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Douglas Beckham, DMD
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Kevin M. Sims, DMD, MS
Bruce E. Cunningham, DMD
Sherry S. Campbell, RDH



Bradley W. Edmonds, JD, MBA, MS
Executive Director

Donna L. Dixon, DMD, MA, JD
Prosecuting Attorney

BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES BOARD MEETING October 3-4, 2019, 2019

The Board of Dental Examiners of Alabama met Thursday, October 3, 2019, at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 6:05 p.m. with the following members in attendance: Dr. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice President; Dr. Mark McIlwain, Secretary/Treasurer, Dr. Adolphus M. Jackson; Dr. Kevin M. Sims; Dr. Bruce E. Cunningham; and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director; Dr. Donna L. Dixon, Esq., Prosecuting Counsel; Kevin Lane, Compliance Director; Blake Strickland, Investigator; Sonya Lankford, Business Manager; and Linda Dlugosz, Licensing Clerk.

The President determined that a quorum was present; Counsel orally confirmed.

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 called for review of the minutes. Dr. Cunningham moved to approve the minutes as presented. Dr. Jackson second the motion and it was approved by general consent.

Dr. McIlwain presented the Financial Report. There were no objections to the report.

The President recognized guests: Dr. Marshall Williams; Dr. Studstill, ALDA; and Mr. Mike Campbell.

The President invited Dr. Studstill to address the Board.

He reported on new data that shows that 20-30% of the UAB SOD graduates set up practice out of state.

Dr. Studstill presented a plaque to Dr. Walker on behalf of ALDA in honor of Dr. Walker's 5 years of service to the Board. Dr. Jackson, who is also rotating off the board, was given a plaque October 2018 by ALDA as he retired from the office of President. This concluded Dr. Studstill's presentation.

Dr. McIlwain paid tribute to Dr. Jackson and to Dr. Walker; related stories of their past relationships; and presented each with a departing gift in thanks for their service to the Board.

After reviewing Dr. J. Frank Campbell's request to reinstate his dental license without penalty, Dr. Cunningham moved to approve reinstatement of Dr. Campbell's dental license based on receiving the required documents and payment. Dr. McIlwain seconded the motion and it was approved by general consent.

Mr. Edmonds presented new PDMP opioid prescribing data broken down by patient age. The data show that dentists prescribe fewer days' supply, and at about the same MMEs, as against many other specialties.

Dr. Sims moved to approve Dental License based on successful completion of the jurisprudence exam for Lori Wilson, DDS, and Cassandra Winterrowd, DMD. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Jackson moved to approve Dental License based on successful completion of the jurisprudence exam for Steven Miner, DMD. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Jackson moved to approve Dental Hygiene License based on successful completion of the jurisprudence exam for Mackenzie Guest, RDH. Ms. Campbell seconded the motion and it was approved by general consent.

Ms. Campbell moved to approve Dental Hygiene License based on successful completion of the jurisprudence exam for Nyeshia Strickland, RDH. Dr. Jackson seconded the motion and it was approved by general consent.

Dr. Cunningham moved to approve Infiltration/Anesthesia Permit for Tina Maples, RDH. Dr. Beckham seconded the motion and it was approved by general consent.

Mr. Strickland presented the inspection report.

Mr. Strickland completed a total of 36 inspections of clinics around the state participating in the UAB SEARCH program, the UAB Community Collaboration program, and The Foundry program. There are 3-4 additional clinics that will be inspected prior to the end of the year due to renovations or relocations of the clinics. Mr. Strickland was assisted during this process by Board Member, Sherry Campbell, RDH, as well as Dr. Donna Dixon.

At 7:27 p.m. the President called a break; the meeting resumed at 7:45 p.m.

Mr. Edmonds presented the Executive Director Report.

The Legislative Committee will consider some amendments to Rules at the November meeting.

Meeting dates for year 2020 have been posted on the State's Open Meetings webpage and on the Board's website.

Mr. Edmonds confirmed that the Board does have the authority to require an ADHP dentist/instructor to teach everything that is needed for a student to pass the course and the exams.

The contract for CITA to administer the clinical exam to ADHP graduates has been signed and is in place for the next 2 years.

Because of complaints from licensees about the credit/debit card fees on license and permit renewals, Mr. Edmonds will research whether the Board's database can accept alternative types of payments.

Gina Latham, RDH, ADHP Coordinator, came on board Tuesday October 1.

Five new laptops with Windows 10 will be required for staff by January 1, 2020 because Microsoft will no longer support Windows 7. The Board office will also require a new server. The licensing database, iGOV, is completely online and does not require a server.

Mr. Edmonds asked members to send their articles for this year's Newsletter. It is slated to be published this November.

Because of particular circumstances, Dr. Cunningham moved to refund a license application fee to Dr. Nicholas LaFeber. Dr. McIlwain seconded the motion and it was approved by general consent.

Dr. Cunningham moved to approve out-of-state travel for Dr. Jackson to attend the AADB Conference in Las Vegas in October, supported by the following excerpt from Code of Alabama 1975 § 34-9-41:

The board is authorized to expend such funds as shall be necessary to enforce the provisions of this chapter; to pay salaries, expenses and other costs herein provided; to promote the arts and science of dentistry; and for such other purposes as the board shall consider to be in the best interest of dentistry in this state.

Dr. McIlwain seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, abstain, Dr. McIlwain, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Ms. Campbell, nay. The motion carried. This concluded the Report.

Dr. Dixon presented the Wellness Report provided by Dr. Garver.

The report detailed actions of participants in the past month. Ms. Campbell moved to allow Sierra Allen, RDH to continue in her active license status. Dr. Sims seconded the motion and it was approved by general consent. This concluded the report.

Mr. Edmonds presented the Attorney Report. He updated members on the status of ongoing litigation.

At 8:16 p.m. the President recessed the meeting until 8:30 a.m. Friday.

MINUTES
BOARD MEETING
Friday October 4, 2019

The Board of Dental Examiners of Alabama met Friday October 4, 2019 at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 8:38 a.m. with the following members in attendance: Dr. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice President, Dr. Mark McIlwain, Secretary/Treasurer; Dr. Adolphus M. Jackson; Dr. Kevin M. Sims; Dr. Bruce E. Cunningham; and Sherry Skinner Campbell, RDH. Also in attendance were Brad W. Edmonds, Esq., Executive Director; Dr. Donna L. Dixon, Esq., Prosecuting Counsel; Kevin Lane, Compliance Director; Blake Strickland, Investigator; Sonya Lankford, Business Manager; Linda Dlugosz, Licensing Clerk; and Board Member-Elect Dr. Marshall Williams.

The President determined that a quorum was present; Counsel orally confirmed.

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.

Members are invited to attend the CODA accreditation on-site visits at Fortis Institute in Birmingham on April 29-30, and at Coastal Community College in Bay Minette on June 25-26. Ms. Campbell will attend the site visit at Fortis.

Members reviewed Dr. Sitz's request to reinstate his state controlled substance permit. After discussion, Dr. McIlwain moved to reinstate Dr. Sitz's state controlled substance permit subject to the terms in his Consent Order executed September 2017. Dr. McIlwain amended his motion to add that Dr. Sitz will write the prescriptions in triplicate and forward a copy to Dr. Garver for an additional 2 years. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

At 8:53 a.m. Dr. Alvin "Red" Stevens joined the meeting.

Dr. Cunningham moved that case #2019-76 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.

Dr. Sims moved to dismiss case #2018-79. Dr. McIlwain 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 that case #2019-75 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.

Dr. McIlwain moved that case #2019-66 has no evidence to sustain. 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 that case #2019-87 has no evidence to sustain. 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. Cunningham moved that case #2019-60 has no evidence to sustain. Dr. Jackson 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 #2019-54 for a hearing. Dr. Jackson seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Jackson moved that case #2019-59 has no evidence to sustain. 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. Cunningham moved to notice the Respondent of case #2019-65 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 notice the Respondents of cases #2019-70 and #2019-71 for a hearing. Dr. Cunningham seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. Walker, yea, Dr. Sims, yea, Dr. Beckham, abstain. The motion carried with the case team leader and hygiene member abstaining from the vote.

Dr. Sims moved to notice the Respondents of cases #2019-80 and #2019-81 for a hearing. Dr. Cunningham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

Dr. Cunningham moved to notice the Respondent of case #2019-84 for a hearing. Dr. Jackson 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 that case #2019-62 has no evidence to sustain. Dr. Beckham seconded the motion and it was approved by general consent with the case team leader and hygiene member abstaining from the vote.

At 9:14 a.m. Dr. Finest Taylor joined the meeting as a guest.

Ms. Lankford read emailed Board member election results from Election America: Dr. Roberto Pischek received 479 votes and has won the election for Board member, to serve 2019-2024.

At 9:44 a.m. the President announced a break; the meeting resumed at 10:02 a.m.

The President invited Dr. Red Stevens to present the ADHP report.

In answer to members' questions about needing to attend ADHP classes, Dr. Stevens said they are welcome but it is not necessary. After concluding the report, Dr. Stevens left the meeting.

Dr. Cunningham moved to ratify the 2% cost of living allowance indicated by the State of Alabama for all Board employees. Ms. Campbell seconded the motion and it was approved by general consent.

At 10:34 a.m. Dr. Sims moved to enter Executive Session to discuss matters of impending Litigation and to return to regular session at 10:55 a.m. Dr. McIlwain seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. McIlwain, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Ms. Campbell, yea. The motion carried. At 10:51 a.m. the Board retired from Executive Session and returned to Public Session.

At 10:52 a.m. Mrs. Flora Williams joined the meeting as a guest.

After discussion, Dr. Bruce Cunningham moved to deny Dr. Lauton Johnson's request to terminate his monitoring. Dr. McIlwain seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Consideration of Dr. Leah Divito's application for a Special Purpose License was postponed until the November meeting.

Dr. Jackson gave his farewell remarks to the Board. He said he had no idea what he was getting into before becoming a member but he has learned so much in the past 5 years serving the Board. His leaving as a member is bitter sweet; he will miss all the members as well as the staff.

Dr. Walker gave his farewell remarks to the Board. He said he has seen the board transition into an effective agency that he feels comfortable turning over to new officers and new members. He also said it has been a privilege and an honor to have been a member and has appreciated all the help from staff.

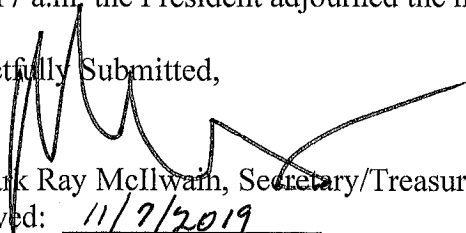
The Executive Committee offered their choice of officers for 2019-2020 Board year: Dr. McIlwain, President; Ms. Campbell, Vice President; Dr. Sims, Secretary/Treasurer. Dr. Cunningham moved to approve the Committee's nominations. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Walker administered the Board Member Oath to Dr. Marshall Williams assisted by Mrs. Flora Williams who attached his official Board pin. All members and staff applauded and congratulated Dr. Williams.

Dr. McIlwain presented a memo on new protocol for board meetings and for the Executive Director. He asked members to review his list of organizational points and bring their recommendations and ideas to the November meeting.

At 11:17 a.m. the President adjourned the meeting

Respectfully Submitted,


Dr. Mark Ray McIlwain, Secretary/Treasurer

Approved: 11/7/2019

Submitted by: Linda Dlugosz

BOARD OF DENTAL EXAMINERS OF ALABAMA
Profit & Loss Budget Performance
August 2019

Aug 2019 for Oct 2019
Balance as of 8/31/2019
Checking: \$456,830.38
MM: \$391,443.85

	<u>Aug 19</u>	<u>Budget</u>	<u>Oct '18 - Aug 19</u>	<u>YTD Budget</u>	<u>Annual Budget</u>	<u>Variance</u>
Ordinary Income/Expense						
Income						
317 · Def. Revenue MDF Permit	0.00		0.00	0.00	0.00	
501 · Annual Dental Registration	1,550.00	0.00	496,235.00	515,800.00	515,800.00	
502 · Annual Hygiene Registration	65.00	0.00	276,579.58	285,220.00	285,220.00	
503 · Controlled Substance Fee	1,125.00	0.00	215,230.00	246,000.00	246,000.00	
504 · Annual Teaching Permits	0.00	0.00	4,550.00	6,000.00	6,000.00	
505 · ADHP Certification	150.00	0.00	11,100.00	12,000.00	12,000.00	
508 · ADHP	-675.00	0.00	125,175.00	135,000.00	135,000.00	
509 · Dental Exam Fee	300.00	750.00	9,900.00	8,250.00	9,000.00	
510 · Original License Fee	150.00	322.92	4,100.00	3,552.12	3,875.00	
511 · Licenses Reprint Fee	50.00	83.33	775.00	916.63	1,000.00	
512 · Dental Hygiene Exam Fee	675.00	1,250.00	14,400.00	13,750.00	15,000.00	
515 · Penalty Fee	600.00	583.33	8,450.00	6,416.63	7,000.00	
516 · Privilege License Money	0.00	0.00	19,263.82	20,000.00	20,000.00	
517 · Interest Inc - checking	6.65	16.67	173.85	183.37	200.00	
518 · Parental Sedation Permit Fee	1,200.00	916.67	15,600.00	10,083.37	11,000.00	
519 · Anesthesia Permit	0.00	2,500.00	31,200.00	27,500.00	30,000.00	
521 · Other Income	47,211.50	41.67	47,211.50	458.37	500.00	
525 · Dent Hyg Bd Appl	0.00	625.00	8,100.00	6,875.00	7,500.00	
526 · ADHP Materials	-325.00	0.00	60,450.00	65,000.00	65,000.00	
527-1 · Administrative Costs	2,000.00	416.67	26,254.58	4,583.37	5,000.00	
527-3 · Administrative Fines	0.00	0.00	1,160.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	3,500.00	0.00	108,318.20	0.00	0.00	
528 · Initial Anesthesia Evaluation	3,600.00	2,083.33	39,800.00	22,916.63	25,000.00	
529 · OCS Annual Reg. Fee	200.00	0.00	15,700.00	20,025.00	20,025.00	
530 · Licensure By Credentials	2,200.00	4,166.67	66,375.00	45,833.37	50,000.00	
531 · RETURNED CHECK CHARGES	0.00	41.67	1,455.00	458.37	500.00	
532 · OCS Initial App. Fee	0.00	83.30	0.00	916.70	1,000.00	
533 · Dental Lic. Bd Exam Application	1,125.00	1,500.00	27,525.00	16,500.00	18,000.00	
540 · Special Purpose Dental Lic Fee	0.00	83.33	0.00	916.63	1,000.00	
545 · Special Purpose Hygiene Lic Fee	0.00	41.67	1,095.00	458.37	500.00	

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617 · MDF Permits	0.00	541.67	5,750.00	5,958.37	6,500.00	
620 · Hygiene Infiltration Permit	0.00		8,800.00			
800 · 800-OVERPAYMENTS	0.00		0.00	0.00	0.00	
Total Income	<u>64,708.15</u>	<u>16,047.90</u>	<u>1,650,726.53</u>	<u>1,481,572.30</u>	<u>1,497,620.00</u>	
Gross Profit	64,708.15	16,047.90	1,650,726.53	1,481,572.30	1,497,620.00	
Expense						
0100-0 · Personnel Costs	46,277.94	42,500.00	509,057.34	467,500.00	510,000.00	Continuous
0114-0 · Board Member Compensation	10,550.00	8,333.33	78,300.00	91,666.63	100,000.00	ADHP Hiring
0198-0 · Bonus	0.00	0.00	3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	4,353.20	4,000.00	47,612.23	44,000.00	48,000.00	Continuous
0202-0 · Pension Plan	0.00	0.00	159,819.02	75,000.00	75,000.00	
0203-0 · Medical Insurance	7,906.72	7,500.00	76,916.00	82,500.00	90,000.00	Continuous
0204-0 · Workman Comp. Ins.	0.00	0.00	5,814.00	6,600.00	6,600.00	
0205 · Unemployment Fees	0.00		0.00	0.00	0.00	
0300-0 · Travel - In-State	2,216.88	2,083.30	18,995.67	22,916.70	25,000.00	
0400-0 · Travel - Out-of-State	0.00	2,333.33	17,139.76	25,666.63	28,000.00	
0500-0 · Repairs & Maintenance	6,122.29	425.00	20,612.33	4,675.00	5,100.00	Flooring/Pest
0600-1 · Rentals & Leases/Offsite Meetin	0.00	87.50	212.50	962.50	1,050.00	
0600-2 · NEW OFFICE SPACE	250.00	2,083.30	1,070,299.80	22,916.70	25,000.00	
0602-1 · Rent on Building	0.00	8,700.00	80,493.93	95,700.00	104,400.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	0.00	708.30	6,026.74	7,791.70	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00	
0700-3 · Utilities - Power	1,111.15	708.30	10,736.91	7,791.70	8,500.00	Continuous
0700-4 · Utilities - Internet	483.98	375.00	5,021.43	4,125.00	4,500.00	Continuous
0700-5 · Utilities - Water/Sewer	387.29		2,030.92			
Total 0700-0 · Utilities & Communications	<u>1,982.42</u>	<u>1,791.60</u>	<u>23,816.00</u>	<u>19,708.40</u>	<u>21,500.00</u>	
0800-0 · Professional Services	9,023.75	15,416.67	153,612.55	169,583.37	185,000.00	
0800-1 · Membership Dues & Subscriptions	1,694.00	1,333.30	15,324.50	14,666.70	16,000.00	AADB
0801-0 · Board Attorney Fees						
0801-1 · Attorney General's Office	0.00		4,770.61			
0801-0 · Board Attorney Fees - Other	0.00	1,250.00	47,211.50	13,750.00	15,000.00	

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Total 0801-0 - Board Attorney Fees	0.00	1,250.00	51,982.11	13,750.00	15,000.00	
0840-0 - CONSULTANTS	6,000.00	6,000.00	66,000.00	66,000.00	72,000.00	
0899-1 - Evaluator Fees	900.00	1,000.00	9,250.00	11,000.00	12,000.00	
0899-2 - Hearing Officer Fees	0.00	166.67	4,104.00	1,833.37	2,000.00	
0899-5 - Website	0.00		0.00	0.00	0.00	
0899-6 - A.D.H.P. Materials & Supplies	500.00	250.00	2,240.73	2,750.00	3,000.00	
0900-0 - Office Expense	2,501.22	1,125.00	14,661.11	12,375.00	13,500.00	Case Work
0900-1 - Recycle / Paper Disposal	50.00	50.00	500.00	550.00	600.00	
0902-0 - NPDB HIPDB License Background	0.00	16.67	214.00	183.37	200.00	
0906-0 - Printing & Supplies	346.43	166.67	1,523.81	1,833.37	2,000.00	Copier Usage
0910-0 - Postage	0.00	583.30	5,137.73	6,416.70	7,000.00	
0924-0 - Insurance	0.00	0.00	10,278.00	0.00	9,000.00	
0944 - Computer Expenses						
0944-0 - Computer Updates	0.00	1,500.00	2,690.65	16,500.00	18,000.00	
0944-1 - Computer Support	408.00	5,833.30	20,937.90	64,166.70	70,000.00	
0944 - Computer Expenses - Other	888.00	0.00	11,957.48	0.00	0.00	
Total 0944 - Computer Expenses	1,296.00	7,333.30	35,586.03	80,666.70	88,000.00	
0950-0 - Penalty	0.00		0.00	0.00	0.00	
0951-0 - NSF	0.00	8.30	2,944.00	91.70	100.00	
0999-0 - MISC.	139.67	83.30	1,504.74	916.70	1,000.00	
1000-1 - Vehicle Repairs & Maint.	55.36	83.30	282.89	916.70	1,000.00	
1000-2 - Vehicle Fuel	380.02	250.00	3,183.25	2,750.00	3,000.00	
1400-0 - Equipment						
0600-3 - Equipment Rental/Lease	0.00	1,860.00	6,790.71	20,460.00	22,320.00	
1400-0 - Equipment - Other	1,852.94	0.00	18,926.88	0.00	0.00	
Total 1400-0 - Equipment	1,852.94	1,860.00	25,717.59	20,460.00	22,320.00	
6950 - Bank & CC Service Fees	183.02	170.80	1,896.03	1,879.20	2,050.00	
Total Expense	<u>104,581.86</u>	<u>116,984.64</u>	<u>2,518,231.65</u>	<u>1,371,635.44</u>	<u>1,497,620.00</u>	
Net Ordinary Income	-39,873.71	-100,936.74	-867,505.12	109,936.86	0.00	
Other Income/Expense						
Other Income						
524 - NSF Checks	0.00	0.00	0.00	0.00	0.00	

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527-2 · ADPWC - Monitoring Fee
 Total Other Income
 Net Other Income
 Net Income

Aug 19	Budget	Oct '18 - Aug 19	YTD Budget	Annual Budget	Variance
1,960.00	0.00	9,383.32	0.00	0.00	
1,960.00	0.00	9,383.32	0.00	0.00	
1,960.00	0.00	9,383.32	0.00	0.00	
-37,913.71	-100,936.74	-858,121.80	109,936.86	0.00	