President, called the meeting to order at 3:00 p.m. and announced that a quorum was present.

**2.        HEARING DOCKET**

**David Moon, D.O.**

Dr. Pettigrew called the matter of David Moon, D.O. to order and recognized Richard Mildren, Prosecuting Attorney for the Board. Mr. Mildren announced that the Agenda included a number of Motions filed on behalf of Dr. Moon and turned the lectern to Mr. Priest.

Mr. Priest submitted his first Motion: Respondent's Motion to Exclude Evidence Illegally Seized and to Remove the Executive Director and Board Counsel From This Case and Appoint Independent Counsel to Advise the Board on this Case.

Dr. Pettigrew announced that the issue regarding the General Counsel should be separated from the rest of the motion and considered first.

Dr. Young moved to go into executive session.  
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed. All staff and visitors left the room.

Dr. Ogle moved to come out of executive session.  
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved that based upon the briefs presented the Motion to Disqualify the Board's General Counsel should be denied.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Mr. Priest announced that Dr. Moon was withdrawing the request to remove the Executive Director.

With respect to Motion 2 to admit an out of state attorney pro hac vice, Mr. Mildren announced that the staff had no objection to Jacob Hafter being admitted pro hac vice as long as his presence or absence did not delay a hearing on the merits of this case. Mr. Priest assured the Board that Mr. Hafter's participation would not delay the proceedings.

With respect to item number six, Respondent's Statement to the Board, Mr. Priest agreed the Board would not rule on that item since it did not contain a request for Board action.

Dr. Pettigrew asked if it was the preference of counsel to consider the remaining motions separately or to go into one executive session and return to announce the decisions at one

time. Both Mr. Mildren and Mr. Priest indicated they would prefer one executive session and one announcement. Both parties made argument on all remaining motions.

Dr. Young moved to go into executive session.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed. All staff and visitors left the room.

Dr. Ogle moved to come out of executive session.  
Dr. Young seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Young moved that the Motion to exclude the patient records seized at Dr. Moon's office on August 20, 2013, be denied; the Motion to Exclude Expert Testimony be denied; the Motion to Dismiss Allegations in the Amended Complaint that transpired in Nevada be denied; and the Motion to Compel Production be denied.  
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

### 3. ADJOURNMENT

Dr. Ogle moved to adjourn the meeting.  
Dr. Young seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, abs; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed and the meeting was adjourned at 5:30 p.m.