**BUSINESS ENTERPRISE PROGRAM OF OREGON**

**RULES SUBCOMMITTEE MEETING**

**Thursday, Aug. 6, 2020, 3:00 PM – 5:00 PM**

Per Executive Order 20-12, the OCB office is closed to the public.

This meeting will be held by video conference.

Attend the meeting using the Zoom.com platform, or by telephone call-in.

-Zoom link: <https://us02web.zoom.us/j/82119951066?pwd=UHFrUGgrNDFTK3hKVGlpVjk5WHM0Zz09>

- Telephone (one tap mobile): +12532158782 , 82119951066#

- Telephone: 1 253 215 8782

- Meeting ID: 821 1995 1066 , Password: 121434

**Agenda**

1. Open Meeting
2. Open Comments
3. Overview Sections of Rules - Director Morris
4. Overview Operating Agreement - Director Morris
5. Intent/Purpose/Benefit - Director Morris
6. Subcommittee Discussion
7. Questions/Answers
8. Adjournment

Miranda: Cool, we can go ahead and get started if you want to.

Hauth: Sure.

Miranda: OK. So we'll start out with...opening up and so we have, for board members, we have Randy, we have Lin Jaynes, we have Jerry Bird, myself, and we're waiting on Art, and then I'll go through the rest of managers. So, Carole Kinney? Celyn Brown? Char McKinzie...or, Hawkins? Derrick Stevenson? Trevor Garcia? Harold Young? Joseph Becker? Steve Gordon? Salvador Barraza? And Steve Jackson? Looks like it's just us then. And from the agency we have Eric Morris. Anybody else, Eric?

Morris: No, it's just me.

Miranda: OK. Any visitors?

Carlile-Smith: Vivian Carlile-Smith is here. Hello, everybody.

Miranda: Hi, Vivian. Hello. OK. Any other visitors? OK. Well, hearing none, we'll just move forward…to open comments.

Hauth: Yeah, Lewanda?

Miranda: Would anyone like--. Yuh-huh? Randy?

Hauth: Hi. Yeah, sure. I’d like – yeah, I'd like to just make a comment. And so for the subcommittees, anyway, I'd like to thank -- I'd like to thank Lewanda, Lin, Jerry, and Art for stepping forward and, you know, re-confirming their interest in serving on the rural subcommittee. In my capacity as chair, I just serve as a ex-officio member of this, so I just, you know, participate without directing the meeting. And so I know Lewanda has stepped up and, you know, she's going to moderate the meeting, but my thought was this, is that, Eric, and you're probably seeing on the agenda that I requested that Eric go over what he has created for -- that he -- he has sent out to us but quite honestly, some of it's really confusing to me, especially the operating agreements that got sent out yesterday. There were like five or six different ones. So my thought was in talking with Art, the thought was to have Eric kind of step by step go through what he has created and sent to the elected committee based on, I guess, RSA feedback or the agency's desires or whatever it may be and also do the same with the operating agreement so that anybody on the line can understand, you know, what the agency's position is. This was created, what the intent of it is, what's the benefit there so that's what I just wanted to say, so thank you.

Miranda: Thank you, Randy. Any other comments? OK. Hearing none…except I would like to mention that on number six, let me see, subcommittee discussion, there's going to be subcommittee discussion and recommendations if you have any. OK. Three is overview section of rules. Director Morris?

Morris: Alright. Well, good afternoon, everybody. I was trying to work through in my head how we were going to go through this with everybody on the phone so what I'll do is I'll start with the document that's labeled B Rules Worksheet from June and July of 2020. And what I did is -- you know, as we've all seen going through the rules, the rules become a big, massive document. So what I did based on RSA's May feedback that they sent back to us, they said they gave us a -- a wide variety of comments and guidance, and I believe there's five -- let me look here real quick, one, two, three, four, five different issues that they said hey, these require further active participation around these issues. So in this document, the document starts out that way, basically saying topics RSA nee -- said needed active participation. So the first one, and what I'm going to do is I'll read through these and then we'll go through ‘em section by section, if that's OK with everybody. And if -- if you have questions or comments, please -- please feel free to interrupt cause I don't want to spend the next two hours just me talking. So -- yeah, so here we go. So the first one that they said needed more active participation was the termination of an operating agreement, part of the progressive discipline process, which was page 9, and that's of the administrative rules, 585-015-0010. So that's the first one. The second one -- and I'll read these again once we get to the actual sections. The second one is a selection -- of a selection committee member when the BECC chair is applying for… when the -- when the BECC chair is applying. That means applying for a location. So as part of the selection committee we have, when new facilities come out to bid, they were concerned about if the BECC is -- BECC chair is applying, then he can't be part of the selection process too, in the panel. So that's w -- another issue. Three is notifying the Commission of scheduled or unscheduled leave, which talks about -- we had a section in the rules that says hey, VFMs are supposed to let the -- the Commission know if you're going on scheduled or unscheduled leave, and that really deals with how much are we talking about. If somebody is going to be gone for, like, three or four days, that's the piece we need to kind of figure out today. Number four is implementing an optional, informal administrative process. This deals with complaints and the dispute resolution process. That's number four. And then number five is a full evidentiary hearing section and I put, “will need to be changed in conjunction with the -- the above items.” So the whole dispute resolution and full evidentiary hearing part of the rules basically needed to be stripped down and rebuilt, which is what I kind of did in this worksheet, is I was trying to -- trying to at least give us some back -- some -- some skeletal process here we can at least sit down and talk about as we're working through this. ‘Cause like some people are really good about sitting down and drafting things as they're talking. I'm not that kind of an individual. I like to sit down and think about what I'm writing, make sure it actually makes sense when I'm writing it. So it's helpful for me as a process to sit down and actually look at what's written, look at where the changes need to be, and then try to draft something at least to -- to get us started. So that's what I've done with this worksheet. So my intent would be that we would go through this today, talk about it, see what -- what recommended -- what recommendations and changes need -- there need to be, and then eventually we would come back to the elected committee. These pieces would be plugged back into the rules, these specific sections, and then head back to RSA for final approval. OK. Any questions? Concerns? Everybody good? Is everybody still there?

Miranda: Yeah.

Morris: OK, good. I got a little worried there for a second. I'm like, oh my gosh, let me make sure the platform is still up and running. OK. Thank you, Lewanda. Alright, so let's get started with the first one. That's the progressive -- th -- this is a progressive discipline section, and there's a huge paragraph here as we're talking about the progressive discipline section itself and what I'm going to do is I'm going to step down. I -- I won't read it all because I'm -- I'm assuming you guys have read through this, but I'll just try to get us up to speed with the -- step four of the progressive discipline process is termination and it says, the current language says, “if the vending facility manager does not complete the required corrective actions outlined in step three within the required timeline, the Commission may begin the process to terminate the vending facility manager's license or operating agreement.“ That's in bold. “The vending facility manager shall receive due process as outlined in Section F, termination of the license.” So RSA's feedback, and I'll read this, RSA said, so these rules -- they -- and they like to say that this -- this is a standard kind of boilerplate thing that they like to preface everything with; it says, “So that these rules are adequate to assure the effective conduct of the BEP program under 34CFR395.4A, RSA requires you to add the information that you provided” -- oh, and t – “to the rules, it appears that cancellation of the mo -- of the no -- or non-renewal of an operating agreement would be a step between the current step 3 and 4. Since Oregon can terminate an operating agreement without terminating a vendor's license, the operating agreement reveals that a vendor could operate more than one facility so Oregon could potentially terminate the agreement for one facility and not the other. It also appears that Oregon could terminate the operating agreement for all facilities, but not also terminate the license. Termination of an operator's agreement needs to be addressed in these progressive discipline steps or a separate section if that is appropriate. How it is addressed should be in -- involving the active participation of the elected committee on this issue.” That's a mouthful. Alright. So what I did -- any -- any questions or comments?

Miranda: Would it be too much to ask you –

Bird: Jerry. Hello?

Morris: I can hear you, Jerry.

Miranda: Can you hear me? Hello?

Bird: Can you hear me?

Morris: I can hear both of you.

[undetermined]: We can hear you.

Miranda: Yeah, Jerry, go ahead.

Bird: Go ahead, Lewanda. [laughs] OK.

Miranda: So this -- this can be effective if we don't follow number 3, but could you tell me what number 3 is?

Morris: Yeah, let me scroll back up there real quick.

Miranda: OK.

Morris: Step -- where is it… ”Step 3 is a final warning. If a vending facility manager does not take these correctives -- corrective actions that were documented in steps 2 and the performance or conduct issues continue, Business Enterprise staff will issue the vending facility manager a final warning. The final warning shall document the performance or con -- con -- conduct issues that continue to be reported or observed, the actions that were not taken after the step 2 warning, and the required immediate corrective actions and timelines the vending facility manager must complete to remedy the issues. The manager shall sign a copy of the documentation after being afforded the opportunity to read it in the manager's pref -- preferred mode.”

Miranda: Oh, preferred method? OK.

Morris: Yeah.

Miranda: Thank you.

Morris: Yeah.

Bird: Jerry. Hey, I’m –

Miranda: Go ahead, Jerry.

Bird: I'm a little -- thank you. I'm a little concerned exactly what this section is for. Discipline, and then -- and then you want to say if we don't follow your discipline things, then you can remove our license or part of our license or a part of the operating agreement? That…I don't think is proper. I think you might can have a -- have a…you know, a -- a way to discuss resolving your problems. I mean, it's already in there that if we're not doing our job, that -- that you need to contact us and talk to us about it and try to remedy the problem and get us back on track. This is another section that I believe OCB and the BEP have inserted to give them control over blind licensed self-employment. This is something that you might do as a employee of the state, not as a self-employed person. So I -- I -- I don't -- I don't really think that should be in there. I mean, it -- it gives -- it talks about getting rid of our operating agreements, or doing this and that. And as we discuss the operating agreements in a little bit, our operating agreements cannot be changed or -- or -- without -- only by cause. Now, you're trying to say a cause is not following your -- what you say we should discipline. We are not to be disciplined. We are self-employed business people. We're only blind. We discipline ourselves. And if it's something you don't like, you can contact us and work on that. So I -- I don't even like this even in there; just gives ‘em another knife to stab us. So I would say this section should be removed and we'll replace it with, this process can be voluntary, if you wish, or something to that effect. Thank you.

Miranda: OK. Thank you, Jerry. Anyone else? Am I off mute?

Morris: Yeah, I can hear you, Lewanda.

[undetermined]: You're off.

Miranda: Oh, OK.

Morris: So, Lewanda --

[undetermined]: [inaudible]

Morris: -- you -- you want me to continue on?

Miranda: Mm-hmm. Yeah.

Morris: So what -- what I did is, RSA basically said either change how the -- change how termination of the operating agreement is addressed within the progressive discipline part, or create a new section about terminating operating agreements. So what I did is I -- I proposed that we just create a new section that talks about termination of an operating agreement, and this isn't new language or anything. In fact, if you look at it closely, I -- I just cut and pasted it from the operating agreement and the reasons that an operating agreement can be terminated. And I can go through this -- I can walk through this pretty quickly.

Hauth: Well, I do -- I do have a -- I do have a question, Lewanda.

Miranda: OK, Randy.

Hauth: Yeah. So, Eric, if you're talking about and -- and that's one of the things that [inaudible]. Hello? Can you hear me?

Miranda: Yes.

Hauth: That is one of the things that I brought as a concern because it looked like the operating agreement that the agency submitted to RSA in 2017 got drastically changed w -- over the last three years without the blind vendors' knowledge, and the agency had blind vendors sign new agreements without even informing them that there was a new termination provision put in it. I believe that's number 3 that talks about, a manager will be terminated if they subcontract any facility. So I'm not sure if that's the one you're talking about, but I’d just like to say I think it was totally improper and most likely unethical that the agency would even create provisions. Not only would they create new termination provisions, but they removed item number 6 that allowed blind managers due process. As far as the discip -- as far as the progressive discipline, if that doesn't speak of an employee/employer relationship, I don't know what does. Clearly, if a manager isn't doing something in accordance with the rules or laws, they need to be informed of that and given an opportunity to fix it, but the way that these rules are structured looks to me, like Jerry had mentioned, the total, like, control and it makes -- it puts the agency in a position where they're acting as an employer. So I just wanted to throw that out there. Thank you.

Miranda: Thank you, Randy. Anyone else? OK, Eric, do you want to go forward?

Morris: Yeah, just one sec. So what -- what I did, what I'm proposing we do here, since RSA said, hey, either talk to it in the progressive discipline section or talk about it in a separate rule, I would propose that we would create this separate part of the rule that deals with the termination of the operating agreement, and what I did is basically take the terms that are in the operating agreement for termination of the operating agreement and put them into a rule. So I can read through those if you guys want, or we can have more discussion about that. I -- I -- I would -- why don't I just read through ‘em real quick. [clears throat] Excuse me. This -- this section would say termination of the operating agreement, and that would be the operating agreement may be terminated and the VFM removed from the facility when any of the following has occurred: number 1, the vending facility named in this agreement is permanently closed; number 2, the VFM resigns from the operating -- resigns -- resigns from operating defending facility; number 3, excuse me, the VFM subcontracts facilities and/or sites that have not been approved by the Commission or utilizes a subcontractor that is not on the list of approved subcontractors; number 4, the VFM -- VFM's license has been terminated by the Commission; number 5, the VFM has failed to fulfill the terms and conditions of the vending facility agreement or permit; and number 5 – 6, the VFM has failed to fulfill the responsibilities outlined in this operating agreement after being afforded the opportunity to remedy the specific failures. And then the last part that I just pasted in was a VFM shall receive due process prior to this agreement being terminated under the provisions of items 3, 4, 5, or 6 above. And obviously that was just cut and pasted from the -- from the agreement, but I've changed the language around this agreement, just talking about this rule.

Bird: Well, Jerry.

Miranda: Go ahead, Jerry.

Bird: I'd like to say that once again, you're -- you're going off of this operating agreement. Maybe we should have went through that first, stating that this operating agreement states all this stuff that, you know, you – you… you wrote upon your own self, that what you would wish it would be, but, you know, it's a simple thing. You've got too much in there. We've got -- we've already got in there if we don't follow the rules and this and that, we can be terminated. You want another section to actually give you even more termination, which like I said, is improper because…once again, this is a federal program; it's not state. And even though you guys want it to be controlled by state and then the federal [inaudible] act, but if you -- it's as simple as this: you cannot -- your operating agreement cannot be terminated without cause. Now that's what it should say in there. That means you guys got to prove cause. Why is it terminated, not because you didn't do this that we wanted you to do, you didn't to do this, so -- so now we got another way to terminate you. There is plenty of documentation in these rules on how we can be removed or terminated, you know, license or -- license or operating agreement, ‘cause as you know, you don't have the authority, although you'd like to, to say that, “Oh, Jerry, we're going to take prisons away from you, we're not going to add it this year, because we just -- we just want to.” And that's like, well, for -- for what cause? “Oh, because…because! That's our cause, is because,” so that's ridiculous. I mean, you -- you keep wanting this whole handbook to find ways to get rid of us, to make us, you know, stand in the corner and make us listen to you and do as, you know, the master says. So I disagree that this cannot be an operating agreement that could be terminated for any other reason than cause. Now, cause might be *because* you never did this, you never done that, but to have that actually in an operating agreement, that is an agreement between us and the agency and we're the licensees. So it don't benefit us to let you guys keep making up ways to get rid of us, and the director has full say and, you know, so I really have trouble with that being in there. Like I said, it's a waste, it's more -- discipline could be -- you ought to be able to decide that you want to have some training and discipline. Anyway, I'll let that go. Thanks.

Jackson: Jerry, this is Steve. Could I -- I just wanted to announce myself. I wanted to ask you a question on that topic. Is that OK, Randy?

Miranda: OK, go ahead, Steve.

Jackson: Or, I'm -- yeah, I'm sorry, Lewanda.

Miranda: I -- I -- I'm --

Jackson: [inaudible] Oh, yeah. Right. OK.

Miranda: OK.

Jackson: Well, quickly, my question is I understand what you're saying about how the federal law has a list of the ten or -- I think it's ten or more reasons you can lose your license or your operating agreement. Is it the same list? Because why are we making a separate list? And on the side of that, I didn't hear Eric's list have anything to do with not paying taxes or not properly doing your -- like, there's certain things that are not in his list in the list of [inaudible] the federal code, so I don't understand why we need another list.

Bird: You're absolutely right, Steve, and that's -- that's my point. It's already --

Jackson: Well, it’s like [inaudible] --

Bird: -- so --

Jackson: Yeah, why -- why do we need it?

Bird: We don’t. It don’t benefit us. It gives them -- it gives them another dagger. Well, we need to have that [inaudible].

Jackson: Well, the federal -- why don't we just follow the federal reasons and just -- why are we making it harder?

Bird: Because they want to --

[undetermined]: Eric?

Bird: -- have the state controlling it. Yeah, ask Eric.

Miranda: Eric, would you like to reply?

Morris: Sure. I'll -- I'll respond? Did you say respond or resign?

Miranda: Yeah.

Morris: [laughs] OK. Sorry.

Miranda: [laughter]

Bird: Yeah, go ahead, Eric. [inaudible]

Miranda: No, respond. No, respond.

Morris: So it -- it's a good question, Steve, and, you know, quite frankly, I -- I wasn't sure. I -- I -- I read through R -- RSA's comments say either address the termination of the operating agreement in the progressive discipline along with the licensure, or create a separate section for that piece of it. And you're right, there's -- there's a long list of things that talk about how a person can lose their licensure, and I think if we think back a few years, you know, two or three years ago, when we were talking about progressive discipline, the -- prior to these rules and the progressive discipline steps, there was -- there was no other step besides taking a person's license away if you're going to really hold them accountable for fixing anything in their location. Most people are totally reasonable, but literally you had either the person's doing just fine or they lose their license. There's no -- there was no middle ground. So the progressive discipline steps were in there to give a -- that progression of discussions about what people are doing wrong, give them steps to get things fixed, because most people, everybody on this call I'm sure is reasonable and if we came to you and said hey, please do this because it's what's supposed to be done for this facility, you know, make -- make sure you open at 8:00 in the morning and not 9:00 ‘cause it's in the contract. Now, everybody on this call would be like oh, my gosh, I didn't know that, I will for sure do that. But the -- most rules and stuff are written for those people that aren't going to follow the rules or listen or -- or comply with what we're supposed to be doing. So we have to have steps to be able to say instead of going, OK, you're not opening at ni -- you're -- you're opening at 9:00, continuing, you haven't changed that behavior, now our only option is to say, yeah, we're going to -- we're going to take your license away. This gives some steps in between. As I discussed -- discussing the progressive discipline part. RSA is the one that said hey, if you're going to talk about taking somebody's operating agreement away, you need to have a section that discusses it. Now, the operating agreement itself has a termination portion of it, which is exactly where this stuff came from.

Bird: OK, Eric, this is Jerry. The thing is, is there is – it is in there, I've used it years past, where an agency -- say the state hospital wanted to remove me, you know, they couldn’t just remove me. We -- the federal statutes in our program demand, or -- or gives us the right to discuss this and to go in and fix it and do everything you can to do it. That's what we're having. Now, you want to -- instead of doing that, you want to call it discipline. And once again, this is not a discipline. You do have the requirement not to just say oh, you didn't -- you -- you didn't do this, your license is gone. Well, once again, that's why the license and that has to be without -- with cause. So I don't agree with that, Eric. I -- I -- I mean, it's a way for you -- like you just explained that it's a way for you -- you guys to go, you know, go about this and we can -- we can shove this at you. Well, that ain't it. You don't make up laws, you -- you administer 'em. So, once again, it has to be changed and removed and has to be with cause, because like I say, and that -- and that has to be if you *want* some discipline or if you want to have them help you. Or maybe you're saying maybe I'm going to file a lawsuit because you want me to do something that's illegal. Well, you signed this and said that we can discipline you. Well, come on, stepdad, I don't need discipline. I'm self-employed. So another dagger and Eric makes a point, that yeah, he needs more than one dagger because we might not know the rules. Well, it's your duty to make sure we understand ‘em. Thank you.

Miranda: OK, Eric, do you want to move forward?

Morris: Sure. Yeah, we can move on.

Miranda: OK.

Morris: Alright. So the next section is the section -- I think it was section 2, deals with section panel member when the chair is bidding on the location. Let me see how I did this here. I believe this is the current language. “A vending facility manager may not participate in any selection committee for a vacancy they have applied for. If a Business Enterprise Committee elected chair has applied for a vacancy, then the director and the chair shall select a mutually agreed-upon replacement for the Business Enterprise Consumer Com -- from – from? -- from the Business Enterprise Consumer Committee.” RS -- that was the current -- that's the current language right this second. RSA said, so here's the – “So that these are adequate to assure the effective conduct of the BEP program under thir -- thirty -- CFR34 -- 34CFR395-4A, RSA requires you to make a change in this section in order to avoid any appearance of impropriety or allegations of bias. Oregon should actively participate with the elected committee for a decision as to who or other chair -- who other than the chair can select the replacement. We've suggested the vice chair as a substitute, but there could be other options as well.” So the proposed language that I drafted up says -- and this sounds very similar ‘cause I don't think there's much of a change, it says, “the vending facility manager may not participate in any s -- on any selection committee for a vacancy they have applied for. If the Business Enterprise Consumer Committee elected chair has applied for a vacancy, then the vice chair or the vice chair of the Business Enterprise Consumer Committee shall assume the chair's duties in the selection process.” Period. So basically saying -- OK --

Jackson: [inaudible] does that have to do -- does that have to do with active participation then? Because we haven't been getting that when it comes to assigning sites.

Morris: I'm -- I'm sorry, Steve, what -- what -- I couldn't quite hear what you said. You kind of broke up.

Jackson: I -- I'm saying is that -- does that have to do with when it comes to giving different sites to different managers? Is that what it's talking about?

Morris: This is when we have a -- like, a new facility, like -- like, the Capitol. When we had the Capitol, we had a new facility posted out. We selected a selection -- we had a selection committee that sat in on the interviews for the people who were bidding on that location. And what this is addressing is when --

Jackson: Right.

Morris: -- yeah. When -- when the -- like, when Ran -- if Randy was bidding on the Capitol, he can't sit on the co -- selection committee and bid on the location at the same time.

Jackson: And in the beginning of their recommendation, they quoted the CFR, which is a co -- a federal code, right? So they're once again saying that it -- someone's -- sorry. Can you guys hear that? Someone's calling me. Sorry.

Morris: That's OK.

Bird: Yeah, Steve, it is -- it is [inaudible] federal codes are quoted, because it’s a federal program.

Jackson: Yeah. And so, well, I mean, that goes right back to what we were just talking about, Eric, was why do you need to write separate rules to how we can be eliminated from our operating agreement? Why can't you stick with the federal and just follow that structure? Eric, can you answer that?

Morris: Yeah. I'm -- I'm thinking about your question, Steve. I'm not --

Jackson: OK.

Morris: -- I'm not -- I'm not quite sure if I have a good answer for you.

Jackson: Well, because it kind of directly w -- it feels like it – it -- the -- the rules that you're trying to write seem like it – were -- kind of -- it seems like it's not very fair. I mean, this program, you're supposed to back us up and be our coach and pump us up, but it seems like you're making it harder for us to maintain our job. We got to -- we got to keep working and you got to let us know what we're doing wrong and then let us correct it. If you just say you're wrong, you're wrong, you're wrong, and then we're fired, we don't have any way to correct it. You know? I’m -- I'm just -- I'm just concerned, you know, about the managers losing sites and stuff.

Morris: Yeah, no, I -- I understand, Steve, and I think if we're going to -- we'll step back to the operating agreement language and stuff, is that, like I talked about with the progressive discipline, it lays out a very concise process for people to understand where they're at if they're not doing things right. And most people during most situations are doing the right thing. But if somebody -- if somebody gets sideways and decides they're not going to follow what the program is supposed to be doing, this -- this lays out exactly how it's going to work, as opposed to just some ad hoc process. Now, the RSA is going to quote the federal CFRs cause that's -- that's what they run by, but that's -- that's the only thing they *can* quote to say it has to be within these parameters to be --

Jackson: Well --

Morris: -- to be effective.

Jackson: Yeah. Well, I'd like to say that I go with RSA's recommendations cause they're saying that they -- that before anybody gets assigned anything that you need to discuss things with the elected committee as far as -- that's what I've heard. So that's my recommendation also.

Bird: This is Jerry.

Jackson: To change -- you know, change it --

Bird: I – I think on the topic we're at --

Miranda: Yeah, we're talking about -- we're talking about --

Morris: The chair --

Miranda: -- [inaudible]. Yeah, that's right, Jerry.

Bird: Why -- why can't it just say that if the -- if the chairman -- why can't it just say if the chairman is bidding on a facility, he -- he cannot be on the selection committee and it will go to the vice chair or the vice chair will select someone. That simple. Let's move on.

Jackson: Yeah. I’d second that. That seems logical. That seems fair. Yeah.

Miranda: Mm-hm. OK.

Jackson: Yeah, I hear what you're saying.

Morris: So, Jer --

Miranda: Alright, that's that part. So let's go on to the next.

Morris: So did you want me to read that one more time before we move on?

Miranda: I think we have it.

Bird: I got a question, Eric.

Morris: Yeah?

Bird: I’m wondering…because we're moving on, but -- but we haven't established that's what we want. So are we -- we discussing this and then -- at the end or -- or?

Miranda: Yeah, Jerry, on number six 6.

Bird: [inaudible] the biggest part, it's not going to make it through, then we will make our recommendations? Or are --

Miranda: Yes.

Bird: -- we supposed to recommendation – give the recommendations now?

Morris: Jerry, I think you could do both. It's helpful for me to -- as we're going through them, I'm trying to write some notes and trying to look at the language as -- as we're working through it, but, you know, you're definitely free to make – ‘cause ultimately you're making recommendations to the elected committee. So I think you can kind of do both. And what -- what you were just saying about this section with the vice chair, I think the language I got drafted up kind of says exactly the same thing, just in a different way. Would you guys like --

Miranda: OK, can we move on?

Bird: Alright, then I guess -- I guess we kind of can -- can agree to that, but the -- the other one we didn't -- haven't agreed to. so.

Morris: Yeah, no, I -- I picked up -- I picked up on that for sure.

Bird: [inaudible] OK. [laughs]

Morris: Yeah, I got you. No problem. Let's see. OK. This section deals with the language around time to notify of an absence. And it's one of those sections within the rules, and I don't have the exact section listed here, but it says, the current language says, and this is saying, “a vending facility manager shall notify the Commission of scheduled or unscheduled leave.” And so here's what RSA said, and they -- they give this same preface for managing the program under 34CFR395 4A. Says, “This language requires more specificity so that vendors understand the expectations that are required to meet regarding when – they are required to meet when notice must be given and for what periods of leave. Otherwise, it has the potential of being applied inconsistently and subjectively from the vendor to vendor. If these issues are addressed in the operating agreements, then the rules can note as specified in the operating agreements, but the operating agreement shared with RSA did not indicate this,” which is accurate. “This issue should be shared with the elected committee for active participation on what changes in the language will provide more clarity. The Commission –" excuse me, “--the Commission could provide options for the elected committee such as extended leave or more than three days with the name of the person providing coverage, et cetera.” And so the language that I drafted said, “shall notify the Commission of scheduled or unscheduled leave, exceeding,” and I put specific number of business days. That's just what I drafted because I couldn't think of anything that was more fancy at this point.

Miranda: Could you read that again, that last part?

Morris: Yeah. So I just -- I took what the current language says, and it says, “Shall notify the Commission of scheduled or unscheduled leave exceeding” -- and I put specific number to be determined – “business days.” So we'd have to -- that -- that's what the conversation's starting out with today. It's, like, well, how many days if somebody's leaving should they -- should they let the Commission know about it, if they're either scheduled or unscheduled?

Miranda: Any comments on that?

Hauth: I have a comment, Lewanda.

Haseman: Linda Haseman --

Miranda: Did I hear Ms. Haseman?

Haseman: Yes.

Miranda: OK. Ladies first. Sorry, Randy.

Haseman: Thanks. So if somebody goes to a training, is that a leave? I guess there needs to be better understanding of what actually constitutes a leave.

Bird: True. I would--. This is Jerry.

Haseman: Because for example --

Bird: I would think that --

Haseman: I was just going to say, Jerry, because for example, I know, like, NABM trainings [inaudible] and then RSVA trainings, Sagebrush, usually lasts several days. So is training a leave, is training not a leave? What's a leave?

Hauth: Yeah, I have a comment.

Bird: True. My -- my thought is --

Miranda: Yes, Randy was next. Go ahead.

Hauth: Yeah. Yeah, so my question is I'd like to know what Eric's desire or the agency's desire, I guess, behind that is, why does a manager, as long as you're running the facility and doing what they need to be doing, why does the agency feel they need to know if they're going on leave or not?

Morris: Well, I think that's a good question, Randy. I think this is language that's been in the rules for a long time. ‘Cause I -- I don't remember us talking about this, you know, anytime in the recent history of the rules. I think it was one of those legacy type of things that if somebody was going to be gone for either -- let me look at the language again real quick here as we're looking at it -- for scheduled or unscheduled leave – which, leave, I think it's a fancy way of saying vacation, but if people aren't going to be at their facility, which that -- that legacy language is definitely -- you know, it used to be, everybody was in their facility all the time running ‘em. And the way we're, you know, managing to --

Miranda: Eric?

Morris: Yeah?

Miranda: Is that -- is that from the 2001 rules?

Morris: I -- I think so. I mean, please don't quote me on that, but it wasn't something that I -- I know we sat down and said, we need to have a rule about scheduled or unscheduled leave. So I'm thinking this came over from the 2001 version. But to Linda's point, you know, people are out of their facilities all the time and I think the -- like from the com -- from the agency's point of view, if somebody is just gone, not for a specified purpose, but for some -- you know, if people are going to Sagebrush or BLAST and things like that, we know where people are going ‘cause most of the time we're helping coordinate travel and stuff like that and we know about those events, but if people -- if somebody were just to vanish, that would be A, concerning for the facility, and B, concerning for the VFM themselves. So…that's my thought.

Haseman: So this is Linda Haseman again.

Miranda: Go ahead, Linda.

Haseman: What -- what was -- what would create a denial of -- of the request for leave?

Morris: Yeah, I don't think there's a denial.

Haseman: [inaudible] I would guess I would wonder, if there's an approval, then that says to me that there could be a denial. So at what point would a leave be denied?

Morris: Well, this -- this piece of the rules doesn't talk about approval or denial, it's just notifying us of what's going on.

Bird: Jerry.

Haseman: I thought that it did talk about approval, but I'll revisit that.

Miranda: OK, Jerry.

Bird: Yeah. I think it's getting a little more complicated than it needs to be, I believe. I think it needs to be changed to vacation, when a -- when a VMF takes vacation, and I would like to see -- I don't think I should have to contact in every time I'm going to take a three, five day vacation, as long as -- although I think it should be anything over two weeks, that's an extended vacation, you -- you need to provide the agency who is -- who is in charge or managing in your absence. And that would be the only thing is that you want to make sure that someone is in control while you're not there to make maybe some important decisions. So I could see that to where just letting you know that, I'll be gone for three weeks, contact my son [inaudible] if you need anything. Thank you.

Miranda: OK. Any other comments?

Bird: That's a recommendation.

Miranda: Yeah. That'll be done number six, so. OK, Eric, you want to move on?

Morris: Yeah, just one second, Lewanda. OK. Sorry. Ba, ba, ba, ba, let's see. OK. So the next section is under dispute resolution, and so the…is everybody familiar with the current language? ‘Cause this is what I pasted in the first part, is the current language we have in the rules. This is…one through ten. Do I -- do I need to read that? Do you guys want me to read that, or should I just skip down to RSA's recommendations?

Miranda: What's your pleasure, you guys? Need to hear it?

Bird: Which one are we on, four?

Miranda: Yeah.

Morris: Yeah. Dispute resolution, Jerry.

Art Stevenson: I'd like to go through it.

Miranda: OK, go ahead, Eric, please go through it.

Bird: OK.

Morris: Alright. So under dispute resolution, it says -- this is the current language that's in the rules right now. It says, “Number 1, except for the actions described in paragraph A, 1A, below, any vending facility manager or licensee must file a written complaint with the director concerning any Business Enterprise Program action arising from the operation or administration of the program; 2, the complainant shall provide sufficient detail so that the director is able to respond and attempt to resolve the matter; number 3, the complainant shall file the complaint no later than 60 days after the action giving rise to the complaint, or within 60 days of the date the complaint -- complainant knew or should have reasonably have known of the action; number 4, the complainant filing a complaint or request for administrative review shall use the form the commission develops for this purpose; number 5, the executive director shall schedule the administrative review and consult -- consultation with the complainant and notify the complainant in writing of the date, time, location for the administrative review.” Oops, gotta page down here. “Number 6, the executive director shall hold the administrative review within a reasonable time…within a reasonable time of the complainant's request, taking into consideration the length and complexity of the complaint; number 7, the administrative review is informal and is conducted at the direction of the executive director or executive director -- *director's* designee. The complainant will have an opportunity to ask questions and discuss the details of the complaint; 8, the complaintant shall advise the executive director if they are intended to have advocates or legal counsel attend with them; 9, the executive director shall issue a written decision on the co -- on the complaint within 60 days of completing the administrative review; 10, the complaint may request a“ -- oh, sorry – “the *complainant* may request a full evidentiary hearing if the complainant is dissatisfied with the administrative review decision by filing a written request for hearing with the executive director within 30 days after issuance of the administrative review decision.” Phew. That's the current section right this second.

Miranda: And what is RSA asking for?

Morris: Sorry, I was just taking a sip of water. So the RSA guidance is long. It's a whole giant paragraph and I'm sure you guys have already read it, but we'll go through it. RSA -- RSA's guidance says, “42FR15802 at 15803, 15804 contains the department's explanation behind regulations implementing the 1974 amendments to the act that required the states to provide an opportunity for a fair hearing to any blind vendors dissatisfied with any action arising from the operation or administration of the vending facility program. The department specifically discussed comments from states that wanted to require vendors to use informal hearing procedures already in place and noted that Congress provided vendors with the -- with the right to an evidentiary hearing and recommended that states revise their info -- informal procedures to ensure that they adequately supported the conduct -- adequately supported the conduct of a full evidentiary hearing. The department noted that states could continue to use their informal processes when the department states…quote, ‘When an informal hearing does not resolve the issue, however, a full evidentiary hearing is not to – or, it is to be provided.’ End quote. It does not mean that states can prevent vendors from accessing their evidentiary hear -- prevent –" Hang on a sec, let me start that over. “It does not mean that states can prevent vendors from accessing their evidentiary hearings until they have completed the informal process. Such a result would be contrary to the vendor's right to an evidentiary hearing for any action with which he or she is dissatisfied provided in the act. The state can provide an informal process as an option for their vendor, but the vendors must always have the opportunity to access an evidentiary hearing at any time during the process. If they believe the process has not resolved the issue, this -- this section must be revised to make the administrative process optional and allow vendors to request an evidentiary hearing at any time they're -- anytime they are dissatisfied with any action arising from the operation or administration of the vending facility program. Before RSA can approve the rules -- RSA -- before RSA can approve the rules,” period. “RSA can provide examples from other states which -- where such a dual scheme is implemented while these changes -- while this change is required. In order to comply with federal law, Oregon will need to engage in active participation with the elected committee on how it proposes to implement the optional and formal administrative process. Phew. That's their feedback. And just so you guys know, I asked them for other examples of this scheme and they didn't provide any, so.

Miranda: So what I'm hearing is that the informal process is optional. We don't have to have a director's review or the administrative review? Is that right?

Morris: Correct.

Miranda: OK.

Morris: Alright. So here's --

Bird: Jerry.

Morris: Oh, sorry. Go ahead, Jerry.

Miranda: Go ahead, Jerry.

Bird: So…I didn't quite get that. I -- I think it's talking about we don't have to go through the informal process. I don't think it says we don't have to go to the…evidence, the other hearing, administrative hearings. And also, what I have a problem with your root -- root -- wording, especially number three, where you guys state that if -- if -- if we don't file a complaint within what is it, 60 days of --

Miranda: Sixty.

Bird: -- [inaudible] or knowing or -- or -- or a guess of when that -- when the thing took place, oh, you're too late. You're -- you're not within the guidelines. Now that's wrong. That means it's another way for you guys to say -- because I had the same thing happen to where, OK, I didn't think it was right, but I had to do a lot of checking and yeah, you did tell us about it, but I've asked Eric questions and for answers to where I finally got them answered to where I knew that he was not in compliance or it was wrong. Then I filed the complaint. Now, Dacia's come back with, “Oh, you knew about it four -- three months ago so you can't bring that forward.” Now, that's wrong. That's another way to deny us or just say oh, you know, bring it forward for any reason, you can't bring it. I mean, there should not be -- got -- that word has got to be changed. Or if we're denied because of the 60 days, we can go directly to an administrative review. See, they're trying to stop us from going to that if we don't bring it up within the 60 days, and that's wrong cause sometimes it takes more than 60 days to understand that they're wrong, maybe to get with an attorney, maybe get with RSA to determine and -- and Dacia likes time clicking so they can get out of it. So that -- that I disagree with; I think that needs to be removed. And that's my biggest problem with that. Thank you.

Art Stevenson: Lewanda?

Miranda: Hi, Art.

Art Stevenson: Hello. Um…few comments, Jerry. If you look at what a full evidentiary hearing is in accordan -- in accordance with federal law, I find no -- like you said, Jerry, no stipulations, like he just mentioned, 60 days, et cetera, et cetera, et cetera, and therefore I agree with Jerry. Also, clearly the federal definition of what a full evidentiary hearing allows for there to be several litigants, and those kind of issues need to be addressed in these rules because you can't -- this is supposed to be a full evidentiary hearing in accordance with federal law so you have to follow the parameters of a federal, full evidentiary hearing. And so that's all I can say for right now, but I agree with the comments that Jerry made and I'm back on mute.

Miranda: OK. Any other comments?

Bird: Lewanda, I got one more quick one.

Miranda: OK, Jerry.

Bird: I got one more qu -- quick one.

Miranda: O -- OK.

Bird: Also along with that, I -- I think I've expressed time and time again that this administrative -- or -- or law judge that they want to have us go to, and see at that point, that starts costing us money because we have to just prove that and it shouldn't. And therefore the problem with it is, is it’s flawed. Because the -- the attorney law judge makes a decision after *he* hears evidence and the whole hearing. Now, this is the flaw part: that's not the final decision. You would think it was because that's a judge, and if you disagree now, it goes back to the administrative director, Dacia Johnson, and she either accepts it as he's written it or she changes it the way she wants it to be, and then -- and then that's the decision. So that's like I told you guys before, that's got to be the craziest thing I ever heard. That is not a fair hearing of due process. It's allowing the criminal to make his own…you know, punishment. You know, “Oh, it’s against me. I’m gonna say I didn't like that, and so there you go. I just -- I don't accept this.” So why would we even go through the expense of costing us attorney fees? The agency’s attorney fees, everybody's time and expense for Linda -- I mean, for Dacia to make the final decision. That is not a due process. That's a flawed process [inaudible] put in place to start raiding us of money so they can do whatever they want. Thank you. That needs to be removed.

Hauth: OK.

Bird: My recommendation.

Hauth: Lewanda?

Miranda: Yes, Randy?

Hauth: Hi. Yes, thanks. So one of the things that I'm sitting here listening and, you know, I've been involved in a few administrative reviews so far and, you know, hopefully there won't be more, but there sure may will be. My thoughts right now are that the administrative reviews that I've been with have not necessarily always been handled the same way. They've changed from administrator to administrator, but one of the key concerns is that there's no real written policies. What Executive Director Johnson identified as an internal policy was just something that the agency had come up with and when I requested, you know, governance on how do you decide that advocates can't speak, how do you decide that only one BECC member can speak, how do you decide that a person cannot have an attorney; how do you decide? The truth of the matter is that the Assistant Attorney General's office is involved and has been involved in this administrative review. They, by all accounts, support the agency, they maybe even write the administrative review, but it's clear that the agency coordinates with the AG on these types of matters. However, they call it an informal process. But when the blind vendor comes forward with the complaint, they do everything they can to limit that from what I've seen. So possibly something in the language is that, you know, advocates will be allowed to speak or have the right to advocate as proper. It's not good to have an advocate who can't speak, so that's --

Miranda: Mm-hmm.

Hauth: -- like, ridiculous. So I just wanted to -- wanted to throw that out there. As far as the hearing, I mean, it's clear that the hearings across the land, not only here in Oregon, the administrative hearings, it's really kind of a sham and a joke, probably 95 to 99 percent of the blind vendors across the land lose at that process. They don't have the funds to…you know, like, the agency throws hundreds of thousands of dollars at these complaints, which they could have resolved, but a blind vendor doesn't have those resources nor can the administrative law judge deal with attorney's fees, [inaudible] attorney's fees, nor can they deal with ruling on federal matters. So it's really kind of a joke. It's too bad when we were going through the legislation here a few years back, we talked about trying to find a process, like, maybe a mediated process or a panel that wouldn't cost the agency hundreds of thousands of dollars, wouldn't cost the managers, you know, money and [inaudible] helping maybe resolve these. So, you know, it's clear that this process, isn't -- isn't a good process, but, you know, back to some kind of language needs to be inserted in there that advocates can speak and, you know, there won't be any limitations or however, but that's just my 24 cents worth. Thank you.

Miranda: Thank you, Randy. Anyone else? OK, Eric.

Morris: Alright, um…

Miranda: Back to you.

Morris: Thank you. So you want me to go over the language that I drafted up? I think that's the --

Miranda: Yes, please.

Morris: Alright. Let's see. So what I did is I created -- I basically took the section from before and then created a couple of different pathways through this one. One -- one pathway is the administrative review pathway and the other pathway is the full evident -- evidentiary hearing pathway, because the -- the way I read RSA's comments is that you need to allow the VFM at any time to select the full evidentiary hearing pathway if they're dissatisfied. So that's what I tried to go through here and draft up. So let me -- let me walk through this real quick or walk -- I'm not reading very quick so let me read through it. Number 1 --

Miranda: OK.

Morris: -- it says, “Step 1, filing a -- a complaint: except for the actions described in paragraph A-1A below, intent to remove licensure.” I put that in there because I -- I can never remember what that was supposedly quoting, so I just put that that's -- that's the paragraph that it’s quoting. “Any vending facility manager or licensee filing a complaint must file their complaint in writing, using the Commission's approved form. Step 2, documenting the complaint: the complaint shall provide sufficient detail to fully explain the concerns regarding actions from the operation or administration of the Business Enterprise Program. The complainant -- complainant shall file the complaint no later than 60 days after the action giving rise to the complainant -- to the complaint, or within 60 days of the date of the complainant know -- complainant knew or should have reasonably known of the action.” That's from the prior part. “Step 3, choice of process: the complaint – complainant” -- I just can't seem to pick up on that last part of that – “the complainant may choose one of the -- one of two options for how their complaint will be addressed: option 1, the complainant may request an informal administrative review as outlined in the administrative review process section” -- which I -- I believe I built; yeah, it's down below. I'll read through that in a second. Shoot, I lost my place. “Option 2” -- and we're still under the choice of process – “Option 2, the complainant may request a full evidentiary hearing. If the complainant selects this option, the agency will send a hearing request, the completed complaint form, and any other evidence presented to the Oregon Office of Administrative Hearings, OAH. OAH will conduct a full evidentiary hearing.” OK. So that's -- that's -- that's the piece -- let's see. My le -- my number is off on that, but that's the process. So you have two different pathways. And then it go -- goes on to say, “Step 4, submitting the complaint: the complainant must submit their complaint to the director and indicate their choice of process and then that's the end of that part.” So the next part is administrative review process. So you can kind of see where we're setting it up to say, OK, if you have a complaint, there's an administrative review process you can follow or there's a full evidentiary hearing process, and then this is going to detail those two pro -- I sure hope it is. Yes, it's going to -- it's going to walk through those different processes. It's been a little while since I drafted all this up. So the admini -- admini -- the -- sorry, the administrative review -- review process, this says, “The executive director shall schedule” -- this is going to sound very much like the other language, or, old language – “review” -- sorry, let me start over. “The executive director shall schedule the administrative review and consultation with the complainant and notify the complainant in writing of the date, time, and location for the administrative review. The executive director shall hold the administrative review within a reasonable time of the complainant's request, taking into consideration the length and complexity of the complaint. Number 3, the administrative view is informal and is conducted in -- at the di -- at the di -- at the discretion of the executive director or the executive director's designee. The complainant will have an opportunity to ask questions and discuss the details of the complaint. Four, the complaint -- the complainant shall advise the exe -- executive director if they intend to have advocates or legal counsel attend with them. Number 5, the executive director shall issue a written decision on the -- on the complaint within 60 days of completing the administrative review. Six, the complainant may request a full evidentiary hearing if the complainant is dissatisfied with the administrative review decision by filing a written request for a hearing within -- with the executive director within 30 days of the -- after the issuance of the administrative review decision.” Period. Then it moves on to full evidentiary hearing and I should have -- it ju -- it just, on here, it just says full evidentiary hearing. It should say full evidentiary hearing process because we're describing two different processes. So, number one, it says, “A complainant may request a full evidentiary hearing in response to a notice of intent to terminate the licensee's or vending facility manager's license or an administrative review -- review decision.” So that basically means if you weren't happy with the administrative review or there's been a -- a notice to terminate your license -- li -- terminate the licensees or the vending facility manager's license. So ‘cause there's two different classifications there. Then…let's see. Ba ba ba, complainant may request full -- OK. Notice of intent to terminate, B an administrative review decision, B -- for some reason, there's two Bs in here. Oh, it just automatically -- hang on a second. I'm sorry. Re -- reading things out loud is not my forte so I apologize. “You can also file for a full evidentiary hearing after an administrative review decision concerning any of the Business Enterprise actions arising from the operation or administration of the program.” For some reason that got messed up on the paragraphing. “Two, request for full evidentiary hearing shall be submitted in writing to the executive director within 30 days after the date the executive director issues an administrative review decision. Three, be submitted in writing to the executive director within 60 days for vending facility man -- ve -- vending facility managers from another state who have received a notice denying a licensure. Three, the executive director shall refer a request for a full evidentiary hearing and grievan” -- oops, sorry – “hearing and the grievance as presented by the complainant to OAH. Three, a -- a full evidentiary hearing is conducted as a contested case hearing before an independent administ -- administrative law judge under the procedure set forth in ORS 130 -- 183.411 to 183.497.” OK. So I'll stop there for a second.

Bird: Eric?

Morris: Yeah.

Bird: Jerry. I'm a little confused…you first talked about administrative reviews, OK, and in that part, you stated the part we didn't like about you only have 60 days to file administrative review after you heard about it or was aware or whatever them crafty words were, but I don't -- is this true, but if we don't want administrative review, none of that matters, right?

Morris: Correct.

Bird: So I -- I have the choice of going both ways. So if I decide, I don't want to do your administrative review and I don't want to depend on that 60 days, whether I -- you decide whether I should have knew it or not, I haven't heard anything in the law judge part of it, the fair hearing, that they require you to ask for that hearing, an evidentiary hearing, and that clause is not in that part, is it, that has to be within 60 days of knowing it?

Morris: Here, let me go back up and look. Ba, ba, ba, ba. It -- it may be, Jerry. Let me --

Bird: I didn't hear it, but.

Morris: Yeah. I -- I mean, I'm reading it verbatim for what I wrote.

Bird: [inaudible]

Morris: Hang on one second. Let me -- let me read back through it real quick. I don't -- I don't think it's in here. Request a full evidentiary hearing…so the -- skipping back up two paragraphs to the -- to the initial part of it, so you have two different options, choice of processes. The second option, option 2, is, “The complainant may request a full evidentiary hearing. If the complaint -- complainant selects this option, the agency will send a hearing request, the completed form, and any other evidence presented to the Oregon Office of Administrative Hearings and they'll do the full evidentiary hearing.” There's another process after we -- after we step through this, there's some more RSA guidance and I believe it talks -- let me scroll down here for a second. There's another part about the full evidentiary hearing process…oh, I think the process for the full evidentiary hearing that I wrote, or I read to you already, that may have been the older language we had. ‘Cause now I have the RSA guidance to talk about. So let me -- let me read through this part and see if it covers what you were concerned about. So, yeah. OK. I'm sorry. So the part that I read about the administrative process is the new proposed language around the administrative review process. But then the part that I read about a fair hearing is literally the old language. So RSA's guidance says, “As referenced in the last comment” -- that great big, long comment that I read – “this section needs to be revised in conjunction with the prior section to make it clear that the administrative process is optional and the vendors may request an evidentiary hearing at any time they are dissatisfied with any action arising from the operation or administration of the vending facility program before RSA can approve the rules. RSA can provide examples from other states where such a dual scheme is implemented. Oregon will need to go back to the elected committee to notify of RSA's decision and seek their active participation on the cha -- on a -- on a change.” So here's -- here's the proposed language that I drafted up about full evidentiary hearings. It says, “One, a complainant may request a full evidentiary hearing in response to: A, any Business Enterprise Program actions arising from the operation or administration of the program; B, a notice of intent to terminate the licensee's or vending facility manager's license; or C, an administrative review decision.” It goes on to say, “Two, request for a full evidentiary hearing shall be submitted in writing to the executive director within 30 days after the date the executive director -- director issues an administrative review decision if that is the chosen process; B, submit it in writing to the executive director within” -- oh, here's 60 days again, Jerry, sorry – “within 60 days for vending facility managers from another” -- oh, this is, “from another state who have received notice denying licensure, and then C, the complainant shall file the complaint and request for OHA fair -- full and fair evidentiary hearing no later than 60 days after the action giving arise to the complainant or within 60 days of the date the complainant knew or should have reasonably known of the action.” So that's that -- that's -- that just -- that carries over.

Bird: Yup. That's got to be removed.

Morris: So two more paragraphs to read here real quick. “Three, the executive director shall refer -- the executive director shall refer a request for full evidentiary hearing and grievance as presented by the complainant to OAH and then for some reason I labelled it A, “a full evidentiary hearing is conducted as a contested hearing before an independent administrative law judge under the procedures set forth in ORS 183.4112, 183.497.” So that's the new language. The language I drafted up, at least.

Bird: OK. Is that language you wrote?

Morris: It is. It's --

Bird: That's the language you drafted up?

Miranda: Uh-huh.

Morris: It is.

Bird: Why -- why do you insist, Eric, on putting in a 60 days? It sh -- you just read to us that, the federal act that says that whenever we wish, whenever we want, we can file for a full evidentiary hearing. Now you decided no, I'm not going to let them decide when. If they don't go within the 60 days and they're just heck out of luck, you know? So I don't think you can do that. I don't know why you think you have the authority to change the Randolph-Sheppard Act. It says at any time we're dissatisfied, and that's dissatisfied with the administrative hearing, which is optional. So you can put the 90 day -- the 60 days, I guess, in this administrative review, but you can't continue with what we -- we decide we want to file a complaint, that it is, “[inaudible]. I wrote that in there.” So no, Eric, once again, you're trying to keep us from filing grievances when you guys do the wrong thing, like, “Oh, time limit's up, sorry, you can't touch me.” You know, and like I said, it takes a while for us to decide if you have not done your duty or you have overstepped your authority by writin’ up your own rules. So once again, my recommendation is in a full evidentiary hearing, there is no time limit. Thank you.

Miranda: Thank you.

Art Stevenson: Lewanda?

Jaynes: [inaudible]

Miranda: Art.

Art Stevenson: Thank you.

Miranda: Go ahead, Chairman Stevenson.

Art Stevenson: OK, first -- first I'd like to say there're these rules and it's a shame we didn't get to talk with RSA after all this happened, but there is no provisions at all for the vendor's rights if they choose to use the elected committee in this process, and -- and therefore there definitely has to be language to ensure the rights of the blind licensed manager when they choose to have the elected committee receive, transmit, and advocate for them. So language does need to be in there to cover those different issues because obviously we wouldn't want any managers [inaudible] the fact, you know, that they weren't given their complete rights. So that needs to be addressed. And then also it's a double standard, and I agree with Jerry wholeheartedly, where the executive director can determine times depending on the complexity of the complaint, but the blind licensed manager doesn't receive the same rights, and so there has to be equal rights here and so I agree with Jerry that this time limit stuff is over the line for sure. So anyways, those are my comments. I'm going back on mute.

Miranda: And then, Lin, did you want to say something?

Jaynes: Yeah, I -- I had a question for -- for Eric. I didn't hear -- perhaps he said it, but I didn't hear any timeline from the agency on presenting documentation to OAH. Did we -- are we working with timelines in the agency to -- to send that documentation over?

Morris: So, Lin, you -- you're talking about from, like, the time the complaint was received to the time it was referred? Is that what you mean?

Jaynes: Right. Uh-huh.

Morris: Yeah, I don't -- I don't think we have any specific timelines around that.

Jaynes: OK. Alright. Well, that's -- that's what I thought you said, which kinda makes it feel a little bit like it's one-sided, if the agency doesn't have a timeline and the managers do. I mean, we've all worked with government and state agencies. It takes forever sometimes just to get documentation out of certain areas of the business so that seems a little bit -- little bit, like I said, [inaudible] one side to me. Just my opinion.

Miranda: OK. Thank you, Lin.

Haseman: Lewanda, this is Linda.

Miranda: Linda, mm-hm.

Haseman: Yeah. Hi. I also have noticed in the past that the complaint hasn't necessarily gone to the administrative law judge either; it’s usually, or has been at times, just an administrative review decision. And the plaint -- the complaint filed by the actual licensed blind vendor, it [inaudible] never to the administrative law judge, and I know Art had questioned that in the past, and that needs to be very clear that that complaint, ‘cause that's what the whole ball was rolling off of, is the complaint to begin with. And then [inaudible] conversation I just heard, boy, that's -- that's, like, I'm not even sure who could follow all those processes and I heard at times 60 days, I heard at times 30 days, I heard times back to 60 days, and it’s just exactly like Jerry said, an attempt to [inaudible] ability to get through a complaint process and say basically, “Back to you, sorry, you missed it. Too bad, so sad, ring the bell.” So just, you know, when there's 30 days, 60 days and who's making the decision if it's 30 days, 60 days, and just like Lin said, it sounds like it's all requirements on the licensed blind vendors and to *them* jumping hoops by a certain time, not sure that the agency has hoops to jump by a certain time. Thank you.

Miranda: Thank you.

Haseman: Oh, and just so you know, Lewanda, I do after this discussion want to circle back to the leave approval. I found where it is in the rules.

Miranda: Oh, OK. Good. Alright.

Hauth: Le -- Lewanda?

Miranda: Yeah?

Hauth: Hi. Yeah. I'd just like to say --

Miranda: Hi, Randy.

Hauth: -- I'd like to ask Eric --. Hi there. I would just like to ask Eric -- well, let me back up there just a second. So as you read through the state statutes and gone through some of the duties and responsibilities, and it clearly identifies that, you know, the agency, with active participation of the elected committee will promulgate rules time to time that provide a benefit to the licensed blind vendors, or the blind vendors. So I'm just asking Eric, how long does it provide a benefit to the vendors by imposing timelines when somebody could file a grievance?

Miranda: Eric?

Morris: Yeah. I'm thinking. Yeah, I don't have a good answer for you, Randy. I think it's one of those things that if -- I mean, to Lin's point about timelines in general, you have to have a process to follow and if -- if somebody says well, hey, I have a complaint from ten years ago, then…yeah.

Miranda: Well, I think what -- what Lin was saying is that *we* have timelines, but the *agency* doesn't have timelines.

Jaynes: Correct.

Morris: Yeah, no, that -- that -- that part makes sense to me. I think -- I -- I just think that -- and -- and RSA, in their comments, talked -- kind of talked around -- around time limits, and you're right, the feds don't talk about -- they don't -- they don't give any parameters for when you -- you know, like any -- they just basically say any time. Well, that doesn't seem reasonable in any way, shape or form, so -- but let me -- let me do some thought around that. The time -- the time limits for referral from, like, when we receive a complaint to when it's referred to O -- OAH, you know, we don't have a lot of -- I -- I don't have a lot of experience with those timelines, so I need to check and see what -- you know, if -- if, you know, two weeks or 14 days or something like that is reasonable to get that done, ‘cause it -- it's not a process that I actually do. So…but I'll definitely look into that. The piece that Linda was talking about, the re -- that I tried to cover under the choice of processes, where people are going to decide whether they're going to have an admin review or go to full evidentiary hearing, under that second part, option 2, the complaint -- complainant may request a full evidentiary hearing. If the complainant selects this option, the agency will send a hearing request, the completed complaint form, and any other evidence presented to the -- any other evidence presented to the Office of Administrative Hearings. So the -- the original complaint would go to the Office of Administrative Hearing and any other things that were sent along with it. So I think we captured that part of this.

Haseman: OK. Thank you.

Morris: Yeah.

Haseman: Thank you. ‘Cause I know that hasn't occurred in the past and that was an RSA concern. So I appreciate that. And then, Lewanda, when I'm ready to circle back to that leave approval item.

Miranda: Go ahead, Lin -- or Linda.

Haseman: Well, it -- are we done with that -- that other section?

Miranda: Is everybody -- does anyone…?

Bird: I got a quick question. Jerry.

Miranda: OK. Jerry?

Bird: Yeah, once again, what Eric just said has nothing to do with our biggest concern on them limiting us when we file a complaint. Now, he tried to bring it up like, oh, God, what if it's ten years down the road and then you decided to file a complaint? So what if we waited that long? I mean, you want to -- you don't want to have that [inaudible] a complaint on you. That's -- that's not what the deal is. It's our -- our choice. And even -- even when he was talking about timelines, Eric has no timeline. He decided how com -- complex it is. You know, I think Randy brought that up. So once again, Eric, to limit us to any 60 days is handcuffing us and illegal. We might be able to put it [inaudible] five years. I mean, you could come back on different stuff. I mean, there's -- there's a limit of -- there's a time limit of, what is it for the normal people that's not blind, seven years? Before -- that you can file a case? Just because we're blind and Eric wants us to be 60 days so -- so maybe we don't get it to ‘em and then they -- they don't have to -- you know, they can do whatever they want with that. You know, it don't make sense, Eric. And I -- I would think you could understand that, that there can not be a time limit on filing a complaint for a fair hearing under the Randolph-Sheppard Act. Because you just read the Randolph-Sheppard Act before you read all this other stuff. It has nothing about a time limit. It was whenever you're dissatisfied. So once again, you're trying to change our federal law and become your -- to -- to dictate to us to stop us from forcing you guys to do your job properly. Thanks.

Miranda: OK, Eric, are -- are we through that section, or was there more?

Morris: I think -- I think I read through it all.

Miranda: OK.

Morris: Yeah, I --

Miranda: So, you know, we're going to have to schedule another meeting ‘cause we haven't got to the operators' agreement. Looks like it's 4:42, I think so --

Bird: Yeah, I don't know why we just have two hours anyway. I mean, we got the time [inaudible] start at one and it should go until we're done. I don't know, Eric, if you're catching a bus every time…

Morris: Hey Jerry?

Bird: Why do you limit us to two hours?

Morris: Jerry? Jerry?

Bird: [inaudible].

Morris: Jerry?

Bird: Yeah.

Morris: Just real quick, stop with the bus comments.

Bird: Yeah.

Morris: OK? ‘Cause that's -- that's not appropriate in this con –

Bird: No.

Morris: -- in this context. So…

Bird: Whatever you --. Well, I'll tell you whatever I want to say. This is an open meeting, and --

Morris: Yeah.

Bird: -- and that's just how it is, Eric. You're -- you keep telling us what to do and your two hours isn't enough. I get -- I -- I get tired of having two-hour meetings, when we should have one meeting that lasts four hours. It's only because of you, Eric. It's not us. It's supposed to benefit us.

Miranda: OK.

Bird: Stop forcing us to have limited meetings.

Miranda: Alright.

Bird: Thank you.

Miranda: OK. Linda, now would be a good time for you to circle back.

Haseman: OK. So I guess this is why there was some confusion tied to the other piece because there's a whole nother section that does talk about the approval of leave. It's under OAR 585-015-0045, Item 2, and I'll read it. “A facility manager is not expected to perform every responsibility every week. This section has not precluded a facility manager from taking vacations or being absent from the facility due to medical reasons or other documented reasons as approved by the director.” And then it continues on, but there's the approval component. So over in one section, it talks about you just have to notice 'em for a leave; under this section it says you actually have to receive approval by the director. So that needs to be cleaned up ‘cause it's kind of a mess. Thank you.

Miranda: Thank you.

Hauth: Lewanda?

Miranda: Randy?

Hauth: Yeah, I'd just like to say again that that screams of an employee/employer relationship just as does the progressive discipline, and a lot of other things within this -- these rules that unfortunately I think will be coming full circle unless they can get resolved some way. But again, why would the -- why would the agency needs to approve a person who operates their business as an independent contractor? You know, we file our taxes that way, we receive funds and payments from the agency that way, and if you go out and look at the IRS code or if you go out and look at through the Department of Labor or, you know, BOLI, it clearly identifies those rules and so the agency through these rules to have overarching dictates upon it, like getting approved for a vacation, how ridiculous is that? I mean, and I know we're not talking about it, but the grooming requirement, how insulting. You know, it's like…some of this -- these rules were, they're like, in -- in a lot of people's opinions, are ridiculous when you have to dictate that a blind person has proper grooming and conduct.

Jaynes: [inaudible]

Hauth: I mean, goodness, look -- you know, look at yourself. I mean, that's not a proper thing to be doing, but, you know, hopefully we can get it worked out. I get a little frustrated when I read through some of these things and, you know, I apologize for that if it comes out that way, but it just -- it's just a big mess. So anyway, thank you.

Miranda: OK, Eric…overview operating agreement. Like I said, I don't think we have enough time. What do you guys want to do?

Morris: So, Le -- Lewanda, could I make a recommendation?

Miranda: Sure.

Morris: I think you're right. We don't have enough time to get through the operating agreement tonight. Maybe if you guys, as a group, made your recommendations on what we've covered today, and then we can go over the operating agreement next week as part of the elected committee meeting.

Miranda: We'll have to approve that through Chairman Hauth to be [inaudible].

Bird: Can I make a comment? Why don't we -- my -- read our -- well, would that be -- before we can give you recommendations on -- on what we talked about so far, which I agree we should so it's in writing, but wait, why couldn't we, as a group, review that operating agreement and tell you what we -- what our recommendations when we start talking about it? Or that’s gonna take another -- once we discuss it, then we've got to -- because we can't -- I mean, we -- we have to have the approval of the whole co -- vendors on the handbook stuff, on any of this stuff. You know, this committee is to do the hard work, the hard lifting, but to go through we -- we don't have -- I don't think should be able to vote on just the committee or the BECC. It's a full thing. So to even finalize to where it gets sent back to RSA, it has to go to our process too. So I don't know why we can't kind of do that to try to save some time, because I think we all know what we don't like in that operating agreement. Thank you.

Miranda: Thank you. Chairman Hauth, what about the operating agreement discussion in next week's BECC meeting?

Hauth: Yeah, I mean, honestly, I -- I don't know. I think what Jerry, you know -- I mean, again, you know, the rules committee probably should be deciding on that. You know, I know -- I do believe it's proper to make our recommendations like Eric had asked and like Jerry had suggested as far as the operating agreement. You know, maybe we -- maybe we have a work session, if we can put a work session before the operating -- before the meeting so that we can have time to discuss the operating agreement and then we move into the meeting, but you know, that's going to be -- I mean, that'd be my recommendation because most of the time during the meetings, we end up running out of time anyway and so, you know, Eric, if you're available to extend that meeting and have a work session ahead of time to deal with the operating agreement, that may be best, but again, rules subcommittee, you guys, you know, decide to do whatever [inaudible].

Morris: How -- how long --

Art Stevenson: Lewanda?

Morris: Sorry.

Miranda: Art?

Art Stevenson: Yeah. Several things were discussed about where the rules were lacking, like for insta – instance, the elected committee in receiving, transmitting, et cetera, et cetera, and obviously we don't have a -- we haven't got an answer if those issues -- if the agency is going to address those issues or not, and therefore it's really hard to vote on any recommendations right now when several topics or issues were brought up where the rules were lacking and stuff and so obviously, making recommendations on that stuff have to wait until the agency says yeah, we do need to address those issues because, you know, the federal law, you know, mandates that kind of stuff, and -- and -- and then we can proceed, but you can't make recommendations on language until you know if the issues that were brought up during this committee meeting are going to be addressed or not. I'm going back on mute.

Miranda: So, Eric, have you been taking notes throughout this meeting of recommendations that came forward?

Morris: Yeah, I -- I've been trying to, Lewanda. I just -- the one question I would have, Randy was talking about a work session ahead of the meeting next week. Well, do you guys think we'd go another, like, two-hour work session or an hour? What are you guys thinking?

Miranda: Probably two hours.

Bird: I think we go along -- we start it and -- and then we -- we don't quit until we're done.

Miranda: But, Jerry, that gives us four hours so it would be two hours to finish this up and then move into the BECC meeting.

Haseman: That seems like enough. [inaudible]

Morris: Well, what we could -- what we could do is notice the meeting from, say…let me think about that, like from…if the meeting usually starts at three, we would start at one and if the subcommittee meeting got done early, we could adjourn early and take a break, and then come back at three and then have the elected committee meeting then. That way meeting notices are proper and people can come and go and they know what's going on from that perspective.

Miranda: Are you OK with that, Art? And you are on mute.

Art Stevenson: I know. I had to get off. I got to find it. Yeah.

Miranda: Are -- are you OK with that?

Art Stevenson: I had to find my mute button. I mean, yeah, that's a good starting point. I mean, like -- like I said, you know, we need to know if these issues are going to be addressed and then we can make -- we can make a recommendation. So, yeah, I'm OK with the two hours. I'll go back on mute.

Bird: Jerry.

Miranda: Jerry?

Bird: My -- my thinking is that sounds pretty good, you know, try to get it all done in the two days, but -- I mean, two -- four hours, but if we spend two hours to finish this meeting, then how do we -- how do we know -- that don't give the agency time to tell us about if it's going to -- going to accept our recommendations. Eric has a thing to say, hey, I don't want to accept them, that's not ac -- you know, so, or -- or that, so if we don't have time to know their -- once we give ‘em rec -- our recommendations, we want to know their thinking about our recommendations.

Miranda: [inaudible] submitted that to [inaudible].

Bird: [inaudible] do that. Yeah, because -- you know, cause then we have to present it to our managers --

Miranda: Right.

Bird: -- and, you know, we have -- we can present these are our recommendations, we have no idea because we just made these recommendations an hour ago. So, you know, to me it looks like Eric would like to get through this [inaudible]. But we want to know his recommendation -- his answers on our recommendations before we move it onto the membership. So I don't think that's going to work. That's -- that's trying to handcuff us again.

Morris: Now, Jerry --

Bird: Then he'll just say, “Well, they have active participation!”

Morris: Well, Jerry --

Bird: Sorry, but that's – that’s the process that's been going on.

Morris: Yeah, no, Jerry. I agree with you. It does -- I'm -- I'm thinking through the timelines. You're right. The -- the back-to-back meeting makes sense on the calendar, but, like, to go back and try to make updates to what we're working on and then have some active participation beyond that with the elected committee, there -- there's not enough time. I'm -- I'm quick, but I'm not that quick on stuff like this. So…I mean, maybe it's a -- maybe it's a work session for the subcommittee for a few hours to get through the operating agreement, then we have a -- an elected committee meeting and then we'll probably have to come back and have some further discussion around the rules once I've had a chance to take the recommendations and try to get ‘em into, you know, some kind of a draft form for people to look at.

Miranda: Agreed.

Bird: Well, how do we present it to the membership if we have no idea what you're saying, you know, because it needs to be voted on by the membership.

Miranda: Well, [inaudible] --

Morris: Jerry, I'm --

Bird: We have to tell the membership this is what our recommendations are, this is their comments, how do you want to proceed? You know, ‘cause it's not --

Miranda: We're not going to do that.

Bird: -- simple.

Miranda: So -- so we will have to schedule another meeting for him to come back with our recommendations, and then we'll have to have a --

Bird: I would think.

Miranda: -- a membership vote after that.

Bird: Discussion. A discussion with the membership, and then, you know, proceed with that, because we can't ask the membership to vote on something that we just -- our recommendations, unless that's what you're asking. We want -- our memberships agrees to our recommendations. Now --

Miranda: Right.

Bird: Now -- now it's on the agency. Now, we don't know if they have three months, six months, 20 days, 90 days because -- no, I guess we do 30 days on the recommendations but…so we can't finalize this. It cannot be sent to the -- back to RSA until I -- it is finally voted on by the membership before it can be -- you know, if you send it in first and then, “Oh, I'm going to work on them,” that's not going to work. It -- it's -- it don't work that way. It becomes their way.

Morris: So, Jerry --

Bird: So we need to know the responses first.

Morris: Jerry, I -- RSA --

Bird: Yeah?

Morris: -- RSA doesn't talk anything about a membership vote, they talk about active participation with the elected committee.

Bird: Well, come on, now. I -- I don't think they can say that because in our rules it says that anything that affects the whole program, all members, i -- i our bylaws, need to vote.

Miranda: Yeah.

Bird: So I don't think you're -- I don't think they mean that. I don't think at all – it’s just that they think that this is where it should start and then we're still should be at -- we still have to do our process. I mean, this is a mandated process. You can't say oh, well, they didn't say to go ahead and do your -- do the law. You know, that's -- once again, you're shoving it down our throats. We need to follow our rules and -- and let the membership have the final decision, whether we accept *your* recommendations back or not, or we protest ‘em. So it's not just the – it’s not just elected committee, it's not just that. They -- they think that's the place to start, but they can't say don't -- don't do the rest of the law. That's you saying that, Eric.

Art Stevenson: Lewanda?

Miranda: Art?

Art Stevenson: Yeah. I agree with Jerry that the members of the elected committee need to discuss the rules with their constituents and hopefully this tape is going to be up and running so anybody that was not here can listen to it and stuff, and obviously it's the responsibility of the members of the elected committee to get the input on their constituents on the rules, but as far as the vote goes on whether to accept a rule or reject a rule, that is the responsibility of the members of the elected committee. And so I agree with you that we have to have time to…let the members of the elected committee have time -- have to have the time to talk with their constituents, but the vote on the rules and stuff will be made by the members of the elected committee, not -- not the whole --

Bird: Is that according to the bylaws, Art? Well, have you read the bylaws, lately?

Art Stevenson: Of course I read the -- read the bylaws and read the act --

Bird: So [inaudible] a major --

Art Stevenson: And -- and -- and I --

Bird: -- decision that affects everybody. I know -- I know you're trying to say well, we represent you so you agree let us do what we want, but if you read the bylaws on this type of stuff, the membership gets input and a vote. I think. I’ll – I’ll look it up.

Art Stevenson: I [inaudible] –

Bird: I’m only making sure we do the proper --

Art Stevenson: -- and I will -- and I will stand corrected if you show me in the bylaws where it says that. Now we're supposed to represent each -- the elected committee is supposed to represent the constituents and obviously get their input, but as far as the voting goes on -- on the rules and stuff like, I -- I do believe that's the responsibility of the members of the elected committee with, you know, but definitely discussing it with their managers. So if you could show me where it says that in the bylaws, that everybody votes for the rules and stuff like that, I'll stand corrected, but I -- I -- I do believe that that only pertains to the spending of the vending machine income, that everybody gets a vote on that. So anyways, I'll – I’ll just leave it at that, but Jerry, you know, you know me, I'm always open to listening and -- and -- and reading and stuff like that, and so we can have a discussion about that offline. So anyways, I'm going to go back on mute.

Carlile-Smith: Question. Vivian. Can -- can you hear me?

Morris: I can hear you, Vivian.

[undetermined]: Yep.

Miranda: I hear you.

Carlile-Smith: OK. So what Art -- I just want to make sure if I'm understanding what you just said, Art, ‘cause I agree with what Jerry said. I believe all the managers should have a vote and the -- the committee should take that majority vote or -- and the committee, the BECC, Randy, Art, and the rest of the board should take that majority vote as the decision. Not that if the majority says yes or no and that the BECC board decides what *they* want. I don't think that's how it should go. Whatever the majority of all the managers have to say should be the yes or the no vote. The -- the board should not have a right to o -- override that if they feel like it. Thank you.

Miranda: I -- I fell off the line. I just now got back on. Can you guys hear me?

Morris: Yeah, Lewanda.

Miranda: OK. I didn't hear what -- what Vivian said. Where -- what was that, Vivian, or somebody want to fill me in?

Jaynes: Yeah, she said basically she agreed with Jerry that basically all of the man -- all of VFM should have a vote and then the majority would…would be what the board would go with.

Miranda: OK. So since we're about out of time, 4:53, we're going to have another work session next week from one to three, correct?

Jaynes: Yeah, on the 11th.

Miranda: To make recommendations and finish this up. And then after that, on another day, then -- then we'll have another meeting where Director Morris can come back and let us know what they accepted or didn't accept or whatever, and then -- and then after that, then we'll have to have another meeting or maybe the end of that meeting. Anyway, at some time we'll have to have all of the VFMs to do a -- a vote on -- on the new changes to the rules. Agreed?

Jaynes: Sounds good to me.

[undetermined]: I have a quick question before you go.

Miranda: Eric, is that all right with you?

Morris: Yeah, Lewanda, I was just going to --

Art Stevenson: Hey, Lewanda?

Morris: -- just one quick comment. I'll type up a -- I took -- I'll bullet point out what I wrote down tonight and send it out to everybody.

Miranda: OK. Art, go ahead.

Art Stevenson: Well, did you say the vote of the managers or the vote of the elected committee, Lewanda?

Miranda: Oh, I said the vote of the -- well, what is it?

Art Stevenson: Well, we have a --

Miranda: What's your pleasure? I mean, you're the chairman of Linn County.

Art Stevenson: No, no. No, no, no. We have -- we have a little controversy here, Jerry brought it up and -- and I -- you know, I -- I said, show me where it says that in -- in our bylaws and I'll agree to it, but I -- I -- I can tell you that, you know, that's not how our state representatives work or --

Miranda: Hello?

Jaynes: Think he dropped off.

Miranda: Oh, OK. Well, Jerry, we'll have a –

[undetermined]: [inaudible]

Miranda: Pardon me? Are you back, Art? So we have that last meeting to vote and we will determine whether that will be with the elected committee or the full membership.

Jaynes: I have a quick question. Is -- is Eric still there?

Morris: I'm still here, Lin.

Jaynes: Yeah, this -- this is kind of off the record, it's not to do with the meeting, but the Zoom numbers that we're using, will they stay the same or are they going to change in the back -- in the code – past -- past code going to change every time?

Morris: I believe it changes each time ‘cause it randomly generates them for me, Lin.

Jaynes: OK.

Morris: Yeah, just -- and it keeps people from, like, Zoom bombing meetings and stuff too so.

Jaynes: Yeah. Ma -- it makes sense. I just want to make sure before I threw the number away. Alright. Thank you.

Miranda: Would anyone else like… OK, hearing none, we'll adjourn this meeting.