

BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
NOVEMBER 28, 2022
Draft Minutes

- I. Call to Order and Roll Call.** The meeting was called to order by Chair Mary Jones at 12:00 p.m.

Board Members. Board Members present by Zoom: Mary Jones, David Anderson, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Richard Nobles, Johnna Norton, Cynthia Schendel, Laura Shaughnessy, Ric Steele, and Deb Stidham. Andrea Perdomo-Morales was absent.

Staff. BSRB Staff present by Zoom: David Fye and Leslie Allen were present by Zoom. Assistant Attorney General Laine Barnard was present by Zoom.

- II. Discussion on Board Legal Services:** The Executive Director stated the BSRB received an e-mail and letter from Dennis Depew, Deputy Attorney General for Civil Litigation, from the Attorney General's office, on November 16, 2022, informing the agency that the Attorney General's office would be terminating the FY 2023 contract for legal services effective December 31, 2022. The Executive Director noted that no reason for the termination of the contract was provided, other than the Attorney General's office citing language in the contract which allowed either party to terminate the agreement so long as 30-day notice was provided. Upon receiving this message, the Executive Director sent an e-mail to Mr. Depew requesting a meeting with the Chair of the Board of the BSRB and a representative from the Attorney General's Office to discuss any reasons the contract was terminated and to discuss any potential issues, but Mr. Depew declined to meet. Members of the Board discussed that the BSRB will need short-term interim legal counsel until a permanent replacement is identified. Board members discussed contracting with Steve Kearney for short-term legal needs of the agency. These services would include possible further investigation into the cancelation of services by the Attorney General's office, and guidance to the BSRB on next steps to resolve this issue. It was noted that the rate for Steve Kearney's legal services would be at a rate of \$250 per hour, while two other individuals were listed in the agreement to provide services at a lower billable rate. The contract would be capped at \$5,000 for total services, to avoid any issues with contracts that are not competitively bid. The Executive Director noted the agency could reprioritize certain planned expenditures to accommodate this new expense for the agency. Cynthia Schendel moved to authorize the Chair to sign a temporary contract for legal services with Steve Kearney. Laura Shaughnessy seconded. The motion passed. Cynthia Schendel, David Anderson, Mary Jones, Deb Stidham, and Donna Hoener-Queal volunteered to provide assistance with researching legal solutions for the BSRB for legal counsel. Deb Stidham moved for these five individuals to work with the Executive Director in this process. Cynthia Schendel seconded. The motion passed.

- III. Adjournment.** David Anderson moved to approve the agenda as written. Deb Stidham seconded. The motion passed.