

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING
HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COASTLINE DRIVE
JACKSONVILLE, FL 32202
(904) 588-1234
FEBRUARY 20, 2015
7:30 A.M.**

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:30 a.m. by Dr. Kochenour, Chair. Those present for all or part of the meeting included the following:

Members present:

William Kochenour, D.D.S., Chair
Leonard Britten, D.D.S., Vice-Chair
Joe Thomas, D.D.S.
Robert Perdomo, D.M.D.
Wade Winker, D.D.S.,
Dan Gesek, D.M.D.
T. J. Tejera, D.M.D.
Catherine Cabanzon, R.D.H., B.A.S.D.H.
Tim Pyle
Anthony Martini
Angela Sissine, R.D.H.

Staff present:

David Flynn, Board Counsel
Sue Foster, Executive Director
Candace Rochester, Esq., Asst. General
Counsel, PSU
Bridget McDonnell, Esq., Asst. General
Counsel, PSU
Cindy Ritter, Program Administrator
Court Reporter, Volusia Reporting, telephone
386-255-2150, info@volusiareporting.com

Dr. Kochenour requested that Ms. Sissine read the following mission, vision, and purpose:

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Vision Statement: Healthiest State in the Nation

Purpose: To protect the public through health care licensure, enforcement and information.

Dr. Kochenour recognized and thanked Dr. Thomas for his leadership as immediate past Chair of the Board.

Dr. Britten reported on his attendance at the Commission on Dental Competency Assessments, formerly NERB, national meeting. He discussed the need for additional examiners and stated that a statutory change was needed to eliminate the wording that the exam must be graded by Florida licensed dentists only as there were not enough Florida licensed dental examiners, especially with the added graduates from the new dental school – LECOM.

Motion: by Dr. Gesek to strike "Florida licensed dentist" in s. 466.006, F.S. and help to lobby for this change in statute

Second: by Dr. Thomas

Vote unanimous

Dr. Winker reported on the AADB meeting that he had attended in Chicago and requested that other board members attend this important meeting. Dr. Eva Ackley, former Florida Board member and former Chair, will be presiding over this body.

REVIEW OF NOVEMBER 21, 2014 GENERAL BUSINESS MEETING MINUTES

The minutes of the November 21, 2014 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Thomas to accept the minutes as amended
Second: Ms. Cabanzon
Vote: unanimous

REPORTS

Anesthesia Committee (12/16/14 TCC)

Dr. Gesek, Chair, gave the following report regarding the December Committee meeting. Conscious sedation applications were tabled for further inquiry and placed on the February board agenda. Ms. Sissine noted that she was present on this call.

Motion: by Dr. Gesek to approve draft rule language in 64B5-14.003, General Anesthesia Permit with an edit from one year to two year residency and there is not an economic impact on small business
Vote: Unanimous

Dr. Gesek asked that the Anesthesia Committee amend the rules to state moderate sedation rather than conscious sedation.

Dr. Kochenour thanked Dr. Gesek for serving as immediate past Anesthesia committee chair.

Counsel on Dental Hygiene (1/21/15 TCC)

Ms. Cabanzon, Chair, gave the following report regarding the January Council meeting: The status of recent rule changes and the effective dates; and the Council's rejection of the rule draft 64B5-14.002, F.A.C.

Board Counsel - Rules Report

Mr. Flynn reviewed the rules report for February, 2015 with the Board. He stated that he was developing the Annual Regulatory Plan for the rules to review and change for the next year.

Executive Director

Budget Reports

Budget reports were provided for information.

Ratification of Lists

Motion: by Dr. Gesek to approve the lists
Second: by Dr. Thomas
Vote: unanimous

Annual Delegations

Motion: by Dr. Gesek to approve the list of delegations for 2015
Second: by Dr. Thomas
Vote: unanimous

Healthiest Weight

Ms. Foster discussed the Healthiest Weight initiative with the Board members. She stated that this was the State Surgeon General's primary initiative and information contained in their agenda with the statistics shows that this is the biggest threat to public health. By 2030, it is estimated that 60% of the

population will be obese. This was discussed at the Board Chair/Vice Chair meeting and at the July 14, 2014 Healthy Weight liaison meeting. Dr. Perdomo and Ms. Cabanzon represented the Board at this meeting. A power point was also included along with talking points to patients and tips to share with patients. The goal is to bend this weight curve by 5% in the next 3 years.

Application revisions

Application for Teaching Permit

Date of Birth was added as well as a "yes"/"no" section to question 7.

Application for Dental Licensure

Revised reference to Laws and Rules exam referring applicants to the Commission on Dental Competency; removed two references to special testing accommodations; revised oath to remove reference to examination fees.

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Application for Dental Hygiene Licensure

Revised reference to Laws and Rules exam, referring applicants to the Commission on Dental Competency; removed two references to special testing accommodations; revised oath by adding a sentence that the application fee is non-refundable.

Motion: by Dr. Thomas to approve the changes to the applications

Second: by Dr. Winker

Vote: unanimous

Chair

No report

Vice Chair

No report

Board Members

Dental Budget Task Force – Dr. Gesek

Dr. Gesek reported on the dental task force, comprised of members: Dr. Sol Brotman, Dr. Don Illka, FDA; Ms. Tami Miller, FDHA; and Melinda Simmons, budget analyst with MQA/Department of Health had met on February 19, 2015 at Dr. Brotman's office. After review of anticipated revenues and 6 year projections, it was determined that fees could be reduced for the Dental Hygiene licenses as there is an 8.9% surplus per biennium. The reduction would be from \$100 to \$80 for active, inactive and initial license fees. The application fee would remain at \$50.

Motion: by Dr. Gesek to send this recommendation to the Council on Dental Hygiene

Second: by Dr. Winker

Vote: unanimous

Dr. Gesek reported that the Dentistry fund was headed to a deficit of \$8 or 9 million by the year 2020. The task force members recommended that the Anesthesia Committee members investigate fees to cover the expense of additional inspections for offices in which anesthesia is administered as well as raising initial and renewal permit fees. Mr. Flynn stated that the statute allows the board to charge a fee to defray the cost of verifying compliance.

Motion: by Dr. Perdomo to send this issue to the Anesthesia Committee to investigate

implementation of fees to cover actual costs of inspections as well as raising initial and renewal permit fees.

Second: by Dr. Thomas

Vote: unanimous

The task force also recommended a \$265 assessment for the next two renewal cycles and increase of the cap to \$600 with collection of \$475 for the license renewal fee. He stated that this fee is in line with the fee charged by other states.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to raise the fee cap to \$600.

Second: by Dr. Gesek

Vote: unanimous

Mr. Flynn advised that the board would need legislative ratification of any rule promulgated to implement an assessment because the impact would be so high. The information would need to be submitted to the Legislature at least 30 days prior to beginning of session.

The board discussed whether it was appropriate to dissolve the task force. Dr. Gesek advised that another conference call or meeting may be held. Following discussion, the board took the following action:

Motion: by Dr. Thomas to give the chair authority to dissolve the task force after the next meeting.

Second: by Dr. Winker

Vote: unanimous

Dr. Ilkka stated that the Florida Dental Association could support raising the cap to \$600 as this had also been previously voted on.

Note: This was previously voted on at the June 23 meeting by the Board in 2006. Renewal fees have not been increased since 2001.

Prosecution Report

Ms. Rochester reported that there were currently 174 cases under review, 58 ready for next probable cause meeting; 26 with probable cause findings; 11 cases where supplement was requested; 2 at DOAH, 1 appeal.

TOPIC DISCUSSION

Remedial Education for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

Rule 64B5-2.0144(10)(a), F.A.C. requires foreign-trained applicants who fail the dental hygiene exam to take remedial coursework prior to being permitted to re-take the exam. In the past, applicants were referred to Palm Beach College, however, they are not offering a program this year. At present, there are 16 applicants and staff are requesting direction on this.

Palm Beach State College will offer the course if there is enough interest.

Letter from Florida Dental Association re: 2016 Mission of Mercy

This letter from Dr. Andy Brown and Dr. Rick Stevenson dated January, 26, 2015 requests that the Board approve the exemption in s. 466.002(4), F.S. to permit out of state licensed dentists to work as clinicians at this event. The Florida Dental Association Foundation is hosting a Florida Mission of Mercy project in Jacksonville in April, 2016. This is a two day clinic which provides free dental care to 2000 patients over the 2 day period. Dr. Brown was present. Dr. Brown advised that insurance is purchased to cover both in and out of state dentists. Dr. Thomas requested a list of dentists who will participate in the event. Mr. Flynn advised the board that the approval of this program should be placed in rule. He also said he had concern about the board approving the participants. Mr. Flynn stated that he would promulgate a rule on this and if it is not effective in time for this event, the Board would send a letter.

Following discussion, the following action is taken by the Board:

Motion: by Dr. Gesek to authorize Mr. Flynn to open rule development language approving Florida Mission of Mercy project with certain criteria for participants.
Second: by Dr. Perdomo
Vote: unanimous

Request for discussion – Anesthesia Rules for Itinerate Anesthesia from Eitan Gross, D.M.D.

Dr. Gross has requested an appearance before the Board regarding confusion/discrepancy in the general anesthesia rules. Dr. Gross was present. Mr. Flynn explained that a pediatric conscious sedation permit holder can bring in a physician anesthesiologist as well as a general anesthesia permit holder. When rules were passed a grandfather period was given for patients being sedated by physician anesthesiologists to avoid cancellation of surgeries.

Mr. Flynn advised that in the instances where physician anesthesiologist or general anesthesia permit holder is providing the anesthesia, these offices have been inspected to their respective level. Mr. Flynn proposes a self- inspection form that the permit holder would provide to the board office and an inspection would be assigned. This will allow everyone the opportunity to provide sedation and treatment without delay. Falsification of the self- inspection form is a third degree felony. It was also discussed to allow the general anesthesia permit holder to provide a copy of the inspection report by a licensed health care risk manager.

Motion: by Dr. Gesek to send this to the Anesthesia Committee for development
Second: by Dr. Perdomo
Vote: unanimous

Dr. Tejera asked about the responsibility of a physician anesthesiologist being in charge of anesthesia and who would be responsible for reporting an adverse incident should one occur. Mr. Flynn advised the physician anesthesiologist is responsible.

Email from Dr. Robert Dreyfus re: CE Changes for Retired Dentists

Dr. Dreyfus is requesting that the Board consider changing the CE requirements for retired dentists practicing in indigent dental clinics. A copy of rule 64B5-7.007(1)(d), F.A.C., regarding limited licensees and CE requirement is provided for the Board's review.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to deny the request
Second: by Dr. Gesek

Vote: unanimous

**FOR YOUR INFORMATION
ADEX 2013-2014 Annual Report**

2015 Legislation- SB 350, An Act Relating to the Statewide Prepaid Dental Program for Medicaid-Eligible Children

Board members reviewed this legislation and following review, the following action was taken by the Board:

Motion: by Dr. Thomas that Board is neutral on this bill
Second: by Dr. Winker
Vote: unanimous

Correspondence from the Commission on Dental Competency Assessments (formerly North East Regional Board of Dental Examiners, Inc., NERB)

2015 Legislation – SB 606, An Act Relating to Dental Care

Board members reviewed this legislation and following review, the following action was taken by the Board:

Motion: by Dr. Thomas to support this bill
Second: by Dr. Winker
Vote: unanimous

Correspondence – Scott D. Newlin, D.M.D., M.S., Regarding Null and Void Licenses....

Ms. Foster advised the board that the Department sends notices prior to renewal and again before the license becomes null and void and in the past board staff have sent an additional notification. Ms. Foster advised the board office would send an additional letter at their next renewal. Ms. Foster stated that she can also bring this up at the Board Chair meeting.

DISCIPLINARY PROCEEDINGS

Hune June Park, D.D.S., Case No 2010-03093, Settlement Agreement (PCP Britten, Thomas)

Dr. Park was present and was represented by Brett Fertig Storch, Esq. A two count administrative complaint filed July 1, 2014 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards of performance in diagnosis and treatment regarding apical infection on tooth #19 planned for extraction and implant. Patient complained of paresthesia in lower lip and respondent failed to refer to nerve injury specialist timely; s. 466.028(1)(m), F.S. of failure to keep written dental records justifying the course of treatment.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$6500 payable within 12 months, costs not to exceed \$3500 payable within 12 months; continuing education of 7 – 12 hours in implants to achieved competency; 3 – 6 hours in diagnosis and treatment planning; 3 hours in record keeping; laws and rules exam within 12 months

Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to reject the settlement agreement
Second: by Ms. Cabanzon

Vote: unanimous

Motion: by Dr. Winker to limit respondent from placing implants until he is recognized by the remedial education provider that he receives verified competency from a CODA accredited dental school. The chair will review the course prior to completion.

Second: by Dr. Gesek

Vote: unanimous

The counter-offer was accepted.

Jeffrey Alan Hameroff, D.D.S., Case No 2011-09954, Settlement Agreement, (PCP Britten)

Dr. Hameroff was present and was represented by Jon Pellett, Esq. An amended administrative complaint was filed October 23, 2014 alleged violations of s. 466.028(1)(x), F.S. of being guilty of incompetence or negligence by failure to meet minimum standards involving failure to take post-operative radiograph following bone graft surgery to evaluate surgical outcome and address complications.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$2500 payable within 12 months, costs of \$3500 payable within 12 months; 3 – 6 hours in diagnosis and treatment planning through accredited school of dentistry until competency achieved; patient reimbursement of \$6415.00 payable within 6 months; laws and rules exam within 12 months.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to dismiss the case

Second: by Dr. Perdomo

Vote: unanimous

John Burbank, D.D.S., Case No 2013-01740, Settlement Agreement (PCP Thomas, Britten)

Dr. Burbank was present and was represented by William Furlow, Esq. An administrative complaint filed April 18, 2014 alleged violation of s. 466.028(1)(x), F.S. of being guilty of incompetence or negligence by failing to meet minimum standards of performance in diagnosis and treatment regarding failure to provide adequate buildup for #18 tooth prior to seating permanent crown and failure to remove tooth decay prior to seating permanent crown.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$5000, costs of \$3648.49 payable within 6 months; patient reimbursement of \$525 payable within 3 months; 3-6 hours in restorative dentistry from college of dentistry to demonstrate achieved competency; 3 hours ethics; laws and rules exam within 12 months.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Kochenour to reject the settlement agreement

Second: by Dr. Perdomo

Vote: motion passes with Drs. Winker and Gesek opposed

Motion: by Dr. Kochenour to change letter of concern to reprimand and keep remaining terms of settlement

Second: by Dr. Perdomo

Vote: passes with Drs. Winker and Gesek opposed

Counter offer was accepted.

Adam D. Cohn, D.M.D., Case No 2013-01916, Settlement Agreement (PCP Tejera, Britten)(Addendum pg.73 – Corrected Board Memo)

Dr. Cohn was present and was represented by Monica Rodriguez, Esq. An administrative complaint filed September 26, 2014 alleged violations of s. 466.028(1)(x), F.S. of failure to meet minimum standards involving failure to diagnose need for crown lengthening procedure, failing to timely refer or treat periodontal defect, failure to adequately place dental post.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$4000 payable within 6 months; costs of \$3666.65 payable within 6 months; continuing education consisting of crown and bridge 3 – 6 hours and periodontics 3 – 6 hours; laws and rules exam within 12 months of final order;

Following discussion, the following action was taken by the Board:

Motion: by Dr. Thomas to accept the settlement agreement
Second: by Dr. Perdomo
Vote: unanimous

Angel Garcia, D.M.D., Case No 2013-04538, Settlement Agreement (PCP Thomas, Britten)

Dr. Garcia was present and was represented by Edwin Bayo, Esq. A two count administrative complaint filed April 18, 2014 alleged violations of s. 466.028(1)(m), of failing to keep written dental records and medical history records justifying the course of treatment and s. 466.028(1)(x), F.S. of failure to meet minimum standards involving root canal therapy, extraction of tooth and failure to inform patient of presence of retained dental instrument.

A settlement agreement was presented to the Board with the following terms: letter of concern, fine of \$10,000 payable within 18 months, costs not to exceed \$5554.59 (current costs \$4824.44) payable within 18 months; reimbursement to patient in amount of \$1127.00 within 3 months; continuing education for 3-6 hours in crown and bridge; 7 – 12 hours in endodontics and 3 hours in record keeping; laws and rules exam within 12 months.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to accept the settlement agreement
Second: by Dr. Perdomo
Vote: unanimous

Italo A. Lozada, D.D.S., Case No 2013-18767, Settlement Agreement (PCP Tejera, Britten)

Dr. Lozada was not present and was not represented by counsel. An administrative complaint filed September 26, 2014 alleged violations of s. 466.028(1)(b), F.S. of having a license to practice dentistry acted against by another state, Massachusetts. Respondent entered into a consent agreement of suspension for 3 months followed by period of probation with conditions imposed by Massachusetts Board. Respondent self-reported this disciplinary action.

A settlement agreement was presented to the Board with the following terms: reprimand, fine of \$3000 payable within 6 months.

Costs: \$650.28

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept the settlement agreement
Second: by Dr. Winker
Vote: unanimous

Vassiliki Barogiannis, DH, Case No 2014-13666, Voluntary Relinquishment, (PCP N/A)

Ms. Barogiannis was not present nor represented by counsel (Michael Rocque, Esq.) Alleged violation of s. 466.072(1)(k),(z), (dd),(hh), (s),(mm), F.S. of non-compliance with PRN, arrest for felony prescription fraud in February, 2014.

A voluntary relinquishment of license filed November 18, 2014 was presented to the Board in which respondent agrees to never reapply for licensure as a dental hygienist in Florida.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept the voluntary relinquishment
Second: by Dr. Winker
Vote: unanimous

Vassiliki Barogiannis, DH, Case No 2014-05016, Voluntary Relinquishment, (PCP N/A)

Ms. Barogiannis was not present nor represented by counsel. Alleged violation of s. 456.072(1)(k)(o)(z)(dd) and 466.028(1)(p)(s)(mm) of obtaining a controlled substance by fraud and criminal use of personal information by obtaining a prescription for a controlled substance.

A voluntary relinquishment of license filed November 18, 2014 was presented to the Board in which respondent agrees to never reapply for licensure as a dental hygienist in Florida.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to accept the voluntary relinquishment
Second: by Ms. Cabanzon
Vote: unanimous

Joseph A. Gaeta, Jr., D.D.S., Case No 2013-16293, Determination of Waiver, (PCP Britten, Thomas)

This item was removed from the agenda by Prosecution Services.

PETITIONS

Ahmed M. Saleh Kiwan, D.M.D., Petition for Variance or Waiver, Rule 64B5-2.021, Florida Administrative Code

Dr. Kiwan was present and was represented by Edwin Bayo, Esq. A petition for variance or waiver filed January 7, 2015 requests that the Board waive the above-cited rule and grant him the authority to retake the prosthodontic portion of the clinical exam without having to take the required coursework, but

instead take a level two intensive remediation course in prosthodontics at an accredited dental school to grant the variance.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to grant the waiver with the condition that Dr. Kiwan complete a verified to competency remedial course and upon completion, allow one additional attempt of prosthetic exam
Second: by Dr. Gesek
Vote: unanimous

APPLICATION REVIEW & APPEARANCES

Kelly Daniak, D.M.D., Applicant for Conscious Sedation Permit

Dr. Daniak was present and was not represented by counsel. She is applying for a conscious sedation permit after having completed the Conscious Sedation Consulting course.

Mr. Flynn advised the board that the course does not appear to meet the rule requirement of being affiliated with a university, affiliation with a dental school or a teaching hospital.

Following discussion, Dr. Daniak withdrew her application.

Kim Mowery, D.M.D., Applicant for Conscious Sedation Permit

Dr. Mowery was present and was not represented by counsel. She has made application for a conscious sedation permit after completion of the Conscious Sedation Consulting course.

Following discussion, Dr. Mowery withdrew her application.

Tamisha Denis, D.M.D., Applicant for Conscious Sedation Permit

Dr. Denis was present and was not represented by counsel. She has made application for a conscious sedation permit after completion of the Conscious Sedation Consulting course.

Following discussion, Dr. Denis withdrew her application.

Mr. Randy Pigg, Conscious Sedation Consulting, addressed the board and stated he has invited board members to attend the course to see firsthand the course workings of his course.

Thomas John Schugel, D.D.S., Applicant for Limited License

Dr. Schugel was not present and was not represented by counsel. He is applying for a limited license and staff request review of file regarding malpractice claims.

Following discussion, the following action was taken by the Board.

Motion: by Dr. Winker to deny the application
Second: by Dr. Tejera
Vote: passes with one member opposed

Mr. Flynn asked the board for approval to offer the applicant an opportunity to withdraw and it was granted.

Thanos Kristalis, D.D.S., Applicant for Credentials Review for Graduates from Non-Accredited Dental Colleges or Schools

Dr. Kristalis was present and was not represented by counsel. He is requesting that his supplemental education in restorative dentistry meet the educational requirement for licensure. Staff is requesting board review/determination of s. 466.006(3) (a),or (b), F.S.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Tejera to deny the application
Second: by Dr. Winker
Vote: motion passes with Dr. Gesek opposed

My CE National and CE Massage, Applicant for Continuing Education Provider Status

Mr. Morrison was not present and was not represented by counsel. He is applying to become a continuing education provider for dentists and dental hygienists. Staff requests board review of this application for appropriate clinical and didactic training per standards of 64B5-12.0175, F.A.C.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to deny the application
Second: by Dr. Tejera
Vote: unanimous

Charles E. Stamitoles, D.D.S., Petition for Termination of Probation

Dr. Stamitoles was present and was represented by Edwin Bayo, Esq. He was placed on probation for two years, appears to have complied with his probation terms and his probation will expire April 25, 2015.

Dr. Kochenour advised that upon his term as board chair, he has been contacting monitors. Monitors have indicated it would be helpful to have a model as to how they should proceed with their duties.

Dr. Kochenour spoke with Dr. Stamitoles' monitor regarding the method of reviewing the charts and his work as monitor.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Winker to deny the early termination
Motion dies

After further discussion with Dr. Stamitoles, the following action was taken by the Board:

Motion: by Dr. Gesek to approve the early termination of probation
Second: by Dr. Winker
Vote: unanimous

Robert Orta, D.D.S. Petition for Termination of Probation

Dr. Orta was present to request termination of his probation. He has complied with all terms.

Following discussion, the following action was taken by the Board:

Motion: by Dr. Gesek to approve termination of probation.
Second: by Dr. Winker
Vote: unanimous

OLD BUSINESS

Mr. Flynn again reviewed the JAPC comments and minor changes in the dental records rule 17.002, F.A.C. and following discussion, the following action was taken by the Board:

Motion: by Ms. Sissine to approve rule as edited and that there is not an impact on small business
Second: by Dr. Winker
Vote: unanimous

NEW BUSINESS

Ms. Sissine noted that board members have sensitive/confidential materials at their seating for the board meetings and the audience should be made aware of this and asked to refrain from congregating at the board tables during breaks.

Ms. Sissine also asked for guidance in working with some elderly patients that have a 24 month prescription and the rule states 13 months and then review by the dentist.

ADJOURNMENT

The meeting was adjourned at 12:50 p.m.