BUSINESS ENTERPRISE PROGRAM OF OREGON

SPECIAL MEETING

 **Date: Thursday, August 10th, 2017**

**Time: 3:00 pm**

 OREGON COMMISSION FOR THE BLIND

535 SE 12th Avenue (Portland office)

Conference line: 404-443-6397

Participant code: 943611#

**Agenda**

• Any of the agenda items listed below may become an action item.

• Any of these items may be a conflict of interest.

1. Open Meeting/Roll Call

2. Adoption of Minutes

3.  Public Comment

4. Committee Reports

5. Old Business

1. Fair Minimum Return
2. Other

6. New Business

1. Active Participation Definition
2. Rule-Making Process
3. Director’s Weekly Outreach
4. Site Development
5. Other

7. Adjourn/Next Meeting

**Verbatim**

[Start at 00:00:00]

Hauth: All righty. Hey, welcome, everybody. Let’s go ahead and get the meeting started. I know Eric is on the phone. And we’ll go ahead and start the meeting and we’ll begin by calling roll. So I’ll call the roll first of the Elected Committee. We have Art Stevenson?

StevensonA: I’m here.

Hauth: Derrick Stevenson.

StevensonD: Here.

Hauth: Steve Jackson.

Jackson: Yes, sir. I’m right here.

Hauth: And I was contacted by Jerry Bird; he will not be on today. Do we have Steve Gordon?

Gordon: I’m here.

Hauth: Hey, Steve. Welcome. And we have myself…

Gordon: Thank you.

Hauth: We have myself as well. So we do have a quorum. Let’s go ahead and call on the membership. Do we have… I like to call it the managership, right? Okay, let’s… let’s call for Lin Jaynes.

Jaynes: Present.

Hauth: Hey, Lin. Welcome. Cathy Dominique. [Silence.] Cathy Dominique? [Silence.] Okay. Char Mckinzie? [Silence.] Char Mckinzie? [Silence.] Salvador Barraza? [Silence.] Sal Barraza? [Silence.] Tessa Brown? [Silence.] Tessa Brown? [Silence.] Carole Kinney? [Silence.] Do we have Carole Kinney on the line? [Silence.] Okay. Gordon Smith? [Silence.] Do we have Gordon Smith on the line? [Silence.] Okay. Do we have Lewanda Miranda?

Miranda: Present.

Hauth: Hi, Lewanda. Thank you. Harold Young, do we have Harold Young? [Silence.] Celyn Brown, do we have Celyn Brown on the line? [Silence.] Okay. I guess other people have better things to do than this. But [Laughs.] anyway, so do we.

StevensonD: I know I do.

Hauth: Yeah, so do we.

StevensonD: Oregon Little League is ahead of Washington, Walla Walla, 8:4.

Hauth: All right. All right. Hey, so let’s go ahead and ask for any guests on the line to introduce themself.

Moore: I guess I surrender and say “Commissioner Jeanne-Marie Moore.” [Laughs.]

Hauth: Hey, Commissioner Jeanne-Marie Moore. Welcome. Is there anybody else on the line? [Silence.] Okay. Going once, going twice…. Is anybody else on the line? All right. And Eric is here. Is there anybody else joining you, Eric?

Morris: No, it’s just me, Randy.

Hauth: Okay. Well, hey, thanks for convening this meeting. I know I had a request to have it prior to our rule meeting summit and also to carry forward a few things we didn’t get done at our last meeting. So, hopefully, it won’t take a great deal of time and we can get through most of these things and kind of set… set a pathway forward for the rule-making summit. Again, thank you. And so, I do have a question, as far as the adoption of minutes. Does anybody happen to have the dates of the meetings that have not been adopted yet? I don’t know if you have those, Eric, or if anybody else has them. But I’d like…

StevensonA: Chair Hauth?

Hauth: Yes.

StevensonA: I… I’m pretty sure that the only one that hasn’t been adopted was the latest one, that we adopted the two on the last meeting. Although, when I went through the minutes of the meeting, there was only three votes of adopting those particular minutes. So, technically speaking, we did not have enough votes at the last meeting to adopt the two previous meetings that we had had. And so, I would suggest…

StevensonD: Point of order.

Hauth: Go ahead.

StevensonD: Yeah, all you need is a majority of the quorum that’s there, to… to vote for it. So, I don’t think we need to re-do it. We had a quorum, we had a vote and it passed, three-to-one, I guess you can say. Or three-to-none.

Hauth: Okay. Well, do we have the date…? Let’s go ahead and adopt the last meeting. Do you remember when that date was? And then, if we need to circle back to this, Art, without getting too caught…

Moore: I have July 25th. [Correction: The prior BECC Meeting was July 27th.]

StevensonA: Chair Hauth?

Hauth: Yes.

StevensonA: I would… We just got the minutes of that meeting and I haven’t gotten to go through them completely, the verbatims. And so I move that we put off the last meeting’s adoption till our next meeting, so that we have enough time to go through it and make sure it’s clear and concise.

Hauth: Okay, is there anybody that opposes that, any board members that oppose doing that?

StevensonD: I so motion.

Hauth: Okay. A motion’s been made to do so. Do we have a second on that?

StevensonA: Second!

Hauth: A second’s been made. Any discussion? [Silence.] Okay. A roll call vote. Art Stevenson, yea or nay?

StevensonA: Yes.

Hauth: Derrick Stevenson.

StevensonD: Yea.

Hauth: Steve Jackson. [Silence.] Steve Jackson? [Silence.] Steve Gordon?

Jackson: Yes, sir. Yes. Sorry.

Hauth: Okay. Steve Jackson, yes. Steve Gordon?

Gordon: Yes.

Hauth: And I vote yes as well. Okay. So that motion has passed. Move along to public comment. Is there any public comment? [Silence.] Any public comment? [Silence.] Okay. Hearing no public comment, we will go ahead and move on to item number four: committee reports. Are there any committee chairs of the subcommittees that want to have the floor, please identify and…

StevensonA: Chair Hauth?

Hauth: Yes, Art?

StevensonA: Okay. First of all, I’d like to give a Training and Education report.

Hauth: Please do.

StevensonA: Okay. I’ve been meeting with Kathy Ewing to work on the In-Service Training this year. As you know, we have to have a Fall In-Service in order to do elections and stuff. We have done some research and the recommendation of the committee is #1) that we have our In-Service Training the weekend… the weekend of October 13th, 14th and 15th, in the city of Eugene.

Moore: I’m sorry, the city of what? You’re bouncing into a speaker phone or something.

StevensonA: Somebody… Somebody was covering me up. The city of Eugene. That date is open; there is no games that weekend and so we should be able to get a hotel. Now, one of the reasons we wanted to have it in Eugene is that so all the blind licensed managers could come, attend, stay at the hotel, like we used to do. We haven’t done that lately. We’ve just been having it in Salem and Portland and, if we had it in Salem, the Salem people couldn’t stay in the hotel, and the Portland people, when they had it in Portland, the Portland people couldn’t stay in the hotel. And we kind of felt it important to have an In-Service Training like we used to, where all the managers in the hotel, we conduct our business, we have some camaraderie. And, actually, it is my recommendation that we have… also have a sponsored dinner Saturday night to promote camaraderie between, you know, BEP staff and the blind licensed managers. And so, that’s… that’s our first recommendation. And we want this… this particular In-Service Training to be like it used to be: a session on Friday from 2:00 till 5:00, and then an all-day session on Saturday, and then our regular BECC and the elections on Sunday morning, and we can all leave Eugene by 12:00 noon. So, once we have solidified that, and we need to get… we need to solidify it today so we can make sure we get a contract in place for the hotel, the room rates and all that. And the longer we wait, the harder that’s gonna be, and to get good room rates. And so, once we have solidified that, then the committee will work on agenda, the agenda. One of the things we’re looking at this year, Mr. Chair and fellow Elected Committee members and managers, is that we have group sessions on Friday, Saturday morning till noon we have some breakout sessions, where we have two topics running for about an hour or so each, so that we can have a real selection of training for the blind licensed managers. We… We of the committee feel that there are a lot of things that we could have training on. And… And, therefore, I think the breakout sessions would be a good idea. And then in the afternoon on Saturday we would again have all the group back together on topics that, you know, definitely need to be discussed with all the managers and stuff. So…

Hauth: Thank you. Thank you, Art. Let me… Let me ask, if I may… And thank you. That’s a great report. Let me ask the board real quick – the, you know, on the surface, do you guys like what you’re hearing? And then I wanted to follow up with Eric and see what his thoughts are. So, just, you know…

Jackson: Randy, this is Steve Jackson.

Hauth: Yeah, go ahead.

Jackson: Steve Jackson does. I think it’d be great to have… I think it’d be great to have an In-Service like the good ol’ days, where everybody’s all in one building and have exciting food and… And, like Art was saying, it’s a good way to get back in touch with everybody. So I think it’s a great idea.

Hauth: Okay, thank you. Any other board members, before we hear from Eric? [Silence.] Okay. So, Eric, what’re you thinking? I know you’re just hearing this now, I take it, but, I mean, on the surface does it sound like something the agency can support? Or [inaudible]?

Morris: Yeah, Randy, I think it sounds like a good idea. I have no idea what my staff’s agendas look like for those dates, but I can definitely check in with everybody tomorrow. I’m trying to think… today… I took yesterday off ahead of the weekend and stuff, so my dates are all jacked up. But, worst case, at our next staff meeting we can check in and make sure if everybody’s available to go and let you know.

Hauth: Okay, hey, thanks. So, Art, what do you need from us at this point, if anything? [Silence.] Art?

StevensonA: Okay. I’m off mute now. Somebody’s not on mute; I heard them go, “Hmmm.” I think… Well, anyways…

Hauth: Yeah, you guys, make sure and mute. I know it’s sometimes difficult, especially…

Miranda: Am I on mute?

Hauth: … when our eyes aren’t so great.

StevensonA: No, you’re not.

Hauth: I can hear you now.

StevensonA: Okay. I think that was Lewanda that wasn’t on mute.

Miranda: It was.

StevensonA: So, anyways, I would like to recommend… Well, I’m a board member, so I can make a motion. I would like to make a motion that we have our In-Service on October 13th, 14th, 15th, like the good ol’ days, and have the training and education committee, in conjunction with the OCB staff, namely Kathy Ewing, put together the agenda once we have adopted that we are gonna have the three day In-Service Training.

Hauth: Okay. So a motion’s been made. Do I have a second on that? [Silence.] Calling for a second.

StevensonD: I’ll second.

Hauth: Okay. Derrick seconds. Any discussion? [Silence.] Okay. Yea or nay vote. Yea… signify yea or nay. Art Stevenson. [Silence.] Art Stevenson. [Silence.] I’ll come back to him. Derrick Stevenson?

StevensonD: Yes.

Hauth: Steve Jackson.

Jackson: Yes, sir.

Hauth: And Steve Gordon?

Gordon: Yes.

Hauth: And I vote yes, as well. Art Stevenson, do you want to vote yes or no? Yea or nay. [Silence.] Okay, maybe Art voted…

StevensonA: Am I off mute?

Hauth: You are.

Miranda: Finally.

StevensonA: Yeah, this stupid phone is not…

Miranda: You need a Bluetooth thing, man.

StevensonA: Yeah, I do. Anyways, I vote… I vote yea.

Hauth: Okay.

StevensonA: Now, Randy?

Hauth: The motion has passed.

StevensonA: Randy?

Hauth: So, yes, go ahead, Art. Yep.

StevensonA: I also would like to make one more motion. I would like to make the motion that any trainee that is currently doing training to get their license be part of their training that they… if there’s an In-Service going on while they’re having training, that they partake in the In-Service Training. I think that it would be a very, very valuable thing for them in the training process, not only to learn the things we’re learning in the training, but also to meet blind licensed managers, talk about the training and answer any questions. And all the blind licensed managers can, of course, answer any questions. So, I would like to make a motion that a part of the training be that the prospective licensee attend any In-Service Training that’s going on during their training session.

Hauth: Okay. Well, a motion… That motion, in sum, is to ensure that the trainees, if applicable, will attend our In-Service Trainings as part of their requirements through the training. Do I have a second on that? [Silence.]

Gordon: I second it.

Hauth: Steve Gordon has seconded it. Any discussion? Eric, what… what are your thoughts on that?

[Silence.]

Morris: Yeah, I have to think about that, Randy. 'Cause I think… I think if somebody’s walking in the door and starting training, versus somebody who’s getting ready to be licensed, I think that’s two different processes, or two different points in the process. Yeah, I need to put some thought behind it for… to give you a solid answer.

Hauth: Okay. Okay. Well, a motion has been made and a second has been seconded. So, any discussion beyond that? [Silence.] Okay. I will call for the vote, yea or nay. Art Stevenson.

StevensonA: Yea.

Hauth: Derrick Stevenson.

StevensonD: Yea.

Hauth: Steve Jackson.

Jackson: Yea.

Hauth: Steve Gordon.

Gordon: Yea.

Hauth: And I’ll signify yea, as well. So that motion has passed. Do we have any other reports? Art, I know you’re also involved with the development, site development. I know, Lin, you’re also on the financial committee. And I know, because of all the focus on the rules and legislation recently, there’s been a little bit of work done on some of the other items, but not a great deal. So I don’t know if anybody else wants to give a summary report on their committee at all?

StevensonA: Chair Hauth?

[00:16:39]

Hauth: Yes, Art.

StevensonA: The only thing that I’d like to bring up, while we’re in a meeting, is to ask Eric if he has heard anything from SAIF Corporation concerning the issue that we talked about in last meeting. And… And that way, I’ll get updated and so will the managers who are on the line and it’ll be a part of the record.

[Silence.]

Hauth: Eric.

Morris: Oh, sorry. I was just waiting my turn. Um, no, I have not. I know the… their attorney was going to be out on a vacation period. So I’m just kind of waiting to hear back from them because they assured me they would let me know when he gets back.

[Silence.]

Hauth: Art. [Silence.] You’re on mute, Art.

StevensonA: Okay. Eric, have we… have we…? Well, I saw the letter. And so… And, by the way, thank you for sending that letter. I thought it was well written. Rep Bird thought it was, also. And I don’t know if the rest of the Elected Committee got a chance to read that letter. It was pretty clear and concise. The only thing that… that I would like to say is that we kind of wanted to have a meeting with them and, you know, nothing in the letter mentioned that. So, Eric, do you see us still having a meeting with them, you know, to discuss that, or not?

Morris: Art… Art, in the letter I did tee that up at the very end of it to say, “Hey, you know, let’s… if need be, let’s meet and talk about this.” So… And it’s really gonna depend on what their response is.

StevensonA: Okay.

Hauth: All right. Any other… Any other reports on the committee reports? Any other questions, before we move on?

Moore: Chair Hauth?

Hauth: Yes, Lewanda.

Moore: No, it’s me, Jeanne-Marie.

Hauth: Hi, Jeanne-Marie. Yes, Jeanne-Marie.

Moore: I’m sorry to interrupt, but I don’t know if I’ll be here at the end. The July 25th date that I gave earlier was incorrect. Please correct it to say July 27th. I just looked at my Commission email and, oh no, I said the 27th.

Hauth: Okay. Well, thank you. We’ll take actions to do that. So. And it’s noted… noted for the record now, as well. So. Any other comments? And, by the way, Jeanne-Marie… Commissioner Jeanne-Marie, thanks for joining in, as you can. So, Eric, yeah, that letter was… was a… was a nice beginning to, hopefully, a continued pathway forward on those type of issues. So thank you, as well. So, no more committee reports. Let’s move on to old business. Under old business we have fair minimum return. And I will say that it’s been rather frustrating, I think, from my perspective and I’m sure from those who are hoping to receive fair minimum return. It seems like this discussion has been going on for months and months now. I don’t know if it’s three months or four months or even longer. You know, I know we’ve made a couple attempts at it. There was a… There was a request made and then there was, like, some concerns shared by the agency, or by Eric Morris, Director Morris. And then there was another follow-up to try and identify or take care of some of those concerns. And I know I sent an email to you recently, Eric, and I’m not sure if I got a response from you. Maybe you were waiting for this meeting to discuss it. But, bottom line, how can we get fair minimum return enacted for these folks that the board had recommended that happen for. Where are we with that? And what do we need to do to actually make this kind of, you know, a win for us, in our program? So.

Morris: Well, I’ve been… I’ve been working on a draft policy, Randy. So I took your memo that… You sent me an email a while back. I had reported out, I think, in June or July, some framework for how… how it would work. ‘Cause, as we’ve talked about before, paying everybody fair minimum return to the average level of $56,000 to the program level would be… It’s impossible. The math doesn’t work; we don’t bring in enough income for the program, the total program, to substantiate that. So, as… you’d sent me a note saying, “Hey, you know, could we establish it at, like a $48,000 level, with some percentages that matched real close to the profit percentage kind of boundaries that we talked about?” And then… So I went back in and crunched the numbers on that and that’s… that $48,000 level is high. I mean, it’s… I don’t think, reasonably, we could sustain that for very long, at all. So, at a $40,000 level… And that’s one of the biggest pieces of the… of the equation is, what level do you set the bar at, that everybody’s gonna… everybody’s gonna get at least this amount, X amount, is the… is the crucial piece of that. The profit percentages, we’re… I think you and I and the discussions we’ve had have been, you know, pretty darn close, like a 15% average profit level for the cafeterias, 20% if you’re running your own vending, and 25% if you’re subcontracted. So, that’s… that’s definitely doable. So what I did is I took another shot at drafting up some clearer language. ‘Cause I know last time in my Director's Report people were a little confused and I think I cleaned that up a little bit. So my intent, after the discussion tonight, is to send that out to you guys, either – depending on how late tonight goes – either that or the first thing in the morning, for everybody to take a look at.

Hauth: Okay. And thank you. And I know others will probably have questions. I guess, you know, just to… And, hopefully, you know, it sounds like we’re at least kind of moving forward. And, hopefully, we can also look at some retroactive pay because, like I said, this has been going on for so long. And I think one of the things, initially, that the board was contemplating was, “Hey, let’s… let’s… let’s assign managers locations, right? Let’s use the request for assistance or the need of the managers who are suffering to assign different vending locations to those managers.” And I know the agency was resistant to do that. And, also, legislation at that time was… or the point was that the managers weren’t going to be able to subcontract, right? So a lots changed in the last, whatever, six months. But I guess my… my thought and concern is that, you know, if you are identifying on the financial report those managers that are under the average, I believe those to be true and accurate. So, in my mind, those managers should be assisted by a fair minimum return. What that number is, obviously we’ll have to try and figure all that out. But for the agency… you know, for the… Somebody’s phone ringing. But for the agency to work forward on this sounds good. I know there’s still managers that say, “Hey, lookit, I may take other actions to try and, you know… to get the locations that the agency is not putting out for bid or bringing in house. So I’m just hoping we can find a way, somehow, to… to make it work. And it sounds like you’re working on it. It’s just frustrating that it’s taken so long. So… And I know you also shared with me that there was a little pushback or concern because, you know, the managers that are maybe subcontracting all their locations or subcontracting part of it and how does that all equal out. So I just wanted…

StevensonA: Chair Hauth?

Hauth: … to share my concerns… Yes, Art.

StevensonA: Okay. Yeah, I know the fair minimum return is definitely an issue and I want to put on the record right now, and I re-sent out yesterday, that this board made motions for the Oregon Commission for the Blind to get in compliance with the state statutes and assign facilities to managers who have made themselves available for assignment as manager. Now, that… that is one problem. OCB is still in non-compliance of the state statutes, no matter what we say on that. And, of course, if that money was going to the blind licensed manager right now, we wouldn’t be beating the assured minimum return thing trying to get something implemented. But, for the record, OCB is still in non-compliance and I have not… we have not received a response for OCB to get in compliance with the state statutes and assign these facilities. And then, also, I… I do want to state for the record that the federal law is very specific that federal vending machine income is, one way or the other, supposed to be going to the managers and it is not at this time. Now, I did speak with Mr. Hartle the other day on the phone and the simple problem seems to be that OCB has figured out how they’re going to apply the law concerning federal vending machine income. They’re using it, evidently, for set-aside purposes. And that means they’re supposed to be deducting that off every manager’s set-aside, which… which includes the people who are hurting for money now. And so the agency [inaudible] to get in compliance with the law. I don’t know what the problem is; we’ve had this discussion time and time again. And, Eric, maybe be able to enlighten us: Is the problem here that people above you are telling you not to do this, not to comply with the laws we have requested you to do?

Morris: No, Art, that’s…

Hauth: Yeah, Eric…

Morris: … that’s not the case. So.

Hauth: Hey, so, let me… let me… let me jump in here, if I may. I mean, obviously, you know, my position supports what Art’s saying, for the most part. Like, “Hey, lookit, we believe… we believe the agency isn’t doing it right.” And I guess we could holler that all day long, but what I’d like to try and find out is, how do we fix it, you know? If the agency’s… If the agency’s position is they don’t have to do that, what’s our option gonna be? Or is the agency willing to tray and, you know, help fix the problem? And so, Eric, I don’t know if you can, like, enlighten us on what… How can we, you know… How can we get there, outside of, like, a program complaint? Is there a way to work with the agency on… I mean, is it absolutely impossible and managers have to file a complaint to go through the due process? Or is there a way that we can, you know, find some common ground? So, that’s kind of what I’d like to know.

Morris: Sure, Randy. I think that’s a good question. I think part of it is, at least from my perspective, is that, you know, for a while, and I think I’ve said this before, we were on one track with the previous state statute, you know, as it was written. And now, that’s… that’s in the process and very close to being completely done and we’re kind of taking a different branch now ‘cause the statute has changed. So, I think that gives us the opportunity to figure out how we’re gonna work through it together.

Hauth: Okay. Thank you. I know there’s… Any other… Any other comment on the line? I just know that there’s been a great deal of frustration around this. And… Any other comment?

Kinney: Randy? This is Carole.

Hauth: Yes.

Kinney: Randy? This is Carole.

Hauth: Yes, Carole.

Kinney: I wanted to let you know I was late getting in to the meeting, but I am here.

Hauth: Yeah, thank… thank… thank you very much. Is there any other discussion around this? [Silence.] Any other discussion around this? I don’t know, Art, if you’re trying to talk but if you are, you’re on mute. And if not, then we’ll… [Silence.] Any other discussion?

StevensonA: Am I off…?

Hauth: You are. You’re off…

StevensonA: Am I off?

Hauth: Yep.

StevensonA: Okay. Well, and quite… quite clearly, okay, there was the opinion of the Attorney General’s Office on subcontracting. And, obviously, managers have requested, okay, and said that, okay, if that’s a problem with you, buy me the machines and I’ll service the machines. And OCB hasn’t. And also, you know, an opinion of the Attorney General’s Office, Eric, is not an overriding of what our state statute says. And it says that OCB can only provide for the continued operation of a vending facility if a blind licensed manager is not available for assignment, whether it be on a temporary basis, which we have discussed, or a permanent basis. And so, therefore, you know, I am gonna say for the record, an opinion of the AG’s Office does not override the dictating Oregon statute and the responsibility of the Oregon Commission for the Blind to follow those statutes. And you have the… the rules that allow you to do that. You have the rules that say you can do a temporary contract with everyone of the blind licensed managers to do that. And so, to not take action of an opinion of the Attorney General to override the state statute which is law is leading us to… is leading us to grievances and lots of money being spent. And, as a matter of fact, I have winds of there being a grievance file concerning this issue. And managers are frustrated because you’re basing your decisions on an opinion, when we’re basing our request on the law. [Silence.] We can move on.

Hauth: Okay. Yeah, hopefully, you know, let’s take a look at what Eric sends out today and let’s also, those who are contemplating other… other avenues, I mean, certainly that’s your right to contemplate those and see if that’s what will get a fix. But at the end of the day we’re trying to fix, you know, what we think needs to be fixed and that means getting those monies going back to the managers. And so, anyway, hopefully we’ll be able to resolve this very, very soon. So I think the next item is Other Business.

Gordon: Randy?

Hauth: Yes.

Gordon: Excuse me. I didn’t have a chance to speak. Steve Gordon.

Hauth: Steve.

Gordon: Eric… Eric, on these discussions, who’s the group that you go through, beyond Dacia, on approvals for these situations? Especially like… like the unassigned vending or the money that’s coming into our set-aside? Who… Who are the people involved telling you that we can’t… you can’t do that?

Morris: I don’t know that there is anybody else, Steve. I don’t have some other separate committee that I’m talking with.

Gordon: Well, you said earlier that you… that you’ve talked with other individuals and they’re saying no. So who are they?

Morris: I… I don’t remember saying that, Steve.

Gordon: Okay. Well, anyway, just… we know, again, we’re all frustrated. We’ve got real-life situations going on here and I know that government really doesn’t care about people’s feelings or… or life situations but this… this has gone on for so long and we’ve given you options and opportunities and basically what the law’s saying and we’re all just trying to make something happen, so that it can work. We’re wanting solutions. We don’t want to drive down the law. Everybody knows the law; they should be practicing the law. If I go out and break the law I’m going to be in trouble and the same goes for the state and their guidelines, you know? If they’re breaking the law, then somebody needs to be accountable for it. And… But we’re… But all of us that are hurting are suffering and… Well, anyway, that’s all.

[00:35:19]

Hauth: Yeah. Thank… Thank you, Steve. And we’ll... we will go ahead and move along. And I just… This certainly isn’t pointed at you, Eric, but just for, you know, our consideration as… I mean… and I know I’ve said it before but, here we are with the managers that this program is enacted to benefit and managers are trying to find a way to increase their economic opportunities and have locations go out to bid and have opportunities be assigned to them. And it seems like it’s like climbing a mountain. But, then again, like, the agency says, “Gosh, we need money to pay half of the position with the BEP, I believe, currently held by Art Marshall. I think it’s site development or something like that. And they take, like, over $40,000 without even the blink of an eye and just, you know, strip it out of set-aside without even a discussion. So I think that’s where a lot of the concern comes, that maybe managers don’t feel like they’re getting the same kind of consideration, you know. And, again, the program’s intended for the managers. So, just for us to, you know, think about that when you hear people being frustrated, that’s probably part of it. So, moving… moving forward with the Other, is there any Other under Old Business? Any Other under Old Business?

StevensonD: Am I off mute? Sorry.

Hauth: You are. You are, Derrick.

StevensonD: I just wanted to make one final comment about the last discussion. Sorry, I didn’t get in quick enough.

Hauth: Sure.

StevensonD: But it seems like, to me, that it’s complete and utter insanity to not… If we’re… If we’re in the discussion of doing a minimum return and we have the vending out there that people… people have asked for that will bring them up to… to the, you know, to the average, it just seems like insanity not to assign those locations to those managers. I mean, if you can’t do full… full reimbursement to bring them up to the average you… you assign them vending to bring them up to their average. It just doesn’t make sense to do anything… anything else. And I just don’t understand why it’s not being fully considered and done.

StevensonA: Well, I think opinion…

Moore: We probably should ask what he [inaudible] working together.

StevensonD: Pardon?

Hauth: Yeah. Hey, Eric? Eric, I know you’ve heard… I know you’ve heard a lot from the managers and I don’t know… I know you did respond, but is there anything else that you can kind of help share that we can, you know, get a little closer on this or…? I mean, can you…? [Silence.] I don’t know if there’s any other discussion topic you have to share, or discussion points you have to share. So.

Morris: Yeah, I don’t think so, right this second, Randy. I think part… part of the thing that keeps coming to mind, for me, is the fact that, you know, we… I’ll just basically say kind of… kind of what I just said, is that, you know, the state statute was very, you know, we had the state statute as it was prior to this legislative session. Now, as the new statute comes into play, and it’s… it’s not an easy read, by any means, even though it’s… it’s got some great stuff in it, but it’s not a super “Hey, this is exactly how it needs to be rolled out” kind of thing. Looking for opportunities in that to… to focus on what Derrick’s talking about: how do we… how do we best support the managers? And that’s the piece, you know, you don’t want to mess up on, you don’t want to screw up on because you need to get it right. So I think there’s definitely opportunities. And I think this weekend we’re rolling into is going to be a big opportunity for a lot of discussion. So, that’s my take.

StevensonA: Chair Hauth?

Hauth: Yes, Art.

StevensonA: Well, I might say, you know… Am I off mute?

Hauth: Yes, you are.

StevensonA: Okay. I might say that, yeah, the statute, you know, we haven’t got a clean copy of it yet. But I do still believe that it says in the Commission’s responsibilities that you can only provide for the continued operation of an established vending facility if a blind licensed manager is not available, until a manager is available. There are managers available and the state statutes did not change our existing rules, either. And… And, therefore, Eric, I urge you to have a discussion with the AG’s Office and talk about this doggone issue. Because you’re out of compliance with the law, you have the tools to become compliant with the law, and you need to use those tools and… and follow the guidelines of existing law. And… And so, I would like to make a motion that the… that you, Eric, in conjunction with the active participation of the Elected Committee, compose a letter outlining our concerns and asking if you should be taking the steps to get in compliance with existing law. And… And, if you worked with the Elected Committee… Well, anyways, I make the motion that Eric works with us to pose the question, “Is OCB out of compliance with the law?” And, if they are, what steps OCB needs to take to get into compliance with the law. There is… There is no controversy here, as far as the new law goes. And so, I make that motion, Chair Hauth.

Hauth: So, that motion has been made. Do I have a second? [Silence.] Do I have a second on that?

Gordon: I second it.

Jackson: I second it.

Hauth: Okay. Steve Gordon seconded it. Open discussion?

StevensonD: This is Derrick.

Hauth: Derrick, go ahead.

StevensonD: Yeah, I… you know, last meeting I asked Eric to supply me with the laws that he’s using to… to deny our… our… our questions, or whatever, and I never did read it. And I… And, to this point, we’ve… we’ve done… we’ve done temporary vending for years. And there are no laws in the state law that… that comes out and prohibits the temporary assignment of it. There’s nothing in the law that says he can’t put places out for bid. And there’s nothing in the law that says he can’t just assign it to a manager permanently. There are no laws, or there’s nothing in the state law that prohibits him from doing those… those items. And I don’t know why he keeps trying to insist that, just 'cause they’re vague, you know… Well, we’ve interpreted them, past practice has been that you can temporarily assign locations to managers, or you can assign locations to managers’ routes. There are no… He doesn’t have any leg to stand on in this situation, as far as I’m concerned.

Hauth: Well, thank you, Derrick. So, any other discussion on that? And you know, I guess… you know, it comes… in my mind it comes down to, again, how do we fix it. I mean, I do think… I do think it’s wrong, the way the agency has handled many of these issues. And I do agree that there’s a lot of supporting language that would allow the agency to temporarily assign and, you know, put locations out for bid that maybe haven’t been put out for bid. But how do we fix it? So I guess we could get on a meeting every month and could complain about it, which rightfully so, you know? But is that getting us a fix, you know? No, that’s not getting us a fix. So how do we get it fixed? I think there’s a couple of ways: those people who are impacted either file a complaint and lawyer up and do it right and challenge the agency that way, or we find a way to encourage the agency to change their… change their position on that. So, I think that’s what the agency I hope will consider is, you know, can we now, you know, even though I believe the agency could’ve done this all along. But, you know, let’s… at least in my mind I’m trying to forget about that and I’m saying right now, today, or tomorrow or in the next day or two, can the agency reflect back and reconsider and look at some of these things that we’ve been raising month after month? Can we find some common ground? And maybe we’ll have some great discussions during the rules-making summit. I know these issues will help us craft some of our points. But, you know, we can either do that or we can, you know, the manager can get an attorney and file a complaint. Because that’s about… in my mind, those are the only two options. But that’s just my two cents worth. So if there isn’t any… A motion’s been made and there’s been discussion…

StevensonA: Chair Hauth?

Hauth: Any other discussion? Yes?

[00:45:33]

StevensonA: Okay.

Hauth: Art.

StevensonA: Am I off mute?

Hauth: Yes, you are.

StevensonA: Okay, I am off mute. Okay. I want to amend my motion a little bit. I also… because I want to see this done and it has to be done, I want to… us, the Elected Committee, also I want to work with the AG’s Office, definitely. But I also, in what we’re doing here, I want to bring the Secretary of State’s Office into it also. Because, in my opinion, there is abuse going on here and that’s… waste, fraud and abuse by a state agency is against the law. And I would much rather get the Secretary of State’s Office involved also, so that we can find resolution so we don’t waste a bunch of money on… on complaints. I’m tired…

Hauth: You want… You want to make a friendly amendment, then, to that?

StevensonA: Yep.

Hauth: Okay.

StevensonA: I want to also… I want… We want to pose the question to the AG’s Office about this compliance stuff and get the Secretary of State’s Office involved because I feel that the agency is not complying with the law. And, you know, they’re… they’re … in my opinion, they’re wasting our money by not giving it to the blind licensed managers, which the law says they’re supposed to do. That’s my friendly amendment.

Hauth: Okay. Do you… Steve Gordon, I believe, was the seconder. Do you accept that friendly amendment, Steve Gordon?

Gordon: Yes, I do.

Hauth: Okay. Any other discussion?

StevensonD: This is Derrick.

Hauth: Derrick.

StevensonD: Yeah, you know, I… I don’t want to bad mouth the AG’s Office, but I’m… but I… but I have to. Because, every time we go to the AG’s Office, they write an opinion that is so vague and… and misleading that you can’t even really understand that that even said anything, by the time you get through reading it, other than the fact, like, take the current one, the fact says if we’re not supervising what’s going on in our locations or whatever, and I’m paraphrasing, that… that we can’t use subcontractors. But it does not say we can’t use subcontractors at all. And I think, you know, the AG’s gonna write an opinion that favors… goes in the favor of OCB because they’re always, you know, they’re… they’re representing them in complaints so they can’t say anything… anything different. It’s… If we’re gonna get some kind of ruling on this, you know, maybe the Secretary of State’s Office needs to look into what’s going on and… and find out if people are abusing their… their job titles by not doing things right. But as far as the AG, I don’t know, it always worries me.

Hauth: Yeah. Thank you, Derrick. Any other discussion?

StevensonA: Call the question.

Jaynes: Chairman Hauth?

Hauth: Yes, Lin.

Jaynes: Yes, thank you. I was just… had a curiosity question. Maybe Jeanne-Marie can answer it. What about going to the Oregon Commissioners? It’s my understanding that a state agency actually is under that. So perhaps bringing this to the Commissioners and asking why it is that we can’t get something done on fair minimum return and/or, most importantly, why we can’t get some of these sites assigned to these people, to where we don’t need a fair minimum return if we could get the work. Maybe it would be a lot better to go to the Commissioners first, before we go to anyone else, and say, “Can you help?”

Hauth: Thank you. Yeah, I don’t know…

StevensonA: Chair Hauth?

Hauth: … if Jeanne-Marie has an answer for that or wants to answer. Or if Eric, you know. I know that question was asked of Jeanne-Marie so, Jeanne-Marie, if you’re on the phone, you’re welcome to answer it.

Moore: I actually don’t feel in a position to answer it at this meeting right now.

Hauth: Okay, thank you.

Moore: I’m so sorry. I wish I could.

Hauth: Yeah, thank you…

Moore: I really wish I could.

Hauth: … wanted to give…

StevensonA: Chair Hauth?

Hauth: Thank you. Yes? Let me… Let me ask… Let me ask Eric something real quick here. I know the motion’s been made and there’s been a friendly amendment and a second and there’s been discussion. Eric, is there any… like, is there anything, again, that you could weigh in on? I mean, what do you think about the discussion going on? Or, is there a different pathway we could take to get to where we need to go? Or, I mean…

Morris: Well, I… I’m… you had some vigorous discussion, I guess is a good way to put it. What do I think? Ahh, well, I could pose the question that was contemplated to the AG about, I don’t know, ten minutes ago. And I can ask that question. You know, I don’t have any comment about the Secretary of State’s Office or any of that stuff, 'cause that’s… that’s all choices you guys are making. So.

Hauth: Well, is that…? I mean, do you see any of this…? I mean, obviously, it’s my duty to hear the motion and advocate, you know, for the managers in the program the best I can. But do you see this helping any change, or is there a different way to do it? I mean, I guess that’s what I’m trying to figure out here, you know. And maybe there isn’t. I don’t know. But… And maybe you don’t know [inaudible]…

Morris: Well, I think part of anything is trying to figure out what’s the most important thing of any body that you’re talking to at the time. And I think a lot of times everything is crucially important all the time. So, you know, we’ve spent… well, I don’t know how long we’ve spent on this issue. I, you know… a while now. So I need to shuffle around my priorities and figure out a solution that will make people happy. So that’s… that’s what I have in my head. Can I make that happen? I don’t know. I’ve been working on the fair minimum return thing, trying to move the needle on that. This is a different issue that we have talked about before. But, you know, you have to prioritize what… and this is obviously boiling up to the top of the pile of importance from the Elected Committee’s perspective. So, yeah, I got to take that into mind.

Hauth: Well, I wanted to give you an opportunity to… to, you know, weigh in…

StevensonA: Chair Hauth?

Hauth: … weigh in on that. Yes, Art.

StevensonA: I might make a reminder there. You know, Eric says “I” and the motion is with the active participation of the Elected Committee, so it needs to be a “we.” I mean, that’s part of the problem that we have in this. We always forget about the active participation part and… and… and then things get done half… halfway and all the questions aren’t asked. And that’s why the motion was specific with the active participation of the Elected Committee, which… this is a major administrative decision and it’s… and… and we need… it needs to be a “we” thing. I mean, we’ve got to get past this dang “I” thing because…

Hauth: Well, and hope… and hopefully we will, Art. Let’s go ahead and move the motion. I know we all try and encourage, you know, the agency to do things differently. And I hope with us talking with them… I agree with you. Hopefully, that can happen sooner rather than later. I mean, but… Yeah, I mean, if we could go ahead and call the vote, we’re an hour into the meeting and we have another hour with important things. If we can go ahead and call the vote, I’d like to do that. So. So, a motion’s been made, there has been a second and there’s been plenty of discussion. Signify by yea or nay. Art Stevenson.

StevensonA: Yes

Hauth: Derrick Stevenson.

StevensonD: Yes.

Hauth: Steve Jackson.

Jackson: Yes.

Hauth: Steve Gordon.

Gordon: Yes.

Hauth: Okay, that motion passes. We’re moving right on to…

Moore: Randy, you didn’t vote.

Hauth: Oh, well. The motion passed anyway, so I apologize for that.

StevensonA: Well, put your vote, Mr. Chair.

Hauth: Pardon me?

StevensonA: Go ahead and vote.

Hauth: Yeah. I vote yes, as well. So, New Business, number six. Active participation definition. So, Art, I think that was one of your requested items.

StevensonA: Well…

Hauth: Have the floor.

StevensonA: Am I off mute?

Hauth: You are.

StevensonA: Okay. Well, you know, I do want to say that the active participation definition that all the managers had the opportunity to vote on occurred. It has been adopted, to be put into our bylaws. And Eric had talked to me about where it should go and… and I said that’s a decision of the Elected Committee, on where it should go. And… And so, I think we need to… because now that we’ve adopted it and it needs to be put on the Oregon website and stuff. We need to address that issue real quickly. I would like to suggest that we place it right after the preamble of the thing because it is a definition. There’s two definitions: there’s the active participation definition and the full consideration. And… And so, I propose that it go right after the preamble and we start a new section of definitions. And, as we add definitions, if we do, then it’ll be at the beginning, which is the way most documents, bylaws go. So I would like to make a motion that that’s where we place our newly adopted active participation definition.

Hauth: Okay. A motion’s been made. Do we have a second? [Silence.] Do we have a second?

StevensonD: I second.

Hauth: Derrick has seconded it. Any discussion? I would like to… I would like to just take a moment to commend Art Stevenson for taking the initiative to recirculate the active participation definition. There’s been a long and winding road to our active participation definition, you know. So it was nice to see it circulating again and it was nice to see the managers taking the time to support it and to vote in support of it. I mean, it’s like beating a dead horse. You know, active participation is probably a key, key element and it only… Can it make a successful program, just by the written word? No. Can it make a successful program by taking that written word and applying that and both working together to the best of our abilities? Sure can. Most states do it well. I would just like to share it’s been a struggle for us here, I believe. So that was… that was great to see. I know now it’s being requested to be in the bylaws and that motion’s been made, a second’s been made. Part of my discussion is, Eric, so what…? Are you hearing anything…? Or what… what do you see about this active participation definition and are there any concerns or obstacles from your side of the desk? As far as putting it in the bylaws? And once it’s in the bylaws, does that encourage it to be, you know, complied with or acted on or considered differently? I’d like to kind of get your take on that.

Morris: Randy, I don’t think I have an opinion on that, actually. And I haven’t really heard any chatter on that, either.

Hauth: Okay. Okay, so a motion’s been made, a second’s been made. Any other discussion? [Silence.] Okay, hearing no discussion, we’ll call a vote, yea or nay. Art Stevenson.

StevensonA: Yea.

Hauth: Derrick Stevenson.

StevensonD: Yea.

Hauth: Steve Jackson.

Jackson: Yea.

Hauth: Steve Gordon.

Gordon: Yea.

Hauth: And I vote yea, as well. So that motion passes. Thank you.

StevensonA: Chair Hauth?

Hauth: Yes.

StevensonA: Okay. I want to put on the record that it had been a long time since we had done anything with the bylaws and we kind of made a slight mistake at the beginning. The bylaws are very specific on how we do a bylaw change. A bylaw change is recommended and then the chair is supposed to put forth the recommendation for a bylaw change to the managers; the chairman is, or his designee. I discovered that we made that mistake and we corrected that mistake afterwards. And so, from now on, we will make sure that there’s a clear understanding that a bylaw change vote is ran by our chairperson and that in the bylaws it is not designated as a secret ballot. And so, if we want to have some discussion on that later, on the bylaws, we can certainly do that. But the votes need to go back to the chair or his designee. And I wanted to clarify that. It was a slight mistake on our part. But, when I pointed that out to Chair Hauth, he quickly remedied it. He was on vacation so he put me in charge as his vice chair, as his designee. And then I completed the vote. So…

Hauth: Yeah. Thank… Thank you, Art. Yeah, you did a nice job. Thank you very much. And so, let’s go ahead and move on to item b under 6 of New Business, and that’s the rule-making process. If I can have a minute here, I’d like to just share with you all, gosh, it’s been a… it’s been a lot of work to get to this point. But I believe we are at the forefront of dramatic change, spurred through all of our efforts in support of our legislation, all the hard work of the agency, all the hard work of the managers, all the hard work of Representative Ken-Guyer’s office and Jodi Hack’s office, and Ferrioli’s office. And, I mean, the list goes on and on. And I will tell you, this might shock you, but I was even a little bit impressed with the AG’s Office at times; not the entirety of the times. But there were several meetings that I participated in that I felt… I felt pretty good about Gretchen Merrill’s representation of issues. So that was… that was a good thing; at least a good start. So the rule-making process, again, has been spurred and required through the legislation. I believe there are at least three required provisions that need rules built around them. That one is the subcontracting and subcontractors and that whole process on vetting the subcontractors. And the second is the duties of managership and managers’ responsibilities and how that all looks. Another is healthy vending and healthy items. I believe set-aside. I’m sorry. Set-aside also is an item to discuss. And I don’t know if I left anything else out on that. But, again, we’re on a point where we have a facilitator by the name of Terry Smith. Some… Some support Terry 100% and some maybe have questions. But I believe Terry will be a good facilitator for us. Now, a facilitator should help us work with the agency through active participation and design and define the rules the way that they benefit the managers. Again, when you look at the state statute, it says the law is supposed to benefit the managers. So if, during our discussion, something comes up that maybe you don’t think benefits the managers, that’s probably going to be a point of conversation [inaudible]. I don’t think the five days are gonna get us entirely through the process but I believe it will get us a really good start at it. Some things, as you know, are going to be easier to do than others. Will we get everything 100% that we want? I don’t believe so. Will the agency be able to just mandate anything they want? I don’t believe so, either. I don’t think that’s a good way for us to get a product that’s going to benefit the managers and will last the test of time. So I hope anybody on the line speaks up and shares their concerns and comments and suggestions for change through this process. And so, I’m just really excited. I think it will be, you know… It won’t be… It won’t be an easy lift, but it will be exciting to start this process. And had a good conversation with Eric and Terry Smith the other day. And so my understanding is, we’re gonna start out at the… Hey, Steve, I think you’re off of mute. We’re gonna start out with active participation training and overview, similar modeled after the Mississippi State [inaudible], where Terry Smith did a training. Also I think there’ll be a little bit of question and answer around… Also, I believe Gretchen Merrill will be on the line to overview the… the statute. We’re also gonna talk about how we can avoid pitfalls. So that’ll be open for discussion, right? One of the things we want to make sure, that any information that goes to the Attorney General’s Office and is shared with the agency is also shared with the Elected Committee and managers. And I know that’s one thing that Terry felt also needed to be very strong supported. So then we’re going to build ground rules, ground rules on how we can have, you know, a consensus-based model and what happens when we run into issues we don’t agree with or that, you know, we do agree with or, you know, so forth and so on. The meetings… work group meetings, or the rule-making meetings are going to be public meetings, as well. And so I will share with you, I know there was a couple of us more intimately involved in the legislation process. I know we all were involved in it and all supported it. But I saw a common theme, and that was transparency, I believe, of the agency; that was also integrity, bringing back integrity to this program, right? We don’t want people sitting at home eating cheese puffs and watching Oprah, right? Doesn’t mean you have to be out working like a dog; it means you have to be the operator/manager and being direct in your business. So I know those are a couple of common things I saw. But transparency and trying to get away from the litigation and trying to get away from the complaints I know also was very supported by the legislators who I talked to. And so, by establishing the priority, if you look through the state statute, it talks about active participation, right? So that’s clearly important to the legislators, too. So let’s take this as a really, really good first, long-awaited step to work together and start building some of those burnt-out bridges and get… get on board with that. So that’s my soap box for you guys. I do want to hear from Eric. Eric, I don’t know, before we hear from the other board members and managers, but what’s your take on it? What are you hearing? I mean, are you excited like me? You know, what’s… what’s the chatter going on?

[01:07:50]

Morris: Well, Randy, I think you did a good job summarizing it. I think excited and um… what’s a better word for it? There’s a lot of work to be done. So, a little nervous, to make sure that we, you know, get through the process and actually get some kind of a product done. I think that’s the piece. And, you know, any time you’re working with people that are going to have opposing views, I think that’s probably where a little tension comes from, is that people, you know… How… Like you said, you know, and that was reflected at the Commission meeting, was that last week? You know, we need to get along. And people need to be able to see that, too. But I think that’s important. We heard that from the legislators, too. So, just kind of thinking through the process and how it’s gonna work. I think the table’s been set very well in the sense of the process, you know, what you’ve just outlined. And there’s just… I’m hopeful that four and a half, almost five days will take a big chunk of it. So, yeah, I think it’s gonna be good.

Hauth: All right. Thank you. Board members? Any comments from this? Any concerns…

StevensonA: Chair Hauth?

Hauth: Yes, Art.

StevensonA: Okay. Yeah, I’m excited. I’m excited that we’re finally gonna write complete rules. And these will be complete rules on this aspect, of course. We’re not gonna have time to address all the other issues that we need to address. And they will be addressed by this Elected Committee. I know because they are committed, okay, to protect the rights of blind licensed managers, to make sure that they are independent entrepreneurs and they are allowed to make informed choices to run their business that are going to benefit, be beneficial to them and their businesses. And I think that’s very, very important. I do want to say that I did attend the OCB Board meeting on Friday. I was a little bit concerned about some things, like the board of commissioners saying that active participation is, you deal with Eric Morris and not us. I believe that’s wrong. I believe the Commissioners are put in place to provide oversight for the Oregon Commission for the Blind and then, therefore, they are obligated under the law to allow us active participation with them. And so, hopefully, we will be able to define active participation, not only with, you know, Eric and Dacia, but with the board of commissioners. ‘Cause I… I still think that they do not understand it. Now, as part of… as far as the rule-making process goes, concerning the new legislation, obviously there are several aspects to this, including the subcontractors and the teaming partners. And I am a little bit concerned about some of the commissioners’ thoughts, not all of them, and some thoughts of the agency. Now, I sent out to the managers the monitoring report from RSA and it’s very, very important. When they were out here they agreed with us that attaching vending and stuff to units that weren’t as quite as profitable, I mean making as much money as they should be. And RSA gave that blessing. They said this was a good thing to up the income level of the blind licensed managers. And that’s what this Elected Committee and OCB at the time did. However, it wasn’t intended to make two jobs for cafeterias and snack bars by giving them vending to supplement their income. And, therefore, when we go into the rule-making process – and I was quite concerned that, you know, the commissioners were setting benchmarks for us, without looking at the forest for the trees and discuss… making decisions without actively discussing with the Elected Committee or the managers. Just what was going on here, as far as subcontracting goes? And so, I want to make a motion that this Elected Committee definitely looks at two avenues when we’re writing the rules for subcontracting. I think a manager, an independent manager, should be able to make the decision when they operate a cafeteria or a snack bar whether they want to subcontract or they want to feed the machines themselves. The commission… I mean, the chair of the commissioners said, “We want to set a benchmark of 10% subcontracting.” Well, in… in essence, you take, for instance… and I’m gonna use Steve Jackson’s facility, the BPA Building. He has ten machines and there’s no way in heck that subcontracting one machine out of the ten that he operates is even feasible, recommended or… It isn’t beneficial to him. Steve should be able to make the decision, because he’s got a full-time job running a cafeteria, whether he wants to mess with the vending machine… the vending machines or he wants to have a subcontractor doing it. And… And, therefore, he should decide what’s best for his business and for Steve Jackson and what, you know, concerning that. He shouldn’t have one full-time and a half-time job feeding the vending machines. That wasn’t the intent… the intent of assigning vending to cafeterias. Carole Kinney, I believe… Carole, how many vending machines do you have?

Kinney: There are four, Art.

StevensonA: Okay. So, you know, what is 10% of four? You can’t get it. And… And Carole, as an independent businesswoman, has the right, because she runs a cafeteria, to either mess with the vending if she wants to or not to mess with the vending and receiving income. So I’m making a motion that this Elected Committee makes sure that, you know, the two… the vending… the vending route situation is addressed, of course, for the vending route people, but that we support the decisions of our cafeteria operators, our snack bar operators, to do what was intended and that was for the vending to supplement their income, not to give them… make them another job. And so…

Hauth: Yep. Thank you. Okay, a motion’s been made. Do I have a second on that? [Silence.]

Jackson: I second.

Hauth: Do I… Okay.

Jackson: Steve Jackson.

Hauth: Steve Jackson, I believe, seconded it. Discussion? I do… I do want to share something. And, again, hopefully this is not going to be a sticking point. Hopefully, it will be something that will just silently go away. But I was unable to attend the Commission for the Blind board meeting. I do appreciate the opportunity of being asked to introduce and speak on House Bill 3253. And thank you, Art, for showing up in person, taking the time and effort to go do that. And I heard you did a really nice job. A couple things I’d like to share is that, not once through the legislative process and all the meetings and all the discussions that I was in was it ever contemplated by any of the legislators that a percentage would be identified to limit the right of a blind vendor. Clearly, there’s a two-year grandfathering for… for those who right now are engaged in an agreement and doing their business. But it never was contemplated, it really doesn’t make sense. I am… I am concerned that the commissioner – Dujari, I believe it was and maybe Scott McCollum – would even enter… would even entertain that because…

Moore: [inaudible]

Hauth: … that’s so far in the weeds… You know, that’s not, in my opinion, what the commissioners should be doing. We keep hearing about the commissioners not needing to be in the weeds, and then you hear, you know, this kind of malarkey. And also, I believe it came from the same person who thought we should be riding a bus to fill our machines, as I hear it. So I just hope that the commissioners will allow the agency and the managers, the BE Administration and the managers, with the assistance of Terry and the interested parties, to develop and design a good product. Now, if we submit it to the commissioners and the commissioners don’t like it, certainly they can send it back. But they can’t pick it apart, they can’t pick only parts of it that they like. Terry Smith said the same thing the other day on the line, “Lookit, you know, as far as the RSA process goes you guys need to work with… through active participation, develop the rules and then submit them to the commission board for their approval, which we hope, when we get that product done, will occur. Then it needs to go to RSA for their blessing. So, again, I hope that we can move forward through this process and that the commission board will have confidence that we’re getting those things done properly. So, anyway, you know, a motion’s been made, there has been a second. Is there any other discussion? Hearing no discussion…

StevensonD: Am I off mute?

Hauth: Go ahead, Derrick.

StevensonD: Yeah, this is Derrick. The part that I’m really having a hard time grasping with is… is… is the fact that, if they’re gonna recognize that it’s legal for a manager to use… to use a subcontractor, which I believe it is, I do not think that they can lawfully deny us or tell us that we can only do 10%. I think that would be completely against… against the law. If the law allows us to do it, then we should be able to do it how we see fit…

Hauth: Yeah.

StevensonD: … not… not dictating to.

Hauth: Yeah.

StevensonD: And 10% is just, like…

Hauth: Yeah.

StevensonD: … you guys said, it’s so far out of it, it’s ridiculous.

Moore: May I…?

Hauth: Yeah. And I agree. I agree. I don’t think we need to get caught up on that. I know it was kind of alarming and concerning. However, again, nowhere through this process was that ever contemplated. And, actually, I have documents that identify that subcontracting will not be unreasonably withheld. And so, maybe it was just an idea that… again, I didn’t listen to the meeting, so if I’m misspeaking I apologize in advance. Eric did provide me a copy of the meeting. I just haven’t had a chance to get there yet. But, hopefully, we’ll not get caught up on that and hopefully we can all at least be a happy family moving forward and getting us… You know, if the commissioners have confidence that we’ve done a good job with the agency and the agency has the good, you know, the confidence we’ve done a good job, hopefully the commissioners will support our efforts. And if there are issues at the end of the day then I guess we’ll deal with those as we see fit. But there’s a motion, a second. Any other comments before we take a vote?

Gordon: Yes, Randy.

Hauth: Yes, Steve. Go ahead.

Gordon: I remember distinctly in our meetings with Jodi Hack and Keny-Guyer’s Office that they were very, very concerned about the commissioners making choices or making strong suggestions towards control. And they were very opposed to that, both of those offices were very opposed to that. And another situation, a piece of evidence was that they were really interested and it was told over several times about choice and that was… that was mentioned several times by Keny-Guyer, that in all this process there is the choice. Not a dictation, there is the choice. So they’re, again, they’re… the commissioners are being watched by the other offices of the government agencies, also. Thank you.

Hauth: Yep, thank you. Any…

Moore: Chair Hauth, I know it’s an exception, but could I say something? I just feel like screaming. [Laughs.]

Hauth: Sure. You bet.

Moore: Okay. So my… my sense of what Chair Dujari was trying to do was… Well, he wanted to create some goalposts, which I do not know if that is our job or not; I’m researching that. He called them goalposts and I think, Randy, it would really behoove you to make the time… the last 40 minutes of the meeting is really where the whole thing came up. So it’s the last 40 minutes, I think, that you really need to hear. But what I want to say is that, you know, it’s gonna be tough to get BECC to be at every meeting. It just is. I don’t know how we’re gonna do it. I don’t know whether, you know, three commissioners or something could come to one of your meetings, the BECC meeting, and that’s how we’re kept up to date and we give that report. But I don’t think you guys being on the agenda every time is gonna work. I mean, Prateek just said it’s not gonna work. So, you know, and he’s the chair until 2020. So we’ve got to figure out an alternative way for enough commissioners to learn what you guys want, need and feel, for us to be able to then, when the BE Program – and I would suggest you guys start saying “vending facility managers” 'cause it got changed in the law – and maybe the vending part will sink in. [Laughs.] Anyway, that, you know, it’s… it’s not gonna happen at commission meetings. It’s just, at this point, not gonna happen. But I believe that there are other ways to get it done because I believe this is a public meeting, is it not?

Hauth: Yes.

Moore: Okay. So, that might be a way to go. I don’t attend all of these meetings but I certainly… I mean, maybe we could have a conference call public meeting or something for the people that want to be there. And, you know, I believe Scott is very interested. And what Scott said, actually, is he was very, very unwilling to come up with a blanket statement. He was much more into individual situations being considered, as a matter of fact. So…

StevensonA: Chair Hauth?

[01:25:15]

Hauth: Yeah, and thank you, Jeanne-Marie, Commissioner Jeanne-Marie. Yes, and I am absolutely going to listen to that prior to the meeting. The one thing that keeps falling back on me when I… when I hear comments that are made, like the 10% comment, is, again, the state statute says that this… this program is to benefit the licensed blind vendors, or the vending facility managers.

Moore: Managers, yeah.

Hauth: How does that… How does that benefit a manager? You know, that would be my question.

Moore: Well, it’s…

Hauth: So…

Moore: And so you… I would say, if he’ll do it, you and Chair Dujari, if he’ll do it, would… it would benefit you to have some kind of a discussion. His whole thing is the belief… I’m just gonna say what I think, okay? [Laughs.] Commissioner or not.

StevensonD: We all do.

Moore: The belief that… The belief that you guys make a ton of money without ever showing up as a… at a facility. The best thing you guys could do, in my opinion, is document your time for the next month or two. And, you know, the active participation would be, contribute those time sheets to the commissioners, so that people understand you’re not, you know, you’re not…

Hauth: Sure.

Moore: Yeah, 'cause…

Hauth: Just so you know, Jeanne-Marie…

Moore: The stereotype is out there and that’s what you’re working against.

Hauth: Yeah, and just so you know…

Moore: And I know, from running a cafeteria in California, if I didn’t have other people in there that I was managing, I would’ve never made it. 'Cause it seated 400 people. [Laughs.]

Hauth: Yeah. Thank you. And just so you know, that is also… Art, hold on just a second and I’ll turn it over to you for a minute. Just so you know, that is also built into the state statute…

Moore: I know. I read it.

Hauth: … the manager’s duties and responsibilities. So that’s clearly… you know, and it’s clearly… clearly an issue that we need to identify and document so that stereotype isn’t out there or, you know, so forth and so on. So thank you for your comments. Go ahead, Art.

StevensonA: Okay. Now, I… I… I do appreciate what Jeanne-Marie said. And, you know, the whole thing about active participation is that we participate in topics of discussion that are on the agenda that affect our lives and give the commissioners a different perspective on what is there. Now, I know through a person that Director Morris gave a report to the commissioners without the active participation or the input of the Elected Committee, our insights on what is happening and how it is happening. And, quite frankly, there is a different view. And there needs to be an understanding. And so, when our director is putting in a report to you guys about what’s going on in the program, number one:…

Moore: You mean to the commissioners?

StevensonA: … we should have access to that information; and number two: we should be allowed by our Director to give our perspective, also. It doesn’t have to all be in a meeting. But when there is a discussion about our program, our public body, our chairperson should be allowed to interject our thoughts and our perspective on the issues that are being discussed by the agency. I mean, that is what active participation is all about. Now, you know, we don’t have time in the two hours. Well, then maybe there should be two and a half hours because the commissioners have a job to do, also mandated by law, even though certain individuals don’t like it, for us to actively participate when the commissioners are making decisions, major administrative decisions concerning our program, like benchmarks. And, you know, we need to know about all this stuff and it needs to be discussed and debated and everything. And that, you know, that is what we are requesting and deserve under the law. Jeanne-Marie, you guys are the decision makers and if you’re only looking… if you’re only given…

Moore: I understand. Honest, I do.

StevensonA: I know you do. And… And so, anyways…

Hauth: You guys, we are… we are running on [inaudible].

StevensonA: Let’s call the… So, anyways, it needs to be resolved. And, you know, commissioners have a responsibility under the law, just like the agency has the responsibility, and they need to follow the laws. And… And so…

Hauth: Let’s go ahead and vote on that.

StevensonA: Yeah.

Hauth: Okay.

StevensonA: Did we have a motion going on?

Hauth: Yeah, I think you did, didn’t we?

Moore: Believe it or not. At the very beginning of this whole part.

Hauth: There was a motion and a second. And if you guys are still inclined to vote on it, we’ll go ahead and call for a vote, yea or nay. Art Stevenson.

StevensonA: I vote yea.

Hauth: Derrick Stevenson.

StevensonD: Am I off mute?

Hauth: Yes, you are.

StevensonD: Honestly, I don’t think I can vote because I don’t recall what the motion was. [Laughs.] I don’t want to be a pain, but…

Hauth: Okay. Steve Jackson. [Silence.] Steve Jackson?

StevensonA: Chair Hauth?

Hauth: Yes.

StevensonA: Chair Hauth?

Moore: Can we restate the motion?

StevensonA: We can restate the motion. My motion was that we push the fact that vending for cafeterias and snack bars should be treated completely differently because it was given to them, and the example was given like Carole Kinney and Steve Jackson. They only have four… four machines. They should be able to make the independent decisions whether they want to subcontract all of theirs or they want to service their machines theirself. That should be an individual for the cafeterias and snack bars. And that the Elected Committee should…

StevensonD: Okay, I got it.

Hauth: Okay. So that motion’s been restated. We’ll go ahead and re-call the vote, yea or nay. Art Stevenson.

StevensonA: Yea.

Hauth: Derrick Stevenson.

StevensonD: Yeah, I think this will be settled this weekend, hopefully. But I’ll vote yea.

Hauth: Steve Jackson.

Jackson: I vote yea.

Hauth: Steve Gordon.

Gordon: Yea.

Hauth: And I vote yea, as well. Okay, moving right along, I think we have a few other items here. Hey…

StevensonA: Chair Hauth?

Hauth: Yes.

StevensonA: I want to state there… there is no conflict of interest there; independent decision-making is not a conflict, it’s a right.

Hauth: Okay. Thank you. So, under c of New Business, the director’s weekly… weekly outreach report. So, I know we talked about this, Eric, oh, gosh, I don’t know, a month or so ago and one of the thoughts was there… I think better communication is probably needed in our program. And I don’t maybe think intentionally sometimes communications break down or emails don’t get responded to or so forth and so on. But would it be possible for you or could you consider Friday before you go home for the weekend, sending just an update of what’s going on. Because maybe there’s many times where, for instance, somebody, you or somebody in your staff’s contacted of an opportunity that exists for a new location or maybe somebody contacts you and they want to try a healthy vending program or maybe somebody contacts you, you know, on a multitude of different areas. And wouldn’t it be nice that that information just, in sum, gets sent out to the committee, saying “Hey, lookit, I was contacted this week. We have some site development going on that were under consideration and here’s what’s going on. When I get more information I’ll talk to you more about it or we’ll discuss it at the next meeting.” So, in general, that’s what I was hoping would maybe help some of the what I call the communication breakdown. So. [Silence.] Do you have any… Did you already leave?

Morris: No, I’m still here.

Hauth: That was… That was a joke!

Morris: I was gonna say, you can’t… you can’t have it without me. Well, I guess I could just walk… I could leave and just leave it going. I hadn’t… hadn’t pondered that too much.

Moore: That’s when you’ll get hit by a bus.

Morris: Yeah…

Hauth: Any… so, any thoughts on that?

Morris: I… I think we could give it a shot. I think, you know, like any other process, it just builds in more things to do. So that’s fine. You know, maybe if you have some examples or a framework that would work. I mean, like, I looked at Alabama’s monthly… monthly reports and stuff that they were providing to the managers. If you could find something that’s similar, that’d be cool, too.

Hauth: Sure. Okay. Not really… Not really trying to put a ton of work on you through that project, so I think I can put something together that maybe won’t be too painful and maybe, you know, will help alleviate some of the… some of the work down the line. I don’t know. We’ll see.

Morris: Okay.

Hauth: As long as you’re willing to give it a try, I mean, we should at least look into it.

Morris: Sounds good.

StevensonA: Chair Hauth?

Hauth: Yes, Art.

[01:36:00]

StevensonA: I’m gonna throw out there that, rather than taking the time to do a report or something like that, that maybe Eric gets together with the chair and the vice chair to discuss everything that’s going on and then communicate to the Elected Committee and the managers. It would probably be quicker and, you know, just do a three-way or…

Hauth: Quicker? [Laughs.]

Morris: Art, can you rephrase that?

Hauth: Yeah, no… no, let’s… Yeah, I mean, I’ll take that into consideration, as well. I think that’s a good, good thought. So let’s, you know, we don’t have to belabor this issue but it sounds like Eric would be willing to step up the communication, at least on that end. And we can come up with what will work best, right? So. [Silence.] Hello? I think you’re on mute.

StevensonA: Who?

Hauth: You. Oh, maybe you were just being quiet.

StevensonA: No, you said that we’re gonna work on that and adopt something and so I just wanted to throw that idea out there.

Hauth: Okay. You bet. You bet. Okay. And, if there isn’t any more on that, we can move along. I think we’re just about out of agenda items. Is there any other comments on that, before we move along? Okay. And site development – Art, do you have anything on that? I know we touched base on it earlier. Well, we got the SAIF thing going. I think the active participation definition may help. We need to… Obviously, the Elected Committee made the motion that we’re gonna promote that, get it incorporated into our rules. And so, obviously, site development is in there. And so I’m cautiously optimistic that we’re gonna start, you know, working together and resolving the issues and coming up with good ideas together, etc. etc. And so I just wanted to say, Randy, that Eric, are you willing, when you submit stuff to the commissioners to, you know, share that information with the Elected Committee and get our input and… and stuff like that? I realize the thing that you sent them was not on the commission meeting but it would’ve, you know… I know another manager got a copy of that also 'cause they know somebody on the commission board also that shared that, which is, you know, a good thing that commissioners share information with people because that’s what they’re supposed to do. They represent the blind community. So would it be possible that whenever, you know, that kind of stuff is going on, we could at least be copied on it? Or, you know, we could be a part of reports that you’re giving to the commissioners and have our input put in, you know, what you submit to them?

Morris: I don’t know, Art.

Hauth: Hey, Eric, you probably have to… I mean, you probably have to maybe think about that or ask about that. But I guess my question would be, why in the world wouldn’t it be okay when that information that you send to the commissioners, or even Executive Director Johnson’s information, you know, relative to our program goes to the commissioners. Why wouldn’t it be shared with the Elected Committee and managers? I guess that’s just one thing that stands out, you know. Are we not worthy of having the information? You know, I don’t quite get it. But maybe that’s something, as we work forward, we can look into a little bit more. So, again, you know, I know the state statute talks about transparency and, you know, so… And I know we have some things that we need to do on our end better and I think the agency does, too. But, yeah, let’s… you know, Art, if we can, let’s continue the conversation on that. So.

Gordon: Randy?

Hauth: Yes. Yes, Steve.

Gordon: Isn’t it a public meeting? So isn’t this public information? And aren’t we public?

Hauth: Yeah. Yeah. And I think what he’s talking about, Steve, is the… there are reports sent to the commissioners by… prior to the meeting, from, I believe, from Eric and also from Dacia. And even those are public documents. We could request them that way. But we’re just hoping that we can do some better information sharing. So I think that’s… that’s the push here. So. Okay. So, closing out we have Other Business. Is there any other business?

StevensonA: Chair Hauth?

Hauth: Yes, Art.

StevensonA: Yeah, I got something to address, real quick. The OCB hotel of choice in Portland is, in my opinion, a nightmare for totals. I’m gonna be going up there this week and… and I guarantee you that that place is a nightmare for me. And so I would like to make a motion that we recommend to the Commission for the Blind, find a better accessible hotel accommodations for blind licensed managers – and, actually, all blind people – when there is a need to house in Portland, or any [inaudible] that fact.

Hauth: So a motion’s been made. Do I have a second? [Silence.] Do I have a second?

Jackson: I’ll second that.

Hauth: Okay, Steve Jackson.

Jackson: Steve Jackson.

Hauth: Open discussion. Okay. Hey, Eric, is there… you know, I don’t know all the particulars and I know it’s probably too late in the game to change the hotel, but I think I remember hearing some concerns about that hotel previously. But I wouldn’t expect there would be a problem looking into other hotels that might be more accommodating, right? Or something like that?

Morris: Yeah, we can look into it, Randy. I… literally, that’s not… If there’s been complaints in the past, I didn’t retain that. But one of the things to note, too, it’s summertime. So I think we were lucky to get in where we normally do, versus anywhere else. But Mark handled all that for me, so I’ll follow up with him tomorrow and we’ll do some digging.

Hauth: Okay. Well, thank… thank you. Okay…

Moore: Oh, Eric… May I say something, Randy? That hotel is a complete nightmare, and I’m a very good traveler. [Laughs.] It’s very, very difficult.

Hauth: Thank you, Jeanne-Marie. Okay. Any other discussion? [Silence.] Okay. A motion, a second, yea or nay. Art Stevenson. [Silence.] Art Stevenson. [Silence.] Art? We’ll move on to Derrick Stevenson. [Silence.] Derrick Stevenson.

StevensonD: Yea.

Hauth: Steve Jackson.

Jackson: I vote yea.

Hauth: Steve Gordon.

Gordon: Yea.

Hauth: And I vote yea, as well. Art, did you join us again? You’re on mute.

StevensonA: Yea!

Hauth: Okay, thank you. Okay, is there any other business before we go? I think we’re nearing 5:00. [Silence.] And, hopefully, I’ll see…

Jackson: Can I say something, Randy?

Hauth: Sure you can.

Jackson: Well, I just want to publicly request [static] micro market. That’s it.

Hauth: We couldn’t hear you, Art. Or, uh, Steve. [Silence.] Steve, are you there? [Silence.] I think you might be on mute, bud, or your phone went dead. I’ll give you a couple…

Jackson: I’m here you guys. I’m here.

Hauth: Okay.

Jackson: Sorry, I had to get on the bus. I’m just riding home. I just want to ask what the next step is to get a micro market so we move in that direction. That’s my new business [inaudible]. Can you answer that, Eric?

Morris: Yeah, Steve, I saw your email the other day, you and Art. And Art had responded and we just haven’t checked the box on that for the week. So you’re on your way.

[Silence.]

Hauth: You got it?

StevensonA: Randy?

Hauth: Yes.

StevensonA: Just so you know, Steve, the Vending Facility Development Committee is… is gonna work on that with Eric. Had a lot of stuff going on but we’re… we’re gonna dial that in and we’re gonna get the process moving 'cause I am the Vending Facility Development Committee but also Training and Education and so we’re… I’m gonna work with Kathy and Eric and get you all the information. And we’re gonna get… I know you’ve been wanting to get a micro market in there and explore it so we’re gonna get the ball moving for you.

Hauth: All right. Hopefully, that answers your question. Thank you. You guys, in closing, I hope I see as many of you there as possible, Saturday, Sunday, Monday, Tuesday and Wednesday or a portion thereof. And if you can’t be there in person I hope you’re there by phone. And please reach out to your friends who are also licensed blind vendors and encourage them to call in because together our voice, a united voice, will go a long way in helping us get some great, complete rules. And so, with that being said, let’s go ahead and adjourn this meeting. And thanks a lot. And, Eric, thank you for calling it. So…

Morris: All right.

Hauth: … and helping us get it done.

Morris: All right. Thanks, Randy.

StevensonD: Eric?

Hauth: Let’s go.

StevensonD: Eric?

Hauth: Oh. Go ahead.

StevensonD: Eric?

Morris: Yes, Ran… Derrick?

StevensonD: Yeah, if there’s gonna be any documentations that we’re gonna… that’ll help us people on the phone that you’re gonna be using, if you could make sure that I have that and I will be prepared.

Morris: Uh, yeah…

StevensonD: I don’t know if you are or not. But.

Morris: We’ll get out everything we can. Right this second I don’t have a bunch of stuff staged up yet. But it’s probably gonna be more around, like, as we develop and build the rules we’ll send those out, obviously. Yeah.

Moore: Well, Kathy sent out…

StevensonD: Thank you.

Moore: Kathy sent out the agenda for each day. That might be a good thing if… if Derrick doesn’t have that.

Morris: Yeah, that went out to everybody a few hours ago, I think.

Moore: Okay.

StevensonD: Yeah, I probably do. Thank…

Morris: But, yeah, Derrick, and if there’s something, Derrick, you need just ping us… or ping me or Kathy and let us know.

StevensonD: All right.

Morris: All right. Take care, everybody.

[Ended 01:47:30]

**Motions Passed During August 10 BECC Meeting**

1. **That adoption of the minutes from the July 27 BECC Meeting be postponed until the next BECC Meeting.**

Proposed: Derrick Stevenson. Seconded: Art Stevenson. Passed (with Jerry Bird absent).

1. **That the Fall In-Service take place on October 13th, 14th, and 15th and that the agenda be developed by the Training and Education Committee, in conjunction with the BE Training Specialist Kathy Ewing.**

Proposed: Art Stevenson. Seconded: Derrick Stevenson. Passed (with Jerry Bird absent).

1. **That BE trainees attend any In-Service Trainings that take place during their training period.**

Proposed: Art Stevenson. Seconded: Steve Gordon. Passed (with Jerry Bird absent).

1. **That Eric work with the Elected Committee to write a letter to the AG’s Office posing the question, “Is OCB out of compliance with the law?” And if they are, asking what steps OCB needs to take to get into compliance with the law. Further, that the Elected Committee contact the Secretary of State’s Office regarding the agency’s non-compliance.**

Proposed: Art Stevenson. Seconded: Steve Gordon. Passed (with Jerry Bird absent).

1. **That the definition of active participation as adopted by the Elected Committee be added to the bylaws immediately after the preamble in a new section devoted to definitions.**

Proposed: Art Stevenson. Seconded: Derrick Stevenson. Passed (with Jerry Bird absent).

1. **That the Elected Committee expresses support for the right of licensed blind managers of live sites to subcontract service of the attached vending machines.**

Proposed: Art Stevenson. Seconded: Steve Jackson. Passed (with Jerry Bird absent).

1. **That the Commission for the Blind find Portland hotel accommodations for future events that are more accessible than the Residence Inn Convention Center.**

Proposed: Art Stevenson. Seconded: Steve Jackson. Passed (with Jerry Bird absent).

Transcription: Mark Riesmeyer