

**TRANSCRIPTION OF RECORDED MEETING**

**OF**

**OFFICE OF ADMINISTRATIVE HEARINGS**

**DDS ADVISORY COMMITTEE MEETING**

**FEBRUARY 12, 2026**

**Committee Members Present:**

REINA CANALE

JENNIFER CUMMINGS

WILLIAM DEL ROSARIO

DARLINE DUPREE

FERNANDO GOMEZ

MARIA IRIARTE

SHERRY JOHNSON

MARTY OMOTO

BENITA SHAW

NINA SPIEGELMAN

AINI TJAUW

JESSE WELLER

SYLVIA YEH

**OAH Staff Present:**

ASHLEY AMES

TRINITY DORANTES

SUSAN FORMAKER

MATTHEW GOLDSBY

ZACHARY MORAZZINI

MARYJOSEPHINE NORRINGTON

BOB VARMA

**DDS Staff Present**

MICHAEL MCNULTY

KATIE HORNBERGER

DENISE THORNQUEST

IAN WILSON

## **Facilitator**

KARIN BLOOMER

## **Spanish Interpreters:**

MARC GUTIERREZ

YELKA VARGAS

## **ASL Interpreters:**

RICHARD HAFFNER

DANIELLE L. DEANDRA LAZARUS

## **Transcribed by:**

NICHOLAS SHUPE

NCCR

Sacramento, California

The record reflects all relevant statements and conversations occurring during the course of the meeting but is not verbatim. For clarity, superfluous words, phrases, verbal pauses and/or inaudible tones have been eliminated.

FEBRUARY 12, 2026

**FACILITATOR BLOOMER:**

Good afternoon, everyone. My name is Karin Bloomer, and I will turn to our Spanish interpreters to explain how to access language channels for interpretation during this meeting. Marc?

**SPANISH INTERPRETER GUTIERREZ:**

Thank you so much, Karin. We'll go ahead and provide those language access instructions in Spanish first. (Speaking Spanish).

**FACILITATOR BLOOMER:**

Next slide, please.

**SPANISH INTERPRETER GUTIERREZ:**

And for those listening in English, please note, in the event there is a Spanish comment or question, you can also hear a live interpretation of it by selecting the globe icon at the bottom of your screen that says "interpretation," and then selecting your language, English.

Thank you, Karin. Back to you.

**FACILITATOR BLOOMER:**

Thank you, Marc. Everyone, please select your language channel now. And as a reminder, please, let's all remember to speak at a moderate pace so that interpreters can track what we are saying.

Now, I'll review the ways to participate in today's meeting. Next slide, please. Advisory Committee members, open meeting laws require that you have your cameras on at all times. If you're having technical difficulties with your camera, please let us know.

Committee members, please use the raised hand feature if you'd like to make a comment, and I'll call on members in the order that hands are raised. When I call on you, please unmute and state your name.

We are reserving the chat feature for use by Advisory Committee members who have requested chat as their mode of communication. So, Advisory Committee members, please do not use chat during this meeting. It is reserved for Willam Del Rosario.

And William, after you enter a comment in chat, if you could please raise your virtual hand, that helps alert me to read your comment aloud. Next slide, please.

Now, let's -- I will explain how members of the public can provide public comment in today's meeting. Members of the public, during the public comment period, if you want to make a verbal comment, please use the raised hand feature to let us know you would like to speak. We'll take speakers in the orders that hands are raised.

If you're calling into this meeting and you want to make a verbal comment, please press \*9 to raise your virtual hand, then press \*6 to unmute. Speakers, you will have two minutes to provide comment.

Next slide, please. Members of the public, if you want to e-mail your public comment during the meeting, you can e-mail it to this e-mail address,

oahacomment@dds.ca.gov. Written comments that are received during the meeting will be read aloud for up to two minutes.

If for some reason we're not able to read aloud a written comment received during the meeting, those comments will be posted on the Advisory Committee section of the OAH website. No other comments that are received before or after the meeting will be read aloud or posted. In order to enable as many comments as possible to be heard, we will not read e-mails aloud that repeat someone's verbal or chatted comments.

Next slide, please. Members of the public, we will also announce when we are reserving public comment from those who need to use the chat feature as an accommodation. At that time, we'll ask you to raise your virtual hand to let us know you need to use the chat. When we call on you, we will promote you to Zoom panelist status so that you can enter your comment in chat. We will then read your comment aloud.

I have one last slide. We could advance to it, please. This is for anyone who is seeking information from the Department of Developmental Services that includes information about the new federal access rule grievance process, the self-determination process, and information on complaints and appeals.

You can access information at [www.dds.ca.gov](http://www.dds.ca.gov). If you have concerns or would like to connect with the Ombuds person office at DDS, you can do so at [ombudsperson@dds.ca.gov](mailto:ombudsperson@dds.ca.gov). And if you have concerns or would like to concern with the Community Appeals and Resolutions Branch, you can do so at [appeals@dds.ca.gov](mailto:appeals@dds.ca.gov).

Okay, that completes our slides for now. I'm now going to conduct roll call. When I call on you, please let us know you're present. Before we begin, I want to announce that Christopher Arroyo has been appointed to the Advisory Committee to represent the State Counsel on Developmental Disabilities. He replaces Michael Santiago.

Okay, and now I will begin roll call. Christopher Arroyo? Noting Mr. Arroyo is absent. Reina Canale.

**COMMITTEE MEMBER CANALE:**

Present.

**FACILITATOR BLOOMER:**

Hello. Ms. Canale is present. Jennifer Cummings?

**COMMITTEE MEMBER CUMMINGS:**

Here.

**FACILITATOR BLOOMER:**

Thank you. Ms. Cummings is present. William Del Rosario?

**COMMITTEE MEMBER DEL ROSARIO:**

Present.

**FACILITATOR BLOOMER:**

Thank you, William. William is present. Darlene Dupree?

**COMMITTEE MEMBER DUPREE:**

Present.

**FACILITATOR BLOOMER:**

Thank you. Ms. Dupree is present. Fernando Gomez?

**COMMITTEE MEMBER GOMEZ:**

(Speaking Spanish).

**FACILITATOR BLOOMER:**

Hello. Noting Mr. Gomez is present. Maria Iriarte?

**COMMITTEE MEMBER IRIARTE:**

Present.

**FACILITATOR BLOOMER:**

Thank you. Ms. Iriarte is present. Sherry Johnson?

**COMMITTEE MEMBER JOHNSON:**

Present.

**FACILITATOR BLOOMER:**

Thank you. Hearing that she is present. Taleen Khatchadourian? Noting that she is absent. Otto Lana? Noting absent. Carola Camacho Maranon? Noting that she's absent. Antony Charles Marron? Noting that he's absent. Marty Omoto?

**COMMITTEE MEMBER OMOTO:**

Present.

**FACILITATOR BLOOMER:**

Thank you. Mr. Omoto is present. Jeanette Picasso-Arguello? Noting she's absent. Jessica Quesada? Not hearing Ms. Quesada, I will note her as absent. Benita Shaw?

**COMMITTEE MEMBER SHAW:**

Hello, here.

**FACILITATOR BLOOMER:**

Hello. Benita Shaw is present. Nina Spiegelman? Noting her absence. Robert Taylor? Noting his absence. Aini Tjauw?

**COMMITTEE MEMBER TJAUW:**

I'm here.

**FACILITATOR BLOOMER:**

Hello. She is present. Jesse Weller?

**COMMITTEE MEMBER WELLER:**

Present.

**FACILITATOR BLOOMER:**

Dr. Weller is here. Thank you. Sylvia Yeh?

**COMMITTEE MEMBER YEH:**

Present.

**FACILITATOR BLOOMER:**

Hello, welcome. Ms. Yeh is present. Okay, I'm going to ask Matthew Goldsby if we have a quorum of 11 or more.

**PRESIDING ALJ GOLDSBY:**

I've noted we have a quorum of 11 or more.

**FACILITATOR BLOOMER:**

Thank you. Wonderful. Okay, and now to introduce the members of DDS and OAH that are in attendance. First, from DGS Office of Administrative Hearings, Zackery Morazzini, Director of OAH and Chief Administrative Law Judge. Welcome.

**DIRECTOR MORAZZINI:**

(Inaudible) thank you.

**FACILITATOR BLOOMER:**

Thank you. Bob Varma, Deputy Director of OAH. Hi, Bob. Susan Formaker, Chief Administrative Law Judge, General Jurisdiction Division.

**DIVISION CHIEF ALJ FORMAKER:**

Good afternoon. Thank you.

**FACILITATOR BLOOMER:**

Thank you. Matthew Goldsby, Presiding Administrative Law Judge, Los Angeles General Jurisdiction Division.

**PRESIDING ALJ GOLDSBY:**

Good afternoon.

**FACILITATOR BLOOMER:**

Maryjosephine Norrington, AGPA with the General Jurisdiction Division.

**MS. NORRINGTON:**

Thank you.

**FACILITATOR BLOOMER:**

Welcome. Ashley Ames, AGPA with the Special Education Division.

**MS. AMES:**

Thank you.

**FACILITATOR BLOOMER:**

Hello. Trinity Dorantes, Supervisor I with the Special Education Division.

**MS. DORANTES:**

Good afternoon, everyone.

**FACILITATOR BLOOMER:**

Hello. And from DDS, we have in attendance --

**DIVISION CHIEF ALJ FORMAKER:**

I just wanted to note one thing. As of yesterday, Maryjosephine Norrington is a supervisor I with the Office of Administrative Hearings.

**FACILITATOR BLOOMER:**

Oh, wonderful. Congratulations. Okay, and from DDS, Katie Hornberger, Deputy Director for the Community Assistance and Resolutions Division.

**MS. HORNBERGER:**

Hi.

**FACILITATOR BLOOMER:**

Hey, Katie. Michael McNulty, Chief of the Community Appeals and Resolutions Branch.

**MR. MCNULTY:**

Good afternoon, everyone.

**FACILITATOR BLOOMER:**

Denise Thornquest, Supervisor II in the Community Appeals and Resolutions Branch.

**MS. THORNQUEST:**

Hello. Good afternoon.

**FACILITATOR BLOOMER:**

And Ian Wilson, Manager in the Community Appeals and Resolutions Branch.

**MR. WILSON:**

Good afternoon.

**FACILITATOR BLOOMER:**

Committee members, thank you for being here, and thank you members of the public for attending. As you know, this advisory committee was established in law to provide non-binding recommendations about mediation and hearing operations under the Lanterman Act for people with developmental disabilities in California.

Committee members, as you discuss the agenda items that have been submitted, I encourage you to focus the discussion on items and recommendations that specifically pertain to mediation and hearing operations that are actionable by the Office of Administrative Hearings at the Department of General Services.

I want to spend a moment noting some key aspects of our agenda. As you may know, committee members are invited to submit requested agenda items for each

meeting. For this meeting, we have received 13 agenda items. These are items four through sixteen on the posted agenda.

Items that we don't have time to discuss will be placed on the agenda automatically for the next quarterly meeting. At the start of an agenda item, I'll ask which committee member brought forth the agenda item and ask that they provide some background in their desire for having the discussion.

In addition, we'll take two ten-minute breaks. The first break will begin around 2:15 p.m. The second break will begin around 3:10 p.m. And we'll move directly from that second break to a full forty minutes of general public comment.

In addition to the general public comment period, if there is a recommendation being entertained by the committee, we will also invite public comment prior to the vote. Finally, we'll be adjourning at 4:00 p.m. today.

Okay, thank you for your patience, and let's begin with the first agenda item, which is agenda item four on the public agenda. It reads, "Update by the subcommittee comprised of Advisory Committee members, Fernandez -- Fernando Gomez and Jesse Weller, which is charged with providing to the Advisory Committee a summary of the roles of the regional centers in the hearing process, as set forth in statute, regulations, or any other authority, and which was established by vote of the Advisory Committee on October 8th, 2024."

So, Mr. Gomez and Dr. Weller, I just want to invite you to let us know if there's an update from the subcommittee.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Karin. We do have an update that we would like to present to the subcommittee today and was wondering if I could be provided with sharing capabilities so that we can walk through a document that we prepared for this -- for the committee today.

**FACILITATOR BLOOMER:**

Let me find out. I just need to know, since it hasn't been posted for the public. I'm just less sure about the rules, so I'll turn to our folks at OAH for their feedback on that.

**COMMITTEE MEMBER GOMEZ:**

Technically, I do have the ability to share, but I guess the question is, is there an -- a restriction on sharing information?

**FACILITATOR BLOOMER:**

Don't know. It's a good question. So, if -- I mean, as -- if you have sharing privileges, or do you not have access to them?

**COMMITTEE MEMBER GOMEZ:**

I do have access to it.

**FACILITATOR BLOOMER:**

Okay, okay.

**COMMITTEE MEMBER GOMEZ:**

So --

**FACILITATOR BLOOMER:**

And not hearing anything from OAH, I suggest you feel free to proceed.

**COMMITTEE MEMBER GOMEZ:**

You got it. And it's -- if I get in trouble, you can put them in the corner later on. No worries. So, first of all, thank you for this opportunity to share out on our progress that we've made as a subcommittee.

For those -- the new -- the new appointees, just wanted to kind of briefly share in the sense that Dr. Weller and I were provided with the task of creating, through a subcommittee, a proposal, analysis, feedback report, if you will, based on the role that the regional center plays in the appeals process.

So, today what we wanted to do was walk you through the report as an overview, not as a whole report, because obviously we would not have enough time today to go through it step by step. And then we would like to share with the committee a couple of recommendations that would be submitted for review and feedback, if that is allowable through the restrictions that we have in our -- the way the meetings are conducted, and just to make sure that these two elements are as vetted as possible to be -- to be shared out.

And we'll share a little bit more in a second, but before we go into our information, Dr. Weller, would you like to share anything at this point?

**COMMITTEE MEMBER WELLER:**

No, I think we're good, Fernando --

**DEPUTY DIRECTOR VARMA:**

Hi.

**COMMITTEE MEMBER WELLER:**

-- but I'll chime in --

**DEPUTY DIRECTOR VARMA:**

Can I --

**COMMITTEE MEMBER IRIARTE:**

-- on the --

**DEPUTY DIRECTOR VARMA:**

-- I'm sorry, can I jump in for a minute? We need to look at the acts, rules and see if something can be shared that was not originally posted. So, I would -- just to be cautious and be conservative about it, I would like to not share this, and you can talk about what you found. I think that's fine.

I think sharing a report may be something we can look into and do it later. I don't have a problem with it. I just -- I just want to make sure we follow the rules, and we are -- we were not expecting this, so -- from OAH's perspective.

So, just to be conservative, I think we can talk about it, and please give us a chance to look at what the act allows and what it doesn't allow, and maybe this can be shared outside of the meeting, after the meeting, before the next meeting. I don't know. We just need to look into it.

So, I appreciate the work you did. We really do appreciate all the work you guys have done. Maybe it's probably better to talk about it, and then we'll figure out how to -- how to get this out to the community. We don't want to block it, but we got to -- we have to follow the rules, and it's not clear to us whether it can be just published in this way, so please give us a chance.

**COMMITTEE MEMBER GOMEZ:**

Sure. And thank you, Mr. Varma, for that feedback. Completely understand it. From my personal opinion, obviously not speaking for Dr. Weller, I do find this very frustrating and very restrictive, but I understand that we do have to follow guidelines and rules and regulations.

And so, definitely not my area of expertise, so just as a participant, just sharing out that this is not the actual report itself. It's the outline of the report. So --

**DEPUTY DIRECTOR VARMA:**

It's --

**COMMITTEE MEMBER GOMEZ:**

-- but the (inaudible) --

**DEPUTY DIRECTOR VARMA:**

-- yeah, it's the issue of the doc -- if a document being shared --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**DEPUTY DIRECTOR VARMA:**

-- and you know, Mr. Gomez, I'll tell you right now. We wish this could be just an open forum, but that's -- we are controlled by a statute and by a process. And so, I understand your frustration. We're not --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**DEPUTY DIRECTOR VARMA:**

-- yeah, we get it. We just -- it's -- we have to follow a process. So, I don't know. We don't know. Let us look into it and how we publish this and how we get it done.

So, you can talk about what you found. I think that's perfectly fine, but I'm a little worried about putting something on there that we may not be allowed to do under the act, so that's our concern as OAH. Thank you so much.

**COMMITTEE MEMBER GOMEZ:**

Okay. Thank you for that feedback. And I do then extend an apology to my committee -- fellow committee members. We're about to give you a lot of

information, and hopefully once we get the green light, we can share it out as a document, if that's so. If not, we'll figure out what -- under what conditions we can move forward, and then at what point, I guess, we do just submit a report.

But as we are today, there are --

**COMMITTEE MEMBER SHAW:**

Fernando, before you get started, can I ask a question to the (inaudible)? Can you -- can you submit it to the committee members for us to see, even though -- because it's not the public. Is that an option, Bob, whoever the other person spoke of, because -- or no? Get clarity.

**DEPUTY DIRECTOR VARMA:**

That's a question that we will take and look at about what can be shared with the committee members. We just want to make sure we follow the (inaudible) --

**COMMITTEE MEMBER SHAW:**

No, I get that. I'm just saying --

**DEPUTY DIRECTOR VARMA:**

Yeah.

**COMMITTEE MEMBER SHAW:**

-- it gives more context for the committee, because we're the committee members, that it gives more context for the committee members --

**DEPUTY DIRECTOR VARMA:**

Yeah.

**COMMITTEE MEMBER SHAW:**

-- to have what is being said and in further -- and for the work for these people that have done freely on their own time.

**DEPUTY DIRECTOR VARMA:**

Yeah.

**COMMITTEE MEMBER SHAW:**

That was just my comment.

**DEPUTY DIRECTOR VARMA:**

Right. I appreciate that. And Judge Formaker has her hand up, so she might have the answer.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, so we looked at this, and we think that, yes, you can share your screen, and then as soon as we can get it in our possession, we can post it on the OAH website as quickly as we can after the meeting, but we'll need to have it. Okay?

**COMMITTEE MEMBER GOMEZ:**

Thank you so much.

**DEPUTY DIRECTOR VARMA:**

There you go. And --

**COMMITTEE MEMBER GOMEZ:**

All right.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

**COMMITTEE MEMBER GOMEZ:**

(Inaudible) --

**DEPUTY DIRECTOR VARMA:**

I just -- I just panicked. Like, wait a minute, wait a minute. I --

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

**DEPUTY DIRECTOR VARMA:**

-- I panicked. I'm sorry.

**COMMITTEE MEMBER GOMEZ:**

No, it --

**DEPUTY DIRECTOR VARMA:**

So, I want to --

**COMMITTEE MEMBER GOMEZ:**

-- (inaudible) --

**DEPUTY DIRECTOR VARMA:**

-- make sure we follow the rules. Thank you so much.

**COMMITTEE MEMBER GOMEZ:**

It's always great to have a judge available. So, quick question then. We'll do as such, I'll start sharing again. And then I just wanted to also be clear, an additional factor. Will the committee members be able to volunteer feedback on the submitted document?

**DIVISION CHIEF ALJ FORMAKER:**

So, we can't provide the document to all of the committee members and have them providing feedback outside of a public meeting. In the past, what -- when there was feedback provided on a document, it was by one committee member so that it didn't violate the Bagley-Keene Act.

**COMMITTEE MEMBER GOMEZ:**

Okay. Okay.

**FACILITATOR BLOOMER:**

You certainly -- right, as Susan mentioned, in a meeting, certainly solicit feedback from committee members.

**COMMITTEE MEMBER GOMEZ:**

(Inaudible).

**DIVISION CHIEF ALJ FORMAKER:**

Correct.

**COMMITTEE MEMBER GOMEZ:**

Oh, okay, beautiful. Then we can take that route and be able then -- because we just -- as we started this process, you know, of course, as a committee, we wanted to make sure that everybody has equal opportunities to weigh in and provide their perspective. As diverse as a group as we are, it would be very useful information.

So, all right, let me go back, and we can start once again.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

**COMMITTEE MEMBER GOMEZ:**

And thank you for that opportunity as well, because the last thing I wanted to do was -- Dr. Weller and I wanted to do was throw out so much information out, and it'd be hard to kind of keep it in perspective.

So, our report is going to consist of, at this point, seven key areas. And what you see listed are the area itself, each one has subcategories that we break it down, but the first one, we start by defining the regional center appeals team and the definition, based on not only the perspective of an individual who comes from the committee, but also other stakeholders.

The second is how the appeals process is supposed to work. And we do reference the sources in our reports so that they're -- be able to kind of go back and give it more substance. The third area is what -- and these are perspectives, of course, but what bias looks like in an appeals context, and how and why the communities feel it.

Number four is the accountability already exists and where it's weak, where it could be strengthened at as far as accountability. And what does person-centered neutrality actually mean in how it's applied to the appeals team?

Number six would be the concrete ways the systems and families can hold the appeals teams accountable, and number seven, recommendations we can advance. You know, and this would be where, as a subcommittee, we're going to make several recommendations that we feel that can bring a complete balance, if you will, to the appeals process. And then there'll be a framing statement, which is what we're going to go into, the second part of what we're reporting at, which would be two key areas.

One would be a proposed survey that we would send out to all 21 regional centers' appeals teams, and then a -- an overview of an interview that we are looking to conduct with three, possibly four regional centers.

And I'll stop there. And Dr. Weller, did I miss anything at this point or any key areas you wanted to add to?

## **COMMITTEE MEMBER WELLER:**

I think you captured it. I think the essence, as we go through this, is looking at how do we get really good feedback and support around the perspectives out there across the whole state so we're getting good representation.

And so, you'll see coming up as a preview some ideas proposed around doing survey. We know we do a lot of surveys out there, so we do worry about survey saturation, but we do want to engage everybody, and then you'll see a little bit about our thinking around doing a little bit more in-depth work on talking to regional centers that are willing to do some interviews with us to just do a little bit of a deeper dive into some of the areas to kind of help structure all the different areas that might be going on in these particular areas, so --

## **COMMITTEE MEMBER GOMEZ:**

And thank you, Dr. Weller. Absolutely. And once again, to reiterate, the reason that this subcommittee was established was that not to really conduct a witch hunt and really just point fingers at where the system is broken, but more to say hey, the appeals team plays an important role, and they really should have that voice elevated into this level of -- and this platform so that we can create that balance, if you will.

So, from our perspective, this is the ability to capture the essence of that important role of the regional center appeals teams play and identify the key components and hear from them what their experience is and so forth, and then we kind of bring it together and connect it to the system as a whole.

So, the first -- and let me kind of scroll down a little bit. And I'm assuming everybody can see my screen okay.

## **FACILITATOR BLOOMER:**

I can.

## **COMMITTEE MEMBER GOMEZ:**

Okay, beautiful. Thank you. So, what we're looking to do is -- you know, is what we just mentioned and Dr. Weller had communicated, is the fact is that -- what are we looking to accomplish with this report, and what is it what we want to do with the information to be acquired?

So, the first thing we did was we were looking to gather standardized data on structures, practices, decision-making and accountability related to the engaged neutrality of the appeals process. So, we first started, and when we created these two components, we actually used Dr. Weller's appeals team as a sounding board.

We met with them and kind of just had an open dialogue, conversation going back and forth just to make sure that we had a reality check from the actual source of an element that a lot of these elements applied to. So from that, here's the initial, what we call -- and I believe there's only, like, ten questions, if you will. But the objective of this survey, which, like I said, would go to all 21 regional center appeals teams, is to capture by category the following information.

The section one will be called "structure and authority," and the questions here is, you know, how is the regional center appeal theory (inaudible) structured? You know, who has the authority to approve, and the title, based on that individual, because we know we have multiple team members, if you will, and are -- how the appeal staff is evaluated on.

So, these three are qualifying sections that we look to look at when it comes to structure and authority. The second section is neutrality and role of definitions, and then that will be an additional three questions as well. Oh, sorry about that. I think I went too far. I apologize.

And those will be, how does your appeals team define its role? How does regional center have any type of written guidance, policy, code of ethics, and so forth, if you will, to -- for this process, and then what the person-centered outcomes and how they're addressed. And that would be Section B on neutrality and real definition.

Section C would be on the informal meetings and mediation practices. And here again, it talks a little bit about the process to explain and so forth. So, this -- some of these are, yes, no questions, but we're encouraging people to expand on their answers. They'll be given an opportunity to write in and help us if the question maybe is not shaped in the right form they are thinking. It's really not really asking me the right question, then we give them the opportunity to do so.

And then that's the -- those three areas that you see there, you know, the appeals before mediation, what are the most common reason appeals proceeds to hearing? And here again, this is based on the perspective, an individual filling that out.

And Dr. Weller, if I'm going to too fast or if I'm missing some key areas, just jump in, okay?

**COMMITTEE MEMBER WELLER:**

Okay, sounds good.

## **COMMITTEE MEMBER GOMEZ:**

Okay. So, Section D is Equity, Language, Access, and Cultural Responsiveness. And this is -- you know, it talks to dynamics like, you know, the interpretation and the cultural nuances and the diversity of the participants, if you are within the process. And we talk a little bit about those three areas.

And then we go down into Section E, which is on accountability and oversight. How are, you know, things tracked? How are they managed? How are they processed? And this will be that section here.

And then we end with reflection and improvement. This section is going to talk about -- you know, hey, tell us more, expand, what -- you know, engaged neutrality, what does it really mean to you in practice? You know, we understand theory, but what -- is it -- is it realistic? Are we able to implement it?

You know, what are you looking at that you think, god, if somebody was -- ever listened to me, and we can make this change or add this thing, it would make a difference? And literally just say, what do you recommend? You know, how do you, you know, recommend that we look at implementing this important voice, if you will, into the process?

So, the goal is to hear from all 21 teams, so we'll -- we expect multiple surveys from (inaudible) center. We'll (inaudible) significant role in the process to also be able to weigh in as well.

So, this is the actual elements that we have currently within the survey. I do want to add that we did have a very brief communication with Deputy Director

Hornberger on our effort do this, and assuming that there is no conflicts, that we would then share it with her as well.

And so, for feedback, and more than anything, it's to help shape, if you will, the alignment of the questions, and also there may be something that the department may be interested in, if you will, to be hearing the -- to be more specific that maybe aligns with another effort that they're doing. So, I just want to -- kind of thought that it would be beneficial to receive that level -- that type of feedback.

Okay. So, let's move then to what we call the Section Two, the In-Depth Interview Protocol. And this will be here, again, three to four regional centers. We're looking to kind of spread it across the state, representation both from this, the south, the central, and the northern part.

Dr. Weller, do you want to share on who has committed to date on the interviews?

**COMMITTEE MEMBER WELLER:**

Sure. We're going to be hopefully working with San Diego Regional Center. We're doing some coordination with Valley Mountain Regional Center, and doing some finetuning for another Northern California regional center. We're in the process. We want to get good representation about the state just to get some ideas.

We recognize that surveys give a piece of the puzzle in the insight in there, and we thought there was a lot of value for any center that's interested and willing just to do a little bit of a deeper dive. We're trying to be mindful of time, but just doing a little bit more of processing than you can kind of get from a survey, trying to understand the different portions, really looking at a lot of the stuff that was just

mentioned previously in a survey, but what we're hoping to do is get some good themes that come out of these conversations.

It's not about who or what, saying what comment. Really looking at the themes that come out that we can really seek to understand what is happening at a day to day level, because everybody has a perspective, and everybody has experience of what works, what doesn't work, what's happening, what's not happening, what should be done, what is done, what those best practices are.

And so I think, really, Fernando, one of our ideas was really just talking to people that are doing the work day to day at a -- at a granular level that are really walking through some of these pressure points. So, we were looking to really capture some ideas and experiences for -- you know, from somebody's perspective from any regional center what they understand to be their role when an appeal is filed.

There might be some different views about what that role looks like. We know that there can be reported stressors or tensions that can happen, particularly when there's our -- policies or procedures that are restrictive in certain ways, or that create different workarounds that can cause some stress for families.

So, what does that look like when somebody's in this multiple roles of making sure that there's compliance, and also looking at the clinical and the appropriate way to address needs out there? So, trying to -- you'll see the questions. I won't read them to you, but just what we're trying to get at within that process.

Decision-making power, looking at those decisionmakers that happen at regional center levels. Structures can look different between regional centers, so looking at what happens in those moments, and then any kind of examples where there was any examples or times where resolution was prevented due to policy, due to

process, due to something that's getting in the way that can be looked at from a theme level that can be brought back here was important information.

Looking at neutrality in practice, how we ensure that the families experience a process to be fair, even when they feel and go through the experiences that may not feel fair, when there's different perceptions, different experiences for a variety of reasons, what's happening in that -- in those interactions.

And are there anything that we can be doing that we haven't thought of that could look at really bringing in more neutrality, even when we mean neutrality and we believe neutrality. Are there things that are happening in those moments that could be causing any kind of unintended impacts in there?

And this has been some community feedback around safeguarding to make sure that if somebody is going through this process, what protects them, make sure -- and making sure that they're -- have all of their due process in place and not having to worry about any stressors or experiences and going through that engaged process.

We would be remissed (sic) -- hope I'm not going too fast, everybody. We would be remissed if we're not looking at the equity, the trust factors in there. We have a lot of layers outside of just procedures and systems that everybody has to navigate, but looking at those really important factors, language, culture, family structures, lived experiences.

How do those play factors in these processes? How does that affect outcomes from everybody's perspective? And then, how do we make sure that we're engaging underserved communities to make sure that they're well-represented in the process that uplifts? Equity and trust in there is a factor that we think about.

Moving into accountability and oversight, we're very interested in looking at what metrics should exist that may or may not exist. And how do we evaluate appeals teams when we look at the role of appeals and resolution staff at regional centers? What are those metrics? How do we look at success? How do we look at those objective measures in there to make sure that we are uplifting accountability and oversight in a way that is capturing the full experience in ways that we can measure and look at?

I think -- I think hard to articulate this. I think we have a lot of good examples of situations and examples of things that have occurred in situations that people share. And how do we do that and honor that in a way that looks at metrics and, you know, measure (inaudible) you know, looking, and we're performing in a certain way. What does success look like, and how do we define that, and all the under compliance lens while still, you know, looking at all these factors?

So, we want to do a little bit of work in this area, looking at -- oversight has been a big (inaudible) for the state of looking at accountability and oversight and transparency. So, what should it look like from OAH or from the state or DDS, or any other body of holding everybody accountable for neutrality?

Everybody who has a part in this process, how do we make sure that those -- that the values in those interactions are being uplifted in that way? And then, a little bit familiar from previously, but looking -- we're trying to be forward-focused, looking forward.

And I think the magic wand question, but if you could redesign the appeals functions at the base or redo the foundation, or go from scratch, what would be

changed? What would -- what would make life easier for all? What would make things more streamlined? What would make things more clear?

And so, a lot of interesting feedback in this particular area. And then, if there's any particular guidance or standards from the committee itself or anybody else, what would be helpful to keep things moving in a progressive way of achieving our goals and our outcomes, and thinking back to the purpose of why all the committee members are here and what we're trying to achieve out of this?

So, we were trying to approach it from kind of two prongs, multiple prongs, but one is just survey, reaching everybody so nobody feels left out of this process, and also doing a little bit of a deeper dive at a deeper level and trying to see what comes out of that process that we believe could lead to maybe some proposed next steps or some different areas to be looked at, or anything that could help move this process along in there.

So, I think that's our --

**COMMITTEE MEMBER GOMEZ:**

That's it.

**COMMITTEE MEMBER WELLER:**

-- our committee update.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Dr. Weller. Okay.

**FACILITATOR BLOOMER:**

Mr. Gomez and Dr. Weller, is there -- is there any feedback you're seeking from the committee at this time, or was this an update, and that's the extent of it? Is there anything you're seeking at this point from the -- from the committee?

**COMMITTEE MEMBER GOMEZ:**

The answer is absolutely. You know, here again, not understanding fully what restrictions do we have, but we -- you know, we are, as members of this committee, counting on everyone, if you will, to help weigh in and provide some kind of feedback, direction if available once you're able to have the documents in front of you.

We know that there are some things that can be added, if you will, but we may have overlooked them, so any of that feedback as well would be important. The other thing is, is that, you know, we wanted to look in the implementation of both of these efforts from the survey to the interviews itself to be able to come in from a -- from a -- as far -- as best balanced and unbiased perspective, not to influence any kind of type of response, you know, that -- but to really, truly try to get the real essence of this -- what the reality is in the process today.

**FACILITATOR BLOOMER:**

Well, and with that, we do have some committee members who are interested, I think, in giving some feedback.

**DEPUTY DIRECTOR VARMA:**

Could I --

**COMMITTEE MEMBER GOMEZ:**

(Inaudible).

**DEPUTY DIRECTOR VARMA:**

-- jump in for a minute? The concept of surveying the committee members that are -- we're not here to advise you on the legal aspects of it, but sometimes communications outside the Advisory Committee meeting could be considered not appropriate in the -- under the Bagley-Keene Act.

So, we just want to caution you on that. It's, you know -- I don't -- I don't have any answer. I just want to let you know that there is an issue that's out there, so --

**COMMITTEE MEMBER GOMEZ:**

Okay. Yeah, if there are some restrictions or conditions in which we need to be cognizant of, absolutely. I think that when we had the initial conversation on the subcommittee, it was -- it was decided there's a reason there's only two people.

But if -- the surveys itself is out-facing into the actual system, right, so it's not surveying the committee members themselves, or did I mishear that?

**DIVISION CHIEF ALJ FORMAKER:**

So, one of the things that I think you just have to be cognizant of is that there are other people on the committee who work at regional centers, and so surveying them could conceivably result in a violation of Bagley-Keene.

### **COMMITTEE MEMBER GOMEZ:**

Okay, so -- okay, but we don't know. And so, maybe if we can give -- be given some clear direction on that, on those, then we'll put steps in place to make sure that we're sensitive, and of course, you know, that we don't overstep our boundaries, if you will.

### **FACILITATOR BLOOMER:**

I wonder if in the meantime we could hear from committee members on their -- on their feedback from what's been presented. And with that, Maria Iriarte, please, your hand went up first.

### **COMMITTEE MEMBER IRIARTE:**

Thank you. I need to my thoughts together, but first, thank you. Thank you, Fernando and Dr. Weller for this. I know that it's a lot of work to put this together.

But a question that I have right now is how does -- how does this all become actionable by OAH? A lot of -- a lot of the information has to do with what happens before that NOA, notice of action, is issued, right?

And I know in the past we've talked a lot about the importance of having a really fair and adequate IPP, because if it works at the IPP, then you're -- people are not having to file fair hearings. So, I don't know how -- what happens before the NOA is issued, becomes actionable by OAH.

You're really -- it's really the regional centers who are responsible for what happens before the NOA. The regional centers are also responsible for, in the appeals

process, the informal meeting, because there's -- OAH technically is not really involved in that; it's really the regional center.

So, I see OAH being involved from the point of mediation forward. I may be wrong about this, but -- so, a lot of what you've showed us today is really valuable to getting information that can instruct DDS and the regional centers on how to improve the system, especially how to improve the IPPs. So, that's my comment.

**COMMITTEE MEMBER GOMEZ:**

Thank you, Maria. Dr. Weller, do you have a response to Maria?

**COMMITTEE MEMBER WELLER:**

I don't have a -- I'm processing right now. I think there's so many layers to this, but I think, if I understand, it's kind of where all of this lands. And I think what we've been trying to do is look at from so many different perspectives.

We've been trying to see -- ask our questions and get data before it even gets to the NOA process, kind of how we even measure those moments when there's work being done, because we know there is work being done. And I can speak for our center, and I'm sure other centers, too, that there's a lot of good work being done to mitigate things even going to the hearing process that I want to uplift and recognize.

And I can also sit here and say we know there's challenges, and that's not the case for everybody, are there are situations in there. So, I think if we're looking at -- from a metrics kind of mind set around what is happening in those moments to mitigate and get from that process, and then I think about it from the next phase.

That's just my kind of rough thoughts right now, but I'm thinking if once we are in that phase, we're -- now we're engaged in more of a formal process, what's happening there to make sure it remains neutral, and how are we working through that, and then how are things getting resolved?

And then the question is -- that we can (inaudible) and then, well, what's the oversight? What's the accountability? Who's watching for those things when things do go off tracks? Who's going to enforce that? What does that come from?

And so, think there's a lot of interconnections here. I don't think we have the answer quite yet, but I -- just kind of processing with everybody here.

### **COMMITTEE MEMBER GOMEZ:**

Thank you, Dr. Weller. And I'm in the same, similar boat, Maria. It's a lot to process, but at the same time, is -- as an advisory committee, it's imperative that we obtain as much information as possible in order to be able to have a position, if you will.

And you know -- you know, I look at things very holistically. I come as a parent, as a -- come as an advocate. I'm not an attorney, or I'm not a paid staff member, and so forth. This is all volunteer work for me because my goal is to improve the system for individuals like my son.

So, as informed as possible, we've seen how through this committee and the efforts of the OAH to even change the culture internally with the judges is starting to show we're on the right path. We have a long ways to go, but we anticipate that another key stakeholder in this process, like the appeals team, would also have a platform, a voice, and the ability to do as much of a correction as possible.

That's the goal and objectives, but your question's a good one, and hopefully once we have and we present the report, then maybe we can have that discussion.

### **FACILITATOR BLOOMER:**

Thank you. Benita Shaw, your hand was up next. Please, go ahead.

### **COMMITTEE MEMBER SHAW:**

Let me first say I'm hesitant to comment on a lot of things, because I think that there seems to be a lot of uncertainties of where it's going and what it's doing, so I want to also state that.

So, my -- to the facilitator, it's also a way to move forward. So, I don't know if that is the appropriate time, so it's not, please interrupt me. But I do want to say to the both of you, my hats are off, and I thank you for the time that you're putting in, because a lot of questions I have you answered

And I will tell you one of the biggest things, especially in my community, is the trust factor. And Dr. Wells (sic), you mentioned that, right, that trust factor, and I thank you for including that. There's that bias that's there, which is part of that community (inaudible). Thank you for including that.

And well, I think it was very thoughtful and very thought out in regards to that, in a lot of issues that people are having with it, in NOA. So, I (inaudible) like to preface it, is when we get this together, Susan and the judges, what have you, that we get this on the website, and we can get this detailed.

Because on the visual, I really think we need to spend a quality amount of time of this meeting to get this out, because I will tell you, a lot of the things I submitted

would cover this through this. So, that's more for of a notion -- a motion to the facilitator, but I know that's not the time, but I just wanted to say that.

So, I will probably hold further comments until we can figure out where we're at and where there's not interruptions on what we can and cannot do. Thank you.

### **FACILITATOR BLOOMER:**

Thank you, Ms. Shaw. Marty Omoto, please.

### **COMMITTEE MEMBER OMOTO:**

Yeah. Marty Omoto. I'm a dad. I have a 33 year-old son, Alex. Actually, he's in the next room doing his Zoom meeting, his program. He has Down's syndrome and autism, and a family member, older sister, had autism and developmental disabilities, and also with CDCAN, California Disability -- California Community Action Network. I forgot my organization.

And I want to do a shoutout first to the interpreters. I think Marc was one of them, and I -- he's been wonderful in other meetings, and all the interpreters, and then a shoutout to my brother, Fernando. And I wanted to thank you, thank you both for doing this work, because at the end of the day, we need to figure out, how does this end up helping. And I think that was your goal, too.

How does it make a difference in people's lives in getting the help they need, because ultimately, we all agree that that's what we'd like to see, and that there are problems in getting -- you know, for people to get that help.

I do want to add that I think the idea of where this goes next, I'm not really clear. I mean, this is an advisory group, so it's -- you know, when we say actionable,

I've been on advisory groups, I've been on state commissions appointed that were public, that were also governed by Bagley-Keene, local public entities such as the Paratransit Board. That was also governed not only by Bagley-Keene, but a local similar state law.

And you know, and so I understand the difference between actionable where a body can take action, which I've served on those types of bodies, and in advisory groups, we're really -- you're just making a recommendation that technically -- I mean, I don't know if an action -- if I would label recommendation an action in and of itself.

The reason I raise this, Fernando, and for all of us, is that whatever we all come up with and whatever you end up delivering and whatever we can comment, it doesn't mean that other entities outside of this group can't take action, and I intend to make sure that that happens, because we don't have to depend on one group to decide what's the best thing that we need for our community.

And if someone else notices that, hey, we can do this in the budget process, we can do this in a policy bill, we can advance this through Health and Human -- you know, whatever it is, as advocates and as representatives, we need to commit to doing that, because to me, I'm not -- as a parent and as an advocate, I don't leave what I can do in terms of action to someone else.

And so, I want all of us to commit that whatever we hear here and that we think is good, we will take action in whatever way -- and I will not be limited by whatever state law that is governing any particular meeting that I'm involved in.

Number two, I appreciate the facilitators and everyone here, but what I -- what I want to see happen, and I know this won't be a topic for this meeting, but I don't want

to see the state law, Bagley-Keene, which was actually a state law for good intent, to be used as a barrier for us to actually get good information.

And inadvertently, I think that's happening. And I don't -- and I don't -- I don't, you know, think anyone's doing that in bad intent. But Bagley-Keene is not meant to be an enemy of the people, of the public, but what's happening is it's being used inadvertently, and again, I don't -- it's not meant as a criticism personally to anyone. For us -- for the public and for all of us to actually work together.

And I've been on commissions, state-wide commissions, so I know there's ways that things can happen in a -- in a -- in a much more open way. And so, one thing I'm going to do, either get it on the agenda, but even work outside this group, is come up with the -- you know, the ways or some ideas that we can look at in terms of, how can we work and make Bagley-Keene work better for all of us here?

And again, I appreciate everyone, (inaudible). Everyone that I know, everyone is trying to make -- do this in the right intent, so I'm not criticizing that. But Bagley-Keene, right now, the way it's being applied inadvertently, not for that intent, is not working for what I believe the purpose of Bagley-Keene was, and we need to do better.

And I'll leave it at that, but I do want to thank you, Fernando, and I didn't remember the other guy's name. I'm sorry.

(Indiscernible crosstalk).

## **COMMITTEE MEMBER OMOTO:**

Oh, thank you. And again, a shoutout to the facilitators, both Karin and Susan. You have a very hard and difficult job, so thank you.

**FACILITATOR BLOOMER:**

Thank you, Marty. Any other feedback to the subcommittee on what they shared today? Yes, Benita Shaw, please.

**COMMITTEE MEMBER SHAW:**

Have one more just to kind of add, and it's necessarily probably what someone spoke about where (inaudible) regional center, too, as well. This is to Fernando and Dr. Wells, is that, you know, AOH (sic) can discuss inadequacies about an NOA in pairing meaningful appeals for that for the rights for that, and they can all -- and AOH can address the procedural process of things as well when we think about the notice of action.

So, I also wanted to notate that as well as we kind of move forward, because we talk about certain things. I know Maria brought that up, right? And so, since we're in this state (inaudible) in this discussion, I just wanted to notate that as well. And again, thank you for both for the time that you spent.

**FACILITATOR BLOOMER:**

I'll just quickly underscore, Benita, that yeah, any time committee members here can connect dots on where OAH has operational oversight on a matter under the hearings and mediation piece, I think that's really very much at the crux of -- at the center of this committee's charge, so providing each other with that expertise and connecting those dots, I think, is a -- would -- is a huge value to all the work here.

Sylvia, I see your hand. Please, go ahead.

**COMMITTEE MEMBER YEH:**

Yeah, I just want to make comments for that, Fernando and Dr. Weller. I mean, the tremendous efforts that you guys put in there, and I think that's why we have a committee here, try to break this (inaudible) you know, and that can, you know, listen to the families, what they have been through on that.

But I feel like there's so many rules, and I'm not against that. Just like, you know, we've seen that we couldn't get further on that, and I can feel the frustration, but I just (inaudible) thanks for your tremendous effort making this happening. Thank you.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**FACILITATOR BLOOMER:**

Any other feedback or comments on the subcommittee's report out?

**COMMITTEE MEMBER GOMEZ:**

Karin, if I -- if I can real briefly --

**FACILITATOR BLOOMER:**

Please.

**COMMITTEE MEMBER GOMEZ:**

-- I wanted to come back to your comment a minute ago about the connectors with OAH. You know, the way I look at is that, you know, this is a table that's set by

OAH. And at that table are sitting these individuals who have an important role to play in that setting.

So, every element that was presented within our report and the surveys and the interviews are individuals who are sitting around that table. So, I'm not sure how much more connected you can be than that, but it's be able to understand, well, what's the attire, what's the food, what is the subject matter?

So, this is a connector, and if I'm misunderstanding or interpreting what the connectors are, then I would hope that somebody can school me on that, because I can't see it getting any more connected than that. Marie?

**FACILITATOR BLOOMER:**

Yeah, Maria (inaudible) --

**COMMITTEE MEMBER IRIARTE:**

Yeah, no. Thank you, Fernando. I get it, but -- so, let me see if I can do a connector. How do you get OAH to -- where is the power that OAH has to say to the regional centers, you have to do a better job in the IPPs, and this is what you have to do?

That is the connection. I don't see that as part of OAH's role to tell the regional center how to -- how to do a better job with the IPPs or prior to a notice of action. That's where the -- I don't see the connection, but you know, OAH has responsibility for a lot of things, and so my understanding of why we're here is how do we -- what kinds of -- what proposals can we give OAH to better the system that they're able -- that they have jurisdiction to do?

Where's there -- they have powers, and so they have certain powers, and so the proposals should go to that and not to things that they really have no control over.

**COMMITTEE MEMBER GOMEZ:**

Yeah, okay.

**COMMITTEE MEMBER IRIARTE:**

I get -- I get what you're --

**COMMITTEE MEMBER GOMEZ:**

I --

**COMMITTEE MEMBER IRIARTE:**

-- saying. I --

**COMMITTEE MEMBER GOMEZ:**

-- yeah, I'm not sure I'm understanding, Maria, your point --

**COMMITTEE MEMBER IRIARTE:**

Okay.

**COMMITTEE MEMBER GOMEZ:**

-- because it's not making sense to me, but that's okay, because it wouldn't be the first time that I'm not able to digest and process something. But that's good, that's okay, but thanks.

**COMMITTEE MEMBER IRIARTE:**

I mean, the -- but the other thing, Fernando, that I don't quite understand, also, is I don't know all of the entire reach that OAH has. In other words, I know they're responsible for the hearing process, for you know, having judges at mediations, and making sure the notices are -- you know, there are a lot of things that they're responsible for that I know, but there are things I don't know that they're responsible for.

And it's possible that they are -- they may have some responsibility for things that happen before the NOA is issued. Doubt it, but it's possible. So, I don't know -- I don't know the extent of their power to do things, you know, what their reach is.

**COMMITTEE MEMBER GOMEZ:**

Well, and just to -- and I know -- I don't know. Karin, please let us know how we're doing on time, but you know --

**FACILITATOR BLOOMER:**

Lots to cover.

**COMMITTEE MEMBER GOMEZ:**

Okay.

**FACILITATOR BLOOMER:**

But yes, go ahead.

**COMMITTEE MEMBER GOMEZ:**

I'll finish my end from this perspective. If it was a policy or operations issue with their center, then DDS needs to be involved. If it's an appeals issue situation element, then it's OAH. So, that's it.

I mean, and this is all OAH. This is all about appeals process and the players who play a role within that appeals process. And here again, maybe it's too simplistic in my perspective, but I think those are the qualifiers.

**COMMITTEE MEMBER IRIARTE:**

But I don't know, Fernando, and really OAH is silent on all of this, and I don't even know if we're going to hear from them. What reach do they have in the IPP --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**COMMITTEE MEMBER IRIARTE:**

-- process?

**COMMITTEE MEMBER GOMEZ:**

I see what (inaudible) --

**COMMITTEE MEMBER IRIARTE:**

It's really DDS saying to the regional centers or changing legislation. I mean, they're -- you know, but it's not -- I don't see OAH doing that. I see DDS stepping up

to the plate and saying, hey, regional centers, you guys have to do a better job, you know, prior to that NOA being issued. So, that's how I see things.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**FACILITATOR BLOOMER:**

I want to acknowledge that Advisory Committee member Nina Spiegelman has joined us. Welcome.

Okay, so I want to ask if a committee member, or obviously including subcommittee members, Weller and Gomez, have any motions at this time as it pertains to this work of the subcommittee. I'm just checking on that to -- before we move on so I don't prematurely do so.

I see there's an update in receiving feedback, so my read on the room is that it's not a time where there'd be a motion to be made as it pertains to this work. Just checking before we move on. Okay.

**COMMITTEE MEMBER WELLER:**

(Inaudible) -- I agree with that on my end.

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**FACILITATOR BLOOMER:**

Okay.

**COMMITTEE MEMBER GOMEZ:**

Yeah, the --

**FACILITATOR BLOOMER:**

Okay.

**DIVISION CHIEF ALJ FORMAKER:**

The only thing that -- the only thing that I would add is that if Mr. Gomez or Mr. Weller could provide the document that you shared your screen with so that we can post it on our website, that will give all of the members of the committee the opportunity to review it, and for the public to review it before the next committee meeting.

**COMMITTEE MEMBER GOMEZ:**

Absolutely, be happy to.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. Thank you.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

As soon as possible when we're done here.

**COMMITTEE MEMBER GOMEZ:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

**COMMITTEE MEMBER GOMEZ:**

Absolutely. Thank you.

**FACILITATOR BLOOMER:**

Okay. We're just about ten minutes away from our first break, but I -- just to, again, use up all the minutes we do have, I want to at least introduce the next agenda item, and perhaps the committee member who submitted it could say a few words at least to get us oriented before the 2:15 break.

So, it's agenda item six, and it reads, "Discussion of how to address improper/unethical conduct committed by non-attorney regional center appeals specialists."

So, if I can invite the committee member that submitted this to say a few words, and if we have time, we'll open up for the start of discussion, keeping our eye out for the 2:15 break. Reina Canale, please go ahead.

**COMMITTEE MEMBER CANALE:**

Yeah, I think, for myself, I -- when involved in hearings, like, if an -- if an attorney was on the other side and they perform an ethical violation, I could call up

the California State Bar, call the ethics line, confirm this is a violation, and then file a complaint, but when the other side is a non-attorney regional appeals specialist, the question becomes, who brings down the hammer on that?

So, if they were to attempt settlement with my client without involving me, if they are trying to consolidate two of my cases together and not providing me notice on it, like, who is the person that I complain to, and what is that entity? And that's the question.

**FACILITATOR BLOOMER:**

Okay, Fernando, do you have some thoughts on that? Oh, you're muted still. Please unmute.

**COMMITTEE MEMBER GOMEZ:**

I do apologize about that. You know, I don't -- in response to her question, as far as who, I don't have thoughts, but I do want to thank her for bringing up this really important subject matter. I think it's something that needs to have some kind of resolution.

You know, we briefly talked a little bit about in the outline about a code of ethics, if you will, but goes back to what -- even what Maria was saying a minute ago. Where is the implementation of some type of accountability factor?

And so, I thank you for bringing this up. I'm really looking forward to see how this -- it be addressed and what solutions may be looked at.

**FACILITATOR BLOOMER:**

Thank you. Jennifer Cummings, please go ahead.

## **COMMITTEE MEMBER CUMMINGS:**

Hi, good afternoon. And just to provide some background on my position with Inland Regional Center, I'm a program administrator for our fair hearings and legal affairs unit. I supervise our appeals team.

You know, from my personal experience, what I would ask is that the supervisor is contacted directly, and then also just to ask to remember -- keep in mind that the individuals that are representing the regional center in the appeals process are non-attorneys, and perhaps, you know, I don't know if you had an interaction with someone who may be new and unfamiliar with the procedure (inaudible) speak to training, but certainly if a procedure wasn't followed, you know, it would be our responsibility to follow up with that representative to ensure that the procedures are followed correctly and, you know, address it accordingly.

## **FACILITATOR BLOOMER:**

Thanks, Jennifer. So, that's helpful from your perspective at your regional center what you would hope, sort of the steps that would be taken when that conduct occurs. Any other feedback? Yes, please, Benita Shaw.

## **COMMITTEE MEMBER SHAW:**

(Inaudible) until we come back to the facilitator. Thank you again for bringing this up, but I'm wondering, to Jennifer's point, that makes a point we have a supervisor, in that some of the ways we do have when we have other complaints, and sometimes that's not as helpful as either.

So, my other question is, to throw out there, can they follow, like, 4731 or something to that effect where it goes higher up? So, I wanted to put that out there

for the discussion, because, well, that's in -- good to say that, but there's some times we've had some dialogues, and we're going back and forth between manager, what have you, and that really is not -- is necessarily successful.

So, I could see, to Fernando's point, however, with the input from the inside, and also other things from outward looking in and what that would look like going forward (inaudible) we've continued the discussion.

**FACILITATOR BLOOMER:**

Thanks for adding that. Fernando, a thought on that?

**COMMITTEE MEMBER GOMEZ:**

Yeah. I just wanted to expand on a couple of quick points, where we definitely understand that the individuals who are part of the appeals team are not attorneys; however, they're equivalent to, right, but stay -- I get it. They don't have the attorney qualifications, but nevertheless, they -- and you know, they're very well-versed on their responsibilities, as they should be.

So, that's not the question. The question is on when something unethical happens and in that process. And I think maybe at some point it's more that there needs to be more guidance, if you will. And yes, you do have the option of reporting that to a supervisor, somebody up higher in the chain, but I think, in my opinion, there has to be something much more structured so that it not only can be monitored and captured, if you will, but it could be addressed in its proper way.

Here, again, it's not about pointing fingers and blame, but to say problem, let's find a solution. Thank you.

**FACILITATOR BLOOMER:**

Thank you. Other committee members' feedback on this agenda item six, how to address improper, unethical conduct committed by non-attorney regional center appeals specialists? Mr. Omoto.

**COMMITTEE MEMBER OMOTO:**

Thank you. And again, I also appreciate this being brought up. I just wanted to ask. It was a question that was being posed, but I was wondering, was there a potential solution that DRC was coming up with? Because you're right, there is no mechanism to somehow deal with this issue of someone who's not an -- there's no -- I'm -- there's no licensing or certification entity to take action, you know -- you know, regarding an individual.

So, that's my question back. I wasn't clear if there was a proposed recommended solution to this problem. And I also, again, appreciate her bringing --

**FACILITATOR BLOOMER:**

So, Reina Canale, as you -- as you brought forward this agenda item and asked the question, did you have a possible solution in mind for the committee to also chew on?

**COMMITTEE MEMBER CANALE:**

I don't know about a solution, but I know that, like, for example, like, under the WIC code, Section 4730, like, you can be guilty of a misdemeanor for violating someone's HIPAA rights, but again, like, the code doesn't even say who.

You know, who is actually supposed to do that? Is that OAH? Is that the district attorney? Is that the attorney general? Is there some sort of office of inspector general that's supposed to be charging the person with a misdemeanor? It's just so vague. There's no entity established there.

**FACILITATOR BLOOMER:**

So, other committee members who want to explore this and the dilemma that committee member Canale is posing? Okay, well, seeing the pause, committee member Canale, we have a break scheduled in about three minutes or two minutes now that we could take a bit early, but I don't want to leave this item prematurely.

Is there -- is there anything else you'd like to say on the matter?

**COMMITTEE MEMBER CANALE:**

No, that's it. Thank you.

**FACILITATOR BLOOMER:**

Okay, thank you. Okay, why don't we go ahead and take our ten-minute break? So, I have it as 2:13 right now. We'll reconvene at 2:23. I'll see you all then. Thank you.

**(OFF THE RECORD.)**

**FACILITATOR BLOOMER:**

Okay, so we just finished before the break a discussion of agenda item six, so we'll move on to agenda item seven. I'll read it aloud, and then ask whichever committee member submitted it to say a bit about why they have submitted this agenda item, and some background and what they're hoping to discuss.

So, agenda item seven reads, "Overview of the newly created DDS SDP ombudsperson office, and newly appointed ombudsperson, Eden Rosales (phonetic), understanding of goals and objectives as how they intersect with the appeals process."

Is there a committee member who's present today who submitted this item?

**COMMITTEE MEMBER GOMEZ:**

I'm not sure if it was duplicated, but I believe I was the individual who submitted that agenda item. And the reasoning behind adding this to the agenda was as new individuals come into positions, if you will, that impact and -- or can impact, if you will, the appeals process, and can play a significant role.

I think it'd be prudent for those of us who haven't met her or who have met her to give her an opportunity to share a little bit on the -- from the new position as an ombudsperson, and as well as maybe any thoughts, how they may align to the appeals process.

**FACILITATOR BLOOMER:**

So, Fernando, am I understanding you that you were hoping for this individual to do -- make a presentation or introduce themselves? Is that right?

**COMMITTEE MEMBER GOMEZ:**

To introduce themselves and maybe share a little bit about her thoughts on the appeals process and how the office of the ombudsperson can play a role or may play a role, or can be a -- maybe even a resource, if you will.

**FACILITATOR BLOOMER:**

Okay. On this matter, I think the most I can say is I do know that we have this slide from earlier in the meeting that I shared with some ways to reach out to DDS about -- you know, it's their resources slide.

This individual I don't believe is here today, so I think perhaps trying to figure out a process for formally requesting these presentations might be something we want to explore. In the absence of that person, is there anything sort of on this -- on this topic additionally that you'd like to discuss, or --

**COMMITTEE MEMBER GOMEZ:**

I think that understanding that maybe we could probably define a little bit better on how, for example, if this was an opportunity for someone like the ombudsperson to introduce themselves to this committee, it wasn't followed accurately, then to see how is it that we should be doing that, and then in the absence of the ombudsperson, Rosales, maybe Deputy Director Hornberger, who I believe is aligned with the office of the ombudsperson, maybe she can share a little bit about the ombudsperson and the position, but --

**FACILITATOR BLOOMER:**

Yeah.

**COMMITTEE MEMBER GOMEZ:**

-- yeah.

**FACILITATOR BLOOMER:**

Okay. Well, I will -- if at any point she wishes to speak on this, of course, please go ahead and unmute and do so. We do have -- again, I don't know if it's worth putting up this slide, Susan, that had the DDS resources, including the ombudsperson office. I don't think that squarely hits on what you're requesting, Fernando.

That's sort of the extent of the information I have, but I do see Nina Spiegelman's hand up. Oh, thank you, Susan. And I wonder if you wanted to --

**COMMITTEE MEMBER GOMEZ:**

(Inaudible) --

**FACILITATOR BLOOMER:**

-- contribute to Fernando's point here.

**COMMITTEE MEMBER SPIEGELMAN:**

Yeah, I do. I think it's a great idea. I was happy to see that on the agenda. You know, and it -- obviously, it -- if not now, just at some point. It is just -- you know, DDS has these resources. They play such an -- you know, a crucial role, and it would be -- I think it just would be really good to know, especially as we're all trying to -- I think, you know, for our -- you know, our own -- you know, our own individual issues, and the ones of the larger community, any -- all information, I think, on how things function that -- you know, sort of how an office -- such an important office like the ombudsperson does interact with appeals, and -- you know, and have, you know, the flow of information or being able to say, you know, here are trends.

There's mass confusion. Like, how -- maybe that impacts training. I have a tiny topic later that really was -- I was thinking about it along these lines, that if there's anything sort of, I think, as a committee, in terms of looking at making recommendations on how to make the whole appeals process system work better, knowing -- having all of us have better information about, you know, sort of what the interaction is now and how an office as critical as the ombudsperson -- you know, shares information, identifies trends, like, you know, affects training.

I just -- I do think it's really an important kind of thing to aim for. I mean, you know, maybe in future meetings, we can have a presentation or, you know, something along that.

**FACILITATOR BLOOMER:**

Thank you. Appreciate that. I'll just say, what comes to mind that I -- I'm just wondering out loud about is, again, that intersection with the charge of this committee as it relates to OAH operations, the purview of OAH. Again, just I'm the least expert person in this room on those matters, but it does -- it makes me wonder about what the committee might request that is something that OAH has purview over.

**COMMITTEE MEMBER SPIEGELMAN:**

Right. And I guess -- I guess the only thing is, maybe at the end of the day, getting some information so that we can make recommendations on training areas or things like that, you know, based on trends identified or, you know -- I know that's the constant question. You're absolutely right, Karin.

You know, you're totally right about that, but it just feels like, you know, the kind of thing that, you know, we're trying to make this a better system, you know, disseminating information on, you know, the thorniest issues on a given topic, or what -- or whatever.

So, anyway, well, thank you for thinking of -- for considering.

**FACILITATOR BLOOMER:**

Yes, of course, of course. And Maria, please, go ahead as well.

**COMMITTEE MEMBER IRIARTE:**

Perhaps it's time to ask OAH, do they have any ability, oversight over the ombudsperson's office. Do we get -- do we get these kinds of questions answered in the -- in this meeting, or is OAH basically silent, other than telling us the rules on Bagley-Keene?

I mean, can someone from OAH say no, we don't -- you know, it's DDS who -- I suspect it's DDS, but like I said, I don't know everything that OAH has reach over, right? So, I would like to know from OAH.

**FACILITATOR BLOOMER:**

Yeah, whether OAH has any purview over the ombudsperson office, I think, at DDS, correct? We're speaking of --

**COMMITTEE MEMBER IRIARTE:**

Exactly.

**FACILITATOR BLOOMER:**

-- the DDS ombuds? Yeah.

**COMMITTEE MEMBER IRIARTE:**

Exactly.

**MS. HORNBERGER:**

(Inaudible) --

**FACILITATOR BLOOMER:**

OAH is --

**MS. HORNBERGER:**

Hi, Maria, it's Katie Hornberger.

**COMMITTEE MEMBER IRIARTE:**

Hi, Katie.

**MS. HORNBERGER:**

Hi. So, I can answer that question.

**COMMITTEE MEMBER IRIARTE:**

Thank you.

**MS. HORNBERGER:**

The Office of Administrative Hearings doesn't have any oversight or reach over the office of the ombudsperson. It's an independent, autonomous office within the department, and so it doesn't -- it doesn't kind of connect with OAH.

**COMMITTEE MEMBER IRIARTE:**

Katie, thank you. I'm just going to ask the next question, because you're here, and I think you could -- you could tell us. Someone who's now in the appeals process, and they're having trouble, and they -- what can the ombudsperson's office help with appeals-related?

**MS. HORNBERGER:**

Right, so the office of the ombudsperson, they're not a legal advocacy group. I am pretty quick to tell people I did not create a CRA junior. Those of you from DRC and (inaudible) has meaning, but it -- it's -- they're not lawyers, they're not supervised by lawyers, and so they're not providing legal advocacy for people.

For people who have questions about the appeals process, you know, kind of what to expect, you know, where to go, where to file something, they can assist with those kinds of questions, but they're not providing any sort of legal advice or legal representation.

**COMMITTEE MEMBER IRIARTE:**

Thank you, Katie. So, if you're having issues with something in the appeals process, it's really OAH that you're going to try to resolve that issue, perhaps.

**MS. HORNBERGER:**

I think it would depend on the issue. (Inaudible) I'm trying to think of examples, Maria.

**COMMITTEE MEMBER IRIARTE:**

I know. I'm trying to think, too. So, for example --

**MS. HORNBERGER:**

(Inaudible) I can tell you one that we got at ombuds. Someone called. They couldn't do the case file. They didn't know how to upload the documents. And so, we advised them that OAH can also accept faxed documents, they can accept dropped off documents. So, trying to sort of help them navigate other ways to make that happen.

The regional center could help them upload, you know? So, that's what I mean by kind of, like, problems. That wasn't a legal question. That was very much a how do I, functional --

**COMMITTEE MEMBER IRIARTE:**

Procedural, how do I do this?

**MS. HORNBERGER:**

-- (inaudible).

**COMMITTEE MEMBER IRIARTE:**

How do I navigate this system?

**MS. HORNBERGER:**

Yeah.

**COMMITTEE MEMBER IRIARTE:**

Seems like that's more of the question for the ombudsperson.

**MS. HORNBERGER:**

Right.

**COMMITTEE MEMBER IRIARTE:**

Things related directly with the appeal itself would most likely go to OAH.  
Thank you.

**COMMITTEE MEMBER GOMEZ:**

So, Karin, if I can interject, as a non-attorney individual, it -- I understood the fact that yes, the independence, they're autonomous. The problem is between what OAH and the office of ombudsperson actually do.

But if you go back to the scenario that I mentioned earlier in a -- in a previous conversation about that round table, sitting around the table, my question is, does the ombudsperson have a seat? And if so, understanding things like the changes in the grievance process.

And the grievance process kind of parallels the appeals process, because at some point, there may be a -- an engagement, but really I think the -- in the spirit of what I was actually looking to hear from the ombudsperson introduction was -- you

know, I understand she has vast experience as the ombudsperson for the Department of Aging, and I was wondering if maybe, through cross agency, that there were some elements that she was aware of that would help and improve on our process as in appeals.

So, you know, at the end of the day, it's about sharing out, right? So, I just thought there might be some benefit to that. Thank you.

**FACILITATOR BLOOMER:**

And Reina Canale, please, I see your hand.

**COMMITTEE MEMBER CANALE:**

Yeah, my understanding is, like, the ombudsman can also push legislative changes, so if there is some sort of legislative hiccup that's causing problems in the hearing process, because the code is unclear and it's ambiguous, then it's a way that they could interject and fix that problem.

So, if there's something like, about like, you have to participate in mediation, but then you're sending somebody that doesn't actually have the authority to participate, so you're wasting everybody's time, actually changing it to say, you actually have to good faith attempt mediation. You can't just waste everybody's time, so kind of figuring out a way to solve those problems through the ombudsman and their legislative abilities. That's my understanding.

**COMMITTEE MEMBER IRIARTE:**

So, Katie, question for you just to make it even clearer. If I want -- if I don't know whether I need to file a 4731 or it's an appeal, because that happens, I could call

the ombudsperson's office and ask, this is my situation; should I be filing a 4731, or should I be filing an appeal?

Is that something that the ombudsperson's office would be able to assist with?

**MS. HORNBERGER:**

Yes, yeah, they could.

**COMMITTEE MEMBER IRIARTE:**

Okay. So, kind -- okay, that's good. That's good.

**MS. HORNBERGER:**

Yeah. So, I also -- I also want to say, what I'm getting from all of you is that you would like a presentation about the office of the ombudsperson, and I don't know that this is the best forum for that.

**COMMITTEE MEMBER IRIARTE:**

Right.

**MS. HORNBERGER:**

You know, and so, you know, I'm happy to work with Eden Rosales, the new ombudsperson, and put together a webinar presentation, you know, through DDS. I just -- I want -- I want this advisory committee to stay focused on the things here.

And I worry that we may get far afield, and because our time in this forum is so limited, I don't want us to get far afield. And I am the worst for that, because if you

ask me things, I will answer them, and so I really don't want to be the reason that we get far afield and can't get to the items that really, really belong in this forum.

### **FACILITATOR BLOOMER:**

Thanks, Katie. Right (inaudible) the Advisory Committee charge of non-binding recommendations regarding things that OAH has purview over in the mediation and hearing operations.

Marty, I see your hand. Please, go ahead.

### **COMMITTEE MEMBER OMOTO:**

Thank you. And again, appreciate this topic being brought up. And I agree with Katie, actually. And Katie and I have worked together, oh, you know, for many years, including when I was on the DRC Board, but -- and so, I agree, this -- perhaps this is not the right forum to really kind of take a deep dive into knowing more about the ombudsman office, because we -- like you said, Katie, we could talk and go into in much more detail, and we probably should.

And I think if DDS or some other -- I'm assuming DDS would host a webinar, we can join in as members of the public. So, it's like a continuing education for all of us, but then we're not kind of restricted by A, the time of this meeting, and I know we need to be mindful of that, and then also, the fact that it can be broader and it's a different type of format.

So, you just talked yourself into hosting a webinar, Katie. I'll let Pete know that you're just volunteering DDS time for all of us. Thank you.

## **FACILITATOR BLOOMER:**

Thank you. And with, I think, nine more agenda items to go, I do wonder if -- again, please speak up, any committee member, if you feel I have moved on prematurely, but again, and I think maybe with that, really, that lens of which of the -- which agenda items fall within the purview of OAH mediation and hearing operations, sort of with that lens in mind, let me go ahead and read the next agenda item, which is agenda item eight.

"Overview of the DDS community appeals and resolution branch and introduction of Michael McNulty, newly appointed branch chief, understanding of goals and objectives as how they intersect with the appeals process."

So, if I could ask the committee member who submitted this to provide some background, and again, maybe with that same appreciation for -- this sounds to me maybe like a request of DDS outside of this -- of this forum, but I certainly want to give the committee member a chance to --

## **COMMITTEE MEMBER GOMEZ:**

Yeah, okay. Guilty as charged. That's me again. And you know, it seems that all my life, I've always been told to stay in my lane, and I do, I try; however, I see the -- that this is a multiple lanes expressway.

And I do respect in the fact, understand that we're to stay laser-focused on non-binding recommendations on OAH, but I think these are the parallels that impact those, that focus. So, it's not about not being laser-focused, it is not about staying in one's own lane. It's about understanding how the players are who impacted the conversation and the type of narrative we need to be having between ourselves.

So, from the office of ombudsperson to this new position that Mr. McNulty has, I think if -- at the very least, it'd be interesting to know who they are and what is it that they're expected to do that may intersect, and maybe it may not, with what we do as a advisory committee. Thank you.

### **FACILITATOR BLOOMER:**

Thank you, Fernando. So, certainly acknowledging your explanation for this agenda item, I'll just pause and see if there's any feedback or offer from DDS again. Not to diminish your point, Fernando, but I do point us back to the resource slide as well as ways to reach out to ask for this introduction in other forms as well.

Oh, I'm sorry, Marty. Your hand, I missed it.

### **COMMITTEE MEMBER OMOTO:**

That's okay. I just want to say, Fernando, I really appreciate you bringing these issues up, and even if we don't necessarily do a deep dive at this meeting, you're absolutely right. These issues are things that we need to know or -- and the OAH needs to know, and then where there needs to be fixes, we need to somehow figure a way, how do we become a part of that, because it does link in.

And I think that's really important that you're bringing this up. So, don't -- you're in the right lane. I mean, we -- you know, you may had some gutter balls here and there. I always do, too, but we're working together on this, and I really, really, really -- I just want to tell you, as a parent, as a family member, how much I appreciate you bringing this up, okay, because I know sometimes people will misunderstand things, but you know what, you're doing it for the right reason, so thank you so much.

**FACILITATOR BLOOMER:**

Nina Spiegelman, I see your hand.

**COMMITTEE MEMBER SPIEGELMAN:**

Yeah. And again, I just want to agree with Marty and Fernando, too. I just -- I think -- and you're right. I mean, I -- we'll -- I think we'll all try, you know, as hard as we can to not -- you know, not go, like, completely outside of the lane and the jurisdiction, but there is notion of an -- for at least for me -- for me, and I think for others, just understanding how the intersection of all of the DDS pieces with the OAH pieces, I think some, you know, discussion of that or explanation of that, and that's why I do think that some -- it doesn't have to be the, you know, full-on general, you know, ombuds 101 or the -- you know, the office within DDS 101, but just a sense of sort of, you know, how this -- how this intersects, because I think the more people understand that, the people who are seeking, you know, using that process, I think it will benefit OAH, you know, the more people have a better seen of how does this all fit together, because there is -- even people have brought numerous cases, there's still a lot -- there's a lot of confusion out there.

So, appreciate just the time just to think that through a little bit, but I -- we all get it. We're going to -- we're going to be very mindful of where we're at, so thanks.

**FACILITATOR BLOOMER:**

Thank you. And I appreciate so many intersecting points and how it's sort of an ecosystem, so it must be very challenging to even consider parsing it, so very much appreciate that.

With the committee's permission, I'll move on to reading agenda nine.

**COMMITTEE MEMBER GOMEZ:**

If (inaudible) --

**FACILITATOR BLOOMER:**

Oh, but please, also a comment from William Del Rosario, Fernando. May I read that aloud, and then turn to you?

**COMMITTEE MEMBER GOMEZ:**

Absolutely.

**FACILITATOR BLOOMER:**

Okay. Thank you so much. So, from committee member William Del Rosario, just a comment, "We have several systems on this committee wanting to improve the OAH and mediation process; however, we don't have a clear understanding of which system is responsible for what.

That may be the bigger picture. Consumers use an appeal because we know there is a problem, but don't know who to turn to. The result is lost time, and more importantly, lost services navigating all systems."

**COMMITTEE MEMBER GOMEZ:**

Right.

**FACILITATOR BLOOMER:**

Thank you, sir.

## **COMMITTEE MEMBER GOMEZ:**

And I'm glad William went first, because that kind of presents my comment, and it -- and it aligns with what both Marty and Nina shared in a sense that one of the big challenges that we had in the OAH appeals process were that we knew that the judges in many cases were dependent, if you will, unbalancedly (sic) to -- with the regional center in -- when the -- you know, the -- whether it's a hear and a mediation process.

So, these type of opportunities to better understand the system as a whole, I think benefits exactly to what William just said. Who plays what role? As soon as we finish with this issue, and with all due respect to you, Mr. McNulty, I don't know what you do.

And I think at some point I'll learn what you do, but we're missing a golden opportunity as a united committee today here in the now to better understand. But that was what -- the point I was trying to say, both for Mr. McNulty and Ombudsperson Rosales. Thank you.

## **FACILITATOR BLOOMER:**

Thank you. Okay. Going to go ahead, and if I may, read agenda item nine. It reads, "Update and overview by DDS on their implemented OAH surveys."

So, I'd like to invite the committee member. Fernando, I see you smiling, so I'm going to make a guess here.

## **COMMITTEE MEMBER GOMEZ:**

All right, guys, I must have had a lot of caffeine when I did my agenda items, and I promise, I think this is the last one. But you know, we -- we've heard in different

opportunities that there is a process through DDS that has implemented these surveys, and was wondering if maybe it would be beneficial for the committee to better understand the surveys, where they're at, and maybe some of the results of that.

**FACILITATOR BLOOMER:**

Thank you for explaining your -- the item you submitted. Any comments or feedback from committee members? Okay, I'm again, going to read the next agenda item. At any point, please, anyone, feel free to unmute and make a comment.

Agenda item ten reads, "Overview by DDS Deputy Director Hornberger on the implementation of the grievance process (dispute resolution) that is set to replace 4731 complaints and how these changes impact the appeals process."

Fernando, I'm going to give you one more, because I see your smile.

**COMMITTEE MEMBER GOMEZ:**

Yeah. And okay, I lied. This is the last one. I believe that as we all are better understanding the changes to the -- to the grievance process, and I know that in some cases 4731 has turned into appeals, part of the appeals process, I was thinking that maybe this will be our -- good opportunity to hear from the department on where there may be those intersections, if you will, that potentially will impact what the OAH would ultimately be responsible for.

**MS. HORNBERGER:**

Yeah, so this is Katie Hornberger. I'm going to direct folks to the DDS website where we actually conducted public webinars on this where we went through the

proposed new grievance process, and those webinars are recorded, and they're available online.

And so, people can -- you can watch those at your leisure. We're also (inaudible) public input on those, and the e-mail address for that is on that same page. And so, if you have, you know, feedback or ideas, go ahead and send that in.

**FACILITATOR BLOOMER:**

Thank you, Katie. That's really good to know. So, in terms of recorded webinar, is on DDS website to view, and also there is an invitation to provide feedback. So, thank you so much.

Okay. Oh, Nina Spiegelman, I see your hand. Please, go ahead.

**COMMITTEE MEMBER SPIEGELMAN:**

Yeah, I just had a -- I just had a quick follow-up question, really for Katie, and also I -- and thank you for doing those webinars. Like, I've rewatched, and it's -- they're really helpful. Only I feel like it's -- now, this is part of -- related to this question.

Am I wrong? I said -- I just wanted to get clarification. It seemed like in the most recent, in the -- in the trailer bill, the one on -- it may be embedded in one called -- there are many of them that affect -- you know, that are related to DDS, but maybe called regional center oversight.

It looks like there is some actual statutory language now associated with it. Is that -- is that right? It looked like there was, like, a definition of grievor and all that kind of stuff. And I guess it -- I don't know if you can answer this now, but like, where

does that fit in the -- will there be more language like that about the whole process, or is this a subset, or how does that all -- is that the language now associated with the process outlined in the webinars?

**MS. HORNBERGER:**

That's correct, yeah. The trailer bill is a statutory sort of version of what we talked about in the webinars.

**COMMITTEE MEMBER SPIEGELMAN:**

Thank you.

**FACILITATOR BLOOMER:**

Okay. Marty, I see your hand.

**COMMITTEE MEMBER OMOTO:**

Yeah. And to your point, Nina, and also Katie, the trailer bill language, which is budget language or legislative language for the state budget coming up, it's proposed. It's in the proposed stages.

Nina knows and Katie knows. And so, it's going to go through the budget subcommittee process, and DDS did an overview. I can't remember, Katie, if you were there. You know, an overview to, you know, go over all the trailer bills. And the budget committees will hear the proposed language, among other things.

And over the next few months, you know, the -- between the administration, meaning DDS and also the budget subcommittees and advocates, the language could change before it becomes law. And so, we just all have to kind of be, you know,

vigilant in making sure that the right things are -- remain, and the bad things are modified.

And Katie knows that process better than all of us, so -- but I do appreciate this being brought up because it does intersect directly with our work, and we just have to figure out the best way, especially after the -- after it's all taken care of and is signed into law, you know, then -- you know, what's next on that, and how do we -- how do we become aware of it?

One thing, and this goes to the issues, a lot of the issues that Fernando brought up in terms of things that we should know more about, and again, I applaud him for doing that. And so, the question is either to you, Karin, or to Susan.

You know, in terms of notices to the committee members about just informational, like, this is coming up that you may want to, you know, look into or view, there's got to be a way that that can be done so that if when Katie does these next new ten webinars live, or whatever that might -- that will be of interest to us, I kind of view it as, like, continuing education, then that would be one way of offloading it so that, you know, we can bring these issues up in terms of things we might want to know, but that the actual deeper dive is occurring, you know, by another entity.

And so, I don't know what process. Susan, I'm addressing it to you, or Karin, you know, how we can inform committee members of that. Like, hey, here's something going on over here. You might want to check it out. Just the way that -- Katie, you mentioned about the video links on the federal access rule, so thank you.

And again, thanks to the interpreters, and Karin, you're doing a good job, and Susan, you too. So --

**FACILITATOR BLOOMER:**

Thank you, Marty. That's very gracious of you. Thank you. Okay. We're closing in on -- we have until 3:10 when we take our second and final break, which then moves directly into general public comment. So, in the time we have left, I'd like to move on to agenda item 11, and again, see if that takes the remainder of the time, or if we can talk at all about agenda item 12.

Agenda item 11 reads, "Discussion of recent DDS reconsideration decisions." I wonder if we have a committee member who's present who submitted this who could provide some context in their interest in discussing it.

**COMMITTEE MEMBER SPIEGELMAN:**

That's me. It's Nina. Hi.

**FACILITATOR BLOOMER:**

Okay.

**COMMITTEE MEMBER SPIEGELMAN:**

And it -- this is actually -- this will be super quick, because I think in my excitement, I think I just -- I just, like, just, I guess, turned it into a agenda item, and because in -- because in the fall, you know, there was widespread -- well, at least from the -- from the community, and confusion over a topic in self-determination applicability of rate increases to, you know, people's budgets and ultimately their spending plan, but their budgets.

And I mean -- and with -- within a regional center and beyond all over. And there were, I don't know, a handful, I think three at least, initial, you know, decisions

that found, you know, against the family consumer, and in -- on reconsideration requests, DDS reversed that and was very clear.

And like, in one fell swoop, I just -- I was so excited, it just -- it just brought a clarity, and it was really a welcomed thing, and I -- it occurred to me that number one, I just -- I'm putting a pitch on the substantive topic of the issue below.

Hopefully, there's a lot in the ALJ training and regional center training and all that, but also, the dissemination, I just -- you know, having pipelines to people who knew people involved in the cases when they first came out, that's sort of how, you know, you find out about it, and I guess I'm wondering, also, you know, and maybe this is a known thing, but like, rather -- you know, just like some way of getting the word out.

I guess that's just sort of the outside networks. That isn't an -- you know, that wouldn't be OAH-specific, but it was just -- it -- I don't know, the mechanism and the -- and the outcome, the very beneficial -- I'm not even talking about the substance, but just getting it clarified at a minimum was just so good, I guess I just sort also wanted to say, yay.

So, that's all. It's quick. I put discussion. There's probably not any to have, but that's what -- that's what that was all about.

**FACILITATOR BLOOMER:**

Thanks, Nina. Fernando, I see your hand --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**FACILITATOR BLOOMER:**

-- and maybe you do want to --

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**FACILITATOR BLOOMER:**

-- chime in.

**COMMITTEE MEMBER GOMEZ:**

And I'll be very brief as well, because you know, I just wanted to say, you know, Nina, thanks for bringing this up. You know, it's always -- we tend to focus on a lot of the issues and challenges, and many times our conversations have more of that negative kind of connotation.

But when something works, and in this case, we're seeing that's working here in this reconsideration aspect, and then I do also share Nina's enthusiasm saying kudos to DDS for getting it right. We know that we're seeing differences. I personally have seen how in some of the hearings, we're seeing where it's more of that neutrality, more of that balance, especially from the judges, and -- but then just like last week, you know, there was a judge with the Seal of California, wearing a robe, and it's like, ah, you know, we still have a long ways to go.

But I share Nina's enthusiasm, and thank her for bringing this up and sensing -- I'm glad things are starting to work.

**FACILITATOR BLOOMER:**

Thank you. Okay. So, I'll read now agenda item 12. "Notice of action, quality, and missing notice of actions. A, a minimum standard checklist for notice of action. B, consequences, remedies when notice of actions are not issued properly."

Wonder if the committee member that submitted this is present today, and if so, if they could speak more about their interest --

**COMMITTEE MEMBER SHAW:**

Oh, I am present. This is Benita Shaw. Sorry for my camera being off. I am multi-tasking with my adult son, so please forgive me. This was part of -- and I don't know. I'll allow the committee to -- it was partly addressed in what Fernando and those guys brought up in regards to what they talked about as far they -- as the notice of action.

So, I am okay with passing through it, per se, due to the sense of time.

**FACILITATOR BLOOMER:**

Okay.

**COMMITTEE MEMBER SHAW:**

And then let me clarify it so I don't hold people up, because I'm trying to multi-task, and possibly bring it up next time around, if that's okay with everyone.

**FACILITATOR BLOOMER:**

Benita, you certainly have that prerogative. If I could just ask you to please submit the item again --

**COMMITTEE MEMBER SHAW:**

Yes.

**FACILITATOR BLOOMER:**

-- just -- thank you. Just so we don't --

**COMMITTEE MEMBER SHAW:**

Yes.

**FACILITATOR BLOOMER:**

-- lose track of it.

**COMMITTEE MEMBER SHAW:**

Yes, I will do that.

**FACILITATOR BLOOMER:**

Thank you so much.

**COMMITTEE MEMBER IRIARTE:**

(Inaudible)

yes.

**FACILITATOR BLOOMER:**

Okay. Wonderful. Okay, I'm going to move on to agenda item 13, which reads, "Natural supports misuse. A, clarify what evidence regional centers must show when they claim, 'natural supports' can't or -- can or can't meet needs, whether OAH has seen trends in these arguments at hearing."

Do we have the committee member who submitted that with us today?

**COMMITTEE MEMBER SHAW:**

Okay, that's me.

**FACILITATOR BLOOMER:**

Oh, okay (inaudible) --

**COMMITTEE MEMBER SHAW:**

Okay, so I will make this kind of -- and sorry for going in and out. Again, I apologize. What this is in regards to is -- I'm speak -- speaking to my community, asking AOH (sic) to clarify the standards for natural support.

The argument would be to develop guidance that they -- an ALJ would develop guidance for consistent -- kind of assist the assessments across cases in regards to natural resources. And the reason why I bring this is up is because there's an issue in regards to how natural resources is utilized locally in the regional centers, and how I think that it might be -- it can be misused in Title 17.

So, that's what I'd like to bring to the committee in regards to discussing that a little further. If I need to elaborate, I can, but does that make sense?

**FACILITATOR BLOOMER:**

So, if I could just play it back, and forgive me, I know I'm the least expert in the room on this. I think I'm hearing you say that your interest is to have an ALJ develop guidance or OAH, it's ALJs divide -- develop guidance regarding what constitutes natural supports.

**COMMITTEE MEMBER SHAW:**

(Inaudible) analyze kind of across the cases what natural supports are in regards, because it's mentioned in Title 17, but I will tell you what I believe from speaking to individuals in my community, I don't think it's utilized in the manner that it should be, and so what does that look like as far as for AOH to develop some type of guidance or training of some sort?

And also, if AOH sees some type of training in regards to this, this argument in the hearings, right, because it's something that's prevalently used in my community. Does that clarify it? And I apologize for --

**FACILITATOR BLOOMER:**

Let me -- let me --

**COMMITTEE MEMBER SPIEGELMAN:**

-- (inaudible).

**FACILITATOR BLOOMER:**

-- turn to --

**COMMITTEE MEMBER SHAW:**

Okay.

**FACILITATOR BLOOMER:**

No, it's okay. Please, I feel like I should turn to Advisory Committee members for them to ask far better questions and any clarification you need. So, Fernando?

**COMMITTEE MEMBER GOMEZ:**

And Benita, quick question. I'm trying to follow the conversation, and maybe I'm getting it wrong. Am I mixing natural supports with generic supports?

**COMMITTEE MEMBER SHAW:**

Yes, you are.

**COMMITTEE MEMBER GOMEZ:**

Okay.

**COMMITTEE MEMBER SHAW:**

What they consider as a natural support is, like, say, example, you and I, we all have adult children, right, we are a natural support, not a generic. We are a natural support, right?

And in someone who's typical, like my son who's 28, I'm no longer a natural support for him, right? And so, I see Jennifer's nodding her head, so I think I'm on the right track here.

**COMMITTEE MEMBER GOMEZ:**

Yeah.

**COMMITTEE MEMBER SHAW:**

And again, I apologize, you guys. I'm a parent multi-tasking, so if I'm not unclear, please tell me, okay? My son -- my staff has left for him, and just I'm all over the place. Does that clarify that, Fernando?

**COMMITTEE MEMBER GOMEZ:**

Yeah, it did. And thank you, because now that is clear in my mind. Wow, what a great subject to bring up. Thank you.

**FACILITATOR BLOOMER:**

So, questions, feedback, you know, again, contributions from the committee to sort of further put words around this topic? Nina, go ahead.

**COMMITTEE MEMBER SPIEGELMAN:**

Oh, yeah.

**FACILITATOR BLOOMER:**

Oh, sorry, Maria. Yeah, Nina, go ahead, please.

**COMMITTEE MEMBER SPIEGELMAN:**

Okay. I just think that this is another one of those topics that I -- this is a sense, only -- you know, my -- just a -- you know, a very -- you know, qualitative, not

quantitative sense that regional centers are all over the place in the way that they, you know, either pressure or just interpret.

I don't want to be pejorative. I just mean interpret how natural supports should, you know, be applied and be reflected in the IPP and reflect, you know, the amount of benefits or services that you get versus a natural support, and I just -- it feels like this is a long, long-standing issue about that, so I think Benita raised a really good point that it seems like an issue in need of help and, you know, some guidance here about what applies, what doesn't, what's -- you know, and maybe, maybe some of the standardization efforts.

I don't know. And I -- again, I don't know if this is one of those -- is it an OAH purview? Is it a DDS purview? I don't know, but it is a live issue, I think, all over the state.

**FACILITATOR BLOOMER:**

Thanks, Nina. Maria.

**COMMITTEE MEMBER SHAW:**

(Inaudible) before Maria --

**FACILITATOR BLOOMER:**

Please, go ahead.

**COMMITTEE MEMBER SHAW:**

-- jumps in, can I (inaudible) guys the Title 17 so you guys can have it? Do you mind, Maria, real quick, of what it states in regards to -- it says Title 17 is for family

members, community members, et cetera, but should not be forced support, right, meaning a mom, a dad should not be forced to support their adult child but denied for the regional center to do so to show this, so you're getting services.

So, that's I mean by that. It should not be included where you're no longer obtaining services or denied for that particular thing, so I hope that gets clarification. And Maria, I'm sorry for interrupting your time.

**FACILITATOR BLOOMER:**

Maria, you're still muted.

**COMMITTEE MEMBER IRIARTE:**

Perhaps, because I want to bring it back to what OAH can do, maybe it's a motion to have them explain to us what they look at when they're deciding whether someone is a natural support. In other words, what statutes, regulations, guidances (sic)? What do they look at? What are they using to determine whether someone is a natural support?

They're looking at something, right? So, what is it?

**FACILITATOR BLOOMER:**

Appreciate that. So, Maria, I'm hearing you brainstorm out loud whether this might warrant a motion to have OAH explain what sources it uses to look at when someone is a natural support.

**COMMITTEE MEMBER IRIARTE:**

To determine in a -- in a hearing, to determine whether or not a person is a natural support. There's status, regs, the sources that they look at. And could they provide those? You know, statutes and regs we can look at, but if they have guidances that they're using, all -- we may not have that.

I don't know, policies, whatever it is. I don't know the terms they use, but what are they looking at?

**FACILITATOR BLOOMER:**

Well, would you like to test the interest by the committee of that --

**COMMITTEE MEMBER IRIARTE:**

Sure.

**FACILITATOR BLOOMER:**

-- of rearticulating --

**COMMITTEE MEMBER IRIARTE:**

Sure.

**FACILITATOR BLOOMER:**

-- your motion --

**COMMITTEE MEMBER IRIARTE:**

Sure.

**FACILITATOR BLOOMER:**

-- in --

**COMMITTEE MEMBER IRIARTE:**

Go for it.

**FACILITATOR BLOOMER:**

Well, okay. I can do my best to say it back, but before I do, maybe Jennifer wants to chime in.

**COMMITTEE MEMBER CUMMINGS:**

I don't know. Tell me -- I don't know if it's appropriate or not, let me know, but one particular OAH decision comes to mind, and I know that they're posted publicly. If it's appropriate, I could share the OAH number and the website so that it can be referenced.

It goes through a really good analysis of how the judge looked at natural supports, and I can say that the IPP was also considered.

**COMMITTEE MEMBER IRIARTE:**

But Jennifer, I mean, that's a decision where the judge uses the facts of the case and applies --

**COMMITTEE MEMBER CUMMINGS:**

Yeah.

**COMMITTEE MEMBER IRIARTE:**

-- applies the law. What else are they -- so, if they're -- if you know, they're looking -- it's the statute. Maybe there are regs. What else are they looking to determine whether someone is a natural support, right?

**COMMITTEE MEMBER CUMMINGS:**

Yeah. It was explained in the evaluation.

**COMMITTEE MEMBER IRIARTE:**

But is it everything that they look at, or I mean --

**COMMITTEE MEMBER CUMMINGS:**

Oh, well --

**COMMITTEE MEMBER IRIARTE:**

-- (inaudible) --

**COMMITTEE MEMBER CUMMINGS:**

-- no, I can't speak to that. Yeah.

**COMMITTEE MEMBER IRIARTE:**

Yeah. I mean, I appreciate that. I think -- I think it -- if you feel that it's instructive on natural supports, but what I was proposing was to have OAH, you know, explain what they look at.

## **COMMITTEE MEMBER CUMMINGS:**

I think it's a -- it's a good topic. I want to thank Benita Shaw for bringing it forward, because I think that perhaps this could be something like Marty Omoto mentioned about bringing forth policy, if not in this group, maybe outside of the group.

I could see that there's room for expansion on guidance from the department on this issue. I think it'd be helpful for everyone.

## **COMMITTEE MEMBER IRIARTE:**

Yeah, I agree.

## **FACILITATOR BLOOMER:**

So, let me ask before we more formally go through a process of a motion and a second, and then discussion, and then we would seek public comment, and then we would take the vote. I want to acknowledge that any committee member here is welcome to make a motion, and hear a second, and have discussion, and take public comment and a vote.

I just want to appreciate that that will eat into the break and then the general public comment, which of course is your prerogative. The alternative would be to wait and make a motion, you know, put this request, it's on the agenda next time, and have a discussion, motion.

But with that, again, if there is a committee member here who would like to make a formal motion and have it -- you know, see if it can be seconded and so on, we're -- we are here to go through that process. We just want to acknowledge we

would probably take a quick break, because we promised it, and then we would probably shorten general public comment so that we could address this matter. So, Maria?

**COMMITTEE MEMBER IRIARTE:**

I just want to respect the time that our public has been waiting for public comment, and I really would not want to cut into that. I'm happy with just bringing it up the next time. That's my opinion.

**FACILITATOR BLOOMER:**

Appreciate that. I want to turn back to Benita. Benita, was just curious, as the person who brought this agenda item to the meeting today, how would you feel about resubmitting this and pursuing this next time?

**COMMITTEE MEMBER SHAW:**

I think it's a really important topic. I do respect, if I was one of those people out in the committee, I'd want my time as well, so I'm really conflicted, because this is really important. This is really strong in the community, and this is something that people are being -- they're not getting services and being lack of because of the fact it's being utilized for that.

So, if somehow if it's possible, Karin, if we could take a vote, is it possible to vote if we want to proceed, not, or whatever, because I think it's just right. Maria has a point, but I am conflicted, because I --

**FACILITATOR BLOOMER:**

Yeah.

**COMMITTEE MEMBER SHAW:**

-- don't want to be selfish, because I would like to proceed forward. But I'm okay with what the committee decides as a whole.

**FACILITATOR BLOOMER:**

Yeah, and I'll add then I feel reluctant having promised the break and the 40 minutes of public comment. I feel a little concerned about backpedaling on that, so let me -- Fernando Gomez, what's your thoughts?

**COMMITTEE MEMBER GOMEZ:**

I think that maybe what we can do is -- because I agree that this is important that we capture it and move forward because time is of essence, and in the same time, respecting the fact that we've had a lot of people waiting all day to make public comments. What if we shortened the break to five minutes and then we're able to use the additional five minutes to do the vote?

**FACILITATOR BLOOMER:**

It'll go motion, second, discussion, public comment, specifically to the vote, then the vote. So, I just want to acknowledge it's probably going to take a good, you know, 15 minutes --

**COMMITTEE MEMBER GOMEZ:**

(Inaudible) --

**FACILITATOR BLOOMER:**

-- at least, if not -- if not longer.

**COMMITTEE MEMBER GOMEZ:**

Oh, I see.

**FACILITATOR BLOOMER:**

Listen, may I -- may I humbly suggest that this agenda item get resubmitted for next time and so there is time for both the vote and the recommendation and sufficient public comment and the break that we promised?

**COMMITTEE MEMBER SHAW:**

Okay with that. Do I have to resubmit it to do that in order to be on there? Is there somebody taking notes --

**FACILITATOR BLOOMER:**

Why don't we --

**COMMITTEE MEMBER SHAW:**

-- that's going to put it on there?

**FACILITATOR BLOOMER:**

-- why don't we take -- if we could, can we -- OAH, can we please take note that we'll put it back on the agenda for next time?

**COMMITTEE MEMBER SHAW:**

And if we can make it towards the front so we have the time, that would be great.

**FACILITATOR BLOOMER:**

Absolutely.

**COMMITTEE MEMBER SHAW:**

If everybody's okay with that, because I totally agree, and if -- like, again, if I was in the audience and waiting to speak, I'd be pretty perturbed, just saying.

**FACILITATOR BLOOMER:**

I appreciate so much, it's -- you know? So, let's do that. We're making a note that it will be added back to the agenda next time earlier on in the meeting for sufficient discussion and any recommendation that wants to be moved.

I'll take Fernando's hand, and then we'll move to our break, and then to public comment. Fernando?

**COMMITTEE MEMBER GOMEZ:**

And thank you, and I'll be very brief. And maybe goes without saying, Benita, in your submitting the recommendation on to -- you know, include this to a vote, would it be possible to expand the cultural nuances that come into play as part of the motion?

I think you're probably going to do it naturally, but I just wanted to make sure that part is (inaudible) as best possible. Thank you.

**FACILITATOR BLOOMER:**

Marty, is this very quick?

**COMMITTEE MEMBER OMOTO:**

Yeah, real quick. Hey, first of all, Benita, shoutout. Thank you, thank you, thank you for bringing this up. My commitment to you is A, supporting it for the next meeting, but also, outside of this meeting as an individual advocate, you've got my commitment. I will bring this up and do what I can outside as an individual advocate and a parent, because the issue of nature supports impacts my family as well.

That issue needs to be clarified, so thank you. And I also agree with what Fernando -- your point, too. Thank you.

**FACILITATOR BLOOMER:**

Thank you. Okay, in order to keep our commitment to the 40 minutes of public comment, I'm going to ask that when we take this break right now, it is a break that ends and we reconvene at 3:20, so we will reconvene at 3:20 p.m. for public -- general public comment.

So, thank you all so much. We'll see you at 3:20. Thank you.

**(OFF THE RECORD.)**

**DIVISION CHIEF ALJ FORMAKER:**

All right. I see the first hand up is Claudia Rivera. I am going to give you a prompt to accept -- I'm sorry, I'm going to allow you to speak, and your two minutes begins now.

**MS. RIVERA:**

(Speaking Spanish).

**PRESIDING ALJ GOLDSBY:**

We are at 30 seconds, but no --

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you. All right, the next person is Shirlys, S-H-I-R-L-Y-S.

**MS. SHIRLYS:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. All right, I am now calling on Monica.

**MONICA:**

(Speaking Spanish).

**PRESIDING ALJ GOLDSBY:**

30 seconds.

**DIVISION CHIEF ALJ FORMAKER:**

All right, now I'm calling on Oscar Mercado.

**MR. MERCADO:**

As a self-advocate and somebody who is served by the regional center system, I believe it necessary that we take a look at our appeals process, because many of our individuals, many of our families in the communities are not very familiar with who that process is going towards, when they're -- are they going to hear back?

There are multiple days of waiting. Sometimes, there's no response to those appeals, and it leaves families in levels of uncertainty. So, I urge that this committee look at that, and they look at the other, all the regulations that they have in place to facilitate, because a lot of things are happening, whether inadvertently, accidents by the systems themselves, or acts of retaliation, which limit services that are crucial for the development of individuals with developmental disabilities.

So, I urge that this committee takes a look at that whether through surveys or whatever means necessary to ensure that we remain equitable, and we remain fair to the people that are being served.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Now, I'm calling on Carolina Arzate (phonetic).

**MS. ARZATE:**

(Speaking Spanish).

**PRESIDING ALJ GOLDSBY:**

30 seconds.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. The next person is Broad Spectrum Broader Minds.

**BROAD SPECTRUM BROADER MINDS:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Okay, I'm going to call on Delfina Reyes (phonetic) next.

**MS. REYES:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. I wanted to acknowledge the fact that we've got some people in the in-person location of our advisory committee meeting who would like to make public comment, and so I would like to call on them.

I don't have their names, so the first person who raised their hand, could you please make your public comment?

**MS. JEGS:**

Say your name.

**MR. MIGNISH:**

Yeah. Hello, my name is Spencer Mignish (phonetic). I'm ask -- I'm (inaudible) to restate why I was currently kicked out of (inaudible) day program at (inaudible).

I was never (inaudible) -- I was never informed that I was -- anything out of the ordinary, but this is a (inaudible) program that I love, and it was just not fair that I was just kicked out of a program that I loved, because I love the friends, and it -- this program was so important to me, and it feels like the vendors are thinking that I'm the bad guy.

The only incident that occurred to me was the head of Workability, Holly Coreas' (phonetic) son, Joel, punched me in the face for no reason, and I did not do anything wrong. Just doesn't seem right that I would get kicked out of a program, and I feel like I've been violated by the head of Workability.

It's just uncalled for. And I've been taken out of many day activities, and I feel like my rights have been totally violated.

**MS. JEGS:**

Hi. My name is Stephanie Jegs (phonetic). I'm actually Spencer's -- I'm acting as Spencer's resource mom, and I was very disappointed by the way regional handled Spencer's request for an explanation as to why he was kicked out of his day program.

It was just really disheartening and very unfortunate that the regional centers doesn't seem to be holding these vendors accountable. I mean, it was clear, and we

had said -- stated in so many e-mails and conversations with his CSC and many of the supervisors.

At regional, it was very clear that the actions that this woman, who heads Workability LA, was retaliating against Spencer for no reason. And there were so many other issues that we brought up that I feel that regional really just was very complicit in, and some of those things were contractual violations by this vendor that, you know, as I, you know, continued to work with this day program, I just learned that there were so many other violations.

And I just don't believe that there are any -- there's any oversight to these vendors, and it's just really unfortunate and very sad, and it put us through a lot. I mean, we went through a lot, and we're -- you know, thankfully, now we're in self-determination, but it has --

**PRESIDING ALJ GOLDSBY:**

You have 30 seconds.

**MS. JEGS:**

-- a rough road. Thank you. Oh. Oh, yeah. Oh, and yeah, so that's pretty much all I want to say. I would love to see some oversight to these -- for these vendors. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Is there another person in -- at the in-person --

**MS. CANTARELLO:**

Yes, two more.

**DIVISION CHIEF ALJ FORMAKER:**

-- location?

**MS. CANTARELLO:**

Johnny.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you.

**MS. CANTARELLO:**

John, can you share? (Inaudible) -- can you share what you wrote?  
(Inaudible) --

**MS. CANTARELLO:**

I'll speak. This is Johnny, and then I'll --

**MR. HATCH:**

Hi, how are you? Hi, my name is Johnny Hatch (phonetic), and I've been a regional center consumer for over 23 years. I love being part of my community with (inaudible) attending community college.

I felt sad when my mom told me my day program was terminated (inaudible) I didn't do anything wrong.

**MS. CANTARELLO:**

Okay.

**MS. NORRINGTON:**

Okay, the next person.

**MS. CANTARELLO:**

And then -- yeah.

**MS. CANTARELLO:**

Hi, everyone. My name is Christina Cantarello (phonetic), and I am the mother of Johnny Hatch. I am an employee of the same vendor that Spencer and Johnny were terminated from. I am going to talk quickly so I can get through what I need to say.

Regional centers want control over many things, but when they are asked to stand up for consumer rights, they back down. That has been our experience with this whole situation. We recently submitted a 4731 complaint due to you, Johnny, being falsely terminated from your day program that was related to retaliation.

Regional center did find, Johnny, that your rights were violated by not being given a reason for termination; however, the vendor has no accountability. Regional center is just helping us transition to self-determination, which we are grateful for, but nothing resulted from this towards the vendor.

They were never held accountable violating a consumer's rights. We can't file a NOA because regional center did violate your rights; the vendor did. There is no

contractual compliance. There is regional center -- there is nothing in place to ensure that contracts with vendors are being followed.

There have been numerous contractual violations in the contract. I've seen the contract and the program design, yet no one at regional center has taken any initiative to address this.

Regional center claims that there is no retaliation due to --

**PRESIDING ALJ GOLDSBY:**

You have 30 seconds.

**MS. CANTARELLO:**

-- it -- okay, due -- but they never did a fair or thorough investigation with our 4731, even though I asked multiple times. In the new grievance process, I hope there is language in there that the families and the consumers are part of the investigation.

Consumers have a right to be treated fairly and not just unjustly targeted, and this protection, which needs to be put in the Lanterman Act, and there need to be more oversight and accountability held for vendors through regional centers.

Regional centers cannot use the excuse that they cannot control what vendors do.

**PRESIDING ALJ GOLDSBY:**

Time's up.

**MS. CANTARELLO:**

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. All right, I'm going to take two more verbal comments from the people who are appearing remotely, and then we're going to move to chat. I'm calling on Courtney Mangus.

**MS. MANGUS:**

Hello, my name is Courtney Mangus from the Office of Client Rights Advocacy and Disability Rights California. We've identified some concerns that we wanted to raise. So, we've had concerns around representatives not attending mediations in good faith. For example, not sending decisionmakers to the session, or simply stating they're not going to engage in the mediation process.

There's also been concerns about regional centers submitting informal meeting decisions beyond the five working day timeline, as well as filing witness lists, exhibits, and statements of position beyond the two-day working timeline.

What is the remedy other than simply granting a continuance, which is the remedy we've seen imposed? In contrast, some appeal specialists file to dismiss a claim if a consumer submits or files untimely.

There are concerns that regional centers are disclosing private information of other regional center consumers not involved in the individual's matter, either inadvertently or intentionally. What is this -- what is the recourse for this?

There are concerns that specialists are trying to provide legal advice to consumers that consumer -- and that consumers may be relying on that and not being reminded that they can seek their own legal advice and representation. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Okay, the next person I'm going to call on is Lucero Lopez.

**MS. LOPEZ:**

(Speaking Spanish).

**PRESIDING ALJ GOLDSBY:**

You have 30 seconds.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Now, I know there are -- it looks like there's ten other people with their hands up, but I want to make sure that we provide else access to those who need to use chat or to e-mail their comments.

So, we're going to move to the chat comments next, and this is for those who need the accommodation in chat. For those who were waiting to make their verbal public comments, please put your hands down now. If you need to use chat as an accommodation, please raise your virtual hand now, and when I call your name, you'll receive a prompt to accept a promotion to panelist, accept the promotion, and then enter your comments in chat, and click on the arrow to submit the chat.

Okay, I'm going to call on Jenny Jacinto.

**MS. JACINTO:**

Hi, can you hear me?

**DIVISION CHIEF ALJ FORMAKER:**

This is the time for chat comments.

**MS. JACINTO:**

Oh, I'm sorry. I'll put it in the chat.

**DIVISION CHIEF ALJ FORMAKER:**

And again, this is for those who need chat as an accommodation. Okay, I understand that the person who wanted to make this comment in chat also e-mailed their comments. And so, again, we're only taking comments one way from people. And so --

**PRESIDING ALJ GOLDSBY:**

You have 50 seconds left for chat.

**DEPUTY DIRECTOR VARMA:**

Oh, if I may jump in, Judge Formaker. To the community, please, chat is only for people who cannot either e-mail us or cannot verbally express their views.

**PRESIDING ALJ GOLDSBY:**

We're at 30 seconds on this.

**DEPUTY DIRECTOR VARMA:**

So, if you can do that, then you can have more time on that instead of putting it in chat.

**PRESIDING ALJ GOLDSBY:**

Time's up for this chat.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, I'm not seeing anything entered into chat. I'm going to call on Lulu A. And again, this is for chat comment as an accommodation. You'll have two minutes to type in your chat comments.

**MS. A.:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you. I'm sorry, this is supposed to be used for those who need chat as an accommodation.

**MS. A.:**

(Speaking Spanish).

**SAPNISH INTERPRETER VARGAS:**

(Speaking Spanish).

**MS. A.:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

That's because we haven't been in public comment until this point. So, okay, I'm going to call on the next person. Again, this is chat as an accommodation. And that is Mari, M-A-R-I. Please type your comments in the chat.

**PRESIDING ALJ GOLDSBY:**

Has she been designated yet as a panelist?

**DIVISION CHIEF ALJ FORMAKER:**

I promoted her.

**PRESIDING ALJ GOLDSBY:**

I'll start the clock.

**DIVISION CHIEF ALJ FORMAKER:**

Doesn't seem to be taking. Ashley, could you try to promote her to panelist?

**MS. AMES:**

It says that she declined the promotion to panelist. I sent --

**DIVISION CHIEF ALJ FORMAKER:**

Oh.

**MS. AMES:**

-- it again.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. Okay.

**PRESIDING ALJ GOLDSBY:**

All right, I'm going to stop the clock.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, I'm going to call on Nea Tetra (phonetic). And I've asked you to accept the invitation to be a panelist.

**PRESIDING ALJ GOLDSBY:**

Looks like she's been promoted. Clock has started.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, she's written "can't paste my comments here." So, to the extent that -- she said "I had it written and copied them." Why don't you try sending it by e-mail to us?

All right, I'm going to next call on iPhone. I --

**DEPUTY DIRECTOR VARMA:**

(Inaudible) --

**DIVISION CHIEF ALJ FORMAKER:**

-- I've promoted you to a panelist so that you can type in your comments into the chat. Oh, I see --

**DEPUTY DIRECTOR VARMA:**

Can we -- can we send her the e-mail address? She asked for it. Can we send her the e-mail address through the chat?

**PRESIDING ALJ GOLDSBY:**

Susan, has the -- has the individual been promoted?

**UNKNOWN SPEAKER:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Yes, this is -- this is --

**DEPUTY DIRECTOR VARMA:**

(Inaudible) --

**DIVISION CHIEF ALJ FORMAKER:**

-- for chat.

**UNKNOWN SPEAKER:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

For e-mailed public comments, it's oahacomment@dg.ca.gov. That e-mail address is in the agenda.

**UNKNOWN SPEAKER:**

(Speaking Spanish).

**DIVISION CHIEF ALJ FORMAKER:**

Are you planning to use a chat comment?

**UNKNOWN SPEAKER:**

Okay.

**DIVISION CHIEF ALJ FORMAKER:**

Okay, it sounds -- it sounds like the answer is no.

**PRESIDING ALJ GOLDSBY:**

One minute left for --

**DIVISION CHIEF ALJ FORMAKER:**

Okay, I'm going to call for a chat comment next. Veronica, please accept the invitation to be a panelist, and then you can type your comments in the chat.

**MS. AMES:**

Veronica has declined being promoted to panelist.

## **DIVISION CHIEF ALJ FORMAKER:**

Okay, what we're going to do now, because we have quite a few e-mailed comments, is I am going to ask Maryjosephine Norrington to read the e-mailed comments aloud. Again, she will read each one for a maximum of two minutes, and for those that we can't get through, we will post those on our internet site.

Maryjosephine?

## **MS. NORRINGTON:**

The first e-mail comment is from Derek Hearhtower. "I am a client of North Bay Regional Center and had a fair hearing against them. They neglected to provide their evidence two business days before the hearing, and there were no negative consequences on them for them not doing so.

I did not have time to fully read and understand their evidence when it was submitted at 5:00 p.m. the night before the hearing. Also, I received the results of the hearing, a denial, and they listed new reasons to deny it that I never had a chance to defend against. This is not fair. Please make sure things never happen again for any client."

The next e-mail comment from Jenny Jacinto, "we have two pending cases with OAH for my son and our -- and our assigned ALJ, Chantal Sampogna, is extremely biased and unfair. I have a lot of evidence to support my claim. Her bias is apparent in the transcripts of my formal hearing transcripts, which I have available.

Just a few biased, unfair things she has done and allowed to happen: she unduly pressured our pro bono attorney to excuse herself and left me stranded without representation. She has had ex parte communications with Daniel Ibarra (phonetic),

appeals manager at San Gabriel/Pomona Regional Center. She has slandered me by not accepting my doctor's diagnosis stating that she does not believe that I am sick, and slandered and intimidating my witness by accusing her of being untrained and slapping my son.

I have tried to have our ALJ changed with the presiding ALJs and have not had success. What can I do? Please, help. I just want to have just and fair hearings with the -- with an fair OAH ALJ that abides by the CA code of --

**PRESIDING ALJ GOLDSBY:**

30 seconds.

**MS. NORRINGTON:**

Next e-mail comment, Beth Martinko (phonetic). "Thank you for the opportunity to comment. I am speaking from lived experiences -- experience as a self-determination parent navigating the current appeals structure.

As you redesign this process under the new federal requirements, I would encourage you to focus not only on compliance, but on structural accessibility from the beginning of the workflow. Today, when a notice of action is issued, families must immediately interpret regulatory language, understand legal basis for denial, determine which appeal pathway applies, gather documentation, and track strict timelines.

That assumes a level of executive functioning, policy fluency, English proficiency, and available time that many families simply do not start with. Accessibility should not begin at the hearing stage; it should be embedded upstream.

One practical improvement would be a structure -- a structured pre-NOA conversation and searching categories of denial. In my experience, subject matter experts often meaningfully engage for the first time during the informal meeting after a denial has already been issued. By then --

**PRESIDING ALJ GOLDSBY:**

30 seconds.

**MS. NORRINGTON:**

-- positions have hardened, and the process has shifted into a procedural posture. A brief pre-NOA engagement could clarify policy's constraints in real time, explore alternative pathways, and resolve misunderstandings before escalation.

Many disagreements are not about bad faith; they are about incomplete information or across systems confusion. I would also encourage immediate --

**PRESIDING ALJ GOLDSBY:**

Time is up.

**MS. NORRINGTON:**

-- (inaudible) --

**DIVISION CHIEF ALJ FORMAKER:**

Okay, at this point, I want to interject. We did get one chat comment in Spanish that was submitted by someone I had promoted to panelist. Could we have one of the

Spanish interpreters read the chat comment aloud in English and for someone else to be reading it in Spanish?

It is the iPhone comment that begins (Speaking Spanish).

**PRESIDING ALJ GOLDSBY:**

Karin, am I waiting for the interpreter to start?

**DIVISION CHIEF ALJ FORMAKER:**

Yes. Yes. Okay, that's all the public comment that we're going to be able to take today. The rest of the written public comments that were received during the meeting that is by 4 o'clock, we will be posting online.

**FACILITATOR BLOOMER:**

With that, everyone, thank you so much for your time today. Our next meeting is on May 14th. Hope to see you there. Thank you so much. And that adjourns the meeting. Take care.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you, everyone.

ADVISORY COMMITTEE MEETING CONCLUDED

**CERTIFICATE OF TRANSCRIPT**

I, Nicholas Shupe, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the DDS Advisory Committee meeting that

took place on February 12, 2026, Office of Administrative Hearings, via Zoom videoconference. This is the original transcript and the statements that appear in this transcript were transcribed by me to the best of my ability. Executed under penalty of perjury in Sacramento, California on the 20th day of April, 2026.

Nicholas Shupe

Transcriber

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