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BOARD OF DENTAL EXAMINERS OF ALABAMA

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MINUTES BOARD MEETING September 12-13, 2019

The Board of Dental Examiners of Alabama met Thursday, September 12, 2019, at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 6:00 p.m. with the following members in attendance: Dr. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice President; 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; Dr. Mike Garver, Chairman, Wellness Committee; 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 asked for review of the minutes from the August meeting. A few errors were noted. Dr. Cunningham moved to approve the minutes with corrections. Ms. Sherry Campbell seconded the motion and it was approved by general consent.

The President recognized guests Dr. Mike Koslin, Dr. Rachel Smoot, and Dr. Marshall Williams.

Members interviewed Dr. Rachel Smoot for initial dental licensing. When the interview was complete Dr. Smoot left the meeting.

Dr. Koslin discussed Dr. Anthony Caputo's application for a GA application. Dr. Cunningham moved to deny the general anesthesia permit for Dr. Caputo. Dr. Sims seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Dr. Garver presented the Wellness Report. He updated members on activities of participants during the past month. This concluded the report.

At 6:54 p.m. Dr. Cunningham moved to enter Executive Session for the discussion of the general reputation, character, and/or professional competence of licensees and return to public session at 7:00 p.m. Ms. Sherry Campbell seconded the motion and the President called for the vote: Dr. Jackson, yea, Dr. Cunningham, yea,

Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Ms. Campbell, yea. The motion carried. The Board retired from Executive Session at 7:16 p.m. The President announced a break; the meeting resumed at 7:27 p.m.

Members discussed and voted on topics that were brought to the Legislative Committee meeting.

Regarding increasing allowable CE credit for charitable dental or hygiene practice, Dr. Cunningham moved that Rule 270-X-4.04, *Mandatory CEs for Dentists and Dental Hygienists*, remain as it currently is – one hour credit for every 4 hours served. Dr. Sims seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, nay, Dr. Sims, yea, Ms. Campbell, nay, Dr. Walker, nay, Dr. Beckham, nay. The motion failed. Dr. Jackson moved to amend the Rule to allow 2 credit hours for every 4 hours served. Dr. Beckham seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Ms. Campbell, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea. The motion carried. The Rule making process will be started at a future date.

Dr. Cunningham moved to approve amendments to Rule 270-X-2.01 *Education Requirements for Examination – Dentists*, and Rule 270-X-2.19 *Licensure by Credentials*, as discussed at the Legislative Committee Meeting. Dr. Jackson seconded the motion and it was approved by general consent. The Rule making process will be started at a future date.

Dr. Beckham moved to approve Board Opinion: *Pursuant to Ala. Code (1975), § 34-9-15.1(a), the signature or other identifying mark on a medical record must be sufficient to identify the dentist to any other party, and the dentist's name or other unique identifier must be on all electronic records.* Ms. Campbell seconded the motion and it was approved by general consent. This opinion will be added to *Frequently Asked Questions* posted on the Board's website.

Dr. Walker presented the Financial Report in the absence of Dr. McIlwain. There were no objections to the report.

Members considered request for CE waiver by Emily Harbin, RDH. Dr. Jackson moved to deny her request but asked that she be given suggestions for acquiring her required CEs before September 30. Dr. Beckham seconded the motion and it was approved by general consent.

Members considered request for CE waiver by Dr. William Powell, III. Dr. Cunningham moved to deny his request. Dr. Sims seconded the motion and it was approved by general consent.

Mr. Strickland presented the Inspection Report.

He distributed the schedule for clinic inspections and invited members to join him on any inspections in their area. His inspections cover all clinics that will have non-licensees practicing dentistry on the public and supervised by licensees, primarily from UAB. Mr. Strickland updated members on changes at UAB clinics. This concluded the report.

Dr. Beckham moved to approve Dental Licensure for Dr. Gary Meckler, and Dr. Shelley Sigur, DDS. Dr. Sims 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 Licensure for Gina Smith, RDH, Debra Aldrich, RDH, Jeri Alley, RDH, Mollie George, RDH, and Allison Yancey, RDH. Ms. Sherry Campbell seconded the motion and it was approved by general consent.

Dr. Sims moved to approve Dental Licensure for Dr. Christopher Seese. Dr. Cunningham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Ms. Sherry Campbell moved to approve Dental Hygiene Licensure by Exam Administered by CITA for the following applicants. Dr. Sims seconded the motion and it was approved by general consent.

Barnes, Leah
Forbes, Heather
Foxworth, Morgan
Garrett, Haley
Garrett, Shelby
Hall, Danyelle
Keith, Brittany

Leak, Erica
McKnight, Emily
Moore, Kara
Parmer, Kaley
Pate, Nicole
Pulido, Samantha
Randolph, Kayla

Ray, Emily
Rouse, Kourtni
Scott, Tiffany
Smith, Madison
Smyth, Hana
Tankersley, Ashley
Wysmulek, Erin

Ms. Sherry Campbell moved to approve Infiltration/Anesthesia permit for Audrianna Moran, RDH. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Jackson moved to approve Infiltration/Anesthesia permit for Stephanie Parker, RDH. Ms. Campbell seconded the motion and it was approved by general consent.

Dr. Cunningham moved to award 3 hours of CE credit for members who attended the August Oral Health Coalition of Alabama meeting. Dr. Beckham seconded the motion and it was approved by general consent.

Dr. Beckham reported on his representation of the Board at the grand opening of the Baptist Medical Center for Addiction Recovery in Montgomery.

Members reviewed proposed Board meeting dates. Dr. Sims moved to approve all dates as proposed. There was no second; Dr. Sims withdrew the motion. Ms. Campbell moved to approve meeting dates as proposed with the January date changed to January 16-17, 2020. Dr. Sims seconded the motion and it was approved by general consent.

The President recessed the meeting until Friday at 8:30 a.m.

MINUTES
BOARD MEETING
Friday September 13, 2019

The Board of Dental Examiners of Alabama met Friday September 13, 2019 at the Board Office in Birmingham, Alabama to conduct business.

The President called the meeting to order at 8:42 a.m. with the following members in attendance: Dr. Thomas Gerald Walker, President; Dr. Douglas Beckham, Vice President, 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; Dr. Alvin (Red) Stevens, Director, ADHP, 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 welcomed guests, Dr. Roberto Pischek, Dr. Marc Munsy, and Dr. Alvin (Red) Stevens.

Dr. Walker invited Dr. Marc Munsy, Southern Regional Testing Agency (SRTA), to address the Board. Dr. Munsy offered a proposal for administering the clinical exam to the ADHP graduates. When the presentation was completed Dr. Munsy left the meeting.

At 9:27 a.m. Mr. Blaine Galliher, Legislative Representative, joined the meeting.

Dr. Red Stevens presented the ADHP Report with Ms. Johnson, who joined the meeting. Dr. Stevens informed members on changes in the program – deleting outdated materials and adding more training on instrumentation. This concluded the report.

Mr. Blaine Galliher presented the Legislative Report. Dr. Walker had penned an article that addresses lack of care in rural areas and the prospect of increasing the benefits of funding scholarships that will serve rural Alabama. Mr. Galliher promoted the article to comply with Governor Ivy's directive to increase access to care in rural Alabama. Mr. Galliher updated members on current issues and upcoming legislation. This concluded the report; Mr. Galliher left the meeting.

At 10:30 a.m. the President announced a break; the meeting resumed at 10:47 a.m.

Members considered Dr. Daniel Whisenant's request for reinstatement of his State controlled substance permit. After discussion, Dr. Cunningham moved to approve reinstatement of CS permit for Dr. Daniel Whisenant. Dr. Jackson seconded the motion and it was approved by general consent.

Members discussed a complaint from a licensed dentist regarding having to pay credit card convenience fees when renewing licenses/permits online. Ms. Lankford will check into using ACH.

Mr. Edmonds presented the Executive Director Report.

Mr. Edmonds distributed a proposed engagement letter with Lightfoot, Franklin & White. Each member signed the contract.

Ms. Campbell and Dr. Cunningham agreed to be representatives to CITA for the upcoming year.

At 11:00 Ms. Haleigh Deskins, RDH, joined the meeting and was interviewed for the ADHP Director position. At the conclusion of the interview, Ms. Deskins left the meeting.

Dr. Cunningham moved that case #2019-55 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. Cunningham moved that case #2019-68 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 12:00 Gina Latham, RDH, joined the meeting and was interviewed for the ADHP Director position. At the conclusion of the interview, Ms. Latham left the meeting.

At 12:35 the President called a break for lunch; the meeting resumed at 12:58 p.m.

At 1:03 p.m. Dr. Cunningham moved to enter Executive Session for the discussion of the general reputation, character, and/or professional competence of licensees and to return to public session at 1:20 p.m. Dr. Beckham seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. Walker, yea, Dr. Beckham, yea, Dr. Sims, yea, Ms. Campbell, yea. The motion carried. At 1:35 p.m. the Board retired from Executive Session.

Dr. Cunningham moved to offer the Director of ADHP position to Gina Latham, RDH. Dr. Jackson seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. Walker, yea, Dr. Beckham, nay, Dr. Sims, yea, Ms. Campbell, nay. The motion carried. Mr. Edmonds will contact her with the offer.

At 1:49 p.m. Dr. Stevens left the meeting.

Dr. Sims moved that case #2019-73 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. Jackson moved to rescind notice for a hearing previously approved for the Respondent of case #2019-56 because the case will be relegated to a non-disciplinary fine. 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. Jackson moved to notice the Respondent of case #2019-45 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. Cunningham moved to notice the Respondent of case #2018-24 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. Dixon presented the Attorney report. She updated members on the status of ongoing litigation.

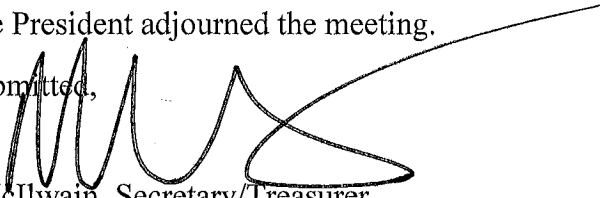
Members reviewed the proposed 2-year CITA Contract. After discussion, Ms. Campbell moved to approve the 2-year contract with CITA to administer the clinical exam to ADHP graduates. Dr. Cunningham seconded the motion and the President called for the vote: Dr. Cunningham, yea, Dr. Jackson, yea, Dr. Walker, nay, Dr. Beckham, yea, Dr. Sims, yea, Ms. Sherry Skinner Campbell, yea. The motion carried.

Dr. Cunningham moved to approve Dental Licensure by Regional Exam for Dr. Zoheb Jiwani. Dr. Beckham seconded the motion and it was approved by general consent with the hygiene member abstaining from the vote.

Members reviewed the proposed annual fiscal budget for 2019-2020. After discussion, Dr. Cunningham moved to approve the budget as presented. Dr. Beckham seconded the motion and it was approved by general consent.

At 2:30 p.m. the President adjourned the meeting.

Respectfully Submitted,



Dr. Mark Ray McIlwain, Secretary/Treasurer

Approved: Oct. 3, 2019

Submitted by: Linda Dlugosz

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

July 2019 for Sept 2019
Balance as of 7/31/2019
Checking: \$500,769.72
MM: \$391,437.20

	<u>Jul 19</u>	<u>Budget</u>	<u>Oct '18 - Jul 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	600.00	0.00	494,685.00	515,800.00	515,800.00	
502 · Annual Hygiene Registration	195.00	0.00	276,514.58	285,220.00	285,220.00	
503 · Controlled Substance Fee	2,000.00	0.00	214,105.00	246,000.00	246,000.00	
504 · Annual Teaching Permits	600.00	0.00	4,550.00	6,000.00	6,000.00	
505 · ADHP Certification	225.00	0.00	10,950.00	12,000.00	12,000.00	
508 · ADHP	0.00	0.00	125,850.00	135,000.00	135,000.00	
509 · Dental Exam Fee	700.00	750.00	9,600.00	7,500.00	9,000.00	
510 · Original License Fee	325.00	322.92	3,950.00	3,229.20	3,875.00	
511 · Licenses Reprint Fee	50.00	83.33	725.00	833.30	1,000.00	
512 · Dental Hygiene Exam Fee	1,350.00	1,250.00	13,725.00	12,500.00	15,000.00	
515 · Penalty Fee	550.00	583.33	7,850.00	5,833.30	7,000.00	
516 · Privilege License Money	19,263.82	0.00	19,263.82	20,000.00	20,000.00	
517 · Interest Inc - checking	15.70	16.67	175.05	166.70	200.00	
518 · Parental Sedation Permit Fee	1,200.00	916.67	14,400.00	9,166.70	11,000.00	
519 · Anesthesia Permit	0.00	2,500.00	31,200.00	25,000.00	30,000.00	
521 · Other Income	0.00	41.67	0.00	416.70	500.00	
525 · Dent Hyg Bd Appl	150.00	625.00	8,100.00	6,250.00	7,500.00	
526 · ADHP Materials	0.00	0.00	60,775.00	65,000.00	65,000.00	
527-1 · Administrative Costs	0.00	416.67	24,254.58	4,166.70	5,000.00	
527-3 · Administrative Fines	160.00	0.00	1,160.00	0.00	0.00	
527 · Disciplinary Fines (Prior)	160.00	0.00	104,818.20	0.00	0.00	
528 · Initial Anesthesia Evaluation	4,800.00	2,083.33	36,200.00	20,833.30	25,000.00	
529 · OCS Annual Reg. Fee	200.00	0.00	15,500.00	20,025.00	20,025.00	
530 · Licensure By Credentials	15,400.00	4,166.67	64,175.00	41,666.70	50,000.00	
531 · RETURNED CHECK CHARGES	30.00	41.67	1,455.00	416.70	500.00	
532 · OCS Initial App. Fee	0.00	83.34	0.00	833.40	1,000.00	
533 · Dental Lic. Bd Exam Application	2,625.00	1,500.00	26,400.00	15,000.00	18,000.00	
540 · Special Purpose Dental Lic Fee	0.00	83.33	0.00	833.30	1,000.00	
545 · Special Purpose Hygiene Lic Fee	0.00	41.67	1,095.00	416.70	500.00	

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617 · MDF Permits	0.00	541.67	5,750.00	5,416.70	6,500.00	
620 · Hygiene Infiltration Permit	300.00		8,800.00			
800 · 800-OVERPAYMENTS	0.00		0.00	0.00	0.00	
Total Income	<u>50,899.52</u>	<u>16,047.94</u>	<u>1,586,026.23</u>	<u>1,465,524.40</u>	<u>1,497,620.00</u>	
Gross Profit	50,899.52	16,047.94	1,586,026.23	1,465,524.40	1,497,620.00	
Expense						
0100-0 · Personnel Costs	46,277.94	42,500.00	462,779.40	425,000.00	510,000.00	Continuous
0114-0 · Board Member Compensation	4,400.00	8,333.33	67,750.00	83,333.30	100,000.00	
0198-0 · Bonus	0.00	0.00	3,200.00	3,200.00	3,200.00	
0201-0 · Payroll Expenses	3,895.71	4,000.00	43,259.03	40,000.00	48,000.00	
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	69,009.28	75,000.00	90,000.00	Premium up
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	1,291.44	2,083.34	16,778.79	20,833.40	25,000.00	
0400-0 · Travel - Out-of-State	900.00	2,333.33	17,139.76	23,333.30	28,000.00	
0500-0 · Repairs & Maintenance	4,373.35	425.00	14,490.04	4,250.00	5,100.00	Flooring & Lawn
0600-1 · Rentals & Leases/Offsite Meetin	0.00	87.50	212.50	875.00	1,050.00	
0600-2 · NEW OFFICE SPACE	0.00	2,083.34	1,070,049.80	20,833.40	25,000.00	
0602-1 · Rent on Building	0.00	8,700.00	80,493.93	87,000.00	104,400.00	
0700-0 · Utilities & Communications						
0700-1 · Utilities - Telephone	783.21	708.34	6,026.74	7,083.40	8,500.00	
0700-2 · Utilities - Cell Phone	0.00	0.00	0.00	0.00	0.00	
0700-3 · Utilities - Power	1,029.18	708.34	9,625.76	7,083.40	8,500.00	AC Charges
0700-4 · Utilities - Internet	568.96	375.00	4,537.45	3,750.00	4,500.00	Monthly Charges
0700-5 · Utilities - Water/Sewer	633.91		1,643.63			
Total 0700-0 · Utilities & Communications	<u>3,015.26</u>	<u>1,791.68</u>	<u>21,833.58</u>	<u>17,916.80</u>	<u>21,500.00</u>	
0800-0 · Professional Services	14,254.66	15,416.67	144,588.80	154,166.70	185,000.00	
0800-1 · Membership Dues & Subscriptions	5,101.00	1,333.34	13,630.50	13,333.40	16,000.00	AADB Fees
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	12,500.00	15,000.00	

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Total 0801-0 · Board Attorney Fees	0.00	1,250.00	51,982.11	12,500.00	15,000.00	
0840-0 · CONSULTANTS	6,000.00	6,000.00	60,000.00	60,000.00	72,000.00	
0899-1 · Evaluator Fees	900.00	1,000.00	8,350.00	10,000.00	12,000.00	
0899-2 · Hearing Officer Fees	0.00	166.67	4,104.00	1,666.70	2,000.00	
0899-5 · Website	0.00		0.00	0.00	0.00	
0899-6 · A.D.H.P. Materials & Supplies	483.00	250.00	1,740.73	2,500.00	3,000.00	DVDs purchased
0900-0 · Office Expense	801.50	1,125.00	12,159.89	11,250.00	13,500.00	
0900-1 · Recycle / Paper Disposal	50.00	50.00	450.00	500.00	600.00	
0902-0 · NPDB HIPDB License Background	46.00	16.67	214.00	166.70	200.00	
0906-0 · Printing & Supplies	9.21	166.67	1,177.38	1,666.70	2,000.00	
0910-0 · Postage	0.00	583.34	5,137.73	5,833.40	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	15,000.00	18,000.00	
0944-1 · Computer Support	403.98	5,833.34	20,529.90	58,333.40	70,000.00	
0944 · Computer Expenses - Other	5,223.00	0.00	11,069.48	0.00	0.00	Equip moved
Total 0944 · Computer Expenses	5,626.98	7,333.34	34,290.03	73,333.40	88,000.00	
0950-0 · Penalty	0.00		0.00	0.00	0.00	
0951-0 · NSF	59.00	8.34	2,944.00	83.40	100.00	
0999-0 · MISC.	0.00	83.34	1,365.07	833.40	1,000.00	
1000-1 · Vehicle Repairs & Maint.	48.06	83.34	227.53	833.40	1,000.00	
1000-2 · Vehicle Fuel	211.18	250.00	2,803.23	2,500.00	3,000.00	
1400-0 · Equipment						
0600-3 · Equipment Rental/Lease	2,561.68	1,860.00	6,790.71	18,600.00	22,320.00	Qtrly Mail Pmt
1400-0 · Equipment - Other	0.00	0.00	17,073.94	0.00	0.00	
Total 1400-0 · Equipment	2,561.68	1,860.00	23,864.65	18,600.00	22,320.00	
6950 · Bank & CC Service Fees	204.73	170.84	1,713.01	1,708.40	2,050.00	
Total Expense	108,417.42	116,985.08	2,413,649.79	1,254,650.80	1,497,620.00	
Net Ordinary Income	-57,517.90	-100,937.14	-827,623.56	210,873.60	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	64.58	0.00	7,423.32	0.00	0.00	
Total Other Income	64.58	0.00	7,423.32	0.00	0.00	
Net Other Income	64.58	0.00	7,423.32	0.00	0.00	
Net Income	<u>-57,453.32</u>	<u>-100,937.14</u>	<u>-820,200.24</u>	<u>210,873.60</u>	<u>0.00</u>	