

CANADIAN DENTAL REGULATORY AUTHORITIES FEDERATION

MINUTES OF MEETING BOARD OF DIRECTORS

Thursday, June 19, 2014

DoubleTree by Hilton Toronto Hotel, 108 Chestnut Street, Toronto, ON

The 21st meeting of the Canadian Dental Regulatory Authorities Federation took place on Thursday, June 19, 2014.

PARTICIPANTS:

Dr. Nancy Auyeung, President-Elect, Manitoba Dental Association
Dr. David Clark, Council member, Royal College of Dental Surgeons of Ontario
Dr. Bob Coles, Past-President, College of Dental Surgeons of British Columbia
Ms. Caroline Daoust, Registrar, L'Ordre des dentistes du Québec
Dr. Barry Dolman, President, L'Ordre des dentistes du Québec
Dr. Gary Fong, President, Alberta Dental Association & College
Dr. Martin Gillis, Registrar, Provincial Dental Board of Nova Scotia
Dr. Larry Hodinsky, President-Elect, Alberta Dental Association & College
Dr. Frank Hohn, Past-President, College of Dental Surgeons of Saskatchewan
Dr. John Kalbfleisch, Vice-President, Royal College of Dental Surgeons of Ontario
Mr. Dan Leger, Registrar, New Brunswick Dental Society
Mr. Jerome Marburg, Registrar, College of Dental Surgeons of British Columbia
Dr. Paul O'Brien, Registrar, Newfoundland and Labrador Dental Board
Dr. Tom Raddall, Chair, Provincial Dental Board of Nova Scotia
Dr. Amarjit Rihal, Past-President, Manitoba Dental Association
Dr. Brian Rinehart, Delegate, New Brunswick Dental Society
Dr. Peter Stevenson-Moore, President, College of Dental Surgeons of British Columbia
Dr. Michael Sullivan, President, Manitoba Dental Association
Dr. Gordon Thompson, Executive Director/Registrar, Alberta Dental Association & College
Dr. David Tobias, Vice-President, College of Dental Surgeons of British Columbia
Dr. Peter Trainor, President, Royal College of Dental Surgeons of Ontario
Dr. Ray Wenn, Registrar, Dental Council of Prince Edward Island
Dr. Marcel Van Woensel, Registrar, Manitoba Dental Association
Dr. Bernie White, Registrar, College of Dental Surgeons of Saskatchewan
Dr. Peter White, Vice-President, L'Ordre des dentistes du Québec

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STAFF:

Mr. Irwin Fefergrad, Registrar, Royal College of Dental Surgeons of Ontario and CDRAF Executive Director

Ms. Angie Sherban, CDRAF Recorder

Ms. Kelly Wyner, CDRAF Controller

1. CALL TO ORDER

Dr. Trainor called the meeting to order 8:30 a.m.

2. CHAIR'S REMARKS

Dr. Trainor introduced Mr. Derry Millar of WeirFoulds LLP, who was engaged as independent chair for the meeting. Mr. Millar welcomed CDRAF Board members and looked forward to a productive meeting.

3. APPROVAL OF AGENDA

It was agreed to add another item to the agenda:

- CDRAF Board meeting - October 2014 in Montreal.

MOTION #1: Wenn/Rinehart

THAT the CDRAF Board approves the agenda of the CDRAF Board meeting of June 19, as amended.

CARRIED
(Unanimously)

4. PRESIDENT'S REMARKS

Dr. Trainor welcomed everyone and looked forward to a productive meeting. He reviewed many of the areas that CDRAF has been involved in with government and other stakeholders and reiterated the importance of having a national voice for dentistry. He added that the MRA Working Group has worked diligently to make revisions to the current Memorandum of Understanding (MOU) that will be acceptable to all provinces.

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The Treasurer and Controller were thanked for their efforts in being vigilant in keeping the CDRAF Board apprised of the financial situation.

Dr. Trainor thanked the CDRAF Executive Committee members for making themselves available for meetings and teleconference calls. He reported that there was collaborative dialogue and respect for each other's opinions.

5. EXECUTIVE DIRECTOR'S REMARKS

Mr. Fefergrad advised that he would defer his comments.

6. INDEPENDENT CHAIR FOR MEETINGS

Dr. Trainor stated that the CDRAF Executive Committee feels it is important and would be efficient to have an independent chair for all its CDRAF Board meetings and made a recommendation for the CDRAF Board's consideration. He added that an independent chair provides the opportunity for open and candid discussion for all CDRAF Board members.

MOTION #2: Trainor/Rinehart

THAT the CDRAF Board approves engaging an independent chair for CDRAF Board meetings.

One CDRAF member felt it was premature to make a decision on an independent chair until there was further discussion and a position agreed upon with respect to restructuring of the CDRAF. It was agreed to table the motion and defer until later in the meeting.

7. CRITERIA FOR APPOINTING PEOPLE TO OUTSIDE ORGANIZATIONS AND TO WORKING GROUPS

At the CDRAF Board meeting on April 13, 2014, criteria for appointing people to outside organizations and to working groups was approved, in principle, and the CDRAF Executive Committee was asked to redraft the wording for the CDRAF Board to approve. A revised document was provided to the CDRAF Board for its approval.

There was discussion on Registrars appointed to working groups.

MOTION #3: Trainor/Hohn

THAT the CDRAF Board approves the criteria for appointing people to outside organizations and to working groups, as outlined in the memorandum dated June 10, 2014.

CARRIED
(In favour: 13)
(Abstention: 2)

8. COMMISSION ON DENTAL ACCREDITATION OF CANADA (CDAC)

(a) Appointment of CDRAF Representative to CDAC

At the April 13, 2014 CDRAF Board meeting, it was reported that Dr Bill MacInnis requested that he be replaced as the CDRAF representative on CDAC.

The Executive Director was asked to canvass CDRAF Board members for interest in being nominated for the position. Several submissions were received and they were reviewed by the CDRAF Executive Committee and Dr. Martin Gillis was recommended as the CDRAF representative to replace Dr. MacInnis on CDAC.

MOTION #4: Trainor/Stevenson-Moore

THAT the CDRAF Board approves the appointment of Dr. Martin Gillis as the CDRAF representative to CDAC, effective November 2014.

CARRIED
(In favour: 13)
(Abstention: 2)

(b) Proposed Additional Changes to the Dental Specialty Accreditation Requirement 3.1.2.

The CDRAF Board was provided with a memorandum dated April 15, 2014 from Dr. Marie Dagenais of CDAC respecting these proposed changes to its by-laws.

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Mr. Fefergrad advised that he had been in contact with CDAC and was advised that the proposed changes were promoted by the Association of Canadian Faculties of Dentistry (ACFD). It was reported that all provinces have been given the opportunity to respond and many are opposed to the amendments because they are not in the public interest.

Dr. Trainor reported that the CDRAF Executive Committee is of the view that the proposed changes deal with licensure matters that are not within the mandate of CDAC and recommended that a response from CDRAF be sent to the CDAC opposing the suggested changes.

MOTION #5: Trainor/Sullivan

THAT the CDRAF Board authorizes forwarding a letter to the Commission on Dental Accreditation of Canada (CDAC) in response to the memorandum dated April 15, 2014 opposing the proposed additional changes to the Dental Specialty Accreditation Requirements 3.1.2.

CARRIED
(Unanimously)

It was noted that the deadline date for submissions was June 16, 2014, but Mr. Fefergrad advised that he had been granted an extension to June 25, 2014.

9. ROYAL COLLEGE OF DENTISTS OF CANADA (RCDC)

The CDRAF Board was provided with the letter from RCDC dated May 5, 2014 advising that Dr. Gordon Thompson has completed his two-year term on the RCDC Examinations Committee and requested nominees from CDRAF to fill that vacancy. It was noted that Dr. Thompson is eligible to be reappointed for a second term.

Dr. Frank Hohn is also a CDRAF representative on the RCDC Examinations Committee and his term expires in 2015.

Mr. Fefergrad circulated the letter to the CDRAF Board ahead of the meeting and asked for interest in being considered by the CDRAF Executive Committee for the

appointment. The CDRAF Executive Committee noted the comments from RCDC that Dr. Thompson was most satisfactory and knowledgeable on the committee and recommended that he be reappointed for a second term.

MOTION #6: Trainor/Rinehart

THAT the CDRAF Board approves the reappointment of Dr. Gordon Thompson as the CDRAF representative to the RCDC Examinations Committee for a second term.

Dr. Dolman proposed that a different representative be appointed and made an amendment to the motion #6:

MOTION #6 (Amended) Dolman/Tobias

THAT the CDRAF approves the appointment of Dr. Peter White as the CDRAF representative to the RCDC Examinations Committee to replace Dr. Gordon Thompson.

Mr. Fefergrad advised that the CDRAF had many discussions with RCDC and requested representation on the RCDC Board. RCDC agreed to have CDRAF representation on its Examinations Committee and it would be important to have a CDRAF Board member as the CDRAF representative.

Dr. Tobias withdrew from seconding the amended motion #6.

MOTION #6: Trainor/Rinehart

THAT the CDRAF Board approves the reappointment of Dr. Gordon Thompson as the CDRAF representative to the RCDC Examinations Committee for a second term.

CARRIED
(In Favour: 10)
(Opposed: 3)
(Abstention: 2)

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10. NATIONAL DENTAL EXAMINING BOARD OF CANADA (NDEB)

The CDRAF Board was provided with a letter dated May 15, 2014 from NDEB with a request for CDRAF to send one or more observers to a Validation & Standard Setting Workshop being held in Ottawa on September 18, 2014. Mr. Fefergrad advised that he canvassed CDRAF Board members for interest in attending, but he had not received a lot of response to-date.

It was stated that CDRAF would not reimburse CDRAF members for attending, but would attend at their own expense.

Manitoba and Quebec both reported that they would be sending representatives to the workshop.

Any other CDRAF Board member interested was asked to advise Mr. Fefergrad by the end of June and he would advise NDEB accordingly.

11. INTERNATIONAL SOCIETY OF DENTAL REGULATORS

It was reported that at the June 19, 2014 CDRAF Board meeting, there was a recommendation that CDRAF become a member of the International Society of Dental Regulators (ISDR). However, the motion was withdrawn at the meeting and Ontario was asked to rescind its decision to be a founding member of ISDR.

Dr. Trainor reported that the RCDSO Council met on June 12, 2014 and there was a thorough discussion on this item. There was unanimous approval to reaffirm its previous position for RCDSO to be a founding member of ISDR.

Dr. Dolman reported that at a recent meeting, ODQ decided that it would proceed with becoming a founding member, but was not in favour of CDRAF being a founding member at the same time. However, some provinces still felt that there should be one national regulatory body from Canada to represent dentistry.

Mr. Fefergrad reported that several other Canadian organizations have expressed an interest in becoming founding members, i.e. RCDC, NDEB and CDAC.

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Following a fulsome discussion, it was agreed not to have CDRAF as a founding member. Canada will be represented by Ontario and Québec and perhaps others. It was anticipated that Ontario and Québec, and any others attending, will report on the conference at the next CDRAF Board meeting.

12. CDRAF AUDITED FINANCIAL STATEMENTS

The CDRAF Board was provided with the draft CDRAF audited financial statements for 2013. Ms. Tripp reported that the audit was satisfactory and there were no questions from the CDRAF Board.

MOTION: Coles/Kalbfleisch

THAT the CDRAF Board accepts the CDRAF Audited Financial Statements for 2013, as presented.

CARRIED
(Unanimously)

13. FINANCIAL REPORT

Dr. Coles presented the report and invited Ms. Tripp to review the following documents with the CDRAF Board:

- Fund Balance Report, May 31, 2014
- Bank Reconciliation, May 31, 2014
- Actual to Budget, May 31, 2014

Ms. Tripp reported that to-date, 47.5% of the budget has been used. She confirmed that the Canadian Academy of Dental Anesthesia has been refunded.

With respect to the DSATP at Dalhousie, Mr. Fefergrad reported that CDRAF is waiting to receive the template that is being developed before releasing the \$10,000 to Dalhousie. This will likely occur in the fall of 2014.

14. ENGAGING AN INDEPENDENT EXECUTIVE DIRECTOR

Dr. Coles referred the CDRAF Board to an Independent Office Transition Plan that he developed following the discussion at the April 19, 2014 CDRAF Board

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meeting on engaging an independent Executive Director. Although aggressive, Dr. Coles was of the opinion that the timelines could be met.

Dr. Coles was thanked for his efforts in putting this transition plan together.

After discussion it was decided that a separate working group would be preferred. It was suggested that there be representatives from British Columbia, Ontario, Québec and an Atlantic province.

MOTION: Dolman/Sullivan

THAT a working group of between four and six members be formed to explore new models of restructuring CDRAF.

CARRIED
(Unanimously)

[At the end of the meeting, there was further discussion on this working group. Alberta stated that it would like to have representation on the working group and this was agreed to by the CDRAF Board.

The five provinces would determine who would be their representatives on this working group. Other CDRAF Board members would be called upon for expertise, as required. Mr. Fefergrad would attend as Executive Director and would make the arrangements for the first meeting.

The CDRAF Board advised that for the October 2014 meeting, there should be an independent chair and one should be budgeted for all future Board meetings.]

15. FINANCIAL

Dr. Coles reviewed the Draft Budget for 2015 based on \$5.00 operating fee. There was no discussion at this time.

16. FUTURE STRATEGIC AND OPERATIONAL PLANNING

Mr. Fefergrad reported that he had received little response to his request to the provinces for information on:

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- What is the raison d'etre of the CDRAF?
- What value do provinces get from CDRAF (if any)?

17. WORKING GROUP REPORTS:

(a) By-Law Working Group

The Chair of the By-Law Working Group, Mr. Dan Leger, was invited to present the draft CDRAF by-laws, as provided to the CDRAF Board in the meeting materials.

Mr. Leger reported that the Working Group had spent a long time in drafting the proposed by-laws. However, he added that the draft by-laws prepared by Mills & Mills LLP that would allow for consistency with the Not-for-Profit legislation would now have to be merged into the Working Group's by-laws to create one document. He undertook to prepare such a document for circulation to the CDRAF Board within two or three weeks for its approval.

There was a request to amend the wording in the expense policy around air travel to encourage best practices and best economy rate available by amending "full economy" to "economy fare" to not restrict options for members. Mr. Leger undertook to make these revisions.

Mr. Fefergrad emphasized the urgency to getting the by-laws approved in a timely fashion in order to meet the deadline of October 2014 and for CDRAF to maintain its Charter.

(b) MRA Working Group

Ms. Caroline Daoust, Chair of the Working Group, was invited to present the report. She thanked the members of the Working Group (Marcel Van Woensel, Jerome Marburg, Jack Gerrow, Dan Haas, Ed Yen, Robert Lees and Irwin Fefergrad) for their work. She reported that in a special meeting of the CDRAF Board on November 23, 2013, this Working Group was struck to review and revise the Memorandum of Understanding (MOU) originally signed in 2007. One of the main issues discussed and addressed was hiring academics in dental faculties and the concern about the length of the Dental Specialty Core Knowledge Examination (DSCKE).

With the assistance of the National Dental Examining Board of Canada (NDEB), it has been agreed to provide DSCKE in a more timely fashion to the academics.

Dr. Van Woensel provided the CDRAF Board with a revised version of the MOU and there was a full discussion on the revisions made. A few suggestions were made and a final document was presented for the CDRAF Board's approval. The MOU was signed by all the provinces.

MOTION: Daoust/Van Woensel

THAT the CDRAF Board approves the Memorandum of Understanding (MOU) dated April 2014, as amended.

CARRIED
(Unanimously)

The Executive Director was asked to request the NDEB to amend its by-laws to permit specialty applicants to take three attempts of the DSCKE examination.

(c) National Code of Ethics Working Group

Dr. David Tobias, Chair of the Working Group, reported that it had not met since the last CDRAF Board meeting.

He added that the Canadian Dental Association (CDA) is in the process of developing an extensive review of its own Code of Ethics, although the impetus is different than the CDRAF. There was discussion on the difficulties that CDA's national Code of Ethics might cause for "two-hatter" provinces. He hoped to have more information to report at the October 2014 CDRAF Board meeting.

(d) Tooth Whitening Working Group

Ms. Caroline Daoust, the Chair of the Working Group, did not have anything to report at this time.

However, she added that although the Working Group has not met, the ODQ has had several discussions with the Quebec government and has been asked to provide some scientific reasoning for having tooth whitening as a restrictive practice for dentists.

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Ms. Daoust suggested that this Working Group be disbanded at this time and if there is any information on moving further with this item, she would share it with the other provinces.

This was agreed to by the CDRAF Board.

MOTION: Dolman/Trainor

THAT the Working Group on Tooth Whitening be disbanded, effective immediately.

CARRIED
(Unanimously)

(e) CDAC/Reciprocal Agreements Working Group

Dr. Amarjit Rihal, Chair of the Working Group, was invited to report on the activities of the Working Group. He stated that a fulsome report would be provided to the CDRAF Executive Committee by the end of the summer.

There was clarification that this Working Group would also be reviewing the accreditation process and how CDAC fits into it. Mr. Fefergrad suggested the Working Group utilize the expertise of Mr. Robert Lees who is knowledgeable in accreditation, both in Canada and internationally.

(f) Access to Care Working Group

Dr. Barry Dolman, Chair of the Working Group, reported that the group had not held any meetings since the last CDRAF Board meeting. He stated that ODQ has made progress in its discussions with government on this issue.

With respect to CDRAF, Dr. Dolman suggested disbanding the Working Group at this time. ODQ will continue to dialogue with government and he stated that he would share that information with CDRAF.

This was agreed to by the CDRAF Board.

MOTION: Dolman/Trainor

**THAT the Working Group on Access to Care be disbanded,
effective immediately.**

CARRIED
(Unanimously)

18. POLICY FOR OPENNESS OF BOARD MEETINGS

In response to a question raised by a CDRAF Board member, Mr. Fefergrad reported that stakeholders had not been invited to the meeting, as it was called to complete the agenda from the April 13, 2014 meeting. However, invitations will be sent to stakeholders to attend the October 2014 Board meeting.

19. DSATP – DALHOUSIE UNIVERSITY

Mr Fefergrad reported that the CDRAF approve allocating \$10,000 to Dalhousie University for the purpose of start-up costs towards the development of a Dental Specialty Assessment and Training Program (DSATP) in oral and maxillofacial surgery. CDRAF is awaiting a template for the program from the Department in order to assist other dental faculties with similar programs in other dental specialties in the future.

20. REPORT ON MEETING WITH FEDERAL GOVERNMENT RE E.U.

The CDRAF Board was provided with a memorandum from Dr. Trainor, Mr. Fefergrad and Mr. Lees dated February 4, 2014 that reported on the meeting they attended with the Labour Market Integration Directorate in Ottawa on January 23, 2014. Mr. Fefergrad stated that it was clear that the federal government is looking to dilute the responsibilities of regulators with respect to registration. It is in favour of a centralized permit-to-permit process, similar to the one used in Europe.

Mr. Fefergrad stated that they were also invited back to attend a workshop in May. He gave a presentation at that workshop. They advised that they saw dentistry as a leading profession and recognized the hard work that CDRAF has done.

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21. COMPETITION BUREAU

There was no news to share on this item at this time, although it was reported that rumours were that a report from the Competition Bureau is forthcoming.

22. CDA SYMPOSIUM, FEBRUARY 27, 2014

There was a brief report on this symposium. Some of the provinces that attended felt it was encouraging to see many different players involved in the access to care discussions, although many felt it was a very weak symposium.

23. BOTOX AND ESTHETIC THERAPIES

Dr. Martin Gillis requested that this item be placed on the agenda for the April 13, 2014 meeting, but because of time constraints it was not discussed.

There was discussion on whether CDRAF was interested in developing a national policy on Botox. Mr. Fefergrad advised that this topic was explored a few years ago, but not all provinces were in favour of having it as a national project.

24. DIRECTORS' ERRORS AND OMISSIONS INSURANCE

Mr. Fefergrad reported that the CDRAF by-laws provide that all directors will be required to confirm that they have directors' liability insurance. In that some provinces do not cover directors for CDRAF work, arrangements have been made to cover all of the directors, officers, staff and the CDRAF as a corporate entity until the end of December 2014. However, for the future, provinces will need to advise if they require coverage.

25. ASSOCIATION OF CANADIAN FACULTIES OF DENTISTRY (ACFD)

Dr. Bernie White was invited to present his report on his involvement with the ACFD Core Group in developing a strategy for revising the Competencies for a Beginning Dental Practitioner document. Dr. White was appointed as the CDRAF representative to the Core Group.

Dr. White referred to his report and accompanying materials that were provided to the CDRAF Board. He stated that there was considerable discussion on the

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feasibility of evolving three separate documents to meet the needs of the NDEB, CDAC and the ACFD.

Dr. White asked regulators to let him know what they feel the competencies required for licensure of a new dentist should be for each of the NDEB, ACFD and CDAC and he would relay that information to the Core Group at its next meeting.

26. MIHALY V. THE ASSOCIATION OF PROFESSIONAL ENGINEERS, GEOLOGISTS AND GEOPHYSICISTS (APEGGA)

The CDRAF Board was provided with an article from *Grey Areas* entitled, "Systematic Discrimination by Regulators", together with the Human Rights Tribunal of Alberta case, *Mihaly v. APEGGA*.

Mr. Fefergrad advised that he would keep the CDRAF Board apprised if CDRAF is required to become more involved at the next level.

27. CDA POSITION ON ANTIBIOTIC PROPHYLAXIS TO PREVENT INFECTIVE ENDOCARDITIS

The CDRAF Board was provided with a letter from the Canadian Dental Association dated March 13, 2014 that clarified its position on antibiotic prophylaxis to prevent infective endocarditis. Most dental regulatory authorities have for a long time had that requirement.

28. FREE TRADE AGREEMENT WITH SOUTH KOREA

The CDRAF Board was provided with information on the Canada-Korea Free Trade Agreement posted on the website of Foreign Affairs, Trade and Development Canada.

29. WELLNESS

It was reported that the articles by Dr. Paul Earley have now been posted on the CDRAF website.

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This is an important topic for members – Mr. Fefergrad advised that Dr. Graeme Cunningham is a very compelling speaker and available to meet with the provinces at their expense.

30. OTHER BUSINESS

(a) CDRAF Board meeting – October 2014

It was reported that the provinces have been sent an email asking if there is a willingness to have a two-day meeting in October. Traditionally, the second day of the meeting has been used as an education session. Given the current financial situation of CDRAF, there are limited funds for a two-day meeting.

The CDRAF Board agreed to have a one-day CDRAF Board meeting on Friday, October 17, 2014 in Montreal. CDRAF Board members were advised that the meeting would likely last a full day until at least 5pm and they should make their travel arrangement accordingly. Ms. Daoust and Dr. Dolman agreed to make the hotel/meeting arrangements, and adhere to the CDRAF revised budget.

29. APPROVAL OF MINUTES

(a) CDRAF Board Meeting Minutes – October 18-19, 2013

There were no amendments to the minutes circulated.

MOTION: Stevenson-Moore/Auyeung

THAT the CDRAF Board meeting minutes of October 18-19, 2013 be approved, as circulated.

CARRIED
(Unanimously)

(b) CDRAF Board Meeting Minutes – November 23, 2013

There were no amendments to the minutes circulated.

MOTION: Rihal/Kalbfleisch

THAT the CDRAF Board meeting minutes of November 23, 2013 be approved, as circulated.

CARRIED
(Unanimously)

(c) CDRAF Board Meeting Minutes – April 13, 2013

There were no amendments to the minutes circulated.

MOTION: Hoedinsky/Hohn

THAT the CDRAF Board meeting minutes of April 13, 2013 be approved, as circulated.

CARRIED
(Unanimously)

(d) CDRAF Board Meeting (*In-Camera*) Minutes – April 13, 2013

There were no amendments to the *in-camera* minutes circulated.

MOTION: Kalbfleisch/Rinehart

THAT the CDRAF Board meeting (*in-camera*) minutes of April 13, 2013 be approved, as circulated.

CARRIED
(Unanimously)

30. ADJOURNMENT

Dr. Trainor thanked the CDRAF Board for a productive and collegial meeting. The meeting was adjourned at 1:50 p.m.