

**TRANSCRIPTION OF RECORDED MEETING**

**OF**

**OFFICE OF ADMINISTRATIVE HEARINGS**

**DDS ADVISORY COMMITTEE MEETING**

**MAY 15, 2023**

**Committee Members Present:**

NINA SPIEGELMAN

SYLVIA YEH

MARIA IRIARTE

YULAHLIA HERNANDEZ

DARLINE DUPREE

JENNIFER CUMMINGS

JESSE WELLER

BRIAN WEISEL

JESSICA QUESADA

RYAN NELSON

OTTO LANA

STACY SHAW

MONICA BECERRA

FERNANDO GOMEZ

BENITA SHAW

CAROLA CAMACHO MARANON

LILIAN ANSARI

ANTONY CHARLES MARRON

TALEEN KHATCHADOURIAN

SHERRY JOHNSON

AINI TJAUW

**OAH Staff Present:**

ZACHARY MORAZZINI

BOB VARMA

SUSAN FORMAKER

TZER LOR-SNYDER

MARYJOSEPHINE NORRINGTON

HEATHER ROWAN

SEAN GAVIN

**ASL Interpreters:**

JOYE MCCORMICK

EMMA CARBONELL

**Spanish Interpreters:**

ANAELVIA SANCHEZ

ALEJANDRA SERRANO

**Transcribed by:**

MICHELLE BUSBY

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.

MAY 15th, 2023

**DIVISION CHIEF ALJ FORMAKER:**

All right. We're going to start again. Good afternoon, everyone, and welcome to the first Office of Administrative Hearings Advisory Committee meeting.

My name is Susan Formaker. I am the Division Chief Administrative Law Judge with the Office of Administrative Hearings.

I'm so happy to have this meeting so you can hear about our new Advisory Committee and we can hear from you. We're first going to explain the meeting format, provide an overview of the Advisory Committee, provide the ground rules for the Advisory Committee meeting, and how to participate in the meeting.

You'll be meeting the Advisory Committee members, as well as people from the Office of Administrative Hearings and the Department of Developmental Services.

Today's meeting is taking place through a Zoom webinar. Public comment will be provided verbally and orally during today's Advisory Committee meeting. There is information regarding participation on the agenda and on OAH's website.

We do have an Advisory Committee member who is a multi-modality communicator, for whom we have activated the chat function. That chat function is not visible to the public and is not to be used by the Advisory Committee Members other than Mr. Lana, for whom it is an accommodation. I'll be reading Mr. Lana's statements, so those statements are heard by the public.

The meeting is being translated through two American Sign Language interpreters and through Spanish interpreters.

If we have members of the public that would like to listen to the proceedings interpreted into Spanish, please raise your hand now.

(Pause)

I'm not seeing any participants raising their hands.

If we have attendees that wish to listen to the proceedings in Spanish, we will turn on the interpretation feature.

Yes, Advisory Committee member, Mr. Gomez?

**COMMITTEE MEMBER GOMEZ:**

Yes, Susan, I think it would be prudent if we asked in Spanish, in the native language, the individuals who do need the translation, in case they're not understanding the English request.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Could one of the Spanish interpreters, please, do that?

(Pause)

**MS. LOR-SNYDER:**

Spanish interpreters, do you hear me? Okay. So in the English channel, we would like to know if you can translate and ask if anyone needs the Spanish interpretation feature.

**DIVISION CHIEF ALJ FORMAKER:**

And to raise their virtual hand.

**MS. LOR-SNYDER:**

So you do need to jump into the English channel to interpret that.

(Pause)

**COMMITTEE MEMBER CAMACHO MARANON:**

Excuse me, I have a comment.

What are the accommodations we're going to offer to the public that is not able to speak and they will not make comments?

Can we put that on the chat, too? Can we allow them to write on the chat?

**DIVISION CHIEF ALJ FORMAKER:**

There is an email address that was provided, and I was going to speak about that for the public to provide comments.

**COMMITTEE MEMBER CAMACHO MARANON:**

Okay. Thanks.

**DIVISION CHIEF ALJ FORMAKER:**

And that was Advisory Committee member Carola Camacho Maranon.

(Pause)

All right. Has that interpretation occurred, so that we can try and make sure that -- okay. It looks like we've got one attendee who has a hand up.

Right now, we're trying to find out who needs to be able to have a Spanish interpreter.

It looks like Judy Mark from Disability Voices United has a hand up.

**MS. MARK:**

Hello. I just want to make sure that we can get access to the ASL interpreter, please. We are not able to see this on our end.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. Thank you.

(Pause)

**MS. LOR-SNYDER:**

Our ASL interpreters, please, turn your videos on, so that we can spotlight you.

**ASL INTERPRETER MCCORMICK:**

My video is on. It has been since you started recording. So same with Emma.

**ASL INTERPRETER CARBONELL:**

If they change to gallery view, and then find us, they can pin us.

**ASL INTERPRETER MCCORMICK:**

Right.

**DIVISION CHIEF ALJ FORMAKER:**

All right. I think we can continue with our meeting.

If there are any members of the public or others who wish to have this meeting translated into Spanish, please, raise your hand at some point during the meeting, so that we can turn on the interpretation feature; and we'll provide instruction at that time.

Right now, it appears that there are no attendees who are requesting Spanish interpretation.

Now, for Advisory Committee members, when you wish to speak, please use the raise hand feature on the bottom menu of your Zoom.

When public comments are asked for, you should use the raise hand feature on the bottom menu of your Zoom, and if you're calling in by phone, please hit Star-9. We will have people make sure that you are unmuted, and then to re-mute yourself, hit Star-6.

We will have people moderating and looking in the attendee room if there is public comment, and we will take those at an appropriate time.

If you wish to provide written comments during the public comment period, please send an email to [OAHACcomments@dgs.ca.gov](mailto:OAHACcomments@dgs.ca.gov); and you should see that email on your screen.



I want to emphasize that public comments and the Advisory Committee meeting are not to be used to discuss a specific case.

We are recording this meeting and we will provide that recording to the public and we will also create a written transcript of the meeting.

The OAH Advisory Committee was created by Welfare and Institutions Code Section 4717. It's responsible for providing non-binding recommendations about mediation and hearing operations under the Lanterman Act for people with developmental disabilities in California. The committee meets two times a year.

Before we go further, I would like to introduce the committee members and take a roll call of the committee members. So, when I call a committee member's name, please unmute yourself and say present.

Nina Spiegelman?

**COMMITTEE MEMBER SPIEGELMAN:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Sylvia Yeh?

**COMMITTEE MEMBER YEH:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Maria Iriarte? Maria Iriarte?

Yulahlia Hernandez?

**COMMITTEE MEMBER HERNANDEZ:**

Present. It's Julahlia (phonetic).

**DIVISION CHIEF ALJ FORMAKER:**

Oh, thank you.

Darline Dupree?

**COMMITTEE MEMBER DUPREE:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Jennifer Cummings?

**COMMITTEE MEMBER CUMMINGS:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Jesse Weller?

**COMMITTEE MEMBER WELLER:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Brian Weisel?

**COMMITTEE MEMBER WEISEL:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Jessica Quesada? Jessica Quesada, are you here? Okay, I see you waving your hand. Jessica Quesada is present.

Ryan Nelson?

**COMMITTEE MEMBER NELSON:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Otto Lana?

**COMMITTEE MEMBER LANA THROUGH ALJ FORMAKER:**

[He states he is] Present.

Stacy Shaw? Stacy Shaw?

**COMMITTEE MEMBER SHAW:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Monica Becerra?

**COMMITTEE MEMBER BECERRA:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Fernando Gomez?

**COMMITTEE MEMBER GOMEZ:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Benita Shaw?

**COMMITTEE MEMBER SHAW:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Carola Camacho Maranon?

**COMMITTEE MEMBER CAMACHO MARANON:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Lilian Ansari?

**COMMITTEE MEMBER ANSARI:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Antony Charles Marron? I hope I pronounced that correctly. Antony Charles Marron?

Taleen Khatchadourian?

**COMMITTEE MEMBER KHATCHADOURIAN:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Sherry Johnson?

**COMMITTEE MEMBER JOHNSON:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

And Aini Tjauw?

**COMMITTEE MEMBER TJAUW:**

Present.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

So the two members that do not appear to be present are Maria Iriarte and Antony Charles Marron.

Well, thank you all. This is a great showing.

So, I'd like to also introduce our interpreters. Our American Sign Language interpreters are Joye McCormick and Emma Carbonell.

Our Spanish interpreters are Alejandra Serrano and Anaelvia Sanchez.

I'd also like to introduce people from the Office of Administrative Hearings and the Department of Developmental Services who are in attendance. You've already met me, Susan Formaker.

We also have our Director and Chief Administrative Law Judge, Zachary Morazzini.

**DIRECTOR MORAZZINI:**

Good afternoon.

**DIVISION CHIEF ALJ FORMAKER:**

And we have our Deputy Director, Bob Varma.

**DEPUTY DIRECTOR VARMA:**

Good afternoon.

**DIVISION CHIEF ALJ FORMAKER:**

We have Heather Rowan, a presiding administrative law judge in Sacramento.

**ALJ ROWAN:**

Hello, welcome.

**DIVISION CHIEF ALJ FORMAKER:**

And we have Sean Gavin, an Administrative Law Judge from Sacramento.

**ALJ GAVIN:**

Good afternoon, everyone.

**DIVISION CHIEF ALJ FORMAKER:**

We have Maryjosephine Norrington.

**MS. NORRINGTON:**

Hello.

**DIVISION CHIEF ALJ FORMAKER:**

And Tzer Lor-Snyder.

**MS. LOR-SNYDER:**

Good afternoon.

**DIVISION CHIEF ALJ FORMAKER:**

From the Department of Developmental Services, we have Pete Cervinka.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

Hi, everybody, thank you for joining today.

**DIVISION CHIEF ALJ FORMAKER:**

And Tom Blythe.

**MR. BLYTHE:**

Good afternoon, everybody. Good to see you.

**DIVISION CHIEF ALJ FORMAKER:**

So, in terms of our -- in terms of our members, you'll see that we have created a list of the Advisory Committee members on our website; and it shows each Advisory Committee member as having either a two-year term or a three-year term.



Because this is the very beginnings of our Advisory Committee, we wanted to make sure that if any Advisory Committee members rotated off the committee, that we wouldn't have everyone rotating off at the same time. That's why we have some members with two-year terms and some with three-year terms, so that we will only potentially lose half of our committee members in any one year.

In terms of our expectations of members, we want to make sure that you attend and participate in our meetings. As I indicated before, we do not want to have chat happening during this meeting other than to the extent that Mr. Lana is using the chat to be able to communicate to the public, and that is because the chat cannot be seen by the public. Because this is a public meeting, we need to make sure that any communications between the Advisory Committee members during this meeting are public.

What I'd like to do now is to have a brief discussion of the Bagley-Keene Open Meeting Act, which applies to the meeting, so that everybody understands the rules for having a public meeting.

So I'm going to try and share my screen right now.

So, again, this is an introduction to the Bagley-Keene Open Meetings Act. So the Bagley-Keene Open Meetings Act was founded upon a policy that all meetings of a state body are to be open and public and that all persons are permitted to attend any meeting of a state body, except where there are specific exceptions provided in the statute.

Our OAH Advisory Committee is a state body under the government code and that means that the Advisory Committee meetings have to be open to the public.

So some of you might be wondering, well, what is a meeting? So it's not just our formal Advisory Committee meetings. Meetings can happen in other ways, too, that then make them not public. So that's one of the reasons that I wanted to go through some of these rules, so that we make sure that whenever we have our formal meetings, that's the only time that the Advisory Committee is actually meeting. So that we make sure that our meetings are public.

So a meeting can include a majority of the Advisory Committee discussing, hearing, or deliberating about something the Advisory Committee is supposed to consider. But that can include one person or a group of people on the Advisory Committee contacting another person, or a group of people, on the Advisory Committee to develop agreement on an action taken by the Advisory Committee.

So, for example, if one person on the Advisory Committee contacts another person on the Advisory Committee, and that person contacts another person, until a majority of the people on the Advisory Committee have all been contacted, and it's all for the purpose of trying to agree on action, that would constitute a meeting of the Advisory Committee.

And that can be done by emails. It could be done by video conferences or calls. It could also be created by small meetings, reporting centrally, or communicating through other people.

Okay. I'm getting an indication that Ms. Maranon has a question.

**COMMITTEE MEMBER CAMACHO MARANON:**

No, I didn't raise my hand.

## **DIVISION CHIEF ALJ FORMAKER:**

Okay. Thanks. I'm sorry.

Also, if you communicate through other people that can constitute a meeting.

So what is not a meeting of the Advisory Committee? If you have individual contacts with another person, that's not a meeting. But you have to be careful about, then, one person contacting another person, contacting another person.

If you are at a social event, and other people on the Advisory Committee are there, or there's some kind of ceremonial occasion, and other people on the Advisory Committee are there, that's not a meeting as long as you don't discuss the Advisory Committee business.

If you're at a conference or a retreat, and it's a public conference or retreat, and it involves the subject matter of general interest to the public, that's not an Advisory Committee meeting, but committee members should not discuss Advisory Committee agenda items at any conference or retreat.

If there's a meeting of another state or legislative body, the meeting has to be open to the public and properly noticed.

And so that's one of the reasons why we don't have the chat open for everyone on the Advisory Committee because the public can't see that chat. It's only an accommodation right now.

So for a public meeting, we have to give public notice and provide the agenda. We provide the notice of the meeting at least 10 days in advance. We provide that notice to individuals who request the notice in writing, and it includes the time, date,

and location of the meeting, and the name, address, and contact information for more information.

The agenda will have a brief description of items to be discussed at the meeting. Each item has to be sufficiently described to allow the public to determine whether to attend. And there will be no discussion of particular issues not on the agenda, but suggestions at the appropriate time can be made for future agenda items.

So I hope that gives a little bit more information about how these meetings are meant to proceed.

**ALJ ROWAN:**

Susan, you have a couple of hands up. If it's helpful, I can tell you.

**DIVISION CHIEF ALJ FORMAKER:**

I'm getting there.

**UNIDENTIFIED SPEAKER:**

Okay, okay.

**DIVISION CHIEF ALJ FORMAKER:**

All right. Mr. Gomez?

**COMMITTEE MEMBER GOMEZ:**

Yes. Thank you, Susan.

I do have a quick question, and thank you very much for explaining and giving us a little bit more on the parameters of Bagley-Keene, and understanding the spirit of this group is to really engage, what I would hope to be, meaningful conversations about the appeals process.

And knowing that we're restricted to a degree outside of this type of environment, and the value that input from the community, I've seen that there's pretty significant members of the community attending this meetings as well.

Why is it, then, that we do not open the chat as a public meeting for individuals to be able to make comments or ask questions via that option?

**DIVISION CHIEF ALJ FORMAKER:**

So during the meeting, the public will have an opportunity to provide either audible comments or comments in email. When email comments are provided, we will read them aloud so that everyone can hear them.

So there are ways for the public to provide both written and audible comments.

**COMMITTEE MEMBER GOMEZ:**

Understanding that, and seeing the value of a conversation that could give us some insight and some feedback to maybe some of the items we will be discussing, wouldn't we see that as an opportunity to open the chat? In addition to the opportunity for people to ask questions and public comments; I understand that.

But I'm just trying to bring value to having an open chat with our community.

**DIVISION CHIEF ALJ FORMAKER:**

I understand what you're saying. I will tell you that it -- for people who can't see the chat, who might have to call in, we would have to read the chat, and chat can start getting really out of hand.

Because it's also an accommodation, it's important for me to be able to see the comments by the Advisory Committee member who needs to use the chat.

But we will make sure that the public is able to provide both verbal and written comments.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

All right, Ms. Spiegelman?

**COMMITTEE MEMBER SPIEGELMAN:**

I'm probably going to be echoing some of what Fernando said, but I have one quick question.

Are the -- your slides, that was super helpful, the slides you just went over. Will that be available to us? Are you going to post those or?

**DIVISION CHIEF ALJ FORMAKER:**

Sure. We can post those.

**COMMITTEE MEMBER SPIEGELMAN:**

Yeah. I do think it's really just helpful because sometimes it's a little bit hard to wrap your head around, you know, what is, I think it has great protections for public input, but also I think sometimes can be, in some settings -- you know, if there's room for interpretation, I'd like to just see it in a way that promotes the most public engagement, as Fernando was saying.

And I just want to ask about -- I had a question on the notion. This -- you know, the -- when the -- you know, these meetings are twice a year, and so the -- when there's, you know, not in meetings and, you know, if you talk about stuff, if you are in a conversation with another member about stuff, that may be, you know, just in a larger topic. You're not specifically talking about, you know, we're going to do this at the meeting, but it's just, you know, in the topic.

It has to be a majority of folks on the committee that triggers that prohibition, right? And that's why you pointed out the serial nature of, you know, you might talk to one person, who talks to another person. But, in general, though, it's really a majority. So if you've talked to one or two people, you're probably okay?

**DIVISION CHIEF ALJ FORMAKER:**

Yeah. I think the difficulty is you never know who someone else might talk to. And we get --

**COMMITTEE MEMBER SPIEGELMAN:**

I understand.

**DIVISION CHIEF ALJ FORMAKER:**

We don't want to run afoul of the public meeting rules, right? We want to make sure that everything that we do abides by the law.

**COMMITTEE MEMBER SPIEGELMAN:**

Right. And I just think in interpreting -- and I'm just throwing this out. I am, by no means, an expert on this sort of stuff, but I devoutly believe in, you know, adhering to the principles of, you know, making sure the public has notice.

At the same time, we don't want -- we don't want to dampen down on public engagement and public engagement opportunities.

And in that vein, I just want to come right behind what Fernando was saying on the chat feature. Both as -- for some people, typing is an easier form of communication for them and typing in a text or typing format rather than kind of an email situation, although maybe you're reading the emails real time? I'm not sure that that's what's going on.

But I just think it's vitally important to many members of the community to be able to have that as an option. So, you know, maybe I totally understand what you're saying. And I do think it's important to read the chat aloud for people who are visually impaired. So, that balance between accommodating everybody and by giving people maximum opportunity to engage.



I just think, you know, even if we don't figure it out at this moment, just to keep that in mind. And I'm done. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Yeah. And just to be clear, I'm not providing legal advice to the Advisory Committee members. What I'm trying to do is to provide an introduction to the rules and, you know, whether a particular thing is going to abide by the rules or not is not going to be, you know, me passing judgment on that.

All right. Ms. Khatchadourian?

**COMMITTEE MEMBER KHATCHADOURIAN:**

I think I'm going to echo what they're saying.

My only concern is that I'm looking at the screen of committee members, and I think I sit on multiple committees with many of them. And so I'm concerned that some of these topics are going to come up in those committee meetings; and if two of us happen to be there, what do we do?

Do we excuse ourselves and leave the meeting?

Do we -- can we continue to engage?

I'm, kind of -- that's where I'm, kind of, struggling with what constitutes meetings outside of this meeting.

**DIVISION CHIEF ALJ FORMAKER:**

And again, you know, I can't speak to specific situations that might arise and I cannot provide legal advice. I am sorry.

We also need to make sure, including me, that we all try to speak more slowly so that we can make sure that our interpreters are able to interpret. I will try to slow down as well.

All right, I believe that Mr. Cervinka from the Department of Developmental Services just wanted to provide some comments on the development of the Advisory Committee. Thank you.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

Thank you, Susan.

For those who lack a bit of history on this. In the state budget last year, that you know took effect for this year, there were a number of changes made to the statutes around the appeal process.

The community felt very strongly that we needed more transparency, more understanding, more equal access, both to standardized information, as well as information in the people's preferred language, and more data transparency as well, about the issues being raised through the appeal process and at what stage of the process those issues are resolved.

And so, you know, the legislature responded to a proposal by the administration and with a lot of engagement with a variety of stakeholders in the community and community group input and discussions with OAH and with regional centers, the final enacted budget included a number of statutory changes to the appeal process.

In part, to make sure that those changes were implemented in ways that met expectations, as well as to provide ongoing feedback to OAH and to the Department

about mediations and hearings conducted by OAH. That's what led to the statutory creation of this committee.

And because it is established in the statute, it is subject to Bagley-Keene, which Susan already overviewed for everyone.

It's a little bit more of a formal process, I think, than the Department is used to. But I want to call out, too, that in addition to formalizing the process and putting it in the public record, there are lots of opportunities to provide input, including through the public comment here.

You know, I'd like to take the opportunity to reiterate that the administration takes, very seriously, the commitment to resolving the concerns raised by the community that led to these statutory changes.

A number of you have been part of discussions leading up to the implementation of many changes that took effect March 1, 2023, just two and a half months ago; and the opportunity for that kind of engagement will persist as well.

So I just want to highlight, kind of, the rationale for the genesis and comment a little bit around those issues that we're trying to resolve with the changes that were made and, you know, reiterate, you know, our commitment to getting this right.

We know these changes were large. They were complicated. They weren't well understood, necessarily, to begin with. So we've made some big strides initially in the information available to people about the Lanterman Act appeal process and how they can access information about their rights, how they can initiate actions by requesting appeals, putting that information into English and 17 other languages.

And so, you know, it's a start, and we want to have an ongoing forum provided by this committee and other opportunities to hear from people about how things are going and to continue to make improvements as we iterate to making it more understood, a better perception of fairness, to extend the time frames and make other changes that ease the burdens on people who either are seeking eligibility or services through the system, and also to enhance our transparency going forward.

So Susan, thank you very much for the opportunity to put a little context around the changes and the committee, state something about our expectation and commitment to seeing these changes to their fullest possible potential, and explain why Bagley-Keene, kind of, sounds like it maybe telling us we can and can't talk to each other about certain things, but there are rules for that. But that public transparency and the public record is also really important. And that consistency and the membership of the committee, providing that feedback to us is also important.

So thanks for the opportunity. You know, and thank you to the committee members who've accepted their offers of appointment to this group, and to the members of the public who joined us today.

Susan, back to you.

**DIVISION CHIEF ALJ FORMAKER:**

And just so folks know, we skipped around the agenda a little bit.

This was following up on Agenda Item Number 3, an overview of the Advisory Committee meeting process.

As a reminder, this Advisory Committee is responsible for providing non-binding recommendations about mediation and hearing operations under the Lanterman Act for people with developmental disabilities in California.

Now, the next item on the agenda is to have a discussion of potential agenda items for the next Advisory Committee meeting. We are not going to have discussion of those agenda items today because they have not been listed on an agenda, and we aren't going to have any responses.

What we are going to try to do right now is to create agenda items for discussion at our next Advisory Committee meeting.

For those of you who are Advisory Committee members, again, when you wish to speak about potential Advisory Committee topics for the next meeting, please use your raise hand feature on the bottom menu of your Zoom.

And then when public comments are asked for, you should use the raise hand feature on the bottom menu of your Zoom. If you're calling in by phone, again, please hit Star-9. We will have people moderating and looking in the attendee room if there's public comment, and we will also take those comments at the appropriate time.

For those of you who are wishing to participate in the public comment, when we get there, you'll have three minutes to provide verbal comment. And, then, the moderator who is assisting me on that will notify you when you're getting close to the end of your three minutes; and then we'll also let you know when the three minutes have passed and you'll be muted.

As is posted on the screen, you can also give written comment by email. The email address is on the Advisory Committee agenda. It's also on our website. And again, that's OAHcomments@dgs.ca.gov.

You'll need to clearly identify the agenda item to which your comment relates, and then your comment will be read aloud during the appropriate public comment portion of the agenda.

We can also read your comments if it's not specifically related to an agenda item during the general comment portion at the end of the meeting.

All right. So now we're going to start with our Advisory Committee members to get thoughts about potential subjects for discussion at our next Advisory Committee meeting.

**ALJ ROWAN:**

Susan?

**DIVISION CHIEF ALJ FORMAKER:**

Yes.

**ALJ ROWAN:**

I'm sorry to interrupt. This might be a good time to take a break? We talked about taking 10 minutes.

**DIVISION CHIEF ALJ FORMAKER:**

I would like to take a few comments just because we started late. Thank you.

**ALJ ROWAN:**

Great. Great.

**DIVISION CHIEF ALJ FORMAKER:**

But we will take breaks in about 10 minutes. We'll take a break in about 10 minutes. But again, because we started late, we will take a break a little bit later. Generally, we'll try and take a break every hour.

All right. Mr. Gomez, you had a question.

**COMMITTEE MEMBER GOMEZ:**

Yes. Thank you. Actually, I had a -- I thought, at this point, we were discussing agenda items or am I not understanding that correctly?

**DIVISION CHIEF ALJ FORMAKER:**

Yes. We're discussing --

**COMMITTEE MEMBER GOMEZ:**

Potential agenda items?

**DIVISION CHIEF ALJ FORMAKER:**

-- potential agenda items for our next meeting.

**COMMITTEE MEMBER GOMEZ:**

Absolutely.

Being part of the coalition that helped bring the new appeals process into place, we were really motivated by the need to bring the community that's part of this process, the system that plays an important role, and really start a strong line of dialogue that I believe would have transcended into this committee. And that was part of the spirit of bringing this really diverse group of people together to have a meaningful dialogue.

As such, I'm a little concerned that the public comments actually comes after we discuss agenda items because, I mean, we really need to not only communicate and weigh in our perspective, individual perspectives, but it's so important to hear from the community as well, especially those attending today. And they may have something interesting that we may be able to want to consider as an agenda item.

So that's point number one.

The other, I think at some point, I would like to better understand, as a committee, what our objectives are. What is it that we want to accomplish as a group to really help bring more definition and focus on the conversation at hand?

Then, the third is for those of us who are only assigned a two-year term, and this being one of those, what, four meetings total, and really is not a meeting, based on my perspective, that engages in that type of dialogue that I think is important.

So the question would be to consider extending an additional meeting for those of us who are ,or for all of us, I guess, because it'd also for the three-year terms as well.

So those are my initial points in order to discuss agenda items for next meeting.



**DIVISION CHIEF ALJ FORMAKER:**

So from what I am hearing, you would like to make sure that we have a discussion of what the objectives of the Advisory Committee are. And to also have the Advisory Committee consider a recommendation for extending an additional meeting.

**COMMITTEE MEMBER GOMEZ:**

Right.

**DIVISION CHIEF ALJ FORMAKER:**

In terms of the first issue noted, in terms of the public having opportunity to comment on any agenda items, when we have a substantive agenda, which we couldn't do today because this is our, you know, first meeting.

At the end of the discussion from the Advisory Committee with respect to each agenda item, we will have public comment available with respect to each agenda item.

**COMMITTEE MEMBER GOMEZ:**

And, then, at that point, are we able to, then, weigh in on proposed additional agenda items for the next meeting?

**DIVISION CHIEF ALJ FORMAKER:**

At every meeting, you can weigh in on proposed additional agenda items for the next meeting.

**COMMITTEE MEMBER GOMEZ:**

Okay. But I'm saying, so at this meeting, at any given time, we can add additional agenda items for the next meeting; am I understanding that? And I apologize if I'm not quite understanding.

**DIVISION CHIEF ALJ FORMAKER:**

No problem.

So our agenda item that we're discussing right now is potential agenda items for the next meeting, and we can have that as an agenda item each meeting.

**COMMITTEE MEMBER GOMEZ:**

Okay. Got it. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Ms. Spiegelman?

**COMMITTEE MEMBER SPIEGELMAN:**

Okay. All right.

So I think I had a very similar -- I have just two or three suggestions for proposed topics. But I was - given that, the statute says that the committee shall meet at least two times a year. And given just the importance of the topic and how much the public is interested, you know I just -- the topic of additional meetings, you know more than just two meetings a year, that topic, which is similar to what Mr.

Gomez just suggested. I think that would be a good topic for discussion at our next meeting.

And then two other items I was thinking about was, I think it's really important to discuss two aspects of this. And one is the process.

One of the big -- it seems like the big, the statutory, purpose of the committee is to make recommendations for improvements.

And so, one of the key things is feedback of the experience of the community, of the, you know, individuals and families that are going to hearing, trying to resolve cases, going to mediation, is somehow what's the process for getting the feedback for us to consider, for both DDS and OAH to consider, what the process is, and then actually what -- you know, what have you all heard and learned from the people administering, you know, at DDS and OAH.

And then, I would love to -- I don't know if this is part of something envisioned or even part of this, but to hear back from, you know, the people on the ground. The ALJs? Maybe some presentation on what -- you know what they're seeing and what -- you know?

Anyway, I'm just -- it just feels like it's such an opportunity to evaluate, you know, in real time, like, what the impacts of these reforms have made on the ground. So I'm very definitely interested in those things, and I'm sure more will pop up, but thank you for the opportunity.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you, Ms. Spiegelman. And I know you were speaking pretty quickly.

**COMMITTEE MEMBER SPIEGELMAN:**

Sorry about that.

**DIVISION CHIEF ALJ FORMAKER:**

So I'll try to paraphrase.

But as I understood your suggestions for agenda items, you were agreeing with the idea of having a discussion of an agenda item where there might be a discussion of extending additional meeting dates.

You also indicated that you would like an agenda item discussing how to -- or discussing the possibility of making a recommendation for feedback methodology. And you also wanted to discuss a recommendation for some kind of presentation by OAH and/or DDS?

**COMMITTEE MEMBER SPIEGELMAN:** Yeah, pretty close. I think that I just was -- I think, right now, I know DDS is --

**DIVISION CHIEF ALJ FORMAKER:**

Try and slow down a little, please.

**COMMITTEE MEMBER SPIEGELMAN:**

Sorry. I'm sorry.

I know that, currently, DDS is being very proactive about, you know, receiving feedback or making channels of communications known for feedback. It would be very interesting to hear what OAH's processes are.

And then getting a report on, and maybe a discussion of, the best way; you know, what is the best feedback system to see how things are going, sort of, on the ground.

And, also, to hear what the agencies are hearing about how things are going and their take on how things are going. I know that's something that a lot of folks would be very interested in and something that, you know, we could discuss. Since the purpose of the committee is to recommend improvements, it's good to know what our baseline is.

That's all. But thanks. Sorry about my -- I get too excited. It's such a good topic. Thanks.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. All right.

Ms. Dupree?

**COMMITTEE MEMBER DUPREE:**

Hi. Thank you. Darline Dupree with ARCA.

Kind of, piggybacking off of Ms. Spiegelman, I think it would be beneficial to have an agenda item that discussed the impact of the changes. What is working? What, if any, additional barriers there may be?

There have been a lot of changes for families, as well as regional centers. So I think having a full understanding of the level of impact that these changes have had would be beneficial for this group to make sound and fully informed recommendations moving forward.

**DIVISION CHIEF ALJ FORMAKER:**

All right. Thank you.

And so, as I understood, your suggestion for an agenda item was to discuss the impact of the changes in the law, what's working, and what's not. Thank you.

Was there anything else that you wanted to mention, Ms. Dupree?

**COMMITTEE MEMBER DUPREE:**

Oh, no. Let me lower my hand. Sorry about that.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

All right. Ms. Hernandez?

**COMMITTEE MEMBER HERNANDEZ:**

Hi. Good afternoon. This is Yulahlia Hernandez. I'm with Disability Rights California. I'm an attorney and client's rights advocate.

And this is piggybacking and mirroring some of what other folks have said, but I would like an agenda item to talk about how to make the process, the hearing process, more accessible to marginalized folks; you know, folks with limited English or who don't have access to a lot of technology, as well as to self advocates, who may need things in plain language.

But I think that kind of goes with some of the discussion of getting feedback and understanding what the community needs are.

**DIVISION CHIEF ALJ FORMAKER:**

So how to make the process more accessible. Okay. Thank you.

Ms. Yeh?

**COMMITTEE MEMBER YEH:**

Hi. This is Sylvia Yeh. I'm a CEO executive. I work for a nonprofit agency. And I piggyback what has been discussed.

And I hope that we can receive the current hearing procedures in order to provide recommendation for improvement on that.

And this is my first time, my first time coming here, and I hope I can anything more about the process right now, that's prior to the next meeting, so we can review it and then can provide feedbacks on that.

**DIVISION CHIEF ALJ FORMAKER:**

All right. We are now at 2:39. We're going to take a break for 10 minutes and so we will reconvene at 2:50.

Mr. Weller, we'll get to you as soon as we come back from our break.

(Off the Record)

**DIVISION CHIEF ALJ FORMAKER:**

All right. It's 2:51 p.m. and we are reconvening our meeting.

Before we had our break, Mr. Weller had raised his hand. Mr. Weller?

**COMMITTEE MEMBER WELLER:**

Hi, Susan. Good afternoon. I'm Jesse Weller. I'm the executive director at the San Gabriel Pomona Regional Center.

And for the agenda, I would like to propose an item that discusses practical implementation or next steps. I can imagine that there'll be recommendations, suggestions, different ideas that come through this committee, and I think there would be value in having conversation around implementing resources and supports that may be needed.

So I wanted to add that to the agenda. Thank you.

**UNIDENTIFIED SPEAKER:**

You're on mute.

**DIVISION CHIEF ALJ FORMAKER:**

I'm sorry. Could you hear me?

So that I'm clear on what you were saying, Mr. Weller. As I understood it, you were suggesting that we have a discussion when other ideas for improving the process may be recommended, to also have a discussion of the practical implementation or next steps on those recommendations.

**COMMITTEE MEMBER WELLER:**

Correct.



**DIVISION CHIEF ALJ FORMAKER:**

Okay, thank you.

**COMMITTEE MEMBER WELLER:**

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

All right. Ms. Shaw?

**COMMITTEE MEMBER SHAW:**

Good afternoon.

So I wanted to just, kind of, Susan, to reiterate what people have already said, but I've been in multiple meetings in regards to how Bagley-Keene works.

So if the committee is actually responsible for reading recommendations for the mediation and hearing operations under the Lanterman Act, can we make sure at the next meeting it's broken down, individualized, of what that procedure and operation looks like? Meaning in regards to mediation, meaning in regards to hearing, and to include where that is found actually under the Lanterman Act.

While we might feel that people should know, I think as a committee, as we're being held responsible. I think the details, going into details, into those different categories, for the committee, so we can have a well understanding in the direction of what we're doing would be quite helpful broken down, individually.

**DIVISION CHIEF ALJ FORMAKER:**

So as I understand it, then, you would like to have a discussion of how mediations progress and what statutory provisions apply and the same thing with hearings.

**COMMITTEE MEMBER SHAW:**

Yes. Thank you.

**ALJ FORMAKER:**

Thank you.

**ALJ ROWAN:**

Judge Formaker, I'm not sure if you saw, but there is a comment from Mr. Lana.

**DIVISION CHIEF ALJ FORMAKER:**

Oh, I did not see. Thank you.

Okay. One second. I'm just finishing my notes from the last comment.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

Judge Formaker, while you finish those notes, let me just say, also, one of the interpreters held up a "slow down" sign.

Just a reminder for our commenters to speak slowly so that the interpreters can keep up.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. I did not see that sign. Thank you.

All right. Mr. Lana comments.

**COMMITTEE MEMBER LANA THROUGH DIVISION CHIEF ALJ FORMAKER:**

I have been to other Zoom meetings where there is a Q and A option for the audience. Maybe that can be an option for others.

I'm concerned about the burden of the added technology needed to email a question. It seems difficult to have to ask for an accommodation far in advance and I want anyone with a speech-related disability to have access to being heard.

Item 11 on the agenda allows for public comment. As one who types to comment, I just see we need a less cumbersome option for this agenda item than email.

**DIVISION CHIEF ALJ FORMAKER:**

So, as I understand it, Mr. Lana, you are asking for an agenda item to discuss other methods for those who have a speech-related disability other than email.

Thank you.

All right. Ms. Cummings?

**COMMITTEE MEMBER CUMMINGS:**

Good afternoon, I would like to ask for the committee's consideration to add an item to, perhaps, revisit the statutory language in the appeals procedure to allow for, maybe, clarification or simplification of some of the code sections to help the procedure be a little more accessible and easy to understand to consumers and families.

I think there may, also, be a couple of areas that may need non-substantive cleanup on some of the verbiage in statute.

**DIVISION CHIEF ALJ FORMAKER:**

So as I understand your suggestion is that we have an agenda item to discuss revisiting the statutory language in the appeals procedure to allow for clarification and simplification to help the procedure be more accessible and easier to understand for consumers and to review and discuss possible other non-substantive changes to the revisions to the Lanterman Act.

Yes, Mr. Gomez?

**COMMITTEE MEMBER GOMEZ:**

First, I apologize for the background noise. I do have a chihuahua and they yap all the time. So sorry about that.

**DIVISION CHIEF ALJ FORMAKER:**

I can't hear anything.

**COMMITTEE MEMBER GOMEZ:**

Okay. Hopefully, I caught him right in between.

Two quick things. One, I wanted to add to Otto's comment about the Q and A feature, which I think is really important, to expand not only for individuals who have a speech-related challenge, but also individuals who may have a technology or access to technology issue when it comes to having to submit a question via email.

So I think that that would be also an additional category to consider in the agenda item.

The last, the other, comment is that from what I understand many of the attendees who are here as part of the public cannot see the participants. They can only see the person who's highlighted in the view, but everybody else is just a voice or their video is not on.

**DIVISION CHIEF ALJ FORMAKER:**

So for those who may not be able to see everybody, please, consider changing the settings so that it's gallery view.

**COMMITTEE MEMBER GOMEZ:**

From what I understand, they're not able to change the setting. It's whatever's already preset and they're just able to view, so.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. I just changed it to gallery view for attendees. Hopefully, that addresses it.

**COMMITTEE MEMBER GOMEZ:**

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

It looks like one of our OAH people, Maryjosephine Norrington, needed to clarify something.

**MS. NORRINGTON:**

Correct. I have a public comment via email.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. We aren't quite done with making sure that all of our folks on the Advisory Committee have provided all of the comments they wish to make thus far.

Do we have any other comments from the Advisory Committee members?

Yes. Ms. Shaw?

**COMMITTEE MEMBER SHAW:**

Well, I want to reiterate, several other panelists mentioned it, accessibility for the appeals process, mainly plain language.

Other languages were already looked into and the format and the information put into many languages, but not plain language, and perhaps other formats as well.

Not so much for the application for appeals, but just for the information, maybe video, something that would be accessible to some clients that don't have print availability.

The other thing that I would like to see as a topic is maybe a summary of what has been done and put into effect on March 1st, I believe was the date; what training the judges may have had, that type of stuff.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. As I understand the two proposed agenda items that you've suggested, Ms. Shaw, is, first, to have a broader discussion of accessibility in the appeals process to include plain language issues and other formats for providing information, such as videos.

**COMMITTEE MEMBER SHAW:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

And the second area was to have a discussion of the possibility of a summary being provided in terms of the changes that have occurred as a result of the changes in the Lanterman Act and the training that the judges have had on those changes.

**COMMITTEE MEMBER SHAW:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. Thank you.

All right. Before we go to public comments, do we have any other suggestions from our Advisory Committee members?

Yes.

**COMMITTEE MEMBER CAMACHO MARANON:**

Yes. I just want to just revisit about language. So I think the plain language is really a good idea when it comes to translations of those procedures to make them accessible to different communities.

I always want to mention the cultural sensitive translations because literal translations will not be accessible even if it's Spanish or other language. If the language is very complex, it will still be not accessible to communities.

Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

And that was a suggestion from Ms. Camacho-Maranon; and, as I understood, it was to have a discussion of the cultural sensitivity of translations to ensure that they are appropriate translations, accurate translations. Is that correct?

**COMMITTEE MEMBER CAMACHO MARANON:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.



**COMMITTEE MEMBER CAMACHO MARANON:**

Accessible. Understandable. Yes.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Are there any other suggestions for agenda items from our Advisory Committee members?

Mr. Gomez?

**COMMITTEE MEMBER CAMACHO GOMEZ:**

Yeah. Thank you.

One additional thing I think it'd be great and beneficial for the committee to hear from, it could be, a CBO, could be a part of an entity that was part of the coalition to help bring us this new appeals process, to really share some of that insight and feedback, so.

And I'm not making a specific recommendation

**SPANISH INTERPRETER SANCHEZ:**

[In Spanish]

**COMMITTEE MEMBER CAMACHO MARANON:**

Yeah. But to --

**SPANISH INTERPRETER SANCHEZ:**

[In Spanish].

**DIVISION CHIEF ALJ FORMAKER:**

Okay. We've got someone speaking in Spanish. If you could mute yourself while Mr. Gomez is speaking? Thank you.

**COMMITTEE MEMBER CAMACHO MARANON:**

It's the translator that popped into the English.

**SPANISH INTERPRETER SANCHEZ:**

And let me tell you, the box where we're supposed to be is gone from the screen.

**UNIDENTIFIED SPEAKER:**

It looks like Ms. Sanchez is having the same flickering issue. That might be also impacting her audio.

**DIVISION CHIEF ALJ FORMAKER:**

So I'm clear on what's going on? The interpreters are having difficulties with their channels; is that correct?

**SPANISH INTERPRETER SANCHEZ:**

That's correct. The box where we're supposed to be is not on the screen anymore.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. And that might have occurred when I changed it to gallery view, as requested.

**SPANISH INTERPRETER SANCHEZ:**

It kicked me completely out and, now that I'm back in, there's nowhere to go, you know, into the Spanish box.

**MS. LOR-SNYDER:**

Okay. Let me add you again. Hold on.

**DIVISION CHIEF ALJ FORMAKER:**

So I changed it to "Follow Host's View," which is where it was before.

**MS. LOR-SNYDER:**

Ms. Sanchez, do you have the box now? So we should be able to continue.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. We'll continue.

Sorry, Mr. Gomez.

**COMMITTEE MEMBER GOMEZ:**

Oh, that's fine. I guess we might as well get all the technical stuff out of the way.

But just the point was that maybe we can discuss as a committee, you know, a presentation from a third party entity who is very familiar to these new changes in the appeals process that can, kind of, present it to the community -- the committee, I'm sorry.

**DIVISION CHIEF ALJ FORMAKER:**

So I think this was a follow up to have a presentation on the changes to the appeals process from a third-party entity that was part of the coalition that led to the changes. Is that right?

**COMMITTEE MEMBER GOMEZ:**

Yes. Thank you.

**DIVISION CHIEF ALJ FORMAKER:**

Do we have any other suggestions from Advisory Committee members for agenda items?

Okay. So I understood that we had an emailed comment from the public.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

Susan, we have a chat comment.

**DIVISION CHIEF ALJ FORMAKER:**

Oh, I'm sorry. I am not seeing a new chat comment.

Oh, I'm sorry. I hadn't read one of the comments aloud.

When I had provided clarification, or rewording, of Mr. Lana's comment, he had written.

**COMMITTEE MEMBER LANA THRU DIVISION CHIEF ALJ FORMAKER:**

Yes. To participate in the public comment forum, correct.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

All right. Do we have the public comment that was received via email?

**MS. NORRINGTON:**

We do.

The Bagley-Keene and public comment that may be in chat. Submitted by Karen Mulvaney, that's K-A-R-E-N, M-U-L-V-A-N-Y.

"First, I truly appreciate the emphasis on Bagley-Keene compliance. I have personally raised this issue many times and is not always easy to implement.

However, I am concerned that we're 'throwing the baby out with the bath water' and denying access to the chat feature to public attendees. Keeping in mind that written public comment is generally posted online, including public comment that is emailed in, yet there is no stipulated requirement that a committee read all written public comment aloud real-time during a meeting. I do wonder if the same treatment might be applied to written public comment in a chat during a meeting.

Further, the critical thing to avoid is a committee making a decision on the basis of information not available to the public. To that end, if a chat discussion provokes a

motion to make decision on an agenda item, that chat can be read by a committee member making that motion.

The value of chat is significant. It allows the committee to see which committee member and public comment resonate with others who will often chime in to support a key concept. It would be helpful to figure out a means of maintaining Bagley-Keene compliance while preserving this value.

Respectfully, Karen Mulvaney, family advocate."

**DIVISION CHIEF ALJ FORMAKER:**

Thank you, Ms. Mulvaney. And just to rephrase. You would like a discussion of enabling the chat feature for the public during our meetings. Thank you.

All right. I see a hand up from Judy Mark.

**MS. MARK:**

Hi. Thank you. Judy Mark. This is a public comment. I'm the president of Disability Voices United and the parent of a young man served by a regional center.

Disability Voices United, along with several other wonderful organizations, were part of the cosponsoring groups of the law that ultimately got passed to create this OAH Advisory Committee. And, you know, I have to tell you that when we were thinking of this idea, this was not the way we were thinking of it.

The concerns that we've had with the fair hearing process is that it's been too formal, that it is not -- it is difficult and intimidating for individuals and families to engage in. And the whole point was for us to create a system where the facts get heard, but people do not feel intimidated by the process. That is something that we

are calling "engaged neutrality" that we're hoping that the OAH officers will be pursuing.

And, actually, that would be a great agenda item for you to have some OAH judges to come in and guest speak and talk about how they're using engaged neutrality.

But that creates a less formal process. And so this committee should take the clue that this committee should not be as formal as the hearings. This committee needs to be able to provide access to the general community, to understand that they have a place to go to express their concerns.

You know, we should be able to see the people that are speaking. We cannot see anybody who's speaking, except for the one time when you turn on gallery view is the only time we've seen anybody speak but you, Susan. And so, you know, that's really inaccessible for people to not know who people are.

It would also be really good for us to know who's on this committee. We have no idea because we can't see the gallery view. We have no idea except for you gave their name and have them say present. We don't know who they are, who they represent, what their perception is of the system, where they come from. So it would be really important, for us, for you to get a list out of who the folks are on the committee and have them introduce themselves at some point.

And then, finally --

**ALJ GAVIN:**

(Inaudible) in this public comment.

**MS. MARK:**

What? I couldn't hear you.

**ALJ GAVIN:**

I apologize to interrupt. About 30 seconds remain in this public comment.

**MS. MARK:**

Okay, finally, I would strongly urge you to have another meeting between now and your second meeting of this year because I felt that this meeting was very inaccessible. It started very late. There were a lot of technical issues that continue to happen. And I think it would be that I know you're only committing to two meetings a year, but this would be a very good year to have three meetings so that the community understands that you're actually --

**ALJ GAVIN:**

That concludes the three minutes.

**MS. MARK:**

Okay. Thank you. Bye.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

Do we have any other attendees who wish to speak?



**ALJ ROWAN:**

There is another hand up.

Ms. Higuera (phonetic), I think?

**DIVISION CHIEF ALJ FORMAKER:**

Yes. I see now.

Ms. Higuera? Lourdes (phonetic) Higuera?

**ALJ ROWAN:**

If she can't be heard, it's possible she's in the Spanish channel. I'm not sure if Tzer can help.

**MS. LOR-SNYDER:**

Let me jump in the Spanish channel to see if someone is speaking.

Hi. Thank you for your question.

Interpreters, can you interpret the question into the English channel?

(Pause)

**MS. LOR-SNYDER:**

Interpreter, was there a Spanish question being asked?

**CHIEF DEPUTY DIRECTOR CERVINKA:**

Susan, it appears that individual has left as an attendee and no longer has their hand up.

**DIVISION CHIEF ALJ FORMAKER:**

Okay.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

But I do see comments in the chat.

**MS. LOR-SNYDER:**

And I did check with the interpreters. There was not a Spanish question being asked.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. Mr. Lana comments.

**COMMITTEE MEMBER LANA THROUGH ALJ FORMAKER:**

I just want to thank everyone for their efforts and consideration for this work in progress. I am honored to be a part of this important work. When we know better, we do better.

**DIVISION CHIEF ALJ FORMAKER:**

And it looks like we also had a comment, "I hear nothing anywhere."

**COMMITTEE MEMBER KHATCHADOURIAN:**

When I'm not in the general original audio, if I'm in English, I do not hear anything at all. So I'm in the original audio and, in order to do that, I can't hear the Spanish interpretation at all. So I'm clicking back and forth between the different sections and I hear nothing. And I have to be in original audio to hear it, which means I don't get to hear any of the Spanish translations or if the ASL interpreters are going to be interpreting anything back to us. Well, in their case, I wouldn't hear it, I would see it.

**DIVISION CHIEF ALJ FORMAKER:**

And that is Ms. Khatchadourian?

**COMMITTEE MEMBER KHATCHADOURIAN:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

So we clearly have had some technological issues.

Maryjosphine Norrington from OAH, did you want to say something?

Okay. Mr. Gomez?

**COMMITTEE MEMBER GOMEZ:**

Yeah. I just wanted to kind of ask, you know, I guess we don't know how many people will participate in the public comment section. So it's hard to kind of -- when

you allocate the time to make sure. But I know three minutes have been assigned to individuals. And one individual who was making a comment earlier, we kind of rushed her off.

But is there a way that we can, kind of, look at how much time we've allocated for this agenda item to the individuals who are going to be asking questions so that, A, you know, we want to make sure we give everyone enough time and a platform to make their comments, but also, of course, understanding that we need to use our time wisely.

So I'm not sure how the three-minute rule came about, but my question would be is if that is a flexible rule based on participation?

**DIVISION CHIEF ALJ FORMAKER:**

So as I understand it, you would like to have a discussion of can we identify ways of giving more than three minutes to each public comment?

**COMMITTEE MEMBER GOMEZ:**

I think not only more than three minutes, but giving people the time that they need to communicate what they need to say. And then, of course, being respectful. Because if we had 20 people making comments today, then of course, we understood that, yeah, we probably wouldn't get to all of them.

But it seems like with only two questions or a handful of comments that we probably had enough time to let people kind of communicate what they need to say.

**DIVISION CHIEF ALJ FORMAKER:**

Thank you.

**CHIEF DEPUTY DIRECTOR CERVINKA:**

It looks like MJ has her hand up again, Susan.

**DIVISION CHIEF ALJ FORMAKER:**

I apologize.

**MS. NORRINGTON:**

I didn't lower it.

**DIVISION CHIEF ALJ FORMAKER:**

Okay. All right.

Do we have any other comments from our Advisory Committee members?

Do we have any other public comments?

**ALJ ROWAN:**

I believe there's an email MJ might want to read.

**DIVISION CHIEF ALJ FORMAKER:**

Maryjosephine?

**MS. NORRINGTON:**

I have two email comments or questions. One, recording for today's meeting, submitted by Christine Kiebert-Boss, C-H-R-I-S-T-I-N-E, K-I-E-B-E-R-T, dash, B-O-S-S.

"Question. Where can I find the link to the recording of the 5/15 OAH Advisory Committee meeting?"

**DIVISION CHIEF ALJ FORMAKER:**

There is a question about the recording of today's meeting. So that everybody understands, the recording will be posted on the OAH website.

Do we have any other comments or questions?

**MS. NORRINGTON:**

Yes.

**DIVISION CHIEF ALJ FORMAKER:**

From the public?

**MS. NORRINGTON:**

Meeting 3/15/23 public comments. Perhaps that should be 5/15. Submitted by Lourdes Gomez, L-O-U-R-D-E-S, G-O-M-E-Z.

"As a Hispanic independent facilitator working in both rural and urban communities, I would like to propose the following comments for your consideration.

One, it is recommended to schedule quarterly meetings over the next three years to assess the impact of the changes, ensuring that the American Sign Language, ASL, and other language translations are made available.

Two, it is important to collect the following data. A, number of hearings requiring translation. B, follow up with a different translator to evaluate translation

quality if translation is requested. C, consider making this information publicly accessible.

Number three, engage neutrality implementation training.

Four, compare the cost of requested services with the expenses incurred during fair hearings. Provide data to determine cost effectiveness.

Five, present rates of denials categorized by ethnicity. This information will help identify any disparities.

Six, enhance the user-friendliness of the OAH decisions website. Consider implementing features that allow for improved searches, such as regional center and year filters, as well as the ability to differentiate between the traditional service model and the self-determination program. This is a good example of this level of user-friendly website, <https://siddlapp-sair-hearing-search-tool.law.stanford.edu/>.

Thank you for considering these recommendations. They aim to improve transparency, accessibility, and accountability within a community.

With gratitude, Lourdes Gomez, mother of a regional center consumer and independent facilitator."

**DIVISION CHIEF ALJ FORMAKER:**

Thank you. Do we have any other comments?

All right. It is now 3:30 in the afternoon on May 15th. It appears that we don't have any further comments from the Advisory Committee members or the public.

I want to thank everyone so very much for your active participation in this meeting. It looks like we'll have a lot to talk about at our next meeting and we're very, very appreciative of this process.

Thank you all so much. Let's end the recording.

(Recording Ends)

ADVISORY COMMITTEE MEETING CONCLUDED

### **CERTIFICATE OF TRANSCRIPT**

I, Michelle Busby, 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 May 15th, 2023, Office of Administrative Hearings, via Zoom videoconference. This is the corrected 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 10th day of August, 2023.

Michelle Busby

Transcriber

Northern California Court Reporters