

Adolphus M. Jackson, DMD
President
T. Gerald Walker, DMD
Vice-President
Douglas Beckham, DMD
Secretary/Treasurer
Stephen R. Stricklin, DMD
Mark R. McIlwain, DMD,
MD
Kevin M. Sims, DMD, MS
Sherry S. Campbell, RDH



J. Matthew Hart, JD
Executive Director
Donna L. Dixon, DMD, MA, JD
Prosecuting Attorney

BOARD OF DENTAL EXAMINERS OF ALABAMA
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MINUTES
BOARD MEETING
April 5-6, 2018

The Board of Dental Examiners of Alabama met Thursday April 5, 2018, at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 6:21 p.m. with the following members in attendance: Dr. Adolphus M. Jackson, President, Dr. Thomas Gerald Walker, Vice-President, Dr. Douglas Beckham, Secretary/Treasurer, Dr. Stephen R. Stricklin, Dr. Mark R. McIlwain, Dr. Kevin M. Sims, and Ms. Sherry Campbell. Also in attendance were Mr. Matt Hart, Esq., Executive Director, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, Mr. Kevin Lane, Paralegal, and Ms. Linda Dlugosz, Administrative Assistant.

The meeting was advertised on the Board's website, www.dentalboard.org, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

The President asked for review of the March 1-2, 2018 minutes. Dr. McIlwain moved to approve the minutes as presented. Dr. Stricklin seconded the motion and it was approved by general consent.

Dr. Beckham presented the Financial Report. Dr. McIlwain said he would like to discuss at the next meeting reconsidering the salaries for some of the Board's staff in order to bring them more in line with those of other state boards and agencies. After discussion of the report, Dr. Sims moved to approve the report as presented. Dr. McIlwain seconded the motion and it was approved by general consent.

There is a large sum of funds in the operating account that Mr. Hart recommended needs to be transferred to the money market account. Dr. Walker moved to transfer \$1.5 million from the Board's operating account to the Board's money market account. Dr. Sims seconded the motion and it was approved by general consent.

The President acknowledged guests and invited any comments. There were no comments.

Dr. Litz presented the ADHP Report.

The April 6th class will be the last class for this year's course. They will be given a thorough review on all subjects to prepare them for the comprehensive exam May 4th. Additionally, Ms.

Campbell will instruct students on taking the CITA exam, which will supplement the presentation given by Ms. Kay Alexander earlier in the year.

Currently there are 156 students, with approximately 20 of the students still in jeopardy of failing the program. Students will sit for their final written exam and jurisprudence exam followed by the pinning ceremony in May.

Graduates will sit for the State Board Exam administered by CITA June 21-23, 2018.

There are about 30 dentists signed up for the April 20th Instructor Certification course in Killen, Alabama. This concluded the report; Dr. Litz left meeting.

Dr. Jackson invited Dr. William Ryals to be interviewed for the ADHP Educational Director position. When the interview was concluded, Dr. Ryals left the meeting.

Mr. Hart presented the Board's External Audit Report for Oct. 1, 2016 – Sept. 30, 2017.

He distributed the auditors' recommendations/findings. The Board's financial position looks good and continues to improve as the Board has focused on efficiency and cost-saving efforts. The auditors did recommend that the Board review and clarify its policies and procedures surrounding the SEP retirement plan, as well as pay close attention to amounts paid to vendors, as two vendors were overpaid in 2016.

Mr. Hart presented a draft letter to licensees regarding the key components of Act 2018-274 which will become effective June 1, 2018. While a majority of the amendments deal with matters to make the Board more efficient in operations, there were two significant changes. The Act abolished the *Expanded Duty Dental Assistant* category of licensing. The Act also allows the Board to create a permit for properly trained dental hygienists to administer infiltration anesthesia injections. This permit will be developed and require training which will be determined. Licensees will be notified when training for this permit will be available. Members reviewed the draft letter and recommended some changes. Mr. Hart will edit the letter and send it to all licensees by email.

Five proposals were received in response to the RFP for IT services. Mr. Hart recommended the proposal submitted by Business Electronics. Their proposal consolidates several services that the Board is currently receiving from different vendors and would result in the Board paying lower fees for these services while also receiving updated equipment. After reviewing the proposal, Dr. McIlwain moved to execute the contract with Business Electronics. Dr. Stricklin seconded the motion and it was approved by general consent.

Ms. Campbell presented the *CRDTS Annual Report on Hygiene Examination Results*. Both Wallace State Community College and Fortis College hygiene graduates sit for the CRDTS Regional Exam.

At 7:33 p.m. the President announced a break: the meeting resumed at 7:47 p.m.

Dr. McIlwain brought up a discussion about the fact that a licensee may not give a patient his/her printed PDMP report although he/she can discuss the report with the patient. Mr. Hart will draft an email containing this and other information about the PDMP for members to review.

Members reviewed a letter from Dr. Harris, State Health Officer, asking the Board to adopt guidelines for risk mitigation when prescribing controlled substances, similar to those already promulgated by the Board of Medical Examiners and as recommended by the Governor's Council on Opioid Overdose and

Addiction. The Board is currently contemplating language for an Administrative Rule to address this request and will review the proposed rule at its next meeting.

Dr. McIlwain moved to begin the Rule making process for the draft Rule 270-X-2.11 *Alabama Uniform Controlled Substances Act* as discussed and recommended by the Legislative Committee. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Dixon will be a presenter at the Eighth District Dental Society Meeting to be held April 20th in Killen, Alabama. She will explain complaint protocol and present several redacted Board cases with her as examples.

Members discussed the *General Anesthesia Facility Permit* the Board has been issuing that permits a facility rather than an individual licensee for the practice of general anesthesia. After much discussion it was agreed that the facility permit will no longer be issued or renewed. A *General Anesthesia Permit* will be required of the facilitating dentist in order to allow an anesthesiologist or other outside medical provider to practice general anesthesia in that facility. The licensed dentist of that facility will be accountable for the drugs kept in the facility, for the monitoring equipment, and for a properly equipped operatory. All clinics currently holding this type of permit will be notified by letter of the new restrictions; and, if needed, Mr. Hart will personally explain the restrictions to any holder of a current facility permit.

Members discussed creating a Rule to require that monitoring/emergency equipment remain stationary at one facility (e.g. not to be brought from any other office/clinic).

Because of a shortage of certain drugs that are often utilized in dental offices providing anesthesia services, Board members recommended that licensees pay close attention to updated and expanded expiration dates for some drugs.

Dr. Walker moved to approve Dental Licensure by Regional Exam based on successful completion of the jurisprudence exam for Emma Moredock, DDS. Dr. Stricklin seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. McIlwain moved to approve Dental Licensure by Credentials based on successful completion of the jurisprudence exam for Joseph Dougherty, DDS. Dr. Sims seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Beckham moved to approve Dental Hygiene by Regional Exam based on successful completion of the jurisprudence exam for Neshia Parmer, RDH, Joanna Ross, RDH, and Kimberly Salmeron, RDH. Dr. Walker seconded the motion and it was approved by general consent.

Dr. Stricklin moved to approve Dental Hygiene Licensure by Credentials based on successful completion of the jurisprudence exam for Lauren Heos, RDH. Dr. Sims seconded the motion and it was approved by general consent.

At 8:47 p.m. Dr. Jackson recessed the meeting until 8:30 a.m. Friday.

MINUTES
BOARD MEETING
Friday April 6, 2018

The Board of Dental Examiners of Alabama met Friday April 6, 2018, at the Board Office in Hoover, Alabama to conduct business.

The President called the meeting to order at 8:37 a.m. with the following members in attendance: Dr. Adolphus M. Jackson, President, Dr. Thomas Gerald Walker, Vice-President, Dr. Douglas Beckham, Secretary/Treasurer, Dr. Stephen R. Stricklin, Dr. Mark R. McIlwain, Dr. Kevin M. Sims, and Ms. Sherry Skinner Campbell, RDH. Also in attendance were Mr. Matt Hart, Esq., Executive Director, Dr. Donna Dixon, Esq., Prosecuting Attorney, Mr. Blake Strickland, Investigator, Mr. Kevin Lane, Paralegal, and Ms. Linda Dlugosz, Administrative Assistant.

The meeting was advertised on the Board's website, www.dentalboard.org, and on the Secretary of State's website, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

Dr. Jackson recognized guests: Dr. Melinda Rowe, Assistant Medical Director at Alabama Medicaid Agency, Dr. John Frerich, Applicant for dental licensure, and Mr. Blaine Galliher, Legislative Representative for the Board.

Mr. Blane Galliher presented the Legislative Report.

He summarized the processes that in passage of SB123. Mr. Galliher updated members on upcoming elections and candidates and answered Members questions on certain issues. When the report was completed Mr. Galliher left the meeting.

Mr. Barry Cambron, Mr. James Whitehood, and Dr. Danny Rush joined the meeting and with Dr. Melinda Rowe, presented a report on *Prescribing Opioids to Adolescents Under the Age of 19*. At the conclusion of the report they answered members' questions and then left the meeting.

At 9:35 a.m. the President announced a break; the meeting resumed at 9:41 a.m.

Members interviewed Dr. John Frerich, applicant for Dental License by Credentials. When the interview was concluded Dr. Frerich left the meeting. Dr. McIlwain moved to table review of his application for licensure until more information could be obtained and assessed. Dr. Sims seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Members interviewed Dr. Alvin (Red) Stevens, Jr. for the ADHP Education Director position. At the conclusion of the interview Dr. Stevens left the meeting. After discussion, Dr. Beckham moved to offer the Education Director for the ADHP position to Dr. Stevens effective June 1st with a salary of \$22,000. Ms. Campbell seconded the motion and it was approved by general consent.

Dr. Sims moved to issue the Respondent of case #2018-11 an emergency suspension of license and notice for a hearing. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. McIlwain moved to notice the Respondent of case #2018-18 for a hearing. Dr. Stricklin seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

At 10:50 a.m. the President announced a break. Dr. Mark Ray McIlwain left the meeting to attend a funeral. The meeting resumed at 11:10 a.m.

Dr. Stricklin moved to notice the Respondent of case #2018-01 for a hearing. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Beckham moved that case #2018-10 has no evidence to sustain. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Stricklin moved to assess an administrative fine of \$500.00 to each of the Respondents of cases of cases #2018-06, 2018-08, and 2018-09. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Ms. Sherry Campbell moved to assess an administrative fine of \$250.00 to the Respondent of case #2018-07. Dr. Walker seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Stricklin moved to amend Consent Order for case #2010-36 to 5 years monitoring starting this date. Dr. Sims seconded the motion and it was approved by general consent with the case team leader abstaining from the vote.

Dr. Sims moved to administratively close case #2016-84, as the case has been presented to the Grand Jury and is being prosecuted through the criminal courts by the District Attorney's Office. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to notice the Respondent of case #2017-77 for a hearing. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Beckham moved to notice the Respondent of case #2017-123 for a hearing. Dr. Sims seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to notice the Respondent of case #2017-112 for a hearing. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to administratively close case #2018-05, as the licensee is now deceased. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Beckham moved that case #2017-115 has no evidence to sustain. Dr. Walker seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Walker moved that case #2018-02 has no evidence to sustain. Dr. Sims seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

At 1:19 p.m. the President announced a break for lunch. The meeting resumed at 1:45 p.m.

Ms. Johnson joined the meeting and presented the ADHP Report.

Currently there are 155 students in the program. The class this coming weekend is the last one for the 2017-18 course.

Graduates will have a pinning ceremony May 5th. After the ceremony they will sit for the comprehensive exam and the jurisprudence exam.

Graduates will sit for the State Board Clinical Exam administered by CITA June 21, 22, and 23.

The next Instructor Certification class will be held April 20th at Turtle Point Yacht & Country Club in Killen, Alabama. So far there are 30-35 dentists registered to attend.

Dr. Stricklin moved to extend Dr. Litz's contract as Educational Director for 2 additional months in order to assist with the transition for the new Director. Dr. Sims seconded the motion and it was approved by general consent. This concluded the report; Ms. Johnson left the meeting.

Dr. Dixon presented the Wellness Committee Report provided by Dr. Garver. The report detailed participants' activities since the last meeting.

Blake Strickland presented the Inspection Site Report.

There are 40 current clinics to be inspected this year plus more to be added by UAB. In June Mr. Strickland will start scheduling process for inspections to be done beginning the first week of October.

Mr. Strickland is also assisting the Anesthesia Committee with inspections for general and parenteral anesthesia permits. This concluded the report.

Mr. Hart presented the Real Estate Committee Report.

He presented information on the top 3 prospective properties. Dr. Stricklin and Dr. Walker plan to visit one of the properties and report back to other members.

Mr. Hart presented the Attorney Report.

He updated members on civil court activities and on specific bills that passed or did not pass in the 2018 Legislative Session and how these affect the Board.

Dr. Stricklin had planned to attend the CITA mid-year meeting but now cannot attend and needs a replacement. Dr. Beckham agreed to attend in his place.

Mr. Hart presented the Executive Director Report.

The Sunset Audit hearing is tentatively set for either Thursday May 17th or Thursday June 21st. Mr. Hart has spoken with the auditors and believes that the Board's report should be favorable this year.

Dr. Beckham moved to approve attendance and out-of-state travel for Mr. Hart to attend the Alabama State Bar Annual Meeting in Sandestin, FL in June. Dr. Stricklin seconded the motion and it was approved by general consent.

This concluded the report.

At 2:25 p.m. Dr. Walker moved to adjourn the meeting. Dr. Beckham seconded the motion and it was approved by general consent.

Respectfully Submitted,

Douglas Beckham, D.M.A.

Dr. Douglas Beckham, Secretary/Treasurer

Approved: May 3, 2018

Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
February 2018

Feb 2018 for April 2018 Meeting
Balance as of 2/28/2018
Checking: \$1,798,916.48
MM: \$301,696.35

	<u>Feb 18</u>	<u>Budget</u>	<u>Oct '17 - Feb 18</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
501 · Annual Dental Registration	1,000.00		491,000.00	515,000.00	515,000.00
502 · Annual Hygiene Registration	195.00		268,905.00	282,945.00	282,945.00
503 · Controlled Substance Fee	385.00		235,190.00	243,225.00	243,225.00
504 · Annual Teaching Permits	0.00		4,800.00	6,000.00	6,000.00
505 · ADHP Certification	4,050.00	0.00	5,700.00	0.00	12,000.00
507 · Drug Log Books	0.00		0.00	0.00	0.00
508 · ADHP	4,050.00	0.00	4,050.00	0.00	95,000.00
509 · Dental Exam Fee	300.00	666.67	1,400.00	3,333.35	8,000.00
510 · Original License Fee	125.00	322.92	675.00	1,614.60	3,875.00
511 · Licenses Reprint Fee	50.00	166.67	275.00	833.35	2,000.00
512 · Dental Hygiene Exam Fee	400.00	1,250.00	2,600.00	6,250.00	15,000.00
513 · Directory Fee	0.00		0.00	0.00	0.00
515 · Penalty Fee	800.00	2,020.83	4,300.00	10,104.19	24,250.00
516 · Privilege License Money	0.00	0.00	0.00	0.00	20,000.00
517 · Interest Inc - checking	4.62	16.67	24.96	83.35	200.00
518 · Parental Sedation Permit Fee	-200.00	916.67	10,200.00	4,583.35	11,000.00
519 · Anesthesia Permit	0.00	2,500.00	27,800.00	12,500.00	30,000.00
521 · Other Income	0.00	41.67	125.00	208.35	500.00
525 · Dent Hyg Bd Appl	0.00	625.00	0.00	3,125.00	7,500.00
526 · ADHP Materials	1,950.00	0.00	1,950.00	0.00	45,000.00
527-1 · Administrative Costs	0.00	416.67	0.00	2,083.35	5,000.00
527-3 · Administrative Fines	0.00		550.00		
527 · Disciplinary Fines (Prior)	11,388.58		85,142.90		
528 · Initial Anesthesia Evaluation	900.00	1,500.00	6,300.00	7,500.00	18,000.00
529 · OCS Annual Reg. Fee	0.00		19,300.00	20,025.00	20,025.00
530 · Licensure By Credentials	8,000.00	4,166.67	25,000.00	20,833.35	50,000.00
531 · RETURNED CHECK CHARGES	0.00	41.67	90.00	208.35	500.00
532 · OCS Initial App. Fee	300.00	83.33	1,000.00	416.69	1,000.00
533 · Dental Lic. Bd Exam Application	600.00	1,333.33	2,800.00	6,666.69	16,000.00
540 · Special Purpose Dental Lic Fee	0.00	100.00	450.00	500.00	1,200.00

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545 - Special Purpose Hygiene Lic Fee	195.00	100.00	195.00	500.00	1,200.00
617 - MDF Permits	500.00	541.67	5,500.00	2,708.35	6,500.00
800 - 800-OVERPAYMENTS	0.00		65.00		
Total Income	<u>34,993.20</u>	<u>16,810.44</u>	<u>1,205,387.86</u>	<u>1,151,247.32</u>	<u>1,440,920.00</u>
Gross Profit	34,993.20	16,810.44	1,205,387.86	1,151,247.32	1,440,920.00
Expense					
0100-0 - Personnel Costs	42,436.63	41,916.67	211,324.63	209,583.35	503,000.00
0114-0 - Board Member Compensation	11,575.00	8,333.33	38,675.00	41,666.69	100,000.00
0198-0 - Bonus	0.00		3,200.00	3,200.00	3,200.00
0201-0 - Payroll Expenses	4,141.64	3,750.00	19,410.24	18,750.00	45,000.00
0202-0 - Pension Plan	0.00	50,000.00	0.00	50,000.00	50,000.00
0203-0 - Medical Insurance	8,320.70	7,133.33	40,425.19	35,666.69	85,600.00
0204-0 - Workman Comp. Ins.	0.00	0.00	0.00	0.00	5,200.00
0205 - Unemployment Fees	0.00	41.67	0.00	208.35	500.00
0300-0 - Travel - In-State	1,543.49	2,250.00	6,560.37	11,250.00	27,000.00
0400-0 - Travel - Out-of-State	2,357.44	2,250.00	13,682.60	11,250.00	27,000.00
0500-0 - Repairs & Maintenance	295.00	250.00	1,387.60	1,250.00	3,000.00
0600-1 - Rentals & Leases/Offsite Meetin	0.00	83.33	0.00	416.69	1,000.00
0602-1 - Rent on Building	8,377.87	8,377.92	41,889.35	41,889.60	100,535.00
0700-0 - Utilities & Communications					
0700-1 - Utilities - Telephone	674.31	708.33	3,620.02	3,541.69	8,500.00
0700-2 - Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00
0700-3 - Utilities - Power	1,220.83	708.33	3,710.95	3,541.69	8,500.00
0700-4 - Utilities - Internet	375.00	375.00	1,875.00	1,875.00	4,500.00
Total 0700-0 - Utilities & Communications	<u>2,270.14</u>	<u>1,791.66</u>	<u>9,205.97</u>	<u>8,958.38</u>	<u>21,500.00</u>
0800-0 - Professional Services	12,944.16	13,333.33	77,458.84	66,666.65	160,000.00
0800-1 - Membership Dues & Subscriptions	410.00	1,500.00	5,058.18	7,500.00	18,000.00
0801-0 - Board Attorney Fees	0.00	2,083.33	0.00	10,416.69	25,000.00
0840-0 - CONSULTANTS	5,000.00	5,000.00	25,000.00	25,000.00	60,000.00
0899-1 - Evaluator Fees	0.00	833.33	3,681.32	4,166.69	10,000.00
0899-2 - Hearing Officer Fees	0.00	416.67	216.00	2,083.35	5,000.00
0899-5 - Website	0.00		674.98		

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0899-6 · A.D.H.P. Materials & Supplies	0.00	333.33	0.00	1,666.69	4,000.00
0900-0 · Office Expense	264.81	1,166.67	3,801.04	5,833.35	14,000.00
0900-1 · Recycle / Paper Disposal	0.00	50.00	215.90	250.00	600.00
0902-0 · NPDB HIPDB License Background	0.00	25.00	44.00	125.00	300.00
0906-0 · Printing & Supplies	0.00	83.33	300.00	416.69	1,000.00
0910-0 · Postage	50.00	583.33	6,117.41	2,916.69	7,000.00
0924-0 · Insurance	0.00	0.00	8,459.00	0.00	10,000.00
0944 · Computer Expenses					
0944-0 · Computer Updates	0.00	1,666.67	710.20	8,333.35	20,000.00
0944-1 · Computer Support	165.14	5,833.33	8,382.53	29,166.69	70,000.00
0944 · Computer Expenses - Other	0.00		125,680.00		
Total 0944 · Computer Expenses	<u>165.14</u>	<u>7,500.00</u>	<u>134,772.73</u>	<u>37,500.04</u>	<u>90,000.00</u>
0950-0 · Penalty	0.00		25.00		
0951-0 · NSF	165.00	8.33	165.00	41.69	100.00
0999-0 · MISC.	246.38	125.00	637.84	625.00	1,500.00
1000-0 · Auto Expense	0.00		0.00	0.00	0.00
1000-1 · Vehicle Repairs & Maint.	274.89	73.75	1,474.51	368.75	885.00
1000-2 · Vehicle Fuel	264.13	250.00	1,221.08	1,250.00	3,000.00
1400-0 · Equipment					
0600-3 · Equipment Rental/Lease	694.71	1,250.00	4,649.23	6,250.00	15,000.00
Total 1400-0 · Equipment	<u>694.71</u>	<u>1,250.00</u>	<u>4,649.23</u>	<u>6,250.00</u>	<u>15,000.00</u>
6950 · Bank & CC Service Fees	1,458.81	3,583.33	43,124.30	17,916.69	43,000.00
Total Expense	<u>103,255.94</u>	<u>164,376.64</u>	<u>702,857.31</u>	<u>625,083.72</u>	<u>1,440,920.00</u>
Net Ordinary Income	<u>-68,262.74</u>	<u>-147,566.20</u>	<u>502,530.55</u>	<u>526,163.60</u>	<u>0.00</u>
Other Income/Expense					
Other Income					
524 · NSF Checks	0.00		715.00		
527-2 · ADPWC - Monitoring Fee	0.00		6,105.00		
Total Other Income	<u>0.00</u>		<u>6,820.00</u>		
Net Other Income	<u>0.00</u>		<u>6,820.00</u>		
Net Income	<u><u>-68,262.74</u></u>	<u><u>-147,566.20</u></u>	<u><u>509,350.55</u></u>	<u><u>526,163.60</u></u>	<u><u>0.00</u></u>