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FLORIDA | Board of Chiropractic Medicine
Probable Cause Panel

MINUTES
October 4, 2016

Conference Call
Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399



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Kevin Fogarty, D.C. **Chair**
Gail Curry, **Program Operations Administrator**
Savada Knight, **Regulatory Supervisor/Consultant**

34 **Conference call started: 1:06 p.m.**

35 This meeting was called to order by Dr. Julie Hunt. Those present for all part of the meeting included the
36 following:

37 **Members Present:**

38 Julie Hunt, D.C. – Chairperson

39 Gene Jenkins, D.C. - Panel Member

Staff Present:

Savada Knight, Regulatory Supervisor

40 **Board Counsel:**

41 Deborah Loucks, Esq., Assistant General Counsel

42 Office of Attorney General

43 **Prosecution Counsel:**

44 Christopher Dierlam, Esq., Assistant General Counsel

45 Octavio Simoes-Ponce, Esq., Assistant General Counsel

46 John Wilson, Esq., Assistant General Counsel

47 **COURT REPORTER:**

48 Court Reporter: For the Record Reporting

49 Phone: (850) 222-5491

50 Contact: Kay Fitchner

51 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda*
52 *outline. AUDIO from this meeting can be found online: [http://floridaschiropracticmedicine.gov/meeting-
54 information/past-meetings/](http://floridaschiropracticmedicine.gov/meeting-
53 information/past-meetings/)*

54 **Reconsiderations started at 1:12 p.m.**

55 Before the Reconsideration portion began, Mrs. Loucks asked the panel members if they received all of
56 the required materials in advance of the meeting. Dr. Hunt and Dr. Jenkins stated yes.

57 Mrs. Loucks asked the panel members if they had sufficient time to review the materials. Dr. Hunt and
58 Dr. Jenkins stated yes.

59 Mrs. Loucks asked the panel members if they experienced any problems while trying to review the
60 materials Dr. Hunt and Dr. Jenkins stated no.

61 Mrs. Loucks asked the panel members if they felt that there were any circumstances that would
62 disqualify or otherwise make it improper for them to hear and deliberate on any cases on the agenda.
63 Dr. Hunt and Dr. Jenkins stated no.

64

65 **I. R-01 Joshua L. Otiniano, D.C**

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67 Dr. Otiniano was not present and was represented by Kenneth Scaz, Esq.

68 Mr. Dierlam presented case number 2015-07945 as a reconsideration and closing order. The
69 respondent license is currently in a delinquent status and he is unable to renew the license prior
70 to the license being placed in a null and void status. The license was previously suspended due
71 to an arrest. Dr. Otiniano failed to renew his license, and the department placed the license in a
72 delinquent status. The respondent enter a plea of guilty to a first degree and second degree
73 felony, in which the department is required to refuse to renew his license until October 8, 2018,
74 a date later than the date his license will become null and void.

75 The department has recommend closing this case as a reconsideration because further
76 prosecution of this matter would not lead to any further public benefit.

77 **Board action:** Motion to close the administrative complaint against Dr. Joshua L. Otiniano was
78 made by Dr. Jenkins, Seconded by Dr. Hunt.

79 Vote: 2 yeas / 0 opposed; motion carried

80 **Reconsideration concluded at 1:20 p.m. and resume back at 1:51 p.m. to allow Dr. Hunt time to review case R-02**
81 **Wendy Flynn.**

82 **II. R-02 Wendy Flynn, D.C.**

83 Dr. Flynn was present and was not represented.

84 Mr. Simoes-Ponce presented case number 2015-03621 as a reconsideration. The case was
85 presented on February 9, 2016 probable cause meeting and probable cause was found. An
86 administrative complaint was filed on February 10, 2016, the respondent failed to timely pay the
87 full amount of cost set by asset by the final order of the board.

88 The department has recommend closing the case.

89 **Board action:** Motion to dismiss the case against Dr. Wendy Flynn was made by Dr. Jenkins,
90 Seconded by Dr. Hunt.

91 Vote: 2 yeas / 0 opposed; motion carried

92 **Reconsiderations concluded at 1:51 p.m.**

93 The meeting was adjourned at 1:54 p.m.