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# REGULAR BOARD MEETING

June 4, 2009

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#### **MINUTES**

#### REGULAR BOARD MEETING

June 4, 2009

## 1. Call to Order and Roll Call

Mr. James P. Roy, Chairman, called to order the Regular Meeting of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College in the System Building, Baton Rouge, Louisiana on June 4 2009, at 3:30 p.m.

The secretary called the roll.

#### PRESENT

Mr. James P. Roy
Chairman
Mr. Ronnie R. Anderson
Mr. Anthony G. "Tony" Falterman
Mr. Blake Chatelain
Chairman-Elect
Mrs. Laura A. Leach
Mr. James W. Moore, Jr.

Dr. John F. George Mr. Ben Mount
Mr. Francis M. Gowen, Jr. Mrs. Dorothy "Dottie" Reese
Mr. Stanley J. Jacobs Mr. Jerry E. Shea, Jr.
Mr. Alvin E. Kimble Mr. Scott L. Sternberg

Mr. Roderick K. West

#### **ABSENT**

#### Dr. Jack A. Andonie

Also present for the meeting were the following: President John V. Lombardi; Mr. P. Raymond Lamonica, General Counsel, LSU System; system officers and administrators from their respective campuses; faculty representatives; interested citizens and representatives of the news media.

# 2. <u>Invocation and Pledge of Allegiance</u>

Sharell Bindom gave the invocation. Christopher Feldman led the Pledge of Allegiance. Both students attend LSUHSC-New Orleans.

Chairman Roy recognized Chancellor Larry Hollier, LSUHSC-NO. He introduced:

Catherine N. Lopez, RN, Med, CIC, Assistant Dean for Student Services in the School of Nursing at LSUHSC-New Orleans, has over 34 years of nursing experience. Her past experiences include being the Infection Control Supervisor for East Jefferson General Hospital, Director of Infection Control at MCLNO, and Interim Director of Nursing at Children's Hospital. Catherine received her diploma in Nursing from Touro Infirmary School of Nursing and her Bachelor of Science and Masters in Education from Loyola University in New Orleans.

Christopher Feldmen is currently in Dental School at LSUHSC-New Orleans where he has served as Class President and Student Government President. He received his Bachelors degree in biology from the University of Louisiana at Lafayette. Christopher hopes to earn his Specialty Certificate in Orthodontics after completing Dental School.

Sharell Bindom received her BS from the University of Alabama in Tuscaloosa, majoring in both Chemistry and the Classics. She is currently at LSUHSC-New Orleans as a part of the MD/PhD program. She has received several awards including the APS/NIDDK Minority Travel Fellowship to the Experimental Biology Conference, the Virendra Mahesh Award for Excellence in Endocrinology, and the Mead-Johnson Award for Endocrine Research. Sharell recently completed her PhD and will be joining the medical school class of 2011.

# 3. <u>Introduction of Faculty and Staff Representatives</u>

The faculty and staff representatives from the respective campuses were acknowledged.

#### 4. Oath of Office for the New Student Board Member

Mr. Anthony "Tony" Falterman administered the Oath of Office for Mr. Scott L. Sternberg, new student Board member, Paul M. Hebert Law Center. Scott will serve a one-year term, representing all students within the LSU System.

#### 5. Approval of the Minutes of the Board Meeting held on April 16, 2009

Upon motion of Mr. Moore, seconded by Mr. Chatelain, the Board voted unanimously to approve the Minutes of the Regular Board Meeting of April 16, 2009.

## 6. Personnel Actions and Addendum Requiring Board Approval

Mr. Lamonica, General Counsel, LSU System, advised that Board action is requested for approval of the Personal Actions and Addendum. The executive staff has reviewed these actions and recommends Board approval.

Upon motion of Mr. Falterman, seconded by Mr. Kimble, the Board voted unanimously to approve the Personnel actions and Addendum as presented.

#### 7. President's Report

President Lombardi recognized:

Mr. Scott L. Sternberg, new student Board member, Paul M. Hebert Law Center, reported on the activities of the Council of Student Body Presidents:

Chancellor William Nunez, LSU-Eunice, made several announcements on the success of his athletic programs;

Chancellor Jack Weiss, Paul M. Hebert Law Center, noted that Scott was in one of his classes, and praised him on his election as the new student representativer to the Board; and

According to Chancellor Weiss, Sally Richardson, of the Law Center, was recently honored with the first American Law Institute and American Bar Association Scholarship & Leadership Award. Ms. Richardson graduated summa cum laude in May 2009 from the Law Center.

## 8. Report on Activities of the Board of Regents

Dr. Mike Gargano, Vice-President, Student an Academic Support; Dr. Carolyn Hargrave, Vice-President, Academic Affairs; Mr. John Antolik, Vice-President Administration and Finance; and Mr. Jim Howell, Assistant Vice-President, Property and Facilities, LSU System; provided these informational reports.

Chairman Roy noted that members previously expressed concern with regards to campus enrollments and tuition waivers for LSU A&M campus and requested the Board be furnished a status report.

Dr. Gargano responded that he will provide for the regularly scheduled July and/or August Board meeting the following reports:

- 1. Report on the authority for the LSU A&M campus to waive the admission application fee for selected non-residents;
- 2. Report on the 9-Year campus enrollment trends; and
- 3. Report on the preliminary fall 2009 campus enrollments

#### 9. Reports to the Board

A. Health Plan Status Report (Written Report Only)

## 10. Approval of Consent Agenda Items

Chairman Roy offered the following recommendation:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the Consent Agenda items as submitted

Upon motion of Mr. Falterman, seconded by Mr. Chatelain, the Board voted unanimously to approve the following Consent Agenda resolutions:

10A. Recommendation to authorize a lease between LSU and the Grand Isle Port Commission for a tract of land to be used by the Louisiana Sea Grant College Program's Bivalve Hatchery

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby authorize John V. Lombardi, President of the LSU System, or his designee, to execute the Interagency Lease Agreement with the Grand Isle Port Commission for a certain tract of land specifically described as follows:

In the Town of Grand Isle, Parish of Jefferson, State of Louisiana, Section 28, T22S-R24E, and designated as "Tract O-P-Q-R-O" containing 20,186 square feet, more or less, (Copy of Exhibit "A" on file in the Office of the LSU Board of Supervisors)

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**BE IT FURTHER RESOLVED** that John V. Lombardi, President of the LSU System, or his designee, be and he is hereby authorized by and empowered for and on behalf of and in the name of the Board of Supervisors to include in the Lease Agreement any and all provisions and stipulations that he deems in the best interest of the Board of Supervisors.

10B. <u>Approval of an increase in the total project cost for the Imaging Center at Pennington</u> Biomedical Research Center

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve increasing the total project cost of the Imaging Center at Pennington Biomedical Research Center from \$6,472,000 to \$8,172,000.

10C. Approval of Ultimate Solutions, Inc. as a tenant in the UNO Research & Technology Park

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve Ultimate Solutions, Inc. as a tenant in the University of New Orleans Research and Technology Park.

10D. Recommendation to approve hurricane related repair projects for the Louisiana State University System

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the following Hurricane Gustav related repair projects:

| Project Total Pro |   |                 |  |
|-------------------|---|-----------------|--|
| •                 | LSU A & M – School of Music – Roof and interior repairs   | \$1,155,000     |  |
| •                 | LSU A & M – Chemical Engineering Building – Roof, interior and mechanical system repairs  | \$1,760,000     |  |
| •                 | LSU A & M – Student Recreation Sports Complex – Roof a interior repairs   | and \$1,810,000 |  |
| •                 | LSU HCSD – Chabert Medical Center – Replace exterior wall panels and masonry waterproofing  | \$3,400,000     |  |
| •                 | UNO – Earl K. Long Library – Remove and replace asbesto containing structural fireproofing, ceiling tiles and light fixtures on 1 <sup>st</sup> and 2 <sup>nd</sup> floor | s \$2,000,000   |  |
| •                 | LSU System – System Building – Roof replacement   | \$ 720,000      |  |

**BE IT FURTHER RESOLVED** that individual project cost increases of not more than 20% of the amounts approved in this resolution to accommodate unforeseen conditions are also approved.

10E. Recommendation to approve the Servitude and Agreement for a Buffer Corridor adjacent to the Grant Walker 4H Educational Center in Pollock, Louisiana.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby authorize John V. Lombardi, President of the LSU System, or his designee, to execute a Servitude and Agreement for Buffer Corridor for a land buffer adjacent to the shooting range at the Grant Walker 4H Educational Center in Pollock, Louisiana.

**BE IT FURTHER RESOLVED** that John V. Lombardi, President of the LSU System, or his designee, be and he is hereby authorized by and empowered for and on behalf of and in the name of the Board of Supervisors to include in the Servitude and Agreement for Buffer Corridor any and all provisions and stipulations that he deems in the best interests of the Board of Supervisors.

10F. Recommendation to amend the 2009-2010 Capital Outlay Budget Request and First Year Prioritized Categories to include the Parking Facilities project at Louisiana State University

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College that the 2009-2010 Capital Outlay Budget Request and First Year Prioritized Categories for the Louisiana State University System be amended to add the following project:

Parking Facilities
Louisiana State University
Category – Self-Generating
\$27,425,000 – Revenue Bonds

10G. Recommendation to approve Right of Entry and Servitudes with the US Army Corps of Engineers to raise levees and other flood protection structures at the University of New Orleans

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College that John V. Lombardi, President of the LSU System, or his designee, is authorized and empowered for and on behalf of the Board of Supervisors to execute the necessary documents to grant a Temporary Construction Servitude and Right of Entry to the Orleans Parish Levee District and its assignee, U.S. Army Corps of Engineers, to construct improvements to the levee system surrounding the University of New Orleans campus.

**BE IT FURTHER RESOLVED** that John V. Lombardi, President of the LSU System, or his designee, be and he is hereby authorized and empowered, for and on behalf of and in the name of the Board of Supervisors, to include in said Temporary Construction Servitude and Right of Entry, any and all provisions and stipulations that he deems wise and in the best interests of the Board of Supervisors, to review the drawings and survey for the levee improvements, and to take whatever action, with advice of General Counsel, that may be necessary to consummate this transaction, including but not limited to any and all regulatory approvals.

10H. Request approval for re-authorization of the Life Course and Aging Center at LSU

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College hereby approves the request for reauthorization of the Life and Aging Center at Louisiana State University for a five year period, subject to approval by the Board of Regents.

10I. Request approval of an Exclusive Patent and Know-How License between New Oil Resources, LLC and LSU

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with New Oil Resources, LLC granting New Oil Resources, LLC an exclusive patent and know how license to use the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel. This approval is made contingent upon submission and approval of PM 11 and PM 67 documents.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10J. Request approval of an Exclusive License Agreement between Hole Pluggers, LLC and the LSU Agricultural Center

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Hole Pluggers, LLC granting to Hole Pluggers, LLC an exclusive license to the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10K. Request approval of a Non Exclusive License Agreement between LSU Ag Center and Auburn University

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Auburn University granting to Auburn University a non exclusive license to use the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10L. Request approval of an Exclusive Option Agreement and License Term Sheet between Formulation Ventures, LLC and the LSU Ag Center

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect an option agreement with Formulation Ventures, LLC granting to Formulation Ventures, LLC a time limited option to acquire a license to the subject technology, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel. This approval is made contingent upon submission and approval of PM-11 and PM-67 documents.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10M. Request approval of a Patent and Know-How License between TheraVasc, LLC and the LSUHSC in Shreveport

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with to TheraVasc, LLC, granting to TheraVasc, LLC a license to develop and market products based on certain intellectual property developed and co-owned by LSU, the license agreement to contain such terms and conditions as the President deems to be in the best interests of the University, in a form approved by the Board's General Counsel. This approval is made contingent upon submission and approval of PM-11 and PM-67 documents.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

10N. Request approval of a Non Exclusive License between Fermentus UAB and LSUHSC in Shreveport

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College authorizes President John V. Lombardi, or his designee, to execute all documents necessary to perfect a license agreement with Fermentus, UAB, granting to Fermentus, UAB a license to develop and market products based on certain intellectual property developed and owned by LSU, the license agreement to contain such terms and conditions as the president deems to be in the best interests of the University, in a form approved by the Board's General Counsel.

**BE IT FURTHER RESOLVED** that the President of the LSU System is authorized by the Board to enter into any related or ancillary agreements, contemporaneously or subsequently, that the President deems to be in the best interests of the University after review by appropriate System staff.

# 11. <u>Committee Reports</u>

## 11A. Health Care and Medical Education Committee

Dr. John George Co-Chairman, Health and Medical Education Committee, reported that the Committee met and received the following informational report:

11A1. <u>Status Report on Activities at the LSU Health Sciences Centers and the Health Care</u> Services Division

Dr. Fred Cerise, Vice President for Health Care and Medical Education, Dr. Larry Hollier, Chancellor, LSUHSC-New Orleans; Dr. Barish, Chancellor, LSUHSC-Shreveport; presented these reports. No official Board action is required.

11B. Academic and Student Affairs, Achievement and Distinction Committee

Mrs. Reese, Chair, Academic and Student Affairs, Achievement and Distinction Committee, reported that the Committee recommends that the following resolutions receive Board approval:

Upon motion of Mrs. Reese, seconded by Mr. West, the Board voted unanimously to approve the following resolutions:

11B1. Request approval of a proposal to merge two academic divisions at Louisiana State University at Eunice

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College approves the proposed merger of two academic divisions at Louisiana State University at Eunice, subject to approval by the Board of Regents.

11B2. Request approval of a proposal for consolidation of academic colleges at Louisiana State University in Shreveport

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College recommends approval of the Request for Consolidation of Academic Colleges at LSU in Shreveport, subject to Board of Regents approval.

11B3. Request for full approval of the Louisiana Vaccine Center at the Louisiana State University Health Sciences Center in New Orleans

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College approves the request for full 5-year approval of the Louisiana Vaccine Center at the LSU Health Sciences Center in New Orleans, subject to approval by the Board of Regents.

11B4. Request approval of a proposal to create a Dual Enrollment Program at the University of New Orleans

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College recommends approval of the request to create a dual enrollment program at the University of New Orleans.

11B5. Request approval of a proposal for the Establishment of the Greater New Orleans Center for Information Assurance (GNOCIA) at the University of New Orleans

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College approves the Greater New Orleans Center for Information Assurance, subject to Board of Regents approval.

- 11C. Flagship Committee
- 11C1. Presentation on the proposed realignment of academic units at Louisiana State University (For informational purposes only No action is to be taken)

Mr. Shea, Committee Chairman, recognized Dr. Michael Martin, Chancellor, Louisiana State University.

After receiving Chancellor Martin's report, Mr. Gowen expressed concern with the process in which this matter was handled stating that members of the Board were apprised of the proposed realignment by reading *The Advocate*. He said, "I really believe you need to start over and appoint a Committee that takes care of almost every aspect of the campus and begin this process all over."

Mr. Roy noted that implementation of this reorganization cannot be approved until justification from Dr. Lombardi has been presented to the Board for consideration and approval. Chairman .Roy said, "I just want to get this out there so we all understand."

11D. Finance, Infrastructure, and Core Development Committee

Mr. Kimble, Chairman, Finance, Infrastructure, and Core Development, reported that the Committee received the following recommendation and recommends Board approval.

11D1. Request to restrict self-generated revenue from the LSU Agricultural Center's 4-H Camp Grant Walker Educational Center

Mr. Kimble suggested that the LSU Agricultural Center provide the Board with an annual review showing how these restricted funds are disbursed.

Chancellor Richardson, LSU Agricultural Center, advised that the LSU Agricultural Center would be glad to provide this report.

Upon motion of Mr. Kimble, seconded by Mrs. Reese, the Board unanimously approved the following resolution:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby approve the LSU Agricultural Center to restrict revenues generated at 4-H Camp Grant Walker for the purpose of supporting ongoing and additional operating and programming needs, necessary maintenance, and future capital improvements.

**BE IT FURTHER RESOLVED** that the LSU Agricultural Center provide an annual report to the Board presenting how these restricted funds are disbursed.

11D2. Status Report on the General Appropriations Bill

John Antolik, Asst. Vice President, Comptroller, Finance Administration, LSU System, presented this report. No official Board action is required.

11E. <u>Property and Facilities Committee</u>

Mr. Mount, Chairman, Property and Facilities Committee, reported that the Committee recommends Board approval of the following:

11E1. Recommendation to approve Lease Agreement with the LSU Property Foundation for construction of the University High Gymnasium, Physical Education and Performing Arts addition at Louisiana State University

Upon motion of Mr. Mount, seconded by Mr. Falterman, the Board unanimously voted to approve the following recommendation:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby authorize John V. Lombardi, President of the LSU System, or his designee, to execute a Lease Agreement with LSU Property Foundation for construction of the University High Gymnasium, Physical Education and Performing Arts addition at Louisiana State University.

**BE IT FURTHER RESOLVED** that John V. Lombardi, President of the LSU System, or his designee, be and he is hereby authorized by and empowered for and on behalf of and in the name of the Board of Supervisors to include in the Lease Agreement any and all provisions and stipulations that he deems in the best interests of the Board of Supervisors.

11E2. Approval of the University High Gymnasium, Physical Education and Performing Arts schematic design at Louisiana State University

Upon motion of Mr. Mount, seconded by Mr. Falterman, the Board unanimously voted to approve the following recommendation:

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College does hereby acknowledge that the University High Gymnasium Physical Education and Performing Arts addition, to be constructed at Louisiana State University, is in general compliance with the Campus Design Guidelines and hereby delegates the approval of the detailed plans and specifications to the Assistant Vice President and University Architect or his designee.

11E3. Recommendation to approve Lease Agreement with the Tiger Athletic Foundation for salvage and demolition of facilities at Louisiana State University

Upon motion of Mr. Mount, seconded by Mr. Falterman, the Board unanimously voted to approve the following recommendation:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College that John V. Lombardi, President of the Louisiana State University System, or his designee, is authorized on behalf of and in the name of the Board of Supervisors to execute a Ground Lease Agreement with Tiger Athletic Foundation for the Salvage and Demolition of Facilities at Louisiana State University.

**BE IT FURTHER RESOLVED** that John V. Lombardi, President of the LSU System, or his designee, is hereby authorized by and empowered for and on behalf of and in the name of the Board of Supervisors to include in the Ground Lease Agreement any and all provisions and stipulations that he deems in the best interests of the Board of Supervisors.

11E4. Resolution to extend authorization of the President to nominate land to be leased by the State Mineral Board

Upon motion of Mr. Mount, seconded by Mr. Falterman, the Board unanimously voted to approve the following resolution:

**WHEREAS**, pursuant to the provisions of La. R.S. 30:153, this Board has, by Resolution adopted on August 28, 2008, delegated to its President authority for determining which land owned by the Board should be leased through the state Mineral Board and which should be leased directly by the Board;

**WHEREAS**, the Resolution adopted on August 28, 2008 was effective through June 30, 2009, and the Board desires to extend the effective period of that Resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Louisiana State University and Agricultural & Mechanical College that it does hereby extend until June 30, 2010 the authority granted to its President in its Resolution dated August 28, 2008, subject to the same terms, conditions, and other provisions contained therein.

#### 12. Chairman's Report

Chairman Roy announced that the Audit Committee would meet in the President's Conference Room upon adjournment.

He asked Board members join him in front of the System Building for a group photograph.

#### 13. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:20 p.m.

Carleen N. Smith Administrative Secretary