

**MINUTES  
COMMITTEE OF HEARING AID DEALER EXAMINERS  
JANUARY 7, 2009**

**I. CALL TO ORDER**

Mr. Payne called the meeting to order at 9:16 a.m. in Conference Center Room 6 located in the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and established a quorum in accordance with IC § 25-29-2-5.

**Members Present:**

Robert H. Payne, H.A.D, Chairman  
Martha A. Schmidt, H.A.D, Vice-Chair  
Richard Miyamoto, M.D.  
Anthony Gigli, Consumer Member

**Members Absent:**

Allen Reese, H.A.D.

**Staff Present:**

Valerie L. Jones, Committee Director  
Nancy Harvey, Assistant Committee Director  
Donna Sembroski, Deputy Attorney General

**II. ADOPTION OF AGENDA**

A motion was made and seconded to adopt the agenda.

GIGLI/MIYAMOTA  
Motion carried 4-0-0

**III. APPROVAL OF MINUTES FROM OCTOBER 15, 2008**

A motion was made and seconded to approve the minutes, of the October 15, 2008 meeting of the Committee.

GIGLI/SCHMIDT  
Motion carried 4-0-0

**IV. PERSONAL APPERANCES**

**A. John Alva Petty, Jr., Applicant**

Mr. Petty appeared before the committee in order to renew his SHAD. Mr. Petty also requested that the committee allow him to re-take only the one portion of the exam he failed versus having to re-take the entire exam.

The committee discussed the application and the reasons he failed the first exam.

A motion was made and seconded to allow Mr. Petty to re-take the impressions portion of the exam and renew his SHAD if necessary.

PAYNE/SCHMIDT  
Motion carried 4-0-0

**B. Andy Biebaum, License #17001284A**

Andy Biebaum appeared before the committee to discuss the positive response on his renewal application. Mr. Biebaum had a speeding ticket for reckless driving which is a class B misdemeanor. Mr. Biebaum expressed remorse and informed the committee that he does not believe that he has an alcohol problem.

Mr. Biebaum paid a fine as a result of his misdemeanor and was jailed for one day on the day of his arrest. Mr. Biebaum presented his court documents and the committee reviewed and discussed the submitted information.

Mr. Biebaum stated that his address changed which resulted in his not receiving a renewal notification. He has since paid his renewal fee and updated his address with the committee.

The committee discussed the renewal information and testimony of Mr. Biebaum. A motion was made by Mr. Payne and seconded by Ms. Schmidt to renew Mr. Biebaum's license on probation. After discussion, Mr. Payne withdrew his motion.

A motion was made and seconded to renew Mr. Biebaum's license.

MIYAMOTO/SCHMIDT  
Motion carried 4-0-0

**C. April Deer, HAD Applicant**

Ms. Deer appeared before the committee, with her sponsor, requesting permission to re-take the written exam. Ms. Deer stated that she has failed the exam twice but if given the opportunity to re-take the exam believes she will pass.

A motion was made and seconded to allow Ms. Engle to re-take the written exam.

GIGLI/MIYAMOTO  
Motion carried 4-0-1

Ms. Schmidt abstained

**D. Lynn Marie Pupek, HAD Applicant**

Ms. Pupek failed to appear before the committee. No action was taken on her application.

**E. Paul J. Lehmann, License #17001011A**

On October 15, 2008 Mr. Lehmann appeared before the committee without the required letter from his probation officer. Mr. Lehmann informed the committee that he was unable to get a letter from his probation officer because he was unaware of the meeting date. The committee requested that Mr. Lehmann personally appear before the committee at the January meeting with a letter from his probation officer dated no later than 12/31/08.

Mr. Lehmann failed to appear before the committee as requested.

A motion was made and seconded to recommend the Medical Licensing Board issue an Order to Show Cause.

PAYNE/GIGLI  
Motion carried 4-0-0

**V. OLD/NEW BUSINESS**

**A. Exam Failures**

The committee briefly discussed the policies and procedures regarding applicants that fail the exam two (2) or more times.

**B. Committee Meeting Date Changes and Agency Updates**

The committee discussed the proposed changes to the meeting dates. After review and discussion, the committee agreed to the changes. The committee determined that the written exam dates would remain unchanged.

A motion was made to nominate Robert Payne as committee designee to review application files between meeting dates when necessary.

SCHMIDT/GIGLI  
Motion carried 4-0-0

**VI. ADJOURNMENT**

There being no further business and having completed its duties, the meeting of the Committee of Hearing Aid Dealer Examiners adjourned at 10:18 a.m.

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**Robert H. Payne, H.A.D.**  
**Chairman, Committee of Hearing Aid Dealer Examiners**

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**Date**