



STATE OF ARIZONA
BOARD OF BEHAVIORAL HEALTH EXAMINERS
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DOUGLAS A. DUCEY
Governor

TOBI ZAVALA
Executive Director

BOARD OF BEHAVIORAL HEALTH EXAMINERS MEETING MINUTES
October 21, 2016

Members Present: Sally Jones (out at 2:10 pm), Chip Coffey, Cedric Davis, Patricia Dobratz, Mary Coonrod, Brad Barnett, Nikole Hintz-Lyon, Heidi Quinlan (out at 2:10 pm), Gerald Szymanski

Members Absent: Habib Khan, Jerri Shields

Staff Present: Tobi Zavala, Executive Director; Marc Harris, A.A.G.; Michael Raine, Solicitor General's Office; Donna Dalton, Deputy Director; Joey Ordonez, Assistant Director; Susan Stumfoll, Operations Manager

1. Call to Order

A meeting of the Arizona Board of Behavioral Health Examiners was called to order on October 21, 2016, at 9:08 a.m. with Ms. Dobratz presiding.

2. Roll Call

See above.

3. Minutes: review, consideration and action

Approval of the August 31, 2016 minutes was tabled due to lack of quorum of members to vote.

Mr. Coffey moved, seconded by Ms. Jones, to approve the general meeting and executive session minutes from the June 3, 2016 meeting as submitted. The motion passed unanimously. Mr. Szymanski abstained.

Mr. Coffey moved, seconded by Ms. Jones, to approve the general meeting and executive session minutes for agenda item 6A from the September 9, 2016 meeting as submitted. The motion passed unanimously. Ms. Quinlan and Ms. Hintz-Lyon abstained.

Ms. Coonrod moved, seconded by Mr. Barnett, to approve the executive session minutes for agenda item 8G from the September 9, 2016 meeting as submitted. The motion passed unanimously. Ms. Quinlan, Ms. Hintz-Lyon, and Ms. Dobratz abstained.

Mr. Coffey moved, seconded by Ms. Coonrod, to approve the general meeting minutes from the October 7, 2016 meeting as submitted. The motion passed unanimously. Ms. Quinlan and Ms. Hintz-Lyon abstained.

4. Notification of Deficiencies

No one from the list of deficiencies addressed the Board.

5. Consent Agenda: review, consideration and action

- A. Cases recommended for dismissal
- a. 2016-0054, Daniel Blew, LASAC-13347
 - b. 2016-0100, Michele Edmiston, LMSW-13468
 - c. 2017-0003, Jane Robinson, LAC-14237

Following discussion, Mr. Coffey moved, seconded by Dr. Davis, to approve the consent agenda item 5(A). The motion passed unanimously.

B. Cases recommended for dismissal with a letter of concern

N/A

C. Cases recommended for release from consent agreements.

- a. 2016-0056, Catherine Stacey, LAC-13694(active-restricted)

Following discussion, Dr. Davis moved, seconded by Ms. Coonrod, to approve the consent agenda item 5(C). The motion passed unanimously.

D. Cases recommended for possible disciplinary action and acceptance of a proposed modified signed consent agreement.

- a. 2016-0025, Tricia Siegel, LPC-2133

Following discussion, Ms. Hintz-Lyon moved, seconded by Ms. Jones, to approve the consent agenda item 5(D). The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

E. Cases recommended for acceptance of a proposed signed non-disciplinary consent agreement.

- a. 2016-0021, Sondra Wilkening, LPC-1256

Following discussion, Ms. Hintz-Lyon moved, seconded by Ms. Coonrod, to approve the consent agenda item 5(E). The motion passed unanimously.

The Board took a break at 10:13 a.m., reconvening its public meeting at 10:25 a.m.

6. Administrative Hearings

A. Linda Brown, LAC-14141, LPC applicant

Mr. Raine, Solicitor General’s Office, appeared to provide independent legal advice to the Board.

The professional appeared and addressed the Board.

Mr. Harris, A.A.G., appeared on behalf of the State and made an opening statement to the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Jones, to vacate the administrative hearing. The motion passed unanimously. Ms. Hintz-Lyon and Ms. Quinlan recused.

7. Formal Interviews

N/A

8. Complaints and other disciplinary matters: review, consideration and action

A. 2015-0055, Marilyn Daniel, LAC-14319 (suspension under review)

Ms. Zavala summarized information regarding the results of the Board’s investigation.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to modify the existing consent agreement and maintain the suspension until the modified consent agreement is executed. Modified stipulations in the consent agreement included:

- Clinical supervision will begin upon execution of the modified consent agreement
- The clinical supervisor submitted must be reviewed and approved by the Board chair or designee
- The clinical supervisor shall assess the professional for the ability to safely and competently practice

The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

B. 2016-0111, Lexann Downey-Lewis, LCSW-4096

Mr. Ordenez summarized the results of the Board’s investigation.

The complainant was properly noticed, but did not appear.

The professional appeared and addressed the Board.

Following review and discussion by members, Ms. Quinlan moved, seconded by Ms. Coonrod, to dismiss the complaint. The motion carried with Mr. Coffey opposed.

C. Lori Hall, LCSW Applicant

Ms. Zavala summarized information regarding the Board’s investigation.

The applicant was properly noticed, but failed to appear.

Following review and discussion by members, Ms. Coonrod moved, seconded by Dr. Davis, to deny the applicant’s request to withdraw her application, open a complaint, find a violation of:

- A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the Board or its investigators or representatives if legally requested by the Board

and to deny the application based on a finding of unprofessional conduct pursuant to A.R.S. § 32-3275(6). The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

D. 2017-0009, Kimberly Heaton, LMSW-13790

Ms. Zavala summarized information regarding the Board’s investigation.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Mr. Szymanski moved, seconded by Mr. Coffey, to accept the signed interim consent agreement. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

The Board took a break at 11:58 a.m., reconvening its public meeting at 12:44 p.m.

E. 2017-0021, Marlene Joy, LPC-0321

Ms. Zavala summarized information regarding the Board’s investigation.

The complainant appeared and addressed the Board.

The professional appeared telephonically and addressed the Board.

Following review and discussion by members, Ms. Coonrod moved, seconded by Dr. Davis, to dismiss the complaint and remove it from the licensee’s complaint history. The motion passed unanimously.

F. Pallavi Lal, LAC Applicant

Ms. Zavala summarized the results of the Board’s investigation.

The applicant appeared and addressed the Board.

Following review and discussion, members agreed no further action is necessary regarding the background.

The Board took a break at 2:10 p.m., reconvening its public meeting at 2:21 p.m.

G. 2016-0027, L.D. Lumpkin, LCSW-4026 and LISAC-11050

Mr. Ordonez summarized the results of the Board’s investigation.

The complainant appeared and addressed the Board.

The professional and his attorney, Artie Eaves, appeared and addressed the Board.

Following review and discussion by members, Ms. Dobratz moved, seconded by Mr. Barnett, to find a violation of A.R.S. § 32-3251(15)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice.

The motion failed with Mr. Barnett, Ms. Dobratz, Ms. Hintz-Lyon, and Ms. Quinlan in favor. Mr. Szymanski recused.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X				X	X			X		
NAY		X	X	X			X				
Absent								X		X	recused

Following further discussion by members, Mr. Coffey moved, seconded by Dr. Davis, to find the following violations:

- A.R.S. § 32-3251(15)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client
- A.R.S. § 32-3251(15)(p), failing to conform to minimum practice standards as developed by the Board as it relates to:
 - A.A.C. R4-6-1102, Treatment Plan

The motion passed unanimously. Mr. Szymanski recused.

Following further discussion by members, Dr. Davis moved, seconded by Ms. Jones, to offer a consent agreement that stipulates the following:

- The license shall be placed on probation for 12 months
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 6 clock hours of continuing education in suicide assessment

and if not signed to invite the professional to participate in a formal interview and, if not accepted to remand the matter to formal hearing. The motion passed unanimously. Mr. Szymanski recused.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		
NAY											
Absent								X		X	recused

H. 2017-0031, Sarah Maaske, LMSW-15532

Ms. Zavala summarized the results of the investigation.

The complainant was properly noticed, but failed to appear.

The professional was properly noticed, but failed to appear.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Coonrod, to accept the signed consent agreement for the voluntary surrender of the professional’s license. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

Following further discussion by members, Mr. Coffey moved, seconded by Ms. Jones to refer the case to law enforcement. The motion passed unanimously.

I. 2016-0072, Michelle Maliniak, LPC-13723

Ms. Zavala summarized the results of the Board’s investigation.

The complainant was properly noticed, but failed to appear.

The professional and her attorney, Susan McLellan, appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Ms. Quinlan, to find a violation of:

- A.R.S. § 32-3251(16)(kk), failing to make client records in the licensee’s possession promptly available to the client, a minor client’s parent, the client’s legal guardian or the client’s authorized representative on receipt of proper authorization to do so from the client, a minor client’s parent, the client’s legal guardian or the client’s authorized representative.

The motion failed with Mr. Barnett, Ms. Jones, Ms. Hintz-Lyon, and Ms. Quinlan in favor.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X					X	X		X		
NAY		X	X	X	X						X
Absent								X		X	

Following further discussion by members, Ms. Jones moved, seconded by Dr. Davis, to find the following violations:

- A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. § 32-3251(16)(q), failing or refusing to maintain adequate records of behavioral health services provided to a client

- A.R.S. § 32-3251(16)(s), terminating behavioral health services to a client without making an appropriate referral for continuation of care for the client if continuing behavioral health services are indicated

The motion passed unanimously.

Following further discussion by members, Ms. Jones moved, seconded by Dr. Davis, to offer a consent agreement that stipulates the following:

- The license shall be placed on probation for 12 months
- The professional shall complete 6 clock hours of the NASW Staying Out of Trouble course or its pre-approved equivalent
- The professional shall complete 6 clock hours of continuing education in family law
- The Board may consider education completed since the complaint was opened

and if not signed to invite the professional to participate in a formal interview and, if not accepted to remand the matter to formal hearing. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

J. 2016-0096, Kelli Pacicco, LAC-15199

Mr. Ordonez summarized the results of the Board’s investigation.

The complainant appeared and addressed the Board.

The professional appeared and addressed the Board.

Following review and discussion by members, Mr. Barnett moved, seconded by Mr. Szymanski, to dismiss the complaint. The motion passed unanimously.

K. Sandra Terry, LPC-1045

Ms. Zavala summarized the results of the Board’s investigation.

The professional’s attorney, Bretton Barber, appeared and addressed the Board.

Mr. Szymanski moved, seconded by Mr. Barnett to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) to obtain legal advice. The motion passed unanimously and the Board went into executive session at 2:38 pm, reconvening its public meeting at 2:50 pm.

Following review and discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to open a complaint and find a violation of:

- A.R.S. § 32-3251(15)(i), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice

The motion passed unanimously.

Following further discussion by members, Ms. Hintz-Lyon moved, seconded by Mr. Coffey, to find a violation of:

- A.R.S. § 32-3251(15)(ii), violating any federal or state law, rule or regulation applicable to the practice of behavioral health

The motion carried with Mr. Szymanski opposed.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X					
NAY											X
Absent							X	X	X	X	

Following further discussion by members, Ms. Hintz-Lyon moved, seconded by Dr. Davis, to offer the professional a consent agreement for the voluntary surrender of the professional's license. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X					X
NAY											
Absent							X	X	X	X	

Following further discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to offer a consent agreement that stipulates the following:

- The license shall be placed on probation for 12 months
- The professional shall complete 6 clock hours of behavioral health ethics
- The professional shall receive therapy once monthly for six months. The frequency for the remaining time will be at the recommendation of the therapist.
- Therapy shall focus on anger management, professional conduct and personal responsibility
- The professional shall attend one Board meeting at which she is not a subject within six months

and if neither consent agreement are signed to remand the matter to formal hearing. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X					X
NAY											
Absent							X	X	X	X	

L. 2016-0133, Marisa Viterbo, LASAC-15114

Mr. Ordonez summarized the results of the Board's investigation.

The professional was properly noticed, but did not appear.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to find the following violations:

- A.R.S. § 32-3251(16)(l), any conduct, practice or condition that impairs the ability of the licensee to safely and competently practice
- A.R.S. § 32-3251(16)(o), failing to furnish information within a specified time to the Board or its investigators or representatives if legally requested by the Board
- A.R.S. § 32-3251(16)(k), any conduct or practice that is contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare or safety of a client, as it relates to: the 2013 NAADAC Code of Ethics
 - Section I. The Counseling Relationship, Standard 3: Dual Relationships
 - Section IV. Professional Responsibility, Standard 4: Interprofessional Relationships
- A.R.S. § 32-3251(16)(c)(ii), any oral or written misrepresentation of a fact by an applicant or licensee in any statements provided during an investigation or disciplinary proceeding by the board.

and to offer the professional a consent agreement for the voluntary surrender of the professional's license, and if not accepted to remand the matter to formal hearing. The motion passed unanimously.

	Brad Barnett	Chip Coffey	Mary Coonrod	Cedric Davis	Patricia Dobratz	Nikole Hintz-Lyon	Sally Jones	Habib Kahn	Heidi Quinlan	Jerri Shields	Gerald Szymanski
AYE	X	X	X	X	X	X	X		X		X
NAY											
Absent								X		X	

Ms. Zavala summarized the results of the Board's investigation.

The professional appeared and addressed the Board.

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey, to open a complaint and accept the signed non-disciplinary consent agreement. The motion passed unanimously.

9. Assistant Attorney General's Report: Marc Harris, A.A.G.

A. *2016 Legislative update*

Tabled.

10. Temporary licenses: review, consideration and action

N/A

11. Applications for licensure and educational programs: review, consideration and action

A. *Review, consideration, and possible action regarding applications for licensure*

Counseling

Mr. Coffey moved, seconded by Ms. Coonrod to approve 12 applicants as Licensed Associate Counselors, and 3 applicants as Licensed Professional Counselors. The motion passed unanimously.

Mr. Coffey moved, seconded by Mr. Barnett, to deny 2 applications based on failure to take the required exam, 6 applications based on failure to pass the required exam, 1 application based on failure to meet minimum requirements, and 1 application based on a finding of unprofessional conduct. The motion passed unanimously.

Social Work

Ms. Jones moved, seconded by Dr. Davis, to approve 3 applicants as Licensed Clinical Social Workers, 1 applicant as Licensed Clinical Social Worker by endorsement, and 19 applicants as Licensed Master Social Workers. The motion passed unanimously.

Ms. Jones moved, seconded by Dr. Davis, to deny 2 applications based on failure to pass the required exam. The motion passed unanimously.

Marriage and Family Therapy

Mr. Barnett moved, seconded by Mr. Coffey, to approve 4 applicants as Licensed Associate Marriage and Family Therapists. The motion passed unanimously. Ms. Dobratz recused.

Substance Abuse

Mr. Szymanski moved, seconded by Mr. Coffey, to approve 1 applicant as a Licensed Independent Substance Abuse Counselor. The motion passed unanimously.

12. Report from Chair

A. *Summary of current events*

No report.

13. Report from the Treasurer

A. *Monthly Financial Reports*

Following review, Mr. Szymanski moved, seconded by Mr. Coffey, to accept the August and September monthly financial reports as presented. The motion passed unanimously.

14. Report from the Executive Director and/or staff

A. *General Agency Operations*

No report.

B. *Discussion regarding ADHS Health Regulatory Board Study /Audit*

Tabled.

C. *Discussion regarding National Data Bank Compliance Report*

Tabled.

D. Review, consideration, and possible action regarding adopting final draft of proposed rulemaking intended to clarify areas of regulations promulgated last year in response to SB1374 (2013), SB1077(2014) and SB1212(2015)

Ms. Dalton presented public feedback received on the initial proposed rulemaking draft.

Following review and discussion by members, Mr. Coffey moved, seconded by Dr. Davis to adopt the final draft of proposed rulemaking as modified by members. The motion passed unanimously.

E. Discussion regarding clinical supervisor requirements
Tabled.

F. Discussion regarding behavior analysts transferring jurisdiction from the Arizona Psychologist Board to the Arizona Board of Behavioral Health Examiners

Ms. Zavala distributed information regarding the scope of practice for behavior analysts and informed members that this would be discussed at the Board's next meeting.

G. Review, consideration and possible action regarding 2017 calendar

Ms. Zavala reminded members to bring their calendars to the next meeting so a 2017 calendar can be approved.

H. Review, consideration and possible action regarding ASWB delegate to attend national conference

Following review and discussion by members, Dr. Davis moved, seconded by Mr. Coffey to send Ms. Jones as a Board delegate to the ASWB national conference.

I. Review, consideration and possible action regarding referring the case of Susan McCord, LCSW-15447 to Department of Health Services

Mr. Ordonez presented information regarding the Agency's practice pursuant to A.A.C. R9-20-110(C)(2).

Following review and discussion by members, Mr. Coffey moved, seconded by Ms. Quinlan, to refer the behavioral health agency to the Department of Health Services. The motion passed unanimously.

J. Update on financial audit
Tabled.

15. Request for extension of inactive status: review, consideration and action

N/A

16. National and regional news regarding the profession(s)

N/A

17. Future agenda items

A. Telepractice

B. Board chair evaluation

C. Meeting processes

18. Call for public comment

None

19. Establishment of future meeting dates

The next meeting is scheduled for Friday, November 4, 2016, at 9:00 a.m., at 3443 North Central Avenue, Room 1705.

20. Adjournment

Mr. Barnett moved, seconded by Mr. Coffey, to adjourn. The motion passed unanimously and the meeting was adjourned at 4:00 p.m.

Gerald Szymanski
Secretary/Treasurer

Date

Arizona Board of Behavioral Health Examiners
Licenses recommended for approval - October 21, 2016 meeting

COUNSELING

Licensed Associate Counselor - 12			
Stephanie Arroyo	Alissa Chase	Cherie Lundeen	
Cassidi Beckstein	Claire Cox	Melissa Markley	
Karen Cahoy	Mackenzie Fowler	Priscila Matei	
Courtney Callahan	Carla Grace	Jessica Van Leer	
Licensed Professional Counselor - 3			
Linda Brown	Sarah Holliday	Shelley Pasma	

MARRIAGE AND FAMILY THERAPY

Licensed Associate Marriage and Family Therapist - 4		
Danielle Burr	Alisa Ironside	
Joana Bustamante	Katy Obert	

SOCIAL WORK

Licensed Master Social Worker - 19			
Garrett Bedford	Calamity Farris	John Mosso	Jillian Simon
Melissa Canjura	Kendahl Florio	Ariel Polston	Krystle Stempien
Gabrielle Chavez	Karen Ihrig	Heather Quincy	Cathy Tullgren
Paola Edwards	Christa Lopiccolo	Melinda Razvi	Rebecca Tuttle
Jamelynn Evans	Kariece Marchelli	Emily Roward	
Licensed Clinical Social Worker - 3			
Beth Dolobowsky			
Stephanie Henry			
Mauricio Mairena			
Licensed Clinical Social Worker - by endorsement - 1			
Catherine Rousseau			

SUBSTANCE ABUSE COUNSELING

Licensed Independent Substance Abuse Counselor - 1		
Samuel Wolde		

Arizona Board of Behavioral Health Examiners
Licenses recommended for denial - October 21, 2016 meeting

COUNSELING - 10

Failure to meet minimum requirements - 1

Susan Balensky

Finding of unprofessional conduct - 1

Jenise Johnson

Failure to take the required exam - 2

Angela Stuchlik

Lakecha Tripp

Failure to pass the required exam - 6

Myra Castillo

Robert Fazekas

Gilbert Gilmore

Ashleigh Malanga

Ericka Valdez

Michael Janusz

SOCIAL WORK - 2

Failure to pass the required exam - 2

Barbara Colon

Tamara McDowell