



## ***Psychiatric Security Review Board***

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DOUGLAS A. DUCEY, GOVERNOR  
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[www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)

# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES**

**September 29, 2020  
PSRB Hearing Room  
2500 E. Van Buren St.  
Phoenix, AZ 85008**

### Members:

James P. Clark, M.D., Chairman  
Michael J. Klemens, Ph.D., Vice-Chairman ☞  
Susan Stevens, Esq. ☞

### Assistant Attorney General:

Jeanne Galvin, Esq. ☞

### Staff:

Hannah N. Garcia, Executive Director

### Guests Present and/or Participating

Agang Thal	Denise Patterson, M.D. ☞
Akram Bhatti, M.D. ☞	Elizabeth Sawyer, Esq ☞
Aubrienne Cooley	Emily Miles
Ashley Blum, Esq. ☞	Erica Heata
Ben Tod	Erin Cohen, Esq., ASH ☞
Bobby Blansett	Gavin MacFarlane
Carlos Rodriguez	Hal Borhauer
Carter Katchen	Hallie Simkins
Charles Homes	Holly Geiszel, Esq. ☞
Cole Arigoni, ☞	Hope Bratlum
Courtney Bradford ☞	James Holmes, Psy.D. ☞
David Burstein	Jean Cataline ☞
Dianne Putty	Jodi Cheeseman
Donna Robinson, Psy.D	

John Blischak, Esq. 📞  
Juli Warzynksi, Esq. 📞  
Karim Hackler 📞  
Kayla B  
Kennedy Klagge, Esq. 📞  
Kyle Jackson  
Lindsey Cooley  
Louis Tapia 📞  
Lynn Borhauer  
Marla Tod  
Mary Pioguardi  
Nicholas Cooley  
Nicol Green, Esq. 📞  
Nora Greer, Esq. 📞  
Pam Silva  
Patty Cooley  
Wanda DeWalt 📞  
📞 Participated Telephonically

Rick Stevenson 📞  
Robert Moriarty, AZ Complete Health 📞  
Ronald DeBrigida  
Ronald Mueller  
Sharon Campbell  
Stella Hutchinson 📞  
Stephen Jaffe, M.D. 📞  
Stephen Morris, M.D. 📞  
Steve Bolte  
Steve Young, Esq. 📞  
Summer Schneider, Psy.D. 📞  
Tammy Wray, Esq. 📞  
Telly Rivenburgh 📞  
Terry Cooley  
Tim Putty

**Call To Order:**

James Clark called the meeting to order at 1:00 p.m. and read the Executive Session Confidentiality Statement:

“Minutes of and discussions made in executive session are required by law to be kept confidential and shall not be communicated to any person outside this meeting room, except to members of the Board, a person who is the subject of the discussion pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03(A)(1), the Auditor General in connection with an audit authorized by law, and the Attorney General. This means that persons present during an executive session of the PSRB may not disclose any information regarding the executive session or discuss those proceedings with any person who was not also present at the executive session.”

Dr. Clark swore in individuals who anticipated testifying.

**Statutory Hearings:**

**Jean Alutaya Cataline – PSRB No. 14-12**

Jean Cataline was present telephonically and through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 1:04 p.m. to 1:08 p.m. pursuant to A.R.S. § 13-3994 (H). This was a two-year hearing, and there was no recommendation.

After further discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed unanimously to deny conditional release for Jean Cataline based on the evidence presented by the Arizona State Hospital's treatment team, that Ms. Cataline did not prove by clear and convincing evidence that she no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that she is no longer dangerous. Ms. Cataline shall remain committed in the Arizona State Hospital.

**Kyle Andre Jackson – PSRB No. 14-10**

Kyle Jackson was present in person, and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 1:09 p.m. to 1:19 p.m. pursuant to A.R.S. § 13-3994 (J). The PSRB's jurisdiction ends October 3, 2020; ASH is requesting civil commitment proceedings upon discharge.

Nicol Green stated that she agrees with the court ordered evaluation recommendation.

After further discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed unanimously to order the County Attorney to initiate civil commitment proceedings for Kyle Jackson pending the expiration of the PSRB's jurisdiction, based on the evidence presented by the Arizona State Hospital's treatment team, and that the Arizona State Hospital's treatment team be allowed to conditionally release Kyle Jackson to the custody of the appropriate law enforcement agency for transportation up to five business days prior to the PSRB's jurisdiction expiration date.

**Ronald Craig Mueller– PSRB No. 06-05**

Ronald Mueller was present in-person and through counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 1:20 p.m. to 1:23 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, with no recommendation.

After further discussion, a motion was made by Susan Stevens, seconded by James Clark, and passed unanimously to deny conditional release for Ronald Mueller based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Mueller did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that

the mental disease or defect is in stable remission, and that he is no longer dangerous. Mr. Mueller shall remain committed in the Arizona State Hospital.

**Carter Stewart Katchen– PSRB No. 14-15**

Carter Katchen was present in person, and through counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 1:24 p.m. to 1:26 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing, with no recommendation

After further discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed unanimously to deny conditional release for Carter Katchen based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Katchen did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that he is no longer dangerous. Mr. Katchen shall remain committed in the Arizona State Hospital.

**Patrick Michael Williams– PSRB No. 12-17**

Patrick Williams was not present, his presence was waived by counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 1:27 p.m. to 1:33 p.m. pursuant to A.R.S. §13-3994 (H). This is a two-year hearing with no recommendation.

Art Streppa, victim, expressed to the Board his strong opinion that Mr. Williams should not be released into the community.

After further discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed unanimously to deny conditional release for Patrick Williams based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. Williams did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that he is no longer dangerous. Mr. Williams shall remain committed in the Arizona State Hospital.

**Karim Husayn Hackler-PSRB No. 19-07**

Karim Hackler was present in person and through counsel, Elizabeth Sawyer, who participated telephonically on behalf of Christine Brown. The statutory hearing was held from 1:34 p.m. to 1:37 p.m. pursuant to A.R.S. §13-3994 (H). ASH is recommending Phase one, levels one and two.

Michael Klemens asked the treatment team if they would be flexible and only grant Phase 1, Level 1, or more passes over a longer period of time.

James Holmes, Psy. D. stated that the treatment team would be open to a revised order from the Board.

After discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed unanimously to approve Karim Hackler for conditional release to Arizona State Hospital, phase one, level one, with a minimum of ten passes during 180 days and to adopt the amended conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Hackler's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

**Charles Clifford Holmes-PSRB No. 01-18**

Charles Holmes was present in person and through counsel, Ronald DeBrigida, who participated in person. The statutory hearing was held from 1:38 p.m. to 1:52 p.m. pursuant to A.R.S. §13-3994 (H). ASH is recommending Phase one, level one.

Ronald DeBrigida stated that a large focus of why Mr. Holmes was brought back to ASH was due to the allegation that Mr. Holmes participated in drug activity.

James Clark stated that this was this was the main reason why he was returned to ASH and why his conditional release privileges were revoked.

Ronald DeBrigida stated that Mr. Holmes has been compliant for the last several years and has done everything that has been asked of him.

Charles Holmes made a statement to the Board expressing his innocence from drug use activity that his return to ASH was not warranted or justified. He emphasized that he has a strong support system in the community.

Ronald DeBrigida stated that he is fully in support of Mr. Holmes and his recovery.

Wanda DeWalt, mother of Mr. Holmes expressed to the Board that she would like the Board to conditionally release Mr. Holmes.

Juli Warzynski stated that she understands that Mr. Holmes has an immense amount of family support, but the State believes that there is no clear and convincing evidence for conditional release.

After discussion, a motion was made by James Clark, seconded by Michael Klemens, and passed unanimously to approve Charles Holmes for conditional release to Arizona State Hospital, phase one, level one, and to adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Holmes' mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

**Gavin Trent MacFarlane-PSRB No. 13-10**

Gavin MacFarlane was present in person and through counsel, Ashley Blum, who participated telephonically. The statutory hearing was held from 1:53 p.m. to 2:32 p.m. pursuant to A.R.S. §13-3994 (H). ASH is recommending Phase one, level one.

Ashley Blum stated that Mr. MacFarlane has been compliant with all treatment and medication. The risk assessment shows that he is suitable for the levels that are being recommended, and Mr. MacFarlane will comply with all requirements in order to maintain compliance.

Gavin MacFarlane made a statement to the Board and expressed his deep regret for his past reckless lifestyle and his hope and eagerness to make further progress in his treatment.

Juli Warzynski stated that there is not clear and convincing evidence that Mr. MacFarlane is in stable remission. She stated that his report showed that he is stable 80% percent of time and the State does not believe this meets the criteria for stable remission.

Emotional victim impact statements were made by Janine Rodriguez, Emily Miles, Lindsey Cooley, Aubrienne Cooley, Lynda Borhauer, and Hal Borhauer.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for Gavin MacFarlane based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. MacFarlane did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that he is no longer dangerous. Mr. MacFarlane shall remain committed in the Arizona State Hospital.

**Rick William Stevenson-PSRB No. 95-06**

Rick Stevenson was present telephonically and through counsel, Tammy Wray, who participated telephonically. The statutory hearing was held from 2:33 p.m. to 2:46 p.m. pursuant to A.R.S. §13-3994 (H). ASH is recommending Phase three, levels five and six.

Tammy Wray stated that Mr. Stevenson has been doing very well with his treatment and has been successful with his previous passes and levels. Mr. Stevenson has plans to use, if granted, level 5 and 6 passes for education and employment.

Michael Klemens asked Summer Schneider, Psy. D., if Mr. Stevenson had completed passes before the restrictions from COVID-19 took place, why was he not being recommended for privileges back then?

Summer Schneider, Psy.D., stated that his treatment team wanted to ensure stability with his medication, review the risk assessment, and document that he could stay stable during the COVID-19 restriction changes.

Rick Stevenson stated that he now has a different approach to life and his ability to manage stress and stay on track with his medication. He feels as though he is making significant gains in working with his treatment team.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens to grant Phase three, levels five and six. The vote was two for conditional release, and one against conditional release (Michael Klemens). Three votes for CR are required to grant CR privileges (A.R.S. §13-3994 (L)). Therefore, there was no status change.

**Louis Hurtado Tapia-PSRB No. 10-11**

Louis Tapia was present telephonically and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 2:47 p.m. to 3:07 p.m. pursuant to A.R.S. §31-502(A)(5) and (B)(4). The outpatient treatment team is requesting a change of service plan to allow for travel.

Nora Greer stated that Mr. Tapia has been out in the community for a long time and has not had any infractions, and believes that this pass should be granted.

Michael Klemens asked Denise Patterson if the request being asked of the Board was that Mr. Tapia be allowed to travel to and from Mexico, when he best sees fit, without needing to notify the Board.

Denise Patterson stated that Mr. Tapia does need to travel a lot for his job, but is requesting flexibility to travel.

Louis Tapia stated that he has been driving to Nogales, Arizona, so he has not crossed the border at all. He also stated that he began his own business and purchased a semi-truck for work and purchased a new house.

James Clark asked Mr. Tapia what his trip to Florida would entail.

Louis Tapia stated that he would visit his son in Florida, and would be compliant with all medication needed during the time of return and departure.

A motion was made by James Clark seconded by Michael Klemens and passed unanimously to grant Mr. Tapia travel to Florida and that Mr. Tapia's treatment team provide the Board with departure and travel dates, companion, means of transportation, and the contact his treatment team will have with him during his travel. A UDS (urine drug screen) must be obtained within 48 hours of his return.

A motion was made by James Clark seconded by Michael Klemens and passed unanimously to grant travel to Mexico and that Mr. Tapia's treatment team provide the Board with departure and travel dates, companion, means of transportation, and the contact his treatment team will have with him during his travel. A UDS (urine drug screen) must be obtained within 48 hours of his return.

**Agang Alduo Deng Nyang Thal-PSRB No. 18-14**

Agnag Thal was present in person and through counsel, Nora Greer, who participated telephonically. The statutory hearing was held from 3:08 p.m. to 3:15 p.m. pursuant to A.R.S. §13-3994 (F). This is an initial hearing, and there is no recommendation.

James Holmes, Psy. D. stated that after writing his report, Mr. Thal had some difficult situations with peers, but handled the situations very well.

Nora Greer stated that she has contacted Mr. Thal, and would like to add that it looks as though he is continuing to make great progress.

Michael Klemens stated that there might have been some confusion on his diagnosis and hoped it could be clarified on future reports.

Nicol Green stated that she has great concern about the attempt to potentially move forward with conditional release in the future.



After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for Agang Thal based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Thal did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission, and that he is no longer dangerous. Mr. Thal shall remain committed in the Arizona State Hospital.

**Bobby Gene Blansett-PSRB No. 18-13**

Bobby Blansett was present in person and through counsel, Holly Geizel, who participated in person. The statutory hearing was held from 3:16 p.m. to 3:39 p.m. pursuant to A.R.S. §13-3994 (F). This is an initial hearing, and there is no recommendation.

Holly Geizel stated the Board should have received the independent evaluation, prepared by Donna Robinson, Ph.D. Hannah Garcia, Executive Director, stated that the Board had not received the report and therefore, has not been able to review it.

Holly Geizel stated that since the Board has not been able to review the independent evaluation, she would move to continue Mr. Blansett's hearing to October, 2020.

Erin Cohen stated that M. Akram Bhatti has reviewed the independent risk assessment, and his clinical opinion has not changed. His recommendation for no granting of conditional release privileges remains the same.

M. Akram Bhatti stated that while he is not recommending any levels, he did acknowledge Mr. Blansett's progress. He indicated that he still needs further treatment. His treatment team does not feel conditional release privileges are warranted at this time.

A motion was made by James Clark, seconded by Susan Stevens and passed unanimously to continue this hearing for the October 30, 2020 meeting.

**David Joshua Burstein-PSRB No. 16-02**

David Burstein was present in person and through counsel, Holly Geizel, who participated in person. The statutory hearing was held from 3:40 p.m. to 4:25 p.m. pursuant to A.R.S. §13-3994 (H). This is a two-year hearing, and there is no recommendation.

Holly Geizel stated that she did not receive the updated September 2, 2020 report from Dr. Stephen Jaffe. Dr. Jack Potts, who participated telephonically, did review Mr. Burstein's Hospital risk assessment and did not offer any major additions or changes to the risk assessment and its conclusions.

Dr. Potts has been working on an independent psychiatric report. The Board previously granted a continuance to allow Dr. Potts time to complete his evaluation. The Board has not yet received his report and asked Ms. Geiszel to have it provided to the Board on or about October 15<sup>th</sup>, so that the Board will have time to review it before the October 30<sup>th</sup> hearing.

Ms. Geiszel noted that Mr. Burstein has given back his fellow patients the monies he took from their government stimulus checks.

After further discussion James Clark made a motion, seconded by Susan Stevens, and passed unanimously to move into Executive Session to seek legal advice.

After further discussion a motion was made by James Clark, seconded by Michael Klemens to continue Mr. Burstein's hearing to the October 30, 2020 meeting.

**Discussion and Possible Action Related to:**

**A. Board Member Opening:**

James Clark stated Gwen Levitt submitted her resignation and the Board is actively looking for an individual to take her place on the PSRB.

**Discussion, Amendment, and Approval of Minutes:**

**Open session minutes from the August 28, 2020, meeting:**

A motion was made by James Clark, seconded by Susan Stevens, to adopt the August 28, 2020 open session minutes as amended.

**Adjournment:**

The Board meeting adjourned 4:40 p.m.