

TRANSCRIPTION OF RECORDED MEETING

OF

OFFICE OF ADMINISTRATIVE HEARINGS

DDS ADVISORY COMMITTEE MEETING

October 16, 2023

Committee Members Present:

NINA SPIEGELMAN

SYLVIA YEH

MARIA IRIARTE

YULAHLIA HERNANDEZ

DARLINE DUPREE

JENNIFER CUMMINGS

JESSE WELLER

BRIAN WEISEL

RYAN NELSON

CAROLA CAMACHO MARANON

OTTO LANA

ANTONY CHARLES MARRON

FERNANDO GOMEZ

SHERRY JOHNSON

BENITA SHAW

AINI TJAUW

LILIAN ANSARI

TALEEN KHATCHADOURIAN

OAH Staff Present:

ZACHARY MORAZZINI

BOB VARMA

SUSAN FORMAKER

TZER LOR-SNYDER

MARYJOSEPHINE NORRINGTON

HEATHER ROWAN

SEAN GAVIN

ASL Interpreters:

ELIZABETH VEGA

COLEY CUTLER

Spanish Interpreters:

SONIA HERNANDEZ

ANA ELVIA SANCHEZ

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.

OCTOBER 16TH, 2023

DIVISION CHIEF ALJ FORMAKER:

Good afternoon, everyone, and welcome to the October 16th, 2023, Office of Administrative Hearings Advisory Committee meeting. I'm Susan Formaker. I am the

Division Chief Administrative Law Judge for the General Jurisdiction Division at the Office of Administrative Hearings.

Before we go further, we're going to discuss the meeting format and the interpretation feature. We would like one of our Spanish interpreters to please give instructions on how to access the Spanish channel.

UNIDENTIFIED SPEAKER DDS STAFF:

Sonia, would you be able to do that for us? I'll take you out of the Spanish channel.

DIVISION CHIEF ALJ FORMAKER:

I think we've --

SPANISH INTERPRETER HERNANDEZ:

[In Spanish]. Okay.

DIVISION CHIEF ALJ FORMAKER:

There we go.

SPANISH INTERPRETER HERNANDEZ:

Okay. [Interpretation Instructions In Spanish].

DIVISION CHIEF ALJ FORMAKER:

Thank you.

We did not receive any requests for interpretation in any other languages. But, again, if you've just come on and you did not hear those Spanish language instructions, please make sure to click on the white globe on the toolbar at the bottom of your screen labeled interpretation, click that and choose Spanish.

Those of us who are not speaking Spanish will only hear the interpreter when an interpreter is interpreting into English; otherwise, the interpretation will be taking place through a separate channel.

We also have ASL interpreters who have been spotlighted and live closed captioning is active for this meeting.

For everyone who is speaking, when you speak, please speak slowly, and that will allow our interpreters to interpret more effectively.

Let me introduce our interpreters. Our Spanish interpreters today are Sonia Hernandez (phonetic) and Ana Elvia Sanchez (phonetic). Our ASL interpreters are Elizabeth Vega (phonetic) and Coley Cutler (phonetic). Thank you so much to our interpreters.

This meeting is being recorded through Zoom. At the end of the meeting and before the next meeting, the recording will be posted on the OAH website. In addition, the recording will be transcribed, and the transcription will be posted on the OAH website.

Advisory Committee materials are available on the OAH website at <https://www.dgs.ca.gov/OAH/case-types/general-jurisdiction/services/page-content/general-jurisdiction-services-list-folder/access-dds-advisory-committee-meeting-information>.

Next slide, please.

In terms of how the Advisory Committee will be able to participate in this meeting, please click on the "Raise Hand" feature, which we've shown you what the toolbar looks like. There's a little yellow hand above the words "Raise Hand" and we have a red arrow pointing to what that looks like on the toolbar. You'll be called on in order.

Please make sure to state your name when you're on the Advisory Committee. Have your camera on and unmute yourself when it is your turn to speak. If the control for unmuting yourself or -- I'm sorry -- showing yourself on camera is not working, please raise your physical hand and we will try to make sure that we see you raising your physical hand so that we can make sure that you are unmuted.

We have an Advisory Committee member who is a multi-modality communicator and for that Advisory Committee member, he should click on "Chat" and type his comment in the chat.

Other Advisory Committee members should not be using the chat function.

Otto Lana says "Hello" to all of the panelists and he is our multimodality communicator who will be communicating via chat, and we will read his comments aloud. But, again, other Advisory Committee members should not use the chat function.

You may need to click on "Participants," and a new window will open where you can raise your hand. And we have shown what that toolbar might look like for you with a red arrow to the "Participants" and then a red arrow to the "Raise Hand" function if that window pops up for you.

Otherwise, we've shown a toolbar with a red arrow towards a microphone. When you are on mute, there will be a red line through it. To unmute it, you click on that and that will unmute yourself. To mute yourself again, you click on that the second time and that red line through the microphone will reappear.

The same thing with the start video function. If you have to go off video for some period of time, you'll click on that.

Now, let's talk about the Zoom tips for public comment. Those of you who are wanting to participate in public comments during the public comment sessions, you will unmute your mic only when it is your turn to speak during public comment periods. And we've shown a toolbar where the unmute function is shown with a red arrow.

All attendees who are public members can also type comments in the Q&A that are pertinent to agenda topics. And we've shown where the Q&A function is on the toolbar with a red arrow.

The Advisory Committee members should not use the Q&A function. Our Advisory Committee members either need to speak on camera or, for our multimodality communicator, type into the chat.

For our public comment, when you are a member of the public and you want to raise your hand to speak, you will raise your hand, and we've shown on the toolbar with a little red arrow, the yellow hand, or you will raise your hand and then you'll be called on in order.

And for both the Advisory Committee members and any members of the public, when you need to leave the webinar, you'll push that red button on the toolbar that says "Leave."

So the features may vary based on the version of Zoom and the device you're using. Some Zoom features are not available for telephone-only participants. Telephone-only participants can raise and lower their hands by pressing "Star-nine" [*9] on their phone keypads. Telephone-only participants can unmute themselves after they've been called on by pressing "Star-six" [*6] on their phone keypads.

For the public comment sessions only, each person's public comment will be limited to three minutes per Agenda Item, whether spoken or if written when read aloud. People communicating through interpreters will have extra time.

The reason that we are limiting public comment to three minutes per Agenda Item is so that we can try to do our best to get through the agenda and still provide a fair opportunity for everyone to provide the comments they wish to provide.

Next slide, please.

So this shows where we've gotten through our agenda so far. We've welcomed you. We've explained the meeting format, the interpretation feature, the ASL interpretation, the introduction of the interpreters. We've explained that this meeting will be recorded and how to get materials off of our website. We've explained the new webinar ideas and we've explained about public comment.

Next slide, please.

So, now, I'd like to just give you an overview of the Advisory Committee meeting process. First of all, I wanted to emphasize the purpose of this committee.

The OAH Advisory Committee was created by Welfare and Institution Code Section 4717, and the Mission of the OAH Advisory Committee is to assist the Hearing Office by providing non-binding recommendations for improvements to fair hearing and mediation operations. The committee is required to meet at least two times a year.

So you may wonder how we got all those Agenda Items on the agenda, starting with Agenda Item Number 9. At our last agenda -- I'm sorry -- our last public meeting, we had our Advisory Committee members engage in a discussion of what kinds of things they wanted to discuss at the next meeting. We did our best to create those substantive Agenda Items from the discussion that occurred.

But, again, I want to remind the Advisory Committee that the purpose is to make the non-binding recommendations. And that is why each of those substantive Agenda Items, starting at Number 9, was phrased as should the committee recommend? And that is how it's being phrased for purposes of discussion.

When we start with those substantive items, I will read the item aloud and ask if any committee members wish to discuss those Agenda Items. Once the Advisory Committee is done discussing it, I'll ask if there are any public comments with respect to those particular Agenda Items.

I will then ask the committee if any of the committee members wish to make a recommendation. We'll discuss the proposed recommendations, if any, at that point. I'll ask for a second and then there will be a vote of the Advisory Committee members; and that will be a roll call vote.

If a majority of the quorum votes for the recommendation, OAH will respond in writing before the next Advisory Committee meeting and that will be posted on the OAH website.

In terms of our other procedure, we have a planned break from 2:55 to 3:05 p.m. and we'll do our best to make sure that we stay on schedule with that break.

Now, I'd like to introduce the Office of Administrative Hearings' personnel who are participating in this or observing the meeting today. My name is Susan Formaker, again. I've already introduced myself.

Now, I'd like to introduce Zachary Morazzini?

DIRECTOR MORAZZINI:

Good afternoon. Thank you, Susan.

DIVISION CHIEF ALJ FORMAKER:

Mr. Morazzini is our Director at the Office of Administrative Hearings, as well as the Chief Administrative Law Judge.

I'd like to also introduce Bob Varma, our Deputy Director.

DEPUTY DIRECTOR VARMA:

Good afternoon, everybody.

DIVISION CHIEF ALJ FORMAKER:

Heather Rowan, the Presiding Administrative Law Judge for the Sacramento Office of the General Jurisdiction Division.

ALJ ROWAN:

Hello, glad to be here.

DIVISION CHIEF ALJ FORMAKER:

Sean Gavin, an Administrative Law Judge with the Office of Administrative Hearings in the Sacramento office.

ALJ GAVIN:

Hi, everyone. Good afternoon.

DIVISION CHIEF ALJ FORMAKER:

And our Associate Governmental Program Analyst, Tzer Lor-Snyder from Sacramento.

MS. LOR-SNYDER:

Hi, good afternoon, everyone.

DIVISION CHIEF ALJ FORMAKER:

Maryjosephine Norrington from Los Angeles. I know Maryjosephine is there.

MS. NORRINGTON:

Hello. Good afternoon. I'm sorry. I was on mute.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Maryjosephine.

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

CHIEF DEPUTY DIRECTOR CERVINKA:

Hello, everyone. Thanks for taking time to talk with us today.

DIVISION CHIEF ALJ FORMAKER:

All right. So now we are going to introduce all of our Advisory Committee members, and that will also serve as a roll call for purposes of ensuring that we've got a quorum.

Before we start with that, let me just explain that the Office of Administrative Hearings provided an opportunity for each of the Advisory Committee members to prepare a slide about themselves with their names and why they wish to be on the Advisory Committee and anything about themselves that they wanted to add.

I want to just state that any opinions that are expressed in those slides are the opinions of the individual committee members, not the opinions of the Advisory Committee as a whole.

And for those who didn't have an opportunity to prepare a slide, there will be a placeholder slide with your name and you'll have an opportunity to say something about yourself.

So we're going to go in alphabetical order and I'll call the name of each Advisory Committee member and, if you prepared a slide, go ahead and read it and, if you didn't prepare a slide, if you wish to say a few words about yourself, please do so, but we need to at least hear that you are here. And we'd like to see your face on camera if you can.

So we will start with Lilian Ansari.

COMMITTEE MEMBER ANSARI:

Good morning, everyone -- or good afternoon. My name is Lilian Ansari. I am parent to two children that are Regional Center of East Bay consumers, 14 and 18-year-old. I'm also a disability advocate.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra? Is Monica Becerra here? Okay. It looks like Monica Becerra is absent.

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Hello, good afternoon. I'm the program manager for the Fair Hearings and Legal Affairs Unit at Inland Regional Center, and I have 22 years of Regional Center experience including 13 of those overseeing our agency appeals and complaints. And I wanted to be on the Advisory Committee to contribute toward a positive systemic change. And my personal goal is that the appeals process provides fair and user-friendly procedure for consumers, families and regional centers. Thank you.

DIVISION CHIEF ALJ FORMAKER:

And I would note that on Ms. Cummings' slide, there looks like there is a symbol for the Inland Regional Center.

Before we go on, I see that Mr. Gomez has raised his hand. Did you have a question?

COMMITTEE MEMBER GOMEZ:

Yes, I did. I actually had a comment about the earlier when we were going through the process and how this -- we can engage.

In the community part, I noticed that the chat feature is not available to them. And I was wondering why that decision was made and if that was something that can be considered? Because I know in previous experiences that the chat feature can yield a lot of great information and comments, not necessarily the questions, which I know can be featured in the Q&A. But it's a great source for insightful conversations that can provide themes that maybe we could be addressing.

DIVISION CHIEF ALJ FORMAKER:

And just to respond on the process, the Q&A will be serving the same function as the chat function. It's to provide comment, but it's through the -- it's designated Q&A, but it's to provide the written comment.

COMMITTEE MEMBER GOMEZ:

Well, in my personal opinion, and here again it's just my opinion, the Q&A are specific questions that people want to make; where the chat is an opportunity for people to weigh in and make comments or make an observation, if you will, that's not necessarily a question.

Here again, I think that it's a different function and can provide us with some really valuable information given the opportunity for our community to weigh in.

One of the reasons, in addition to that, I think it's important is that the community, in many cases, feel it's part of the stakeholder group and a part of this

process. And I think that that's one additional way that we can give them that opportunity to give an opinion, or a perspective if you will.

DIVISION CHIEF ALJ FORMAKER:

All right. Thank you for that comment.

We're going to go back to continuing with the introductions. Let's move to the next slide.

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Yes, thank you. My name is Darline Dupree. I'm with the Association of Regional Center Agency. I wanted to be on the Advisory Committee because I am passionate about advocating for the rights and well-being of individuals with intellectual and developmental disabilities.

I actually have a personal experience. I have a nephew and an adopted brother who received Regional Center services. So advocating for individuals with IDD is something that is near and dear to my heart.

I believe that this committee plays a crucial role in shaping the mediation and hearing process under the Lanterman Act, which directly impacts the life of individuals served or those that are seeking services from the 21 regional centers.

And by being a part of this committee, I feel like I have an opportunity to contribute my expertise and insights to improve the mediation and the hearing process in a way that ensures fairness, accessibility and support for all those that are served.

So I'm happy to be here. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right.

Fernando Antonio Gomez?

COMMITTEE MEMBER GOMEZ:

[Hi, yes, thank you. It's a great opportunity and privilege to be here. My motivation are these two young men on the screen. That's my son -- who both actually have special needs, but my son is currently a regional center -- on the left there -- is a Regional Center client.

In addition to being a dad -- and, Marty Omoto, I'm going to do a shout out to you. Thanks for the well wishes.

But in addition to being a dad, the reason I'm really interested in being in this committee is that we are connected to the community that this committee represents; and I'm a dad, but I'm also a member of the communities. So I think it's an important voice that needs to be amplified. In many cases, it's not just my opinion, but the opinion of many individuals who have communicated their thoughts.

So, like I said, thank you for all that the OAH does, that DDS does, and of course, my fellow committee members. It's a pleasure and an honor to be here.

DIVISION CHIEF ALJ FORMAKER:

And did you want your oral statements to take the place of reading your slide?

COMMITTEE MEMBER GOMEZ:

Yeah. Yeah. I know that that's quite a bit of stuff, and I figured that individuals would probably -- were reading and looked through it.

But, you know, there are the five key reasons that I outlined and why. But I think that my initial comments embraces all of those. So I just didn't want to -- I know we've -- we're going to get into the meat of the agenda, so I just want to be sensitive to other people's time. But thank you for the opportunity to share.

DIVISION CHIEF ALJ FORMAKER:

All right. And we will provide, at a later time, an accessible version of this slideshow to the public.

COMMITTEE MEMBER GOMEZ:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

All right.

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Hi, my name is Yulahlia Hernandez. I'm with the Office of Client Rights Advocacy. I'm an attorney and a client rights advocate at North Bay Regional Center, part of Disability Rights California.

And I am here really to, you know in addition to all the other folks here, give a voice to folks who are marginalized, especially in the fair hearing process, people who, you know, may not speak English well, may not be able to read or write in English or in another language, and just, you know, providing that perspective of what we see when we get feedback from families who are going through the hearing process. So thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right. Maria Fernanda Iriarte?

COMMITTEE MEMBER IRIARTE:

Hi, everyone. Happy to be here. I am an attorney with Disability Rights California, and I asked to be part of the committee to help ensure, along with all of you here, that the reforms are meaningful to consumers of the regional centers and to those who want to be consumers of the regional centers. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Sherry Johnson?

COMMITTEE MEMBER JOHNSON:

Good afternoon, everyone. My name is Sherry Johnson. I have a 20-year-old son who's been a Regional Center consumer for the past 17 years.

And I wanted to be on this committee because I've experienced the due process appeals process multiple times, four times exactly. And if I can provide any input or feedback to help other families or prevent other families from going through a difficult journey, I'm glad to do so. And also to learn from my peers any new information I can bring back.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Next slide.

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Hi, all. So, first off, which I didn't put on there, I am a parent of a 20-year-old client at Lanterman Regional Center. I'm also on multiple committees there.

So, that said, I really wanted to be part of this because I've been through a lot through hearing process and found it be very unfair and biased in many ways. I'm also on the board of the Armenian Autism Outreach Project and I hear families complaining about similar situations.

And when I first started hearing about it, I was afraid that it was a language barrier issue, which I still believe it is, but I'm also seeing that it is for those individuals who have English as their primary language are still struggling with the system. It is too cumbersome and it is definitely biased against the families.

And so we want to find a better solution because I know that is not the intent. Unfortunately, the application sometimes doesn't follow through with the intent of these things.

I'm now an independent facilitator in self-determination and I anticipate that this becoming a bigger issue because a lot of the judges may not have had the experience to be able to take the laws and apply them to this new program. So I want -- I'm hoping to be a part of that as well.

Regional centers and clients and families should be working together to find solutions that are mutually agreeable far before they get to be in front of a judge. So I'm hoping that the preemptive discussions are a little more fair, and it allows for individuals to be able to participate and work collectively with their regional center to find a mutual agreeable solution before we have to go all the way in front of a judge.

COMMITTEE MEMBER KHATCHADOURIAN:

Thanks.

DIVISION CHIEF ALJ FORMAKER:

Next slide, please.

ALJ ROWAN:

Susan, I want to point out Mr. Lana's comment in the chat box.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

ALJ ROWAN:

For you to read out loud. Thanks.

DIVISION CHIEF ALJ FORMAKER:

Yes, please.

It looks like he wrote:

DIVISION CHIEF ALJ FORMAKER for OTTO LANA: "Hello, everyone. Such a pleasure to be here. I preloaded a message in my iPad to go along with my slide, which my communication partner will read the caption and the image description."

So, first I'm going to read Otto Lana's slide, which states that:

"I wanted to be on the Advisory Committee because it is important to have the input of opinions and lived experiences from actual consumers. Our voices are valuable. Our presence matters. When you are offered a seat at the table, you better take it."

There is a picture of a typewriter with some keyboards that are used in multimodality communication and there are some pictures of Mr. Lana.

All right. And I think that now, Mr. Lana, you wanted to have your person who's assisting read out loud?

MR. LANA'S COMMUNICATION PARTNER SHELLY:

Yes. The picture on the top right, Otto is wearing a black suit, wearing dark sunglasses and his hair is gelled back. He has on a white shirt and a black tie.

The bottom right, he is in the photograph wearing the same outfit, holding his multicolored letter board. He's filming a music video in that photo.

The center bottom is many of the waterproof letter boards that he designed and sells on his website ottosmodels.com.

And the bottom left is an image that he created using text-to-image AI software that he's been experimenting with to use for his greeting card line.

And then he has a preloaded message that he wanted to play really quick.

MR. LANA'S COMMUNICATION PARTNER SHELLY:

Go ahead and push it.

COMMITTEE MEMBER LANA [Recorded Message]:

"Thank you and good afternoon. My name is Otto Lana. I am a young Latin man with short Brunette hair, stylishly gelled back. I have dreamy blue eyes, a smattering of sun kissed freckles all over my face. I have a bright, inviting smile. I am wearing a dark blue t-shirt and seated next to me on my left is my communication partner, Shelly.

Now, let's get back to focusing on me. I live in La Jolla, a seaside community of San Diego, California. I have autism and apraxia. I use an AC to communicate. I am an entrepreneur, motivational speaker, a self-advocate and a high school senior.

I want my experiences to set the expectations for the next generation of disabled individuals, especially those with speech-related disabilities. I am exploring AI for text-to-image. I am continuing my mission of communication, access and

support and I am so grateful to be part of this Advisory Committee. My voice matters and I want to live and lead by example."

DIVISION CHIEF ALJ FORMAKER:

Thank you, Mr. Lana.

I wanted to make sure that everybody understands that in the public, we encourage any members of the public to share comments and/or questions in the Q&A, just as they would with the chat. There's no restriction on what you can type in the Q&A. The chat is reserved for committee members as a way to keep communications organized, especially since we have the multimodality communicators on the committee. When everyone comments in the chat, it is too easy to lose committee members' input in that chatroom traffic. Thank you.

All right, next.

CHIEF DEPUTY DIRECTOR CERVINKA:

Susan, it's Pete. If I can interrupt one more time. I want to ask our team to take a look. There's a comment about the volume of the Spanish translation. I want to make sure that we're troubleshooting a technical difficulty here. Thanks..

DIVISION CHIEF ALJ FORMAKER:

Okay.

CHIEF DEPUTY DIRECTOR CERVINKA:

And it looks like the team's on it. Sorry for the interruption. Thanks, Susan.

DIVISION CHIEF ALJ FORMAKER:

Okay.

Carola Camacho Maranon?

COMMITTEE MEMBER MARANON:

Yes. Thank you so much for having me here. My name is Carola Maranon. I'm the parent of two young men in the (inaudible) regional center clients. And I did experience, early in their lives, the fair hearing process.

I'm Hispanic. I was monolingual at the point I experienced the fair hearing. Later in life, I became an independent facilitator who works with monolingual Spanish-speaking families who are facing this challenge with the fair hearings.

I'm hoping to bring some of my insights from my community, from my personal insights, to this committee to help with a positive change. That's what I'm looking for. Support a positive change for my community. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Antony Marron?

COMMITTEE MEMBER MARRON:

Ah, I know how to unmute now. Thank you.

My name is Tony. I want to be on the Advisory Committee because I have an autistic daughter who I've known for quite a while, 30 years; and she's been,

unfortunately, under -- the past 12 years, under a lot of intense pressure to be part of group homes and other programs by the North Bay Regional Center. And they've been quite -- for six -- the first six years, they went very poorly. And she's been living with me for the past five and a half years and everything's much better, but they want her back. No matter what I do, no matter how Jennifer's doing well, they want her back.

So I want to make sure if I can enjoy -- join forces with all of you is to ensure no other developmentally-disabled citizen has these same -- I hope I can cure my Jennifer's issues with this county, but also, anywhere else, I want to help. I just want to be part of the team and I might get a little overexcited now and then, but that's because I love my daughter. I know all of you love your offspring or your adopted special needs people. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Mr. Marron, are you able to turn on your camera so that we can see you?

COMMITTEE MEMBER MARRON:

Well, I will. But I work -- I've been working since 5:30 a.m., so I will.

Hi, how are you?

DIVISION CHIEF ALJ FORMAKER:

Thank you.

COMMITTEE MEMBER MARRON:

How embarrassing.

DIVISION CHIEF ALJ FORMAKER:

Don't be embarrassed.

COMMITTEE MEMBER MARRON:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Thank you for doing that. All right.

Next slide, please.

Ryan Nelson?

COMMITTEE MEMBER NELSON:

My name is Ryan Nelson. I'm an adult with a disability, autism, and I've been part of the Regional Center for several years now. The reason I want to be on this committee is to help bring positive leadership to this community and listen to other people's opinions and, hopefully, I can bring a positive charge to this community.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Mr. Nelson.

COMMITTEE MEMBER NELSON:

You're welcome.

DIVISION CHIEF ALJ FORMAKER:

Next slide, please.

Jessica Quesada? Jessica Quesada? Okay. Jessica Quesada is absent.

Benita Shaw?

COMMITTEE MEMBER SHAW:

Good afternoon, everyone. My name is Benita Shaw. I am a single mother of two amazing boys. My youngest is two and a half.

What I'd -- the reason or purpose of I'd like to be on this committee is for several reasons, but one is to be the voice of individuals that are like my son, who is non-speaking, that does not have the words to be able to do it himself.

And also to share my struggles of a black woman raising a young black man in the system who has autism and knowing the disparities that have happened with me, and my son, in the system and services, to bring those experiences here and also to learn from fellow colleagues. So I thank you for this opportunity.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And, Ms. Shaw, are you on the phone? Is that why we can't see you?

COMMITTEE MEMBER SHAW:

No, dear. I've had my camera on since you've been speaking --.

DIVISION CHIEF ALJ FORMAKER:

Oh.

COMMITTEE MEMBER SHAW:

-- and started the meeting.

DIVISION CHIEF ALJ FORMAKER:

Oh, I'm sorry. I can't --.

COMMITTEE MEMBER SHAW:

I am pinpointed, so I've been on camera.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you.

COMMITTEE MEMBER SHAW:

Absolutely.

DIVISION CHIEF ALJ FORMAKER:

I've been scrolling and I haven't been able to see your face. Oh, there you are. Now, I see you. Thank you.

All right. Next slide.

Stacy Shaw? Stacy Shaw? Stacy Shaw? All right. It appears Stacy Shaw is absent.

Next slide, please.

Nina Spiegelman?.

COMMITTEE MEMBER SPIEGELMAN:

Hello, my name is Nina Spiegelman, and I am the policy director for Disability Voices United, also known as DVU; and I'm also the parent of a 27-year-old son with autism served by Regional Center of the East Bay.

DVU is a state-wide advocacy organization directed by and for people with developmental disabilities and their family members. And we were part of the coalition -- this is going back last year and beyond -- part of the coalition leading the charge for fair hearing reforms that led -- that led to the statutory changes that brings us all here together today.

And that effort -- that effort to get the fair hearing reforms -- it was fueled by, propelled by, unbelievably amazing community engagement, and I am so thrilled to see the, you know, public participation in this meeting today.

And I wanted to be on this committee to ensure to continue that community engagement and involvement in this process. I think that just makes, you know, the process just infinitely better and have a better chance of succeeding, and also to ensure the successful and responsive implementation of these reforms.

So I'm really happy to be here and thank you very much.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Next slide, please.

Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Oh, Hi. My name is Aini Tjauw. I'm a parent to an elementary school son that is under a regional center. I'm here to be part of this amazing committee to advocate support with anything with people with disabilities. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

And I just wanted to clarify. It looks like Lilian Ansari's name is showing up as your name under her image. So I just wanted to make sure that people understood that that was Lilian Ansari and you are Aini Tjauw. All right. Thank you.

Next slide, please.

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Thank you. Perfect pronunciation. I appreciate it.

Hi, my name is Brian. I am a attorney for the State Council on Developmental Disabilities. I think probably most people here know about SCDD, but those that don't. It's a council of 31 members, 10 self-advocates, 10 family advocates and the directors of the various departments, that meet to determine what is needed for, you know, capacity, building, systems change for things under the Lanterman Act. So it's definitely right in this wheelhouse.

On a personal level, I'm also the parent of an 11-year-old with autism. And then my prior position before I worked here for SCDD, I was a Deputy Attorney General for the Department of Justice, prosecuting cases, not under the Lanterman Act, but under the Administrative Procedures Act for the Licensing Division.

So I'm kind of hoping to bring all those perspectives together. And, primarily, I think I'm going to be listening for the council to see what we can do better and what we can try and push forward for change, but also hoping there's something I can contribute as well.

So good to be here. I'm glad to meet you all.

DIVISION CHIEF ALJ FORMAKER:

Thank you so much. All right.

Jesse Weller?

Next slide? Thank you.

COMMITTEE MEMBER WELLER:

Good afternoon, everybody. I'm Jesse Weller. I'm the Executive Director at the San Gabriel Pomona Regional Center.

I specifically joined this committee because I fundamentally believe that our service system, at large, is in a state of transformation and there's a lot of exciting initiatives across the state and a lot of good networks and partnerships between Regional Centers, the Department, and all of our community-based organizations and advocates to help with change, help with transformation, innovation, and anything we

can do collectively to address service access and equity and disparities with the Regional Center perspective is why I wanted to participate and be a part of this.

So thank you so much for having me.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right, next slide.

Sylvia Yeh?

COMMITTEE MEMBER YEH:

Hi, my name is Sylvia Yeh. I am the Executive Director for Friends of Children with Special Needs. We are located in Alameda County and Santa Clara County, so it belongs to RCV and Santa Cruz Regional Center.

Prior to coming to FCSN, Friends of Children with Special Needs, I have 10 years' experience working at either Santa Cruz Regional Center or Regional Center East Bay. So I have experience in the regional center system and also with a community-based organizations and nonprofit organizations.

And I'm hoping to join the committee to really, you know, decrease the social and racial injustice in the -- especially in the Asian community. And I'm hoping to bring resources and make it easier for them to access the service they are entitled for.

Thank you very much for allowing me to join the committee.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

So it looks like -- yeah, there we are. All right. Let's go to the next slide. All right.

So, first, I wanted to confirm that we have a quorum. Do we have a quorum? Judge Rowan?

ALJ ROWAN:

We have a quorum. I'm sorry. We have a quorum. We have --

DIVISION CHIEF ALJ FORMAKER:

Thank you.

ALJ ROWAN:

-- 18. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

All right. So now we're moving on to Agenda Item Number 6. Just wanted to quickly go over the expectations of our members.

We expect our members to attend as many of the meetings as possible. We're going to engage in a respectful discussion. We may disagree with each other on the committee, but the purpose is to make recommendations to OAH to improve the

hearing and mediation operation, which everyone on the committee has a mutual interest in.

This meeting is subject to the Open Meeting Act, that's Item Number 7. It is covered by the Bagley-Keene Open Meeting Act. The members have been provided a link to that act and it's also on the OAH website. I just wanted to emphasize, again, as I emphasized in our last meeting, that it governs how the committee operates, both during the meeting and in outside activities among the Advisory Committee members.

Moving on to Number 8 on our agenda. I wanted to make an announcement that OAH, with DDS, is planning its annual training for the ALJs. This is required by Welfare and Institution Code Section 4712(b).

DDS and OAH are seeking the advice of stakeholders on the training material and subjects; and so that is something that can be provided to OAH and DDS.

In addition, we wanted to let the Advisory Committee members know that they will have an opportunity to suggest additional Agenda Items before the next meeting to OAH in writing.

So moving on to our next Agenda Items, which are the substantive Agenda Items. I just want to emphasize again that these Agenda Items were created by reviewing the last meeting transcript and trying to compile from that what the Advisory Committee seems to wish to discuss in terms of recommendations. We did the best that we could from that.

Again, this is a rough outline of what those issues were identified as by the committee. And we will go through these one by one and engage in a discussion.

And the public will have an opportunity to provide public comment after each of these substantive Agenda Items.

Mr. Gomez, I see that you have your hand raised, again.

COMMITTEE MEMBER GOMEZ:

Yes, but it's in regards to this point. So when you're ready for conversation, I'd be happy to make a comment at that point.

DIVISION CHIEF ALJ FORMAKER:

Okay.

So I will read Number 9 aloud. And then as the Advisory Committee wishes to speak, remember to raise your virtual hand, and then you'll be called on in order.

So Number 9 is whether the Advisory Committee should recommend that it be provided with more information on the changes that were made to the Lanterman Act, mediation and hearing process, through presentations or otherwise.

All right, Mr. Gomez?

COMMITTEE MEMBER GOMEZ:

Yes. Thank you once again for this opportunity and thank you for capturing a lot of these elements that we'll be discussing in the following points.

But as it pertains to this one, there were several stakeholder groups, and really a coalition of individuals, who were instrumental on bringing in the fair hearing reform. And I believe that this Advisory Committee can benefit from hearing from them via presentations.

So if we were to be able to, in these type of meetings, provide an opportunity for these groups to present their perspective, their point of view and insight, if you will, I think it will be some valuable information for all of us.

In addition to that, impressive participation today in the amount of individuals here. And I know that the community is very vested in being part of this process.

We've seen throughout the last several months the process, the progress that's been made, and I know OAH has really made a significant difference. I've been a part of quite a few hearings to, really just, monitor and first-hand see the interactions, and I have seen progress. There's a lot of work to do, but I've seen progress.

But I say this just because there are three key stakeholders -- there's the -- in a hearing. And I know it's a whole process, but specifically in a hearing. There is the presiding judge. There is the individual who's there to plead their case. And, then, there is the Regional Center representatives to also provide their perspective.

What I'm not really seeing is, I know there's some representation on this committee, but I really don't see a more concentrated effort to bring that Regional Center perspective, and accountability if you will, into the foray.

And I was wondering, in addition to the presentations, how we may be able to better accommodate that ability so that there is a more balance on the key stakeholders perspective, even though I know that there are other stakeholders as well.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Mr. Gomez, can you lower your hand now? Thanks.

All right. Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Hi, thank you. I guess, you know, I would definitely second what -- a lot of the points that Fernando was making. But I would say, to me, I don't think we can have too much information. And, I guess, I mean this could be a lot of different things on the more information on the changes.

But I think, and this may be covered in some of the other, you know, substantive topics, but to get to - for the committee and also the public to hear, especially from OAH on, you know, here are the changes, you know, here's our take on those changes, here's how we're -- you know, how that affects, you know, the conduct of hearings or, you know, any amount of information on both the macro-systemic level and the micro level of the way people feel about, you know, their attendance at hearings is super valuable.

So I -- you know, I don't -- I don't think there's -- I don't think there can be too little information. Anyway, thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Do we have any other comments? Oh, Benita Shaw.

COMMITTEE MEMBER SHAW:

Go ahead, Maria.

She was raising her hand and you probably didn't see it, Susan.

COMMITTEE MEMBER IRIARTE:

Yeah, thank you.

DIVISION CHIEF ALJ FORMAKER:

Oh, I'm sorry.

COMMITTEE MEMBER IRIARTE:

I don't have the raise hand function no matter where I go, so I'm going to have to raise my hand.

I think -- I think it's imperative that the Advisory Committee know of the changes. That's why we're (inaudible) section, we have information on the changes. It's also incorporated in our rights under the Lanterman Act manual. I'm happy. I mean we're doing presentations on the changes. Happy to do that.

My only concern is because we only meet twice and our time is limited, you know, how do we incorporate this with everything else that we have to do in the time that we have?

DIVISION CHIEF ALJ FORMAKER:

All right.

Ms. Shaw, did you still wish to speak?

COMMITTEE MEMBER SHAW:

Yes, thank you.

To Maria's point, I think that when she brought up about the time span of having the two meetings and the presentations will probably be few and far between.

So I think also sending something that in regards to what we could have with the changes and how the process is via email, to be able to review those things ahead of time, unless we decide later on we're going to have more meetings.

But I think how could, as I said as a committee, be able -- for us to be able to do what we need to do correctly if we do not know what the current changes are in regards to the mediation and the hearing process.

But I think it needs to come both ways prior to, not just the presentation, but other means for us to be able to review and know that information. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Mr. Gomez?

COMMITTEE MEMBER GOMEZ:

Yes, expand a little bit about what Benita and Maria were talking as well. I believe that it's also important to -- for the committee to understand why the law was passed and why the changes.

But also I think it's equally as important to -- as we share this information and you share with us the progress that's been made, what are the metrics? Are the

metrics being reached? Are we looking -- are we having the outcomes that we're expecting? And how is it that we're able to kind of make sure that we reach those milestones, if you will?

And, here again, because of the lack of meeting more frequently, and I hope that that changes, that it'd be imperative that we're able to access this information on a more frequent or regular basis. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Juanita? I see a raised hand from Juanita?

PUBLIC MEMBER JUANITA:

[In Spanish]?

DIVISION CHIEF ALJ FORMAKER:

Juanita, are you on the Advisory Committee??

UNIDENTIFIED SPEAKER DDS STAFF :

No, that is a member of the public.

PUBLIC MEMBER JUANITA:

[In Spanish]?

DIVISION CHIEF ALJ FORMAKER:

Okay, we're not -- we're not in public comment.

PUBLIC MEMBER JUANITA:

[In Spanish]?

DIVISION CHIEF ALJ FORMAKER:

So can our Spanish language interpreter let Juanita know that we're not in public comment yet?

PUBLIC MEMBER JUANITA:

[In Spanish].

DIVISION CHIEF ALJ FORMAKER:

Okay. All right. Are there any other comments from the Advisory Committee?

MS. LOR-SNYDER:

Susan, Mr. Marron has his hand raised.

DIVISION CHIEF ALJ FORMAKER:

Okay, Mr. Marron?

COMMITTEE MEMBER MARRON:

Thank you. Very briefly. I think it is very important that the North Bay Regional Centers -- you may have some progress in some counties, but I can assure you not in others.

And the accountability factor that was mentioned earlier is very important. Not to -- not to be abrupt or punishing in any way, but there are some very questionable,

shall we say, bureaucratic procedures that are just harmful to special needs clients. They just are. I don't mean to damper. If there is progress elsewhere, that's wonderful.

My next thing is, is the person -- the other committee member, his name is Jesse Weller, is he a part of a regional center? Is that correct?

Sir, are you part of a regional center?

COMMITTEE MEMBER WELLER:

Correct. I'm part of San Gabriel Pomona Regional Center.

COMMITTEE MEMBER MARRON:

Sir, with all due respect, part of our problems are with Regional Centers. And I can't tell you enough how, if you're part of this committee, I must stress I'm somewhat uncomfortable. I'm not saying there should be secrets, but I'm somewhat questioned where your loyalties ride. That's how much difficulty I'm having in my county with my regional center.

DIVISION CHIEF ALJ FORMAKER:

So let --

COMMITTEE MEMBER MARRON:

But anyways --

DIVISION CHIEF ALJ FORMAKER:

So let --

COMMITTEE MEMBER MARRON:

-- I just want to bring --

DIVISION CHIEF ALJ FORMAKER:

-- let me break in here. Let me break in here. I wanted to just remind the Advisory Committee members that we are going item by item on the agenda..

COMMITTEE MEMBER MARRON:

Yeah, yeah. Okay.

ALJ FORMAKER:

And because this is a public meeting, we can't talk about subjects that aren't on the agenda.

COMMITTEE MEMBER MARRON:

Okay.

DIVISION CHIEF ALJ FORMAKER:

That's just the rule of Bagley-Keene. And, so, I wanted to just remind the committee and the public that as we're going through the different Agenda Items, we have to stick to the subject of that particular Agenda Item.

COMMITTEE MEMBER MARRON: :

Well, thank -- thank you for the opportunity to speak about accountability.
Thank you.

DIVISION CHIEF ALJ FORMAKER:

So are there any other comments from Advisory Committee members on Agenda Item Number 9, which is whether the committee should recommend that it be provided with more information on the changes that were made to the Lanterman Act mediation and hearing process through presentations or otherwise.

Yes, Mr. Gomez?

ALJ GAVIN:

Susan, I see Mr. Gomez.

COMMITTEE MEMBER GOMEZ:

Yeah, and I understand that we're about to go into public comments. I just wanted to make one quick additional comment. It's that, from my perspective, yes, absolutely yes to this question whether we should recommend it, be provided more information and change this.

And I think to Anthony's and, I'm sorry, Mr. Marron's comments, it should be provided much more specific information onto that process. Because I believe that it's imperative that there be full transparency, of course, and a balance of equity and equality, if you will, within that process.

So my resounding response would be an absolute yes.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Any other comments from the Advisory Committee members?

Aini Tjauw?

COMMITTEE MEMBER ANSARI:

It's Lilian. I don't know why our names got switched..

DIVISION CHIEF ALJ FORMAKER:

Oh.

COMMITTEE MEMBER ANSARI:

This has never happened to me. I'm new to the committee, trying to still, kind of, catch my bearing and figure out what we're all doing.

But my question is is this information that's publicly available and lives somewhere? I'm a little bit puzzled about why we're -- why we're actually even posing the question. Like a lot of people said, of course, more information is always power and it's important.

But does this information live somewhere publicly? Is it available to everyone where we could just go and kind of read up on?

DIVISION CHIEF ALJ FORMAKER:

So, once again, the purpose of the Advisory Committee is here to make recommendations. And so if the Advisory Committee wants to make recommendations for certain types of information to be made available to the committee, then someone on the committee would need to phrase a motion for a recommendation to that effect.

And so I can't tell the committee how to proceed. I'm only able to facilitate this conversation.

UNIDENTIFIED SPEAKER COMMITTEE MEMBER:

So are we at the point where we motion a recommendation?

DIVISION CHIEF ALJ FORMAKER:

Well, one moment. I see that Mr. Lana has stated, "We are all here because when we know better, we do better."

Okay. Before we move into having a motion made -- oh, I see there's other raised hands.

COMMITTEE MEMBER SHAW:

Susan, this is Benita Shaw. I lowered mine because I thought we were at the state of a motion, so I lowered mine.

DIVISION CHIEF ALJ FORMAKER:

Oh, okay.

Are there -- okay, it looks like Mr. Gomez, you've got your hand up?

COMMITTEE MEMBER GOMEZ:

Yeah, same thing. I believe if we were to be at that part where we were to make a motion, then that's one of my comments, but I'll wait until you -- you're ready for that motion.

DIVISION CHIEF ALJ FORMAKER:

Okay. Let's move to public comment.

Do we have members of the public who wish to speak?

ALJ GAVIN:

Susan, this is Sean Gavin. I do see Juanita has her hand raised, followed by Quality Assured Training and Advocacy Hill. So we'll start with Juanita. And this is just a reminder of the three-minute limit on public comment.

Juanita, are you able to unmute yourself and begin your comment?

PUBLIC MEMBER JUANITA:

[In Spanish]?

ALJ GAVIN:

All right. I can -- I can hear the comment, but we'll need to have one --

UNIDENTIFIED SPEAKER:

Yes, we can.

ALJ GAVIN:

-- of the Spanish language interpreters join.

PUBLIC MEMBER JUANITA:

[In Spanish].

ALJ GAVIN:

[In Spanish].

Uno momento, por favore.

For the moderator, are we able to have one of our Spanish language interpreters join us?

DIVISION CHIEF ALJ FORMAKER:

Yes

ALJ GAVIN:

For the main discussion?

UNIDENTIFIED SPEAKER:

So you just click on the English channel, and you'll hear the English interpretation of the Spanish question.

And the question was why is it that the Lanterman Act changes and laws haven't been shared widely with people? They're very important for the families that are getting services.

So, again, if you're an English speaker, if you click on the English channel, you will hear the simultaneous interpretation of any Spanish questions.

DIVISION CHIEF ALJ FORMAKER:

Okay. Thank you. All right.

Thank you, Juanita.

Let's move to Quality Assured Training and Advocacy Hill.

PUBLIC MEMBER TAMBORA HILL:

Hi. My name is Tambora (phonetic) Hill. And I agree. I believe that the -- first, I'd like to say I agree with Mr. Gomez that it's important that all of this information is shared, not only by presentations, but also by enabling chat. We're a community of learners and we all learn different ways. So the more information we have, the better it is for us to address whatever issues we're facing.

So I think if the Advisory Committee has this information presented to them, they're able to have something that comes from a place where they can all pick a singular thought or a singular judgment. They can assess the information for themselves and be able to make a better decision on how to proceed.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

ALJ GAVIN:

Susan, I also see a hand raised by Felicia Ford (phonetic).

DIVISION CHIEF ALJ FORMAKER:

Ms. Ford?

PUBLIC MEMBER FELICIA FORD:

Good afternoon. Thank you all for assembling this meeting and this committee. It is so important.

I'd like to know if the actual concerns of the committee members and the community that brings their concerns to the committee, if this is actually able to change the policies and the procedures that are -- that are allegedly being followed with Office of Administrative Hearings? How far can this committee go to affect change?

Thank you.

ALJ GAVIN:

All right. Thank you, Ms. Ford.

I also see a hand raised by Marty Omoto (phonetic).

PUBLIC MEMBER MARTY OMOTO:

Hey, thank you. I don't know if you can hear me. Can you hear me?

DIVISION CHIEF ALJ FORMAKER:

Yes.

ALJ GAVIN:

Yes we can.

PUBLIC MEMBER MARTY OMOTO:

I had trouble with my computer. Marty Omoto, I'm a parent, also a family member, and also CDCAN, California Disability Aging Community Action Network.

First of all, thanks to the committee, all the members for everything you're doing here. I just want to just echo the comments made on Agenda Number 9 by the Advisory Committee members. And I really think it would be important for the committee, not to necessarily to get more information about the changes made, but really about how are those changes being implemented, what is working, what is not, how can they be fixed. I think the whole idea is to really provide the oversight and to work together as partners to make things better for all of us.

And that would do that because legislatures pass changes in law. I used to work for the legislature. But there's always a question about how are those laws being implemented fairly and also in the right way.

And, also, if there can be changes made to those original changes because something didn't work.

So I really would emphasize that that is a really critical piece of this and it restores faith for all of us that a process can work when even if it doesn't always work initially, we can fix it.

And, lastly -- well, we're on Agenda Number 9, so I won't -- I'll reserve my other comments for later.

Again, thank you everyone for your work.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Do we have any other members of the public who wish to speak?

ALJ ROWAN:

Susan, we had some questions written out and I don't want to speak out of turn. I wasn't sure if Tzer was planning to read those questions if they pertain to Number 9.

DIVISION CHIEF ALJ FORMAKER:

Sorry for the noise. There's police activity outside. I apologize.

If it looks like it's pertaining to this item, yes, please, if you could read those.

MS. LOR-SNYDER:

For the written comments at this moment, we do have a few.

The first one is: "How do we find out about these name changes? Does Regional Center inform us before our hearing?" And that was submitted by William del Rosario (phonetic).

The next comment is from Felicia Ford, and it reads: "Will there be responses to our questions?"

And there is one additional comment, but it is in Spanish. If we can have one of our interpreters read the comments and translate.

UNIDENTIFIED SPEAKER:

Yep, that's correct. Thank you very much. And I will share the directions for how to get to the Spanish channel with her.

DIVISION CHIEF ALJ FORMAKER:

All right. It looks like I'm seeing a hand up from Valerio B (phonetic).

PUBLIC MEMBER VALERIO B:

Hi, good afternoon everyone. It is more than a year since the law passed and we are still seeing that when, for example, we go to mediations and stuff, we find out that mediators are mostly on the Regional Center's side. I think that -- and this is just my opinion -- but it looks like they have not been trained properly yet on how to conduct themselves during a mediation meeting. And because they are -- or they seem to be on the Regional Center's side, our community is suffering a lot, just as they were before the law got passed.

And I think that either DDS or whomever is in charge of training mediators and judges need to do more work still to get them with where they need to be because they, after all, they are -- they are here to serve the community. Not the Regional Centers.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you, Mr. B.

I just want to emphasize again that because this is a public meeting, it is governed by the Bagley-Keene Public Meeting Act, and what that means is that -- or Open Meeting Act, and that means that we have to stick to the subject of a particular Agenda Item when we are having comment on that Agenda Item.

I know that seems very formal, but that is the way the act reads and it's to ensure that what -- an Advisory Committee that is made by law is transparent in how it operates.

There will be an opportunity at the end of this meeting, even if we don't get through all the numbered Agenda Items, for the public to provide general comments within the scope of the Advisory Committee's authority to act.

And so let's try to stick to the subject of each item as we're going through it. And, again, I know that's really feeling very formal, but that's the way that the Bagley-Keene Open Meetings Act works.

All right. Are there any other comments?

All right. We'll return to the Advisory Committee members. Does anyone wish to make a motion for a recommendation?

Mr. Gomez, I see your hand up?

COMMITTEE MEMBER GOMEZ:

Yes, thank you. And, prior to going into the motion aspect, I wanted to come back and revisit. Earlier, you had stated that as a committee -- as a committee that our efforts, if you will, or any type of element that is agreed on, it's non-binding.

But can you -- can you define that a little bit better? When you say non-binding, I think I kind of get the meaning, but I think it'd be probably beneficial if we all really understood what the definition of that was.

DIVISION CHIEF ALJ FORMAKER:

Well, I'm just quoting the language of the statute and there isn't an explanation provided in the statute. And, so, I think that when you are looking at the meaning of that, you need to consider plain language and what that means.

And, unfortunately, I can't provide legal advice with respect to what a statute means. But the statute, and, again, this is Welfare and Institutions Code Section 4717, states that the Advisory Committee is to assist the hearing office by providing non-binding recommendations for improvements to fair hearing and mediation operations.

COMMITTEE MEMBER GOMEZ:

So, then, my interpretation would be that the elements that are discussed and voted on can pretty much, you know, be incorporated as it makes sense. So there is some value and there is some substance, if you will, to being in this committee and having this discussion because it can really make -- impact systemic change from what I understand.

Well, that was just my comment, but I think we can go forward to the next step.

DIVISION CHIEF ALJ FORMAKER:

Okay. Are there any -- okay. So I see someone has raised their hand. It looks like we're going back to public comment on this.

But before we go back to public comment, does any Advisory Committee member wish to make a motion with respect to a particular recommendation?

It looks like Jennifer Cummings.

UNIDENTIFIED SPEAKER:

[In Spanish].

DIVISION CHIEF ALJ FORMAKER:

So we're not back in public comment yet.

COMMITTEE MEMBER CUMMINGS:

Hi, I would like to put forth the motion that the information is provided regarding the appeal changes to the committee, but that's done so at another time or outside of the meetings.

I agree with Benita and Maria regarding the limitations. Since we only have two meetings per year, I guess I move that information is shared with the committee about what the changes are in another forum, whether it be emailed or otherwise.

COMMITTEE MEMBER GOMEZ:

I second the motion.

DIVISION CHIEF ALJ FORMAKER:

Okay. So let me make sure that I've got this phrased in a way that everybody understands that that's what they are voting on.

COMMITTEE MEMBER CUMMINGS:

I apologize. I was making comments in my motion.

DIVISION CHIEF ALJ FORMAKER:

So bear with me. I'm going to try and structure this and if I don't get it right, you can tell me how you want it worded. And, again, this is Ms. Cummings who made the motion.

And, as I understood it, you were moving that information is shared regarding the changes to the Lanterman Act in a forum outside of the Advisory Committee meetings.

Does that say what you were trying to move for?

COMMITTEE MEMBER CUMMINGS:

Yeah, it does. I'm sure there may already be written materials that can be shared. I don't know if it needs to be a training presentation per se. Maybe perhaps other members can provide input?

COMMITTEE MEMBER IRIARTE:

I've got my hand up. This is Maria Iriarte.

DIVISION CHIEF ALJ FORMAKER:

Yes?

COMMITTEE MEMBER IRIARTE:

I would just be very specific because there could be changes in the Lanterman Act that have nothing to do with the appeals process. So I would be specific as to the changes that we want to share, which is to the appeals process. It started a year ago.

And, as I said before, to all of you and to the public, Disability Rights California has information on the changes. If you go to our publication section, Regional Center, you'll find that information. Reach out to us.

DIVISION CHIEF ALJ FORMAKER:

And so were you seeking to clarify the motion?

COMMITTEE MEMBER IRIARTE:

Yes. I just want to clarify the language. Because I think what you had said was changes to the Lanterman Act without being specific as to the appeals process. Because there could be other changes that have happened in the Lanterman Act that have nothing to do with why we're here.

DIVISION CHIEF ALJ FORMAKER:

So you would like the motion to read something like that information is shared regarding the change -- with the committee regarding the changes to the Lanterman Act, regarding the appeal process, in a forum outside of the Advisory Committee meeting.

COMMITTEE MEMBER IRIARTE:

Yes, thank you.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings, do you accept that modification to your motion?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Is there any more discussion with respect to that motion?

COMMITTEE MEMBER GOMEZ:

I had my hand raised. I don't know if you can see me or not.

DIVISION CHIEF ALJ FORMAKER:

Okay. Mr. Gomez?

COMMITTEE MEMBER GOMEZ:

Yes, thank you. And I just want to also comment that I've had my hand raised several times, but somebody keeps taking it down, so I'm not sure if it's a technical glitch or if that's done intentionally, but I just wanted to bring that to your attention.

So in adding a little more depth into the motion that's on hand, my interpretation was that the information not just be provided on the -- on the changes that are made to the Lanterman Act as it pertains to the hearing and mediation process. The actual -- the actual information on the process of implementation of these changes that they be made available.

And, of course, I believe it should be made to the committee, but also it should be made available to anyone who's interested in seeing that information, any member

of the public. So that would include a -- whether it's a landing page on a digital platform or via other means where individuals can obtain that information.

The second part of that would be also in the spirit of providing other entities who are interested, whether it's other stakeholders, other groups, the ability to come in and present to the group as well.

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay.

So, Ms. Cummings, did you want to accept any of Mr. Gomez's suggestions of a friendly amendment; and, if so, how did you wish to phrase it?

COMMITTEE MEMBER CUMMINGS:

I think if there are members on the Advisory Committee that are not familiar with the appeals process changes, that is the first step. They need to know. Everyone on this committee needs to know what the appeals changes were.

And, then, it would be helpful to learn how those changes were implemented. I don't know if --

DIVISION CHIEF ALJ FORMAKER:

So, as I understand it, then you'd like to keep this motion as is?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER CUMMINGS:

I think that's good.

DIVISION CHIEF ALJ FORMAKER:

All right. It is now 2:56 and I said I would make sure that we would take a break from 2:55 to 3:05. So we will continue this discussion after the break and we are going to go on break until -- because we're starting a minute late with our break -- we're going to come back at 3:06.

Thank you.

(Break Held Off the Record)

DIVISION CHIEF ALJ FORMAKER:

Maryjosphine Okay, if we could put the last slide back up again. This was with Item Number 9 on the agenda.

The meeting is back in session. It's 3:09. All right.

UNIDENTIFIED SPEAKER DDS STAFF:

And there's a couple of procedural questions from one of the committee members in the chat, Susan, if you want to take a peek, as we're working to get the slides back up.

DIVISION CHIEF ALJ FORMAKER:

All right. So, there are comments in chat, and I would remind the committee that the chat was not to be used except by our multimodality communicator as an accommodation. And so we'll need to take whatever comments are in the chat orally from the committee members.

Also, I want to emphasize that the Q&A is not meant to be interactive. It is meant for comments from the public. And those are to be read aloud. It's not meant to be interactive between Advisory Committee members and the public or anyone from DDS or OAH and the public.

You know, again, I know that seems very formal, but this is the way that things operate under the Bagley-Keene Act.

All right. So I'm going to call on Ms. Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Thank you for giving me a moment. So I'm trying to understand the procedural piece of all of this.

And so my first question is, does this committee have the opportunity to have a chair? Or is that not part of this type of a committee? Because every committee I've ever been on, even advisory, has a chair.

DIVISION CHIEF ALJ FORMAKER:

Welfare and Institution Code Section 4717 has no mention of a chair.

COMMITTEE MEMBER KHATCHADOURIAN:

Okay, so who decides what order we just had these questions in? Because they seem to be out of any logical order because I think that some items are time sensitive. We have 90 minutes left and we still have a whole slew of items to go through on the agenda for today.

And Item Number 17, which is the frequency of the meetings. If the frequency changes, it may change a lot of the decisions that are made on the other items, including this specific one.

I'm just wondering how that works and if we can do them out of order.

DIVISION CHIEF ALJ FORMAKER:

If the committee wishes to take items out of order, then if the committee -- someone on the committee wishes to make a motion, we'll deal with that motion. It'll be voted on by the committee.

COMMITTEE MEMBER IRIARTE:

This is Maria Iriarte. I make the motion to allow that the questions be read out of order.

COMMITTEE MEMBER KHATCHADOURIAN:

I'll second it.

COMMITTEE MEMBER SPIEGELMAN:

I second that, and also that -- more specifically, that we move up Item 17 to right now, so that we know if we're going to be having additional meetings.

As Taleen said, that will affect, you know, how we -- you know, how we respond to some of the other ones and the urgency of some of the other things. So I really think we should move that one up to right now.

DIVISION CHIEF ALJ FORMAKER:

Ms. Iriarte, do you accept the amendment to your motion that Ms. Spiegelman has made?

COMMITTEE MEMBER IRIARTE:

I think they've made wonderful points, and, yes, I accept.

DIVISION CHIEF ALJ FORMAKER:

All right.

We had another motion that was currently outstanding. Did you want to table that motion until we hear the motion to take Number 17 out of order?

COMMITTEE MEMBER IRIARTE:

Yeah, table the motion on 9 until we hear 17. Yes.

UNKNOWN SPEAKER:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings, are you willing to table that motion until we deal with the motion about taking Number 17 out of order?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay.

So the motion regarding information being shared on the changes to the Lanterman Act regarding the appeal process in a forum outside of the Advisory Committee meeting is tabled.

And we will now consider Ms. Iriarte's motion to allow Number 17 on the agenda to be taken out of order, which was seconded by Ms. Spiegelman, and Ms. Iriarte agreed with the amendment that was suggested.

All right. So now we're going to take a vote on --- I'm sorry. We need to have any further discussion from the Advisory Committee.

Mr. Gomez, I think I --

UNIDENTIFIED SPEAKER:

(Inaudible)

DIVISION CHIEF ALJ FORMAKER:

-- see your hand up?

COMMITTEE MEMBER GOMEZ:

Yes, in regards to, I'd like to I'd like to make a comment once we go through this motion and vote on it. On Item 17.

DIVISION CHIEF ALJ FORMAKER:

So did you -- you wanted to wait until after the vote to comment? All right.

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Are there any --

COMMITTEE MEMBER GOMEZ:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Are there any comments from anyone else on the committee with respect to the motion to have Number 17 on the agenda considered out of order?

All right. Are there any comments from the public with respect to having Number 17 on the agenda considered out of order?

Valerio B, you raised your hand.

PUBLIC MEMBER VALERIO B:

Yes, I think they should revise it now. And I'm okay with taking it out of order.
Thank you.

DIVISION CHIEF ALJ FORMAKER:

Any other public comments?

All right. Are there any further comments from committee members?

All right. Let's take a vote then on the motion to allow Number 17 on the agenda to be taken out of order -- to be considered out of order.

Lilian Ansari, are you in favor?

COMMITTEE MEMBER ANSARI:

Yes. Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra. She was absent.

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Fernando Gomez?

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Maria Iriarte?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sherry Johnson?

COMMITTEE MEMBER JOHNSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana?

He wrote: "Aye."

Carola Camacho Maranon?

COMMITTEE MEMBER MARANON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Antony Marron? Antony Marron? Antony Marron?

COMMITTEE MEMBER MARRON:

It wouldn't -- you know -- and I'm not -- I'm not -- I'm just -- you know, we're already grasping at straws, right? So, that's all good.

UNIDENTIFIED SPEAKER:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Are you -- are you voting yes or no on --

COMMITTEE MEMBER MARRON:

But it's like work with me. Because, you know, there's a possibility. I don't know. Maybe, you know, maybe it's allowing the printer, but shutting down some other function.

DIVISION CHIEF ALJ FORMAKER:

Mr. Marron, I think you've got your microphone on for something regarding work and not with respect to the vote.

We are voting on whether Number 17 on the agenda should be considered out of order. And that is the item regarding having more than two meetings a year.

Do you wish to vote on this item? Mr. Marron is present, but he is not voting. We'll consider that an abstention.

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada? I think she was absent. She's absent.

Benita Shaw?

COMMITTEE MEMBER SHAW:

Yes. Yes.

DIVISION CHIEF ALJ FORMAKER:

Stacy Shaw?

UNIDENTIFIED SPEAKER:

Absent.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

I'm sorry. I couldn't understand what you just said. Aini Tjauw? Is Aini Tjauw still there? So it looks like Aini Tjauw is still in the meeting, but she is muted. I'll return to her after we finish calling the remaining members.

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sylvia Yeh?

COMMITTEE MEMBER YEH:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Yes. I'm sorry about that. Technical difficulties.

DIVISION CHIEF ALJ FORMAKER:

All right.

So the motion to consider Item Number 17 on the agenda to be taken out of order passed.

So if we could move the slide over to Number 17 on the agenda, I would appreciate it. Thank you.

So as it was phrased on the agenda, the Number 17 is whether the Advisory Committee should recommend that it should meet more than twice a year and we'll open that up for discussion now.

Mr. Gomez?

COMMITTEE MEMBER GOMEZ:

Yes, thank you. Understanding that we are in the ramp-up phase of implementing a lot of changes and just looking at the amount of dialogue that is even on today's agenda, I would like to make a motion to change the meeting from twice a year to quarterly; and to include that the committee members who are assigned to a one-year membership be extended to two years and the two years extended to three years -- the two-year members be extended to three years.

DIVISION CHIEF ALJ FORMAKER:

So the second part of that was not an item on the agenda.

COMMITTEE MEMBER GOMEZ:

I believe that it goes hand-in-hand with when it comes to actual -- the meeting, the participation. I mean that's my personal opinion. But I think that based on the fact that if we stick to the fact that it's not on the agenda, then there are individuals, like myself, who this will be their last meeting, from what I understand.

So I'm not sure how that's not -- how that's not relevant, but I believe it is.

CHIEF DEPUTY DIRECTOR CERVINKA:

Susan, this is Pete from DDS. If I can attempt to be helpful here, the minimum term is two years.

Mr. Gomez, our recommendations reflect that you have a two-year term yourself, and there are some people with three. So just as a matter of fact, to help perhaps clarify that second piece.

COMMITTEE MEMBER GOMEZ:

Right.

CHIEF DEPUTY DIRECTOR CERVINKA:

But to Susan's point, the Agenda Item is about the scheduling and frequency of meetings and that's what Bagley-Keene limits us to talk about.

The other piece would be welcome in open Q&A or as a comment, but we can't take action on something that wasn't publicly noticed about membership terms.

COMMITTEE MEMBER GOMEZ:

Absolutely. Okay. Yeah. Thanks, Pete. Based on that, and I appreciate you -- you correcting me then. My perspective was otherwise.

So, that being the case, I'd like to amend my -- what I would then say is that, yes, that we would then stick to the fact that this committee meet quarterly instead of twice a year.

DIVISION CHIEF ALJ FORMAKER:

Okay. And so to phrase it then, your motion is to recommend that the meetings be changed from two times a year to quarterly?

COMMITTEE MEMBER GOMEZ:

That's correct.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER GOMEZ:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

Is there a second?

COMMITTEE MEMBER IRIARTE:

This is Maria. I have my hand up. So I agree that at least a quarter, we should meet quarterly. But I also want to -- it's not necessarily -- you know, it's a little addendum to 17, which is that the meetings be longer when we do meet. Because there's a lot to cover, and it just -- the time that's allotted is not enough, based on what I've seen so far.

DIVISION CHIEF ALJ FORMAKER:

So, unfortunately, because --

COMMITTEE MEMBER IRIARTE:

I know. I know.

DIVISION CHIEF ALJ FORMAKER:

-- that's also was not on --

COMMITTEE MEMBER IRIARTE:

I know.

DIVISION CHIEF ALJ FORMAKER:

-- not on the agenda, we can't.

COMMITTEE MEMBER IRIARTE:

Yeah, I know.

DIVISION CHIEF ALJ FORMAKER:

We'll have the committee consider it -- as I indicated earlier, the committee will have an opportunity to suggest additional Agenda Items before the next meeting.

And, so, did you want to --

COMMITTEE MEMBER IRIARTE:

And I would second -- I'll second Fernando's motion.

DIVISION CHIEF ALJ FORMAKER:

Okay. So you second the motion, without change; is that correct?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay.

Is there any further discussion? I see Ms. Spiegelman has raised her hand.

COMMITTEE MEMBER SPIEGELMAN:

Yeah, I was just going to -- I think quarterly is the minimum amount and I realize, you know, maybe we should just, you know, put a pin in all these sort of ancillary issues, like the one Maria raised, you know, about length and all of that for our next round, you know.

But I completely agree that quarterly feels like a minimum amount of time and appreciate that we, you know, can have more meetings -- that the possibility of having more meetings is a real one if our recommendations are considered. So thanks.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Is there any other comment from any of the Advisory Committee members?

COMMITTEE MEMBER GOMEZ:

I just have one quick comment. Aside from the motion, as we go into a vote, understanding how large the group is and the time factor, is there any other way that we would be able to tally the votes, whether through a voice vote or maybe show of hands or other that it may be a little more time sensitive?

DIVISION CHIEF ALJ FORMAKER:

We're required to do a roll call vote.

COMMITTEE MEMBER GOMEZ:

Okay. All right. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Are there any other comments? Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Given the length of the agenda for today and the question about whether we would finish, is it possible that we could meet again soon? If we did vote to quarterly, we probably wouldn't meet again until January? I just don't -- can we have an earlier meeting in addition to quarterly to complete the agenda?

DIVISION CHIEF ALJ FORMAKER:

So this is a time for discussion and so if other members of the committee wish to weigh in or if Mr. Gomez wishes to modify his motion, then we can do that.

COMMITTEE MEMBER GOMEZ:

Based on the -- on the comment, I'd like to modify the motion to include the frequency to quarterly and that we would be able to add one more meeting, possibly, this year.

DIVISION CHIEF ALJ FORMAKER:

So your modification to the motion is to recommend that the Advisory Committee should meet quarterly instead of two times a year and seek to add one more meeting in 2023.

COMMITTEE MEMBER GOMEZ:

That's correct.

DIVISION CHIEF ALJ FORMAKER:

Okay. And, Ms. Iriarte, you had seconded the original motion.

COMMITTEE MEMBER IRIARTE:

I did, but I'm going to be selfish here. I'm gone the month of November, so. And I want to attend as many meetings as possible, so.

But I'll leave it the way Fernando has stated.

DIVISION CHIEF ALJ FORMAKER:

So do you second his (inaudible) motion?

COMMITTEE MEMBER IRIARTE:

I second his motion. Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right. Is there any further discussion on the part of the Advisory Committee? With respect to the modified motion?

Ms. Shaw?

COMMITTEE MEMBER SHAW:

My only question -- well, I don't know if it would be question. But my concern to make sure that we also include, Susan, I know the law has changed in regards to Bagley-Keene and Zoom meetings.

So to make sure that we're -- this one, if we do vote and it does move forward for the end of the year, that it could be Zoom. Because we have people who are not, you know, probably either capable to travel, you know with myself, a caregiver and what have you, that they be Zoom.

And, then, too, Fernando's part that the quarterly would start the year of 2024. So I don't know if it's a matter for discussion, but that would be important for me to make sure that this upcoming one would be via Zoom.

DIVISION CHIEF ALJ FORMAKER:

And just to clarify. That would be in 2023?

COMMITTEE MEMBER SHAW:

Yes, Susan, just -- well, for both, but just right now, for the one for 2023, this last one, yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. The prospect of Zoom versus in person meetings wasn't on the agenda, so I don't think that it can be specifically part of the motion.

COMMITTEE MEMBER SHAW:

Oh, no problem. I just thought it was talking about meeting-wise that it would be, but I totally get all that, so.

DIVISION CHIEF ALJ FORMAKER:

Okay. Just to note that as the Advisory Committee understands, we had originally set this meeting to be in person because of the COVID modifications, to the Bagley-Keene, having expired. But then there was subsequent legislative action, both for the remainder of this year and starting on January 1st, that allowed for greater flexibility on virtual meetings. And that is why we switched it back to a Zoom meeting.

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Yeah, I was just trying to understand. If we're not allowed to vote on something that wasn't on the agenda, how did you change this meeting from in person to Zoom without a vote?

DIVISION CHIEF ALJ FORMAKER:

OAH, you know, runs the meetings and --

COMMITTEE MEMBER KHATCHADOURIAN:

Okay.

DIVISION CHIEF ALJ FORMAKER:

-- we were doing what we could to comply with the law because, at the time that this meeting was originally scheduled, Bagley Keene was not going to allow Zoom meetings in the -- in the way that wouldn't impact on the privacy of the Advisory Committee members. And subsequently the law changed.

We are trying to ensure that as many people as possible can participate in these Advisory Committee meetings.

COMMITTEE MEMBER KHATCHADOURIAN:

And, honestly, I do appreciate that, but then this next meeting can also be by Zoom, right? Regardless of the law?

DIVISION CHIEF ALJ FORMAKER:

I would -- I would say that OAH has been anticipating that these meetings would be by Zoom to encourage maximum participation by all of the members --

COMMITTEE MEMBER KHATCHADOURIAN:

Okay.

DIVISION CHIEF ALJ FORMAKER:

-- and the public.

Is there any other discussion from the Advisory Committee on the motion?

Is there any public comment regarding -- oh, I'm sorry. Ms. Dupree, you wanted to speak?

COMMITTEE MEMBER DUPREE:

Yes. I just wanted to say that I would support the going quarterly. I think to Ms. Shaw's point, a meeting prior to that would be of concern given the holidays in November and December. Not sure when there would be an opportunity for another meeting to be scheduled, where we will have maximal participation.

So something to think about.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Are there other comments from the Advisory Committee members?

Are there any comments from the public with respect to the pending motion to change the meetings to quarterly? And possibly add one more meeting in 2023?

UNIDENTIFIED SPEAKER DDS STAFF:

Yes. We have two members of the public with their hands raised. The first is Quality Assured Training and Advocacy.

PUBLIC MEMBER TAMBORA HILL:

Hi. I just wanted to say I support expanding the meeting or making the meeting more than twice a year; making it quarterly sounds good.

And, also, I just wanted to add. I see that the meetings are recorded. Is there any way we can find the recordings for these meetings so that we can keep up with the information that's discussed or shared?

DIVISION CHIEF ALJ FORMAKER:

As I stated at the outset of the meeting, this is recorded and the recording will be available on the OAH website, as well as a transcript.

Are there other public comments?

UNIDENTIFIED SPEAKER DDS STAFF:

Yes, Mr. Valerio B, if you could unmute yourself. Thank you.

PUBLIC MEMBER VALERIO B:

Hey, (inaudible) --

UNIDENTIFIED SPEAKER DDS STAFF:

I'm sorry. You're cutting out a bit. Could you -- can you speak a little bit closer to the phone and a little bit louder?

PUBLIC MEMBER VALERIO B:

(Inaudible)

UNIDENTIFIED SPEAKER DDS STAFF:

We're only getting about every other word. Is it possible for you to type your comment into the Q&A?

PUBLIC MEMBER VALERIO B:

Is it better now? Can you hear me better now?

DIVISION CHIEF ALJ FORMAKER:

It's very hard to understand you.

PUBLIC MEMBER VALERIO B:

(Inaudible) meeting on 2023?

UNIDENTIFIED SPEAKER DDS STAFF:

Apologies, Mr. Valerio. It seems -- it seems to be a connection issue. You're louder now. You're closer to the microphone, but we still are just getting little bits and pieces of words.

PUBLIC MEMBER VALERIO B:

(Inaudible)

DIVISION CHIEF ALJ FORMAKER:

I'm sorry. I couldn't understand the comment.

PUBLIC MEMBER VALERIO B:

Okay. I'll put it on the Q&A.

UNIDENTIFIED SPEAKER DDS STAFF:

All right. He's going to use the Q&A for his comment and there are no other members of the public with their hand raised at this time.

DIVISION CHIEF ALJ FORMAKER:

Okay. We'll wait a minute for Valerio B to type in something into the Q&A. I am not seeing anything in the Q&A.

MS. NORRINGTON:

There is one comment in the Q&A.

DIVISION CHIEF ALJ FORMAKER:

Can you read it, please?

MS. NORRINGTON:

From Nestor Nieves, that's N-I-E-V-E-S: "This meeting is recorded, correct? Where can I see the recording of this meeting because I missed the first hour of this meeting?"

DIVISION CHIEF ALJ FORMAKER:

And I believe that that's been discussed already. That the meeting is recorded and the recording will be posted, as well as the transcript.

Okay. Mr. Valerio B wrote: "I support Mr. Gomez's" -- motion, it looks like it's spelled in Spanish -- "moción on having the meetings quarterly and possibly adding another meeting on 2023."

Motion, he wrote. Yes. Thank you.

All right. Are there any other public comments with respect to the pending motion?

It looks like Marty Omoto wrote: "I strongly support motion made by Fernando."

And Valerio B wrote: "Thank you."

Are there any other public comments? All right, let's go back to the Advisory Committee. Is there any further discussion among the Advisory Committee?

All right. So, we're going to vote on the motion to recommend that the meetings be changed from twice a year to quarterly and to possibly add one more meeting in 2023. We're going to do this by roll call. All right.

Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra is absent. Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Sorry about that. Yes. Yes.

DIVISION CHIEF ALJ FORMAKER:

Fernando Antonio Gomez?

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Maria Fernanda Iriarte?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sherry Johnson?

COMMITTEE MEMBER JOHNSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana?

UNIDENTIFIED SPEAKER:

He typed: "Yes."

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Carola Camacho Maranon?

COMMITTEE MEMBER MARANON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Antony Marron?

COMMITTEE MEMBER MARRON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada was absent. Benita Shaw?

COMMITTEE MEMBER SHAW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Stacy Shaw was absent, I believe; is that correct?

UNIDENTIFIED SPEAKER:

Correct. Yes.

UNIDENTIFIED SPEAKER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Aini Tjauw? I see Aini Tjauw is still in the meeting.

COMMITTEE MEMBER TJAUW:

Yes. Yes. Yes. Sorry. Yes. I'm still here.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Brian Weisel?

COMMITTEE MEMBER WEISEL:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Was that an aye?

COMMITTEE MEMBER WEISEL:

Yes, aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Jesse Weller?

COMMITTEE MEMBER WELLER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

And Sylvia Yeh?

COMMITTEE MEMBER YEH:

Yes.

DIVISION CHIEF ALJ FORMAKER:

All right. The motion passes to recommend that the meetings be changed from two times a year to quarterly and possibly add one more meeting in 2023.

All right. Prior to voting on this Agenda Item, we had been on Agenda Item Number 9. There was a pending motion with respect to Number 9; and that motion was that to recommend that information be shared with -- regarding the changes to the Lanterman Act appeal process with the committee in a forum outside of the Advisory Committee meetings.

Ms. Shaw, I see your hand raised.

COMMITTEE MEMBER SHAW:

Sorry, Susan, I meant to do that beforehand. I just wanted to ask prior to moving forward, what's the procedure after we've voted on something and what kind of happens next and how will we know? Is that something we discuss now or you guys tell us in an email or? Because I would think the public would want to know, the committee would want to know.

So how does that work after we finish voting and what's the next step?

DIVISION CHIEF ALJ FORMAKER:

So, as I said at the earlier part of the meeting, the recommendations will go to OAH and OAH will provide written responses before the next Advisory Committee meeting regarding those recommendations. And those written responses will also be posted on the OAH website.

COMMITTEE MEMBER SHAW:

Did you say a time span in that or you did not?

DIVISION CHIEF ALJ FORMAKER:

I don't have a current --

COMMITTEE MEMBER SHAW:

Okay.

DIVISION CHIEF ALJ FORMAKER:

-- time span for that.

COMMITTEE MEMBER SHAW:

Thank you.

DIVISION CHIEF ALJ FORMAKER:

All right, Ms. Khatchadourian, I see you have your hand raised.

COMMITTEE MEMBER KHATCHADOURIAN:

I do because I want to understand. Now that this vote was a request to have meetings more often and we have to wait for someone to accept that, then voting on anything beyond this, to me, at least on some of these items, doesn't make sense until we have that answer.

So can we table it past this meeting?

DIVISION CHIEF ALJ FORMAKER:

So --

COMMITTEE MEMBER KHATCHADOURIAN:

We have 45 minutes and, at least, five or six more items. I'd like to move something else up that isn't dependent on whether or not we're going to have quarterly meetings.

DIVISION CHIEF ALJ FORMAKER:

All right. So you would like to keep Number 9 tabled at this point?

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

Maria, can you -- maybe Maria can --

COMMITTEE MEMBER IRIARTE:

Yeah, I do -- well, I have a comment and suggestion.

So I think the Advisory Committee should get this information yesterday. So I don't want to table this, but I think what we should do is, because we're going to recommend Agenda Items for next time, is to, you know, recommend a training if we're going to have -- if we're going to have a 2023 meeting, another one, maybe at that meeting have someone.

You know, after the Advisory Committee has looked at the information on the changes, maybe discuss any questions that the committee may have, clarifications, at that time.

But I really would not like to just table this.

DIVISION CHIEF ALJ FORMAKER:

So you would like to move forward with your motion; is that correct?

COMMITTEE MEMBER IRIARTE:

To provide the information and then put -- and then later, when we have a chance, to put on the agenda -- you know, if we meet in 2023 to give the Advisory Committee an opportunity to ask questions about the changes, seek clarification about the changes.

DIVISION CHIEF ALJ FORMAKER:

And I believe you had made the original motion; is that correct, Ms. Iriarte?

COMMITTEE MEMBER IRIARTE:

I really can't remember at this point.

DIVISION CHIEF ALJ FORMAKER:

And I think that --

COMMITTEE MEMBER IRIARTE:

There's been so much back and forth, I really -- it's possible that I did. We'd have to go back to the record.

DIVISION CHIEF ALJ FORMAKER:

Judge Rowan, can you take a look at your notes?

COMMITTEE MEMBER CUMMINGS:

I made the motion and then (inaudible) --

COMMITTEE MEMBER GOMEZ:

Yeah.

COMMITTEE MEMBER IRIARTE:

Oh, Jennifer. Okay, now, I'm remembering, yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. Okay. So it was Ms. Cummings' motion --

COMMITTEE MEMBER GOMEZ:

(Inaudible)

DIVISION CHIEF ALJ FORMAKER:

-- that was seconded by Ms. Iriarte; is that correct?

COMMITTEE MEMBER IRIARTE:

Yes. And then I think Fernando had something else to add and then --

COMMITTEE MEMBER GOMEZ:

Oh, no, no. I was just --

COMMITTEE MEMBER IRIARTE:

Okay.

COMMITTEE MEMBER GOMEZ:

-- just stating it was Jennifer Cummings who had actually made the initial motion, and you made the second.

DIVISION CHIEF ALJ FORMAKER:

Okay, thank you. And so the idea, from your point of view, Ms. Iriarte, is we should leave that motion on our agenda and it should be voted on; is that correct?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER IRIARTE:

And the -- at the next -- we're going to be able to give Agenda Items. So at the next meeting, give the Advisory Committee an opportunity to ask questions about the changes, get clarification about the changes. Because, by then, they will have reviewed the material on the changes.

DIVISION CHIEF ALJ FORMAKER:

All right. But just so that I'm clear. Are you suggesting that -- or wanting to change the motion?

COMMITTEE MEMBER IRIARTE:

No. I motion -- I motion that the Advisory Committee receive this information -
-

DIVISION CHIEF ALJ FORMAKER:

Okay. So you're just --

COMMITTEE MEMBER IRIARTE:

-- outside of -- outside of this --

DIVISION CHIEF ALJ FORMAKER:

-- you're just seconding the prior motion?

COMMITTEE MEMBER IRIARTE:

Yes. Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right. Ms. Dupree had her hand up next.

COMMITTEE MEMBER DUPREE:

I was just going to support the prior motion or the existing one that's on the table, so we can move to Mr. Gomez.

DIVISION CHIEF ALJ FORMAKER:

Okay.

And, Mr. Gomez, you have your hand up next?

COMMITTEE MEMBER GOMEZ:

Yes, thank you.

I just wanted to have a little clarity because I'm not quite sure if we are making a motion to move forward with this, you know, with the motion that's on the table right now.

Specifically, who will be providing the information to the committee based on this current motion?

DIVISION CHIEF ALJ FORMAKER:

It depends on how the committee wishes to phrase the motion.

COMMITTEE MEMBER GOMEZ:

So, you know, Jennifer or Maria, since you both made one?

COMMITTEE MEMBER IRIARTE:

Well, then, yeah, that the -- that the Advisory -- that DDS provide -- DDS and/or OAH provide the Advisory Committee with information on the changes that were made to the Lanterman Act mediation and hearing process outside of this meeting.

DIVISION CHIEF ALJ FORMAKER:

And, Ms. Cummings, do you agree with that friendly amendment to your motion?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

All right. So, as I understand it, the motion as it's now reading is that information be shared by DDS and/or OAH regarding the changes to the Lanterman Act, specifically with respect to the appeal process, in a forum outside of the Advisory Committee meeting and before the next Advisory Committee meeting.

COMMITTEE MEMBER IRIARTE:

Yes, that sounds good to me.

DIVISION CHIEF ALJ FORMAKER:

Ms. Cummings?

COMMITTEE MEMBER CUMMINGS:

Agree.

DIVISION CHIEF ALJ FORMAKER:

Okay. Is there further discussion with respect to the motion from the Advisory Committee? Okay. I'm not seeing any such requests for further comment from the Advisory Committee.

Is there any public comment with respect to this pending motion? Okay. There are some comments in the Q&A that are not on this Agenda Item.

Are there -- are there any comments from the public with respect to this particular Agenda Item? All right. I'm not seeing any.

So we'll go ahead and take a roll call vote from the Advisory Committee member on the pending motion to have information shared by DDS and/or OAH on the changes to the Lanterman Act with respect to the appeal process and that that information be shared with the Advisory Committee in a forum outside of the Advisory Committee meeting and before the next meeting.

All right. Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra? She was absent.

ALJ ROWAN:

Absent.

DIVISION CHIEF ALJ FORMAKER:

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Fernando Antonio Gomez?

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Maria Fernande Iriarte?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sherry Johnson?

COMMITTEE MEMBER JOHNSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana?

ALJ ROWAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

He voted yes.

Carola Camacho Maranon?

COMMITTEE MEMBER MARANON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Antony Marron?

COMMITTEE MEMBER MARRON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada was absent.

Benita Shaw?

COMMITTEE MEMBER SHAW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Stacy Shaw was absent.

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Yes.

DIVISION CHIEF ALJ FORMAKER:

I'm sorry I couldn't understand that one.

COMMITTEE MEMBER WEISEL:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER WEISEL:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Thank you.

Jesse Weller?

COMMITTEE MEMBER WELLER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sylvia Yeh?

COMMITTEE MEMBER YEH:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. The motion passes on that recommendation.

Does the committee wish to move to the next Agenda Item?

COMMITTEE MEMBER GOMEZ:

I would -- I would say yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. Let's get number 10 on the line -- or on the screen.

UNIDENTIFIED SPEAKER:

Susan, before you --

UNIDENTIFIED SPEAKER:

I'm sorry --

UNIDENTIFIED SPEAKER:

-- before you start the -- in the chat about, I think to my broken Spanish, it seems the interpretation is not working.

UNIDENTIFIED SPEAKER DDS STAFF:

Try saying something, Susan, and let me listen in on the Spanish channel and see what's going on.

DIVISION CHIEF ALJ FORMAKER:

Okay. We're just going to hold off until we can make sure that the Spanish channel is working.

UNIDENTIFIED SPEAKER DDS STAFF:

Is that you, Sonia? Yes.

SPANISH INTERPRETER HERNANDEZ:

Yes. I can hear you

UNIDENTIFIED SPEAKER DDS STAFF:

All right. I think we're good to go, Susan.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right.

So Number 10 on the agenda was whether the Advisory Committee should recommend that community members have a way to provide information to the committee about their experiences and mediations and hearings based on the changes to the Lanterman Act, including suggestions for improvement.

Mr. Gomez, I see you have your hand up.

COMMITTEE MEMBER GOMEZ:

Yes, thank you. In regards to Item 10, I would like to put a motion in the sense that the Advisory Committee receives feedback, information, presentations, if you will,

from community members to include community entities who have -- who are stakeholders in this process.

I don't know if there's a second.

DIVISION CHIEF ALJ FORMAKER:

Well, I'm just trying to make sure I've got this down.

COMMITTEE MEMBER GOMEZ:

Yeah.

DIVISION CHIEF ALJ FORMAKER:

So, as I understood your motion was that you were moving to recommend that the Advisory Committee receive presentations from community members who are stakeholders in this process with respect to their experiences in the new appeal process?

COMMITTEE MEMBER GOMEZ:

It could be their experiences, their recommendations, their perspectives, so that we can, you know, better understand the different -- you know, from the different elements that are all part of the process and be able to help address any issues or concerns or within the process.

COMMITTEE MEMBER KHATCHADOURIAN:

I have my hand up.

DIVISION CHIEF ALJ FORMAKER:

Can I just make sure that I've phrased it in a way that's acceptable to Mr. Gomez?

So, Mr. Gomez, I understood your motion was to recommend that the Advisory Committee receive presentations from community members who are stakeholders in this process with respect to their experiences, recommendations, and perspectives regarding the new appeal process.

COMMITTEE MEMBER GOMEZ:

Yeah, and it could be presentations or providing any kind of feedback or information. And this, kind of, aligns itself with our earlier conversations about the ability to open the chat up, so people can have that type of interaction, if you will.

But the motion is specifically what I just shared before that.

DIVISION CHIEF ALJ FORMAKER:

Okay. So that you want to -- you're moving to recommend that the Advisory Committee receive feedback, information and/or presentations from community members who are stakeholders in this process with respect to their experiences, recommendations and perspectives regarding the new appeal process.

COMMITTEE MEMBER GOMEZ:

That's correct.

DIVISION CHIEF ALJ FORMAKER:

Okay.

Ms. Khatchadourian, your hand is up.

COMMITTEE MEMBER KHATCHADOURIAN:

Back to my question earlier, if we don't have a chair, who from the committee would receive this information?

Fernando, do you want to maybe clarify or, Maria, you want to explain? Like do we assign someone from our committee?

COMMITTEE MEMBER IRIARTE:

Yeah. So I need to understand -- I want to step back a moment.

I need to understand is this something that --

DIVISION CHIEF ALJ FORMAKER:

Just for the record, Ms. Iriarte is now talking.

COMMITTEE MEMBER IRIARTE:

Oh, yeah, I'm sorry. Maria talking.

Does Bagley-Keene preclude this from happening?

DIVISION CHIEF ALJ FORMAKER:

Well --

COMMITTEE MEMBER IRIARTE:

That we, as Advisory Committee members, receive this kind of information? As a group?

DIVISION CHIEF ALJ FORMAKER:

Well, again, I I --

COMMITTEE MEMBER IRIARTE:

It's just a question that I have because --

DIVISION CHIEF ALJ FORMAKER:

Yeah, I -- I'm not a -- an attorney.

COMMITTEE MEMBER IRIARTE:

Right, right.

DIVISION CHIEF ALJ FORMAKER:

(Inaudible) Bagley-Keene Act and I -- I really can't --

COMMITTEE MEMBER IRIARTE:

Okay. I was just trying to understand where this was coming from, but I agree that we should -- I mean, part -- the only way that we know whether this is working, all these changes, are working or not is if we hear from the public. If we hear from people who have -- who have gone through the appeals process, whatever level they've gone through.

But, I mean, I think I also have the question. If this is the case, and I mean Fernando mentioned the chat, the fact that, you know -- I mean that can give you some information, but to really get meaningful information, you need to have more about each case.

So how is -- I guess my big question is how is this to happen, if it were to happen, and who would set this up? And, you know, there are a lot of questions that come from this.

DIVISION CHIEF ALJ FORMAKER:

So do other -- it looks like Yulahlia Hernandez would like to speak.

COMMITTEE MEMBER HERNANDEZ:

Yeah, this is Yulahlia. And I was actually thinking when I saw this item, and I'm not sure how feasible it is, but I wonder if there can be like a survey with a hearing decision or some type of a survey that goes out to families.

And, you know, we would be able to have access to that information in whatever way we can do it that's -- you know, protects individuals' privacy, but also we can hear about how the process went.

I think -- I just get -- I'm a little concerned of folks who are able to come to the meetings and folks who aren't able to come to the meetings, you know, having kind of an -- both of them having an equal voice. You know, folks that come here and can tell us how their experience is, but as well as folks who aren't able to come or aren't aware of it.

UNIDENTIFIED SPEAKER:

Yeah, Maria.

COMMITTEE MEMBER IRIARTE:

So this is Maria speaking. I know that there are surveys that are going out. And I think a good question would be: Of the feedback that DDS or OAH receives from these surveys, could the Advisory Committee see the feedback? And as long as the information is redacted -- the personal information is redacted.

And it's not just for us to see. It's also for OAH and DDS to see, right? We all need to see. We're all part of the committee.

DIVISION CHIEF ALJ FORMAKER:

All right.

Ms. Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes. So following along on that, I mean, you know, again, all avenues of information to hear what the public is -- the members of the public are experiencing as they are going to hearing and, you know, under these -- the new -- the reforms.

But I also think, and hopefully this is not precluded by anything, in addition of an efficient way to have both -- you know, get the information and maybe have a really good discussion about it -- is for -- there are many organizations here, you know, that have membership on this committee, where there could be a formal

presentation that also, you know, can summarize some of the experiences in a -- you know, in a general non-privacy problematic way.

You know, there are just -- there's a lot of strengths here in the groups on this, you know, in the membership. And I think presentations, you know, from the community and via that means, I hope that can be considered and I hope that's also an option.

DIVISION CHIEF ALJ FORMAKER:

Okay, Ms. Shaw?

COMMITTEE MEMBER SHAW:

As I review this question, I struggle with it because I think what all my committee members are saying is really good, but I think that we need to figure out how we can hear from the people that have been most vulnerable, that it's hit the most, that has a major impact, and they're struggling, they're frustrated, and their loved ones are truly still not being served because of this capacity.

With that being said, there has to be more ways. If I think of me in the struggles, I would not want to come to open myself up to you guys to be vulnerable to set a presentation if I felt it was not going to go anywhere, right?

So I think there needs to be means of not just within the chat, to be able to have a safe place to be able to either to email it or whatever. But while we do have multiple people who are in here are part of a group or a committee, it's those individuals that we truly seem to miss that are underserved, and what have you, that we truly need to hear from that's going to affect that.

So with that being said, hopefully in this motion that we make sure we make it very clear that it's open in many different ways that they could either do storytelling to share their story, to be able to hear from the committee, because that's the purpose of this committee of being here.

That also will go with Number 12 when we talk about speaking to the judges. So that goes hand-in-hand, with one with another. So to me that would be very important to make sure that we're able to do that. Thank you.

DIVISION CHIEF ALJ FORMAKER:

All right, Mr. Gomez?

COMMITTEE MEMBER GOMEZ:

Yeah, thank you.

I do agree with all the points, that they're very important and relevant. And I think when in the motion that it says all community members, meaning everyone, not just some or the ones who are able to, but it is important to have for those who can't do presentations, great, for those who are able to pass along information. But there are -- there is a way, an outlet or some type of pathway, for people to be able to weigh in.

And as I'm hearing these comments, and of course, I understand I've seen the rest of the Agenda Items that are on here, that this is a very formal type of committee. So it's kind of like you capture a little bit of ground and then you move forward and you capture in additions to. So right now it's the ability for individuals and the word community is used here.

And I think that I'd like to amend my motion to add in addition to community members, any key stakeholders, because I think to some of the comments that were just made that it is imperative to hear from everyone and that would include other key stakeholders, whether they be Regional Centers or even the judges themselves.

DIVISION CHIEF ALJ FORMAKER:

I would just note, Mr. Gomez, that your motion did use the word stakeholders

COMMITTEE MEMBER GOMEZ:

I did, okay.

DIVISION CHIEF ALJ FORMAKER:

It didn't say key stakeholders.

COMMITTEE MEMBER GOMEZ:

Okay, well, okay, similar, but thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay. All right.

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

And let me know if this is more in regard to Number 11 or if it fits here. But does it make sense for us to create a work group of this committee to receive this information and put it in a way that's more time sensitive, so that when we sit down at

the next meeting, we're not going through all the raw data, but rather an organized fashion to make everybody's time more productive? Or is that what Number 11 is all about? So I'd ask for some clarification.

DIVISION CHIEF ALJ FORMAKER:

So, again --

COMMITTEE MEMBER KHATCHADOURIAN:

Basically, I'd like the information to come directly to the committee. That's what I'm trying, but without wasting everybody's time.

DIVISION CHIEF ALJ FORMAKER:

I'm not sure if you're asking me a question or you're asking other Advisory Committee members to weigh in.

COMMITTEE MEMBER KHATCHADOURIAN:

I'd like someone to weigh in because I'm not sure what Number 11 is addressing, which is the next item. But in this particular, receiving this information, that's in Number 10.

I would like that information to come to the committee directly. And I guess my recommendation is that the committee have a workgroup to receive that information and organize it so that the next meeting is more productive.

I think Maria might be able to better express what I'm trying.

COMMITTEE MEMBER IRIARTE:

I'm trying to -- look, we all have ways of getting this information. You know, we all work with groups, et cetera. Really. And, yes, present this to the committee, that's fine.

What I'm also interested in getting for the -- for the Advisory Committee is information that DDS and/or OAH have gotten about how it's gone for people; and it could be the surveys, other forms, I don't know.

But, I mean, there's nothing that precludes us from getting information from the community. It's really, you know, what are the sources? Who's got the information that we don't necessarily get, right? And I'm thinking OAH and DDS, so.

And presenting it to the -- I mean, I -- and a subcommittee to, sort of, sort this all out and put it together in a form that's meaningful for the -- for the Advisory Committee meeting makes sense. Otherwise, you know, it could get very long and complicated. So I like that suggestion.

DIVISION CHIEF ALJ FORMAKER:

All right.

Ms. Dupree?

COMMITTEE MEMBER DUPREE:

Yeah, thank you. I think the challenge with the workgroup meeting, and maybe it's just the terminology that's being used, would be under the Bagley-Keene. If you have a workgroup meeting, it is separate from a meeting in which the community would have access to. So having discussions regarding the materials that is meant to

be public to -- and the community having access, I would question whether or not that would be in violation of the Bagley Keene in having private discussions through a workgroup meeting.

Now, if you're looking at just having an avenue that would allow for information to be sent to a -- I don't know -- a particular maybe email box, an email link, where you can gather, you know, the comments that people may have.

I just -- I just question whether or not having a separate work group would be in violation of Bagley-Keene.

DIVISION CHIEF ALJ FORMAKER:

Mr. Gomez, it looks like you've got your hand up next.

COMMITTEE MEMBER GOMEZ:

Yeah, and I may have kind of lost something in the translation in regards to workgroups and I don't think I mentioned that within my motion, but that may be a separate item or element.

So, but in addition to that, and listening to, Maria, your comments, I believe that those also could be incorporated into additional Agenda Items, specifically 11 and 12. But I hear what you're saying, but I think in the spirit of what's -- the motion that's on the table right now is specifically to be able to obtain or have a pathway to obtain information.

DIVISION CHIEF ALJ FORMAKER:

Okay.

Ms. Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

I just wanted to clarify. Under Bagley-Keene, I've been in other workgroups and it's been open to the public. It's not to say that it is a closed group secret meeting of any sort, but it's to make these meetings a little more productive since we only have a few hours once a quarter.

At the end of the day, we could fill the next five meetings' worth of information from the public. The idea is that the workgroup could just organize the information, so that when it gets presented to the committee, it is -- we get as much information in the most productive way possible. That's all.

And that's why I'd rather it come from -- individuals from this committee are there as opposed to coming through the organizations? Because I think we will get information from them, but if we're looking at the information from the public I want directly, I think it would be helpful that we, kind of, organize it for the rest of the committee. That's all.

DIVISION CHIEF ALJ FORMAKER:

Are there additional comments from the Advisory Committee?

So, are there additional public comments with respect to the pending motion?

Okay, Marty Omoto.

PUBLIC MEMBER MARTY OMOTO:

Thank you. Marty Omoto, parent, family member, CDCAN, California Disability Aging Community Action Network. Again, thanks to all of you for hanging in there, doing some work on this.

I do want to say that this Item 10, as the motion made by Fernando Gomez, is really important. And I do think, though, the committee needs to get, at every meeting, a standard base of information. I think, Maria, you were mentioning this.

I serve on other committees for other departments. The Long-Term Ombudsman's Office provides on a quarterly basis a report on the complaints they received on all the managed care plans.

This committee should be receiving a baseline of information that it can look at, whether it's a number, you know, person-centered information regarding the fair hearings, how the mediation process is working. You have to have a foundation or a baseline to operate from in terms of basic information, and then you can take -- you know, you can decide to take, you know, further actions in terms of what future Agenda Items, what other information you can get from the public.

But, right now, I just want to say no criticism to any of you and to, Susan, because I know you're doing your job. But I'm a parent, I'm an advocate, I've been around for a long, long time. But so far in this meeting, we've only talked about process.

I know -- this is not a criticism on you, on anyone -- but we're going to have to, all of us together, partner to how do we make these meetings more efficient under Bagley-Keene and how do we get more meaningful information that is meaningful to

my family, to my son, and to everyone else, to Regional Centers, to everyone, because that is what we all want, is to make this better.

And I just implore all of you to really -- I'm not saying anything different than what you're all thinking, but just understand, I'm not on the committee and one motion took 40 minutes, 45 minutes, I think someone raised that.

Again, not a criticism against any of you, I know you're trying to do your job, but get some baseline information. I just implore you to do that and I think the motion by Fernando reflects that. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Are there other public comments from public members raising their hands?

Okay. It looks like we have some public comments that are written on this Agenda Item. I do want to note that we need to be able to provide some time for public comment in general. And, so, I'm seeing that one of the public comments that is existing right now does not have to do with this particular Agenda Item.

Donna wrote at 4:04: "I would like to understand why there needs to be this new legislation. Why did we need this new appeals process to begin with? I think once we understand the why, we can solve the issues."

There are a number of comments in Spanish that I don't believe are specific to this Agenda Item.

Are there any other comments from the public specific to this Agenda Item?
Okay, I'm not seeing any.

Does the Advisory Committee wish to discuss this particular agenda, this motion, anymore?

And was there a second on this motion?

COMMITTEE MEMBER IRIARTE:

I have a -- I have a request that you read it because --

DIVISION CHIEF ALJ FORMAKER:

Okay.

COMMITTEE MEMBER IRIARTE:

-- so we all know what the version is.

DIVISION CHIEF ALJ FORMAKER:

All right. As I understand the version as it stands now is that Mr. Gomez was moving to recommend that the Advisory Committee receive feedback, information, or presentations from all community members who are stakeholders in this process with respect to their experiences, recommendations, and perspectives regarding the new appeal process.

Is there a second?

COMMITTEE MEMBER CUMMINGS:

I second.

DIVISION CHIEF ALJ FORMAKER:

Okay, Jennifer Cummings seconded.

Is there any further discussion before we take a vote?

All right. We're going to take a vote on the recommendation. I'm not seeing any requests from the public for further discussion.

All right. Let's take a vote. Lilian Ansari?

COMMITTEE MEMBER ANSARI:

Aye.

DIVISION CHIEF ALJ FORMAKER:

Monica Becerra is absent.

Jennifer Cummings?

COMMITTEE MEMBER CUMMINGS:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Darline Dupree?

COMMITTEE MEMBER DUPREE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Fernando Gomez?

COMMITTEE MEMBER GOMEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Yulahlia Hernandez?

COMMITTEE MEMBER HERNANDEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Maria Fernande Iriarte?

COMMITTEE MEMBER IRIARTE:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Sherry Johnson?

COMMITTEE MEMBER JOHNSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Taleen Khatchadourian?

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Otto Lana?

He votes: "Yes."

Carola Camacho Maranon?

COMMITTEE MEMBER MARANON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Antony Marron?

COMMITTEE MEMBER MARRON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Ryan Nelson?

COMMITTEE MEMBER NELSON:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Jessica Quesada was absent.

Benita Shaw?

COMMITTEE MEMBER SHAW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Stacy Shaw was absent.

Nina Spiegelman?

COMMITTEE MEMBER SPIEGELMAN:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Aini Tjauw?

COMMITTEE MEMBER TJAUW:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Brian Weisel?

COMMITTEE MEMBER WEISEL:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Jesse Weller?

COMMITTEE MEMBER WELLER:

Yes.

DIVISION CHIEF ALJ FORMAKER:

And Sylvia Yeh?

COMMITTEE MEMBER YEH:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Okay. The motion passes.

We now need to move into public comment with respect to any items that were not on the agenda. We'll have to table the remaining Agenda Items for the next meeting.

Are there any additional comments from the public with respect to the committee?

I see one comment at 4:18 from Donna: "Just a suggestion, I feel like there are many people who may not be aware of these twice-a-year Advisory Committee meetings. Reason being there's very little Q&A comments. Please find a way to reach out to the public and to help them be aware of how important these meetings are for fair hearings and appeals."

DIVISION CHIEF ALJ FORMAKER:

There are a number of comments in Spanish. Is one of the Spanish language interpreters able to read those? I'm looking at the ones from Maribel Oliver (phonetic) at 4:05, Juanita at 4:09, and Sylvia at 4:09.

SPANISH INTERPRETER HERNANDEZ:

Yes.

DIVISION CHIEF ALJ FORMAKER:

Oh, okay. Thank you. I was actually looking at some of the ones that had been -- that were moved into answered, but thank you.

And then there's a -- there's a comment from Candy Sissel (phonetic): "I totally agree with Marty, very well said. As a parent and advocate for my daughter, this meeting has been a bit confusing and frustrating."

And Marty Omoto wrote: "FYI, regarding the recommendation to meet more frequently than two times a year, I understand the statute doesn't prohibit that. Currently, it says at least two times a year. Again, to everyone, thanks for your work on

this committee. You are all at least taking more actions and doing more work than the US House, LOL."

Okay. It looks like there are no other open questions.

Are there any other public comments with respect to the work of this committee?

Donna wrote: "One-hour once a week meeting. LOL."

Are there any other public comments? I'm not seeing any.

All right. I want to thank everyone, our Advisory Committee members, and the public.

Marty Omoto writes: "Thanks everyone and thanks to the interpreters, too."

I want to thank everyone, and including our intrepid interpreters, and all of the people from DDS and OAH who worked so hard to make this a successful meeting.

Donna writes: "Thank you all for your help."

And we are adjourned. Thank you for attending.

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 October 16th, 2023, Office of Administrative Hearings, via Zoom

videoconference. This is the corrected original transcript, as requested via tracked changes, 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 31st day of December, 2023.

Michelle Busby

Transcriber

Northern California Court Reporters