

TRANSCRIPTION OF RECORDED MEETING

OF

OFFICE OF ADMINISTRATIVE HEARINGS

DDS ADVISORY COMMITTEE MEETING

OCTOBER 8, 2024

Committee Members Present:

AINI TJAUW

ANTONY CHARLES MARRON

CAROLA CAMACHO MARANON

DARLINE DUPREE

FERNANDO GOMEZ

JESSE WELLER

MARIA IRIARTE

NINA SPIEGELMAN

OTTO LANA

RYAN NELSON

SHERRY JOHNSON

TALEEN KHATCHADOURIAN

YULIA HERNANDEZ

OAH Staff Present:

BOB VARMA

HEATHER ROWAN

MARYJOSEPHINE NORRINGTON

SUSAN FORMAKER

TZER LOR-SNYDER

DDS Staff Present:

AARON CHRISTIAN

DENISE THORNQUEST

JENNIFER STENSON

SANDRA SANCHEZ

Facilitator:

KARIN BLOOMER

ASL Interpreters:

ELIZABETH VEGA

RICHARD HAFFNER

Spanish Interpreters:

ANAELVIA SANCHEZ

MARC GUTIERREZ

Transcribed by:

NICHOLAS SHUPE

NCCR

Sacramento, California

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

OCTOBER 8, 2024

FACILITATOR BLOOMER:

Good morning. My name is Karin Bloomer, and I would like to start the meeting by explaining how everyone can participate today. Marc, would you please explain to our Spanish speakers how to participate in Spanish using the language channel?

SPANISH INTERPRETER GUTIERREZ:

Indeed. Will do. Thank you. (Speaking Spanish). Thank you, Karin. Back to you.

FACILITATOR BLOOMER:

Thank you, Marc. If English is your preferred language, please follow these instructions now. Click on the globe icon at the bottom of your Zoom screen, then select English, and also select mute original audio.

We also have ASL interpreters who have been spotlighted, and live closed captioning is active. Please, if you -- when you speak, speak slowly. I'll note this meeting is being recorded, and all of the advisory committee meeting materials are available on the OAH website, and you can see the link here.

I want to describe how advisory committee members can participate today.

DIVISION CHIEF ALJ FORMAKER:

We have a raised hand, I'm sorry, of one of our committee members, Taleen Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Karin, I just want to let you know, when we mute original audio, we don't hear you.

SPANISH INTERPRETER SANCHEZ:

(Speaking Spanish).

FACILITATOR BLOOMER:

Thank you. (Inaudible) --

SPANISH INTERPRETER SANCHEZ:

(Speaking Spanish).

FACILITATOR BLOOMER:

(Inaudible). Okay. Is that better, everyone?

SPANISH INTERPRETER SANCHEZ:

(Speaking Spanish).

DIVISION CHIEF ALJ FORMAKER:

We're hearing Spanish.

FACILITATOR BLOOMER:

Yeah, we are hearing Spanish in the English channel. Okay. Taleen, thank you so much for letting me know. My apologies. Couldn't get to my channel. Let me go ahead and share my screen again now.

All right. So, just some tips on how advisory committee members can participate today. Please click on the raised hand feature to comment. You'll be called on in order of raised hands.

If you could, please state your name when you speak. It really helps those who are listening in, and it also helps with our meeting transcript. Please leave your camera on. It is a rule of the Open Meeting Act that members of the committee leave their cameras on unless you're having technological problems.

If and when you have such a problem, if you could, unmute and let us know. We would appreciate it. And just go ahead and unmute when it's time for you to speak and you can see the icon for unmuting.

In terms of the chat feature, we do have an accommodation for one of our committee members, Mr. Lana. And so, chat will be reserved for Mr. Lana to engage in the meeting today.

In order to see other participants and/or to be able to see also the raised hand feature, depending on your Zoom version you have, you may have to click on the participant panel first, and then find the raised hand feature.

Bob Varma, I see your raised hand. Please go ahead.

DEPUTY DIRECTOR VARMA:

Sorry about that. I was clicking on something else. I've got to figure out how to turn it down. My bad.

FACILITATOR BLOOMER:

No worries. We can -- and I think support team can help lower your hand if you need -- if you need us to.

Okay. In terms of public comment today, also some instruction on how to participate. First, I just want to mention that there will be a general public comment period in the last half hour of this meeting, at which time we will take verbal comment, and we will also read aloud written comment that has been e-mailed to our contacts. And I'll show you that e-mail address.

In addition, if there are any motions made, so any possibilities of votes being taken today, we will also invite public comment as well. So, during the public comment, please use the raised hand feature, again, if you're a member of the public, to show that you'd like to be able to speak. When we call your name, please state your name, and you'll have to unmute the mic on your end once we enable that.

There is a telephone only option where you can if you have phoned in, you can -- raise your hand by pressing star nine (*9) on your phone keypad, and you can unmute yourself after you've been called on by pressing star six (*6).

We'll remind you later again about these rules, but when we do invite public comment, we ask that you keep your comments to two minutes when you speak so that we can try to hear from as many members of the public as possible before we move on and before we recess the meeting.

I mentioned that we'll be taking written comment using an e-mail address today. So, this shows on the screen that e-mail address. It is oahacomment@dgs.ca.gov. And so, once again, if you'd like to make a written public comment, please use this e-mail address during the meeting to submit your comments, and we will read them aloud during public comment for the agenda item they respond to.

Okay. So, now, I think I'd like to go ahead and introduce the many members who are supporting this meeting today. First, our Spanish interpreters. We have Anaelvia Sanchez and Marc Gutierrez. Our ASL interpreters are Elizabeth Vega and Richard Haffner.

From OAH, we have in attendance Bob Varma, Deputy Director, Susan Formaker, Division Chief Administrative Law Judge, General Jurisdiction, Heather Rowan, Presiding Administrative Law Judge, Sacramento General Jurisdiction Division, Tzer Lor-Snyder, Associate Governmental Program Analyst with the General Jurisdiction Division.

And from DDS, we have in attendance Aaron Christian, Deputy Director of the Division of Community Assistance and Resolutions, Denise Thornquest, Chief of the Office of Community Appeals and Resolutions, Sandra Sanchez, Manager in the Office of Community Appeals and Resolutions, and Jennifer Stenson, Special Projects Manager in the Policy and Program Development Division.

Welcome to all of you. Once again, I'm Karin Bloomer, and I'm the facilitator of this meeting. I'm going to go over a few aspects of this advisory committee's charge and some rules related to being a public meeting, and then we'll go into roll call after that.

So, as you know, this advisory committee was established in law to provide nonbinding recommendations about mediation and hearing operations under the Lanterman Act for people with developmental disabilities in California.

And by law, the committee is required to meet at least two times a year. There are some rules that we have to follow, called the Bagley-Keene Open Meeting Act, because this advisory meeting is a public body.

OAH is required to post a list 24 hours in advance of each meeting of committee members who have indicated they will be participating remotely. Committee members are always welcome to attend in-person with no previous notice.

The Bagley-Keene Law requires committee members to have your cameras on throughout the meeting unless it's technologically not possible. If you're unable to use a camera, at any point during this meeting, please unmute and let us know.

Committee members, when you speak, please state your name, again, so that members of the public know who's speaking, and again, it helps with our meeting transcript.

Okay. Let's go ahead and do roll call now so we know which committee members are here. When I say your name, please unmute and let us know you're here. And Mr. Lana, of course, please you're welcome to use the chat feature for roll call.

Okay. Jennifer Cummings. Okay. Darline Dupree.

COMMITTEE MEMBER DUPREE:

Here.

FACILITATOR BLOOMER:

Hello. Fernando Gomez. Okay. Yulahlia Hernandez.

COMMITTEE MEMBER HERNANDEZ:

Here.

FACILITATOR BLOOMER:

Good morning. Maria Iriarte.

COMMITTEE MEMBER IRIARTE:

Present. Good morning.

FACILITATOR BLOOMER:

Morning. Sherry Johnson. Taleen Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Here.

FACILITATOR BLOOMER:

Good morning, Taleen. And were you having some camera issues that you wanted to warn us about?

COMMITTEE MEMBER KHATCHADOURIAN:

In case I'm unable to hear audio, I may have to close turn off my video for a moment because of my wi-fi situation. Hopefully, it won't happen, but if it does, if I'm gone, I'm still here, but and I'll come back on as soon as I have enough bars. Thanks.

FACILITATOR BLOOMER:

All right. Thank you. And I do see Sherry Johnson. I'm sorry, Sherry, that I missed hearing you that you were here. Do you want to say hello?

Oh, I can't hear you. You might have you opted for a channel yet, a language channel? If not, you'll need to go down to that globe at the bottom of your Zoom screen, and if you're speaking and listening in English, pick English, and then also select mute original audio.

Do you want to just check one more time to make sure we can hear you okay?

COMMITTEE MEMBER JOHNSON:

Can you hear me?

FACILITATOR BLOOMER:

Yay. Yes.

COMMITTEE MEMBER JOHNSON:

(Inaudible).

FACILITATOR BLOOMER:

(Inaudible). Okay. It's a critical part of engaging together, so I want to make sure we got that straightened out. Great.

And Otto Lana, I see that you're here. Thank you for stating that in the chat. Carola Camacho Maranon.

COMMITTEE MEMBER MARANON:

Hi. Good morning. I'm here. I'm having some difficulties with my hot spot, so my -- I going to turn on my camera when my signal improves. Thank you.

FACILITATOR BLOOMER:

Thank you so much. Thanks for letting us know. Appreciate it. Antony Charles Marron. Okay. Ryan Nelson. All right. Jessica Quesada. And I see Ryan Nelson. My apologies. Ryan, do you want to unmute and say hello?

Okay. I can't hear you, Ryan, and so we may -- you may be in the same situation as your colleague. Can I -- can I step you through what might be going on? Can you -- do you want to wave? Can you hear me okay? You can hear me okay, yeah?

Can you click on the globe. If you haven't already, there's a globe icon at the bottom of your Zoom screen. If you can click on that and pick -- if you'll be speaking and listening in English, pick English, and then also pick mute original audio.

COMMITTEE MEMBER NELSON:

(Inaudible).

FACILITATOR BLOOMER:

Hey. Okay, great.

COMMITTEE MEMBER NELSON:

Absolutely.

FACILITATOR BLOOMER:

Thanks, Ryan. All right. And did I hear Jessica Quesada earlier? Okay. Benita Shaw. Okay. Aini Tjauw. Hi, Aini. We want to make sure we can hear you okay. Can you speak to us? Okay, I'm not hearing you either.

Have you picked a language channel? Hm. Interesting. Okay.

SPANISH INTERPRETER SANCHEZ:

Interpreter. I'm hearing her.

FACILITATOR BLOOMER:

Hm. Okay. So, Aini, I just -- I just want to confirm that you clicked on the globe at the bottom of your Zoom screen, and you selected English, and then also mute original audio.

You want to unmute one more time on your Zoom and just say hello? Huh. Not hearing you. Okay. Well, if any support team members have ideas for Aini on why I'm not hearing her.

DIVISION CHIEF ALJ FORMAKER:

For the record, Aini Tjauw is in attendance.

FACILITATOR BLOOMER:

Yeah, yeah. I'm just -- I'm previewing this is going to be -- we want to make sure she's able to engage. So, Aini, I might just suggest that you, again, try one more time as I move on with the roll call, just checking that globe feature so it should now say "English", and that you've muted your original audio.

Okay. Jesse Weller.

MS. NORRINGTON:

Karin, the interpreters are hearing them in the Spanish channel.

FACILITATOR BLOOMER:

Hm. Okay. Thank you. So, what that might mean -- I just want to make sure -- Jesse, in your case, too, I just want to make sure you've selected the English channel.

COMMITTEE MEMBER WELLER:

Let me try again. Is that better?

FACILITATOR BLOOMER:

Oh, that -- yeah.

COMMITTEE MEMBER WELLER:

Okay.

FACILITATOR BLOOMER:

Yay.

COMMITTEE MEMBER WELLER:

I can get -- it was my tech difficulty. I apologize.

FACILITATOR BLOOMER:

Oh, no worries. I'm just like -- great, okay. What a relief. Okay. And now, for some folks that I expect -- we've got a heads-up would be late and not able to attend, but -- so, just want to doublecheck that Nina Spiegelman is not here yet. We expect her around 10:00 a.m.

Okay. And don't expect Monica Becerra, Stacey Shaw, Lillian Ansari, or Sylvia Yeh. Okay.

All right. Well, welcome. Thank you for all --

DIVISION CHIEF ALJ FORMAKER:

Just I'm sorry to interrupt. In terms of the roll call, we did not have a quorum. It looks like we may just have gained Mr. Gomez.

FACILITATOR BLOOMER:

Okay.

DIVISION CHIEF ALJ FORMAKER:

Mr. Gomez, can you confirm your attendance?

FACILITATOR BLOOMER:

And Fernando, if you just arrived, we've been having some other difficulties, so the only way we'll be able to hear you is if you select a language channel. So, if you click on the globe at the bottom of your Zoom screen, if you'd like to listen and speak in English, you'd select English, and also select mute original audio. And then maybe you can let us know that you're here.

COMMITTEE MEMBER GOMEZ:

Thank you, Karin. Confirming Fernando Gomez in attendance and have selected English as the primary language or interpretation. Thank you.

FACILITATOR BLOOMER:

Thank you so much. All right. Let's see if -- so, we're trying to create a quorum here.

DIVISION CHIEF ALJ FORMAKER:

We just made it.

FACILITATOR BLOOMER:

Yay. All right. Fernando, we really needed you. Thanks for -- thanks for joining us.

COMMITTEE MEMBER GOMEZ:

Sorry about that. Sorry I --

FACILITATOR BLOOMER:

No.

COMMITTEE MEMBER GOMEZ:

-- showed up late.

FACILITATOR BLOOMER:

No worries. No. Okay. And now, I think Susan from OAH has a few OAH announcements, and then we will -- we will dive into the agenda at hand.

DIVISION CHIEF ALJ FORMAKER:

Good morning, everyone. Just a few announcements. The Office of Administrative Hearings is planning its annual administrative law judge training to take place in March.

The Department of Developmental Disabilities has survey -- a survey available on its website for the public to submit ideas for training, and that survey can be found at surveymonkey.com/r/aljtraining.

OAH is also bringing on three additional administrative law judges in the next month who will go through the National Judicial College mediation training in November in addition to other training.

And finally, the State Council on Developmental Disabilities has not yet named a new representative to the advisory committee to take the place of Ryan Weisel, who is now an administrative law judge with OAH. And we're hoping by the time of the next meeting that they will have appointed a new representative.

And back to you, Karin.

FACILITATOR BLOOMER:

Thank you, Susan. Okay. So, committee members, I wanted to take a few minutes to recap where we left off at our last meeting. The recommendations you made, OAH's response, and then how this meeting agenda has been designed to cover those items as well as others.

So, in your last meeting on August 1st, you made two recommendations to OAH. You recommended that the advisory committee create a subcommittee to provide a summary of the roles of the regional centers in the hearing process and bring back proposed recommendations for improvements for the advisory committee to consider.

You also recommended that the advisory committee meet within the month following August 1st to discuss whether the advisory committee can create a subcommittee under the Bagley-Keene Open Meeting Act. And if that's permitted, you wanted to work through the details of the subcommittee process in that follow-up meeting.

So, in regard to the -- your recommendation about the timing of a meeting, OAH responded that OAH is unable to schedule another advisory committee meeting within the month of August. However, a meeting has been scheduled for October 8th. So, that explains why this meeting has been added to the committee's calendar.

As it relates to the other recommendation, in this meeting, we're going to start by discussing the subcommittee that you create -- you know, recommended to create

via your vote, whether you can establish a subcommittee, again, back to your earlier request.

Once we talk through whether you can establish a subcommittee, assuming you believe you can, we'll talk through some details about that. The size you want the subcommittee to be, who will be on the subcommittee, whether the subcommittee might have something to share by the November 12th advisory committee meeting, you know, and any other specifics you may want to talk through about the subcommittee.

I'm just providing some examples of how you might want to agree on some specifics. Assuming we get through all of that and still have time left in this meeting, you know, in addition, of course, to the public comment, we'll move on to the other agenda items.

We'll take two minute breaks. We're going to aim for one around 10:05, and another around 11:20. And as I mentioned earlier, we'll devote the last 30 minutes of the meeting to general public comment.

Because we have so many agenda items, some that are held over from the last meeting that we didn't get to, and some that were newly submitted by advisory committee members, we'll probably treat the November 12th meeting as a continuation of this meeting.

So, this sort of gets back to rules related to and options related to convening public meetings. But what this means is that by the time we go to public comment at 11:30 today, if we still have several agenda items to address, I will likely proceed, unless you have objection, to recess this meeting at noon and resume the same

meeting agenda on November 12th. That way, we can just continue on to get through the agenda items.

Does anyone have any questions sort of about what I just described as the sort of sequence of discussions and process for recessing and picking up on November 12th? And please feel free to use the raise hand feature if you have any questions about what I just described.

Okay. I don't see any hands, which hopefully means you're just ready to get started, which is great. Okay. So, again, the advisory committee requested this meeting to, among other things, discuss whether the advisory committee can create a subcommittee.

And in response to your recommendation, OAH responded first by stating that OAH does not take a position on this recommendation. OAH went on to provide an excerpt from the Bagley-Keene Open Meeting Act that OAH thought might be helpful to help you in deciding, again, whether you feel you can create a subcommittee.

And I'm going to paraphrase what the law says. I find the law to be very complicated and use some confusing words, so again, I'm going to share my paraphrasing of what that excerpt says. And again, it's posted on the OAH advisory committee web page if you want the specific language. And I can read it to you if you like.

I would paraphrase the excerpt to say you may form a subcommittee. If your subcommittee has three or more members from the advisory committee, then the subcommittee is subject to the Bagley-Keene Open Meeting Act.

And the subcommittee would need to follow the same meeting rules that the advisory committee follows. So, my thought would be, why don't we begin with a discussion of how many committee members should be on the subcommittee that you've recommended to be created?

And this is a subcommittee to provide a summary of the roles of the regional centers and the hearing process, and for that subcommittee to bring back proposed recommendations for improvements to that process to the advisory committee for you to all consider, and then decide if there are any recommendations you want to advance.

So, my thought would be to start with a discussion of how many committee members should be on the subcommittee. And I think about it sort of, would you like to have fewer than three members or three or more members on your subcommittee?

I'm happy to recap again the sort of Bagley-Keene threshold there. What are your thoughts about that, about this question? And Fernando Gomez, I see your hand. Please go ahead.

COMMITTEE MEMBER GOMEZ:

Thank you, Karin. I appreciate the opportunity to kind of weigh in in here again at the risk of sounding extremely ignorant on Bagley-Keene.

It seems that the Bagley-Keene Act has a huge impact on our process as a committee. And my question comes in two forms. Number one, what is it that is holding us accountable to the Bagley-Keene, and why are we using Bagley-Keene within this committee when we're not really creating any kind of real -- any laws, or we're not -- we're not -- in other words, what is that criteria?

And then I understand because, here again, it's now affecting the subcommittee where it's now limit -- putting limitations on the -- on ours. So, if somebody who understands Bagley-Keene can explain that, please.

FACILITATOR BLOOMER:

Appreciate that question. And I think it might be the case that both OAH and DDS are in a tight spot to sort of interpret that for you. Welcome any member of those teams to unmute.

I don't have the particular sort of excerpt of the law here in front of me as to the criteria that establishes this committee as a Bagley-Keene -- subject to Bagley-Keene. I know it has to do with being a public body that's been established, and that again -- and I'll just state, the Bagley-Keene excerpt that is to some degree relevant, the state body -- and this is from Bagley-Keene.

A state body that includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multi-member advisory body, if created by formal action of the state body or of any member of the state body, if so created, consists of three or more persons, then that body is -- shall be open and public, and all persons shall be permitted to attend any meeting of a state body, except as otherwise provided in this article.

So, I'm taking sort of pieces of an excerpt that have to do with your -- should this committee decide to create a subcommittee, but your body, this advisory body, is subject to Bagley-Keene for various reasons that have to do with, again, how you are established.

And I know, at the very least, we can follow up to find that body and share it -- and share it with all of you, so -- and that was a bit of a circuitous answer. It's just -- that -- I'll leave it there, Fernando. So, let me let you follow up.

COMMITTEE MEMBER GOMEZ:

Thank you. Yeah, maybe some -- at some point, somebody can explain it in more detail in layman's terms, you know, for those of us who are not lawyers, to understand the particulars and how it is applicable because here, again, I'm not seeing it, but then again, here, again, that's -- could be based on my limited knowledge of Bagley-Keene.

FACILITATOR BLOOMER:

So, sort of appreciating that this advisory committee is subject to Bagley-Keene and thinking about this subcommittee that you expressed -- as a body that you expressed a desire to establish around the rules of regional centers and the hearing mediation process, curious about the size of the subcommittee.

And I see Maria's hand. Maria, please go ahead. And you're muted, Maria. If you can unmute. Oh, great.

COMMITTEE MEMBER IRIARTE:

Yeah, there we go. So, if Bagley-Keene requires three or more members in order to have a subcommittee, wouldn't we be thinking about three or more?

FACILITATOR BLOOMER:

I'm glad you asked that question because I want to make sure I'm clear. I'll share again with you my interpretation of the Bagley-Keene excerpt that was provided

in the OAH response, which is that if your subcommittee has three or more advisory committee members on it, then that subcommittee will be subject to the Bagley-Keene rule. So --

COMMITTEE MEMBER IRIARTE:

Okay. So, if you have less than three, then it wouldn't be subject to Bagley-Keene?

FACILITATOR BLOOMER:

That is your interpretation, as it is mine, as it is by many others. Yes, that is -- it's the three person -- three persons or more that triggers the Bagley-Keene Act rules for the subcommittee.

COMMITTEE MEMBER GOMEZ:

Just to be clear, Karin, and because what Maria asked was (inaudible) stakeholder committee members. It could be additional members that are not stakeholder committee members that could be part of this subcommittee and not be required to do it, but to be part of the Bagley-Keene, right?

FACILITATOR BLOOMER:

That's my understanding as well.

COMMITTEE MEMBER IRIARTE:

And this is Maria. And just to follow up with what Fernando is saying, it could be less than three advisory committee members with other members who are not advisory committee members. And that team would not be subject to Bagley-Keene.

So, what does it mean, not subject to Bagley -- what could -- what could the less than three advisory committee members with other members do?

FACILITATOR BLOOMER:

Right. Great question. I mean, I can share my experience with how other public bodies, what that means for them. Again, that's sort of each body interpreting it, and seeming to then, you know, having no problem doing so.

And I welcome other committee -- advisory committee members to share, you know, their experience on perhaps some kind of subcommittee with fewer than three people from that body. What it has meant in other settings that I have been part of is that group can then meet as they need to, and in any form, they are not subject to making that meeting public itself.

You're obviously, in this case, as in other subcommittees, you're delivering the results of your work publicly, right? You're bringing it back to this public body and sharing it with all and there -- therein is the opportunity for public comment.

But in the work of the subcommittee with fewer than three members of the advisory committee, you know, you are -- you are meeting as a group of people as you would sort of another, you know, just meeting of people.

Does that --

COMMITTEE MEMBER IRIARTE:

(Inaudible) yeah. And Karin, so the results of that work could be brought to this November meeting or any other OAH advisory committee meeting?

FACILITATOR BLOOMER:

Yeah, so long as --

(Indiscernible crosstalk).

-- so long as it's been agendized. And I'll just mention in this case, OAH, I thought, did a great job in creating this agenda of having an agenda item that should the subcommittee already be in a position to bring something back by November 12th, it's on this agenda so that, again, we could recess and continue on, on November 12th, and there is an agenda item.

Should there be a subcommittee, should it bring back something, it is on the agenda. So, that's the one -- the one caveat is it would need to be on the agenda.

COMMITTEE MEMBER GOMEZ:

And Karin, just to -- I'm sorry there. I jumped ahead of you. But just to be clear, are you saying three or less or three or more?

FACILITATOR BLOOMER:

No. Fewer than three. So, two --

COMMITTEE MEMBER GOMEZ:

Yeah.

FACILITATOR BLOOMER:

-- two advisory committee members or one, but that's a -- sort of an interesting --

COMMITTEE MEMBER GOMEZ:

(Inaudible) less than three.

FACILITATOR BLOOMER:

-- (inaudible).

COMMITTEE MEMBER GOMEZ:

Okay.

FACILITATOR BLOOMER:

Okay. Darline, I see your hand. Please go ahead.

COMMITTEE MEMBER DUPREE:

So, understanding what the requirements are related to this, I guess my question would be, what is the challenge with having a public meeting? So, if you have three or more individuals from this group, what does this group -- what is this group's concern about the challenge it (inaudible)?

I go back to the master plan for developmental disabilities -- for developmental services. And they have a similar thing where they have, you know, the whole group, but then they have work groups that include members that are not a part of the initial committees, and all of those meetings are public.

So, I guess my question to this group would be, what do you foresee as the challenge with having this subgroup -- should it have more than three or two individuals in it, what is the challenge of having it public?

FACILITATOR BLOOMER:

It looks like you're posing to the -- to the advisory committee. And maybe while advisory committee members think on that and raise hands, I'll acknowledge Otto Lana's input. And Otto, thanks so much for raising your hand, which signals to me to look over to the chat.

Otto shares, "my thoughts, which is my humble opinion, being only 20 years old, but I have been involved in many committees, and the subcommittee should have three or more, and should be fluid to added members as members are available.

My frustration is subcommittees can turn into something that is not representative of the original committee, and also these members are also those who have the luxury of these ongoing meetings.

It's a financial burden for those who take off work to attend, but those members who have jobs that are adjacent to this work are double-dipping in a sense. Are the subcommittee's meeting and private sessions secret meetings?"

So, thank you, Otto, for that. So, taking in Otto's thoughts, taking in Darline's question to the committee, pros and cons of -- you know, or what it would take to have a subcommittee meet in public -- in public meetings.

I see Maria's, I think, actual hand.

COMMITTEE MEMBER IRIARTE:

Yeah, it's my actual hand. So, here are two things that we need to figure out, the role of the regional center in hearings, and that's what's happening now. What is their role?

You could find out a lot about what's happening, the role of the regional center in hearings, by hearing from the public, because they are -- there -- from the public, you will hear people who have actually gone to hearings, and where regional center representatives have been present, and so they can give their analysis of how it went for them, and how they viewed the regional center's role.

The second part of it is also bringing back recommendations, which having the public involved I think would be helpful because they can help guide what those recommendations are.

So, I see a benefit in having the public be involved in both -- for both questions, right? What's the role of the regional center, and what are the recommendations?

FACILITATOR BLOOMER:

Fernando, I see your hand.

COMMITTEE MEMBER GOMEZ:

Yeah. And just to kind of extend a little bit on what Maria was saying, that this committee is not demitted to its interfacing. It could interface with the public. It could interface with the regional centers or stake -- what other stakeholders may be interested in providing input.

So, I don't see that as a limitation. I guess a question comes, the discussion right now, whether it's two or -- less than three or more than three that'll, you know, bind this to the Bagley-Keene.

The question comes then is from this stakeholder committee group, who is interested in being in the subcommittee? That may just decide whether we have

enough people interested in being in it or not, and whether it's -- what the amount is, or do people just get appointed? I don't know what's the process.

FACILITATOR BLOOMER:

That's for you all to decide. Yeah.

COMMITTEE MEMBER GOMEZ:

I guess then the question would be, who's interested in being in the subcommittee?

FACILITATOR BLOOMER:

Taleen, I see your hand. Is that volunteering or a question? Are these -- are these volunteers? Let me just hear audibly why each person is raising their hand. So, Taleen.

COMMITTEE MEMBER KHATCHADOURIAN:

I would suggest that those interested should raise their hand so that we can get a visual count of the number of people interested instead of nodding heads, because people keep moving around and I can't count.

FACILITATOR BLOOMER:

Still moving? Okay. And is that why you raised your hand is to make that request?

COMMITTEE MEMBER KHATCHADOURIAN:

I did.

FACILITATOR BLOOMER:

Okay, so --

COMMITTEE MEMBER KHATCHADOURIAN:

To make that request and to be the first one to volunteer.

FACILITATOR BLOOMER:

Oh, okay. All right. And Jesse Weller, let's hear from you.

COMMITTEE MEMBER WELLER:

Good morning, everybody. I'm just -- I'm assuming regional center perspective is important, and I'm looking. I don't see anybody else here.

I'm more than happy, if there's other regional center representation that would like to. If not, I'm happy to be supportive in any way and participate if needed. But I do know there's other members not here today that are representing regional centers as well.

FACILITATOR BLOOMER:

Thanks, Jesse. Darline, go ahead.

COMMITTEE MEMBER DUPREE:

Yeah, I raised my hand to volunteer to be a part of it.

FACILITATOR BLOOMER:

All right. Fernando, are you raising your hand to be a part of it? Okay.

COMMITTEE MEMBER GOMEZ:

Right. Yeah. But I think we should probably maybe make a formal announcement, and then have everyone who's looking to be part of it raise it all at once so you can have an accurate count.

FACILITATOR BLOOMER:

Yeah. Thank you. So, let me just check on Carola. Carola, you want to share why you're raising your hand?

COMMITTEE MEMBER MARANON:

Yes, I want to volunteer --

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER MARANON:

-- (inaudible) supervisor.

FACILITATOR BLOOMER:

Any other -- any other committee members? So, I have Taleen, Jesse Weller, Darline Dupree, Fernando Gomez. Oh, forgive me. I don't have everyone's last names right in front of me, but Carola. As people who have expressed interest in being on the subcommittee.

And Otto is asking, what about members who could not be here today? Right.

COMMITTEE MEMBER GOMEZ:

Well, if -- I think you have the people who have raised their hand who obviously have an interest, that it's -- it will be appropriate to send an e-mail to those who are not in attendance asking who would be interested. Because at this point, there is no limit to participants.

DIVISION CHIEF ALJ FORMAKER:

I would -- I would just raise a concern about sending e-mails. That could be construed as engaging in the advisory committee meeting process outside of the public sphere.

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER GOMEZ:

Okay.

FACILITATOR BLOOMER:

And Carola, I still see your hand. Is that -- does it -- do you have something new to say, or is -- do you -- is it a leftover hand?

COMMITTEE MEMBER MARANON:

I'm sorry. I left my hand up. I'm sorry.

FACILITATOR BLOOMER:

That's okay. That's okay. I just want to make sure I'm not missing people. And Otto is raising your hand to volunteer. Thank you. Okay.

COMMITTEE MEMBER GOMEZ:

And then I think, Karin, based on what Susan just shared, that there is no limited window of commitment, right? So, at any given time, you can join, or you could unjoin if you like.

So, maybe then for those of us who are here and volunteering to be part of the subcommittee, we can then be part of it, if that's the way it goes, or then when we meet the next time as a full committee, then ask who else would like to join.

I think --

(Indiscernible crosstalk).

-- Bagley-Keene requirement?

FACILITATOR BLOOMER:

Susan's good with it?

DIVISION CHIEF ALJ FORMAKER:

Any communications have to be in the public sphere. That's what I would say.

COMMITTEE MEMBER GOMEZ:

Okay.

FACILITATOR BLOOMER:

So, inviting during a meeting seems to meet that. And Otto agrees with Fernando, fluid membership.

COMMITTEE MEMBER GOMEZ:

Absolutely. Well, and I guess this -- when the subcommittee discusses, but will this then -- can this include additional members who are not in subcommittee who may be interested? Individuals in the public who are interested in participating.

FACILITATOR BLOOMER:

It's a great question. It's my understanding that the answer is yes. I'm not an official authority on this. Let's see some -- maybe we have some other perspectives that can contribute to that.

And I know there also may be some new ideas, so don't lose that thought, Fernando. Maria, I see your hand. Go ahead.

COMMITTEE MEMBER IRIARTE:

I lowered it. I just -- it felt to me that we had enough -- we had five volunteers at the minimum, so --

FACILITATOR BLOOMER:

(Inaudible).

COMMITTEE MEMBER IRIARTE:

-- the question is answered. It's not going to be less than three OAH, so --

FACILITATOR BLOOMER:

Got you. Okay.

COMMITTEE MEMBER IRIARTE:

-- (inaudible) find out.

FACILITATOR BLOOMER:

And Otto, I apologize. I wonder if you can help elaborate in the chat about -- to help me -- so, Otto wrote, "No. And I apologize, I'm not exactly sure to which -- to what question you were responding." And then you wrote, "I thought it was from these people." So, I'll look for your clarification.

So, I think Maria -- someone can lower Maria's hand is what I'm understanding. Okay. Thanks, Maria. So, Darline, please go ahead.

COMMITTEE MEMBER DUPREE:

Okay. So, now that we've established that we have obviously more than two that's needed, then it would be -- have to adhere to Bagley-Keene, which I support fully.

Then my next question would be -- and since it can't be done via e-mail, and perhaps we're going to have this discussion already, and maybe I'm jumping ahead. What would be the process then of identifying some of the other outside individuals that are not a part of this committee that would be a part of this subgroup?

How do we go about doing that publicly? Which, I'm assuming, we would have to do.

FACILITATOR BLOOMER:

Well, so is it -- is the -- so, it sounds like it's at least a two-part question. And thank you, Otto. I'll read your comment in just a moment.

It sounds like -- so, it sounds like what we're doing now -- so, just to recap, and again, we might formalize this in a -- in a vote ultimately, these different parts, if you feel you need to.

But so far, I'm hearing we have -- you know, we have six members of the advisory committee who are -- who have expressed -- officially expressed interest to be on the subcommittee.

So, we're looking at a subcommittee that exceeds the two member threshold, triggers Bagley-Keene, so we're looking at a Bagley-Keene -- subject to Bagley-Keene subcommittee.

And now, we're asking this question about membership by individuals not on the advisory committee. So, we're kind of exploring that now, right?

And Otto shares, "I think adding public people to the subcommittee will just add more confusion. The subcommittee should be from this group who have been established already."

So, that's Otto's perspective on this. Thank you, Otto. Maria, what are your thoughts?

COMMITTEE MEMBER IRIARTE:

I agree with Otto. And the public will be invited to participate and will -- and the subcommittee will be able to hear from the public and take that input, hopefully to make recommendations.

So, it's not as if the public is being prevented from participating, but not as part of the subcommittee. It's like too many chefs in the kitchen.

FACILITATOR BLOOMER:

Thanks, Maria. Fernando, I see your hand.

COMMITTEE MEMBER GOMEZ:

Just a little bit different in opinion on what Otto and Maria have stated. I'm a firm believer in diversity, and that the reason these committees exist is to hear diverse thoughts.

So, without us knowing the composition of the subcommittee, other than the six individuals and how, you know, their -- the perspectives align, the goal is to really bring, you know, I guess, a more not only robust, but a well-defined perspective to -- you know, what the subcommittee's objectives are.

And so, I don't know if there's a need for us to decide these type of things right now. Maybe what the subcommittee can -- once it meets, can then decide and have this conversation and decide whether, A, just to keep it to the -- to the stakeholder committees, participants, or maybe like Maria said, find a way to interface with the public and get that -- so, in other words, there will be solutions, right? But at this point, maybe we're not in a position to make these kind of calls.

FACILITATOR BLOOMER:

Maria, yeah?

COMMITTEE MEMBER IRIARTE:

Remind me what Bagley-Keene says about adding non-OAH advisory committee members to the subcommittee.

FACILITATOR BLOOMER:

Well, I can -- I mean, I -- all I can do at this point is point to the excerpt that OAH provided, which was really -- which I think was not intended to be exhaustive of this -- of the subject, but it was referring to -- let me see if I can sort of extract this.

So, it says a certain code in the law establishes a state body as including, again, these various advisory boards, advisory commission, advisory committee, advisory subcommittee, or similar multi-member -- sorry, I'm speaking so fast. Advisory body of a state body.

If created by formal action of the state body, or of any member of the state body, and if the advisory

body so created consists of three or more persons, all meetings of a state body shall be open and public, and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

So, in the -- in the excerpt that's provided, it actually just references, consists of three or more persons, then it's subject to Bagley-Keene. It doesn't speak to whether those persons are part of that initial body or not, unless I'm missing something. I welcome anyone to help clarify.

So, that's all to say this excerpt, I think, I silent on the question of who is on a sub-body.

DIVISION CHIEF ALJ FORMAKER:

I just would mention Government Code Section 11121, which is part of the -- well, you read an excerpt from that government code section. Refers to an advisory subcommittee. It does not identify that anyone outside of the original advisory committee could be part of a subcommittee.

FACILITATOR BLOOMER:

So, it's silent on that, Susan, you're saying?

DIVISION CHIEF ALJ FORMAKER:

I think you have to look to the plain meaning of the words. And you know, I -- again, I'm not going to provide a legal opinion. That would be outside my realm.

FACILITATOR BLOOMER:

Okay. So, Maria, do you have a fresh raised hand?

COMMITTEE MEMBER IRIARTE:

I'm sorry. I keep on forgetting to --

FACILITATOR BLOOMER:

No, that's okay. I ask because I don't want to overlook people.

COMMITTEE MEMBER IRIARTE:

Thank you.

FACILITATOR BLOOMER:

I think Fernando has a freshly raised hand.

COMMITTEE MEMBER GOMEZ:

It is a freshly raised hand. So, you know, I understand we have a full agenda and additional items. I think, at this point, my recommendation would be to take the six individuals who have raise their hands, the stakeholders, and then we just move forward.

And then later, as -- when -- well, I guess we have to determine how this -- if this is going to work, right? And I'm assuming this -- the subcommittee will have some kind of chair they'll elect or I don't know.

What is -- what is the next steps?

FACILITATOR BLOOMER:

Yeah, that's a -- I think that's the -- that's the question. And I see some new hands. Thank you. Sherry Johnson.

COMMITTEE MEMBER JOHNSON:

Hi. Good morning again, everyone. My question is kind of piggybacking off of Mr. Gomez. So, since there will be a subcommittee with three or more members, we

have to follow Bagley-Keene, an agenda must be set. Will the whole entire committee have any say-so on the subcommittee's agenda items, and will there be a chair?

Which I think there should be, and I also believe the entire committee should have a strong voice in what the subcommittee is researching regarding the regional center and hearing process. So --

FACILITATOR BLOOMER:

Thanks, Sherry.

COMMITTEE MEMBER JOHNSON:

-- basically my question is, should there be a -- will there be a chair, and also, the agenda should be set our committee, entire committee.

FACILITATOR BLOOMER:

Thank you for pointing out those two questions. So, we've got, will there be a chair to the subcommittee? And will this advisory committee sort of direct or (inaudible) weigh in on the agendas of the subcommittee?

Or certainly I'm hearing, like, the charge, what is the charge of the subcommittee, being very clear about that. Have I got that right, Sherry?

COMMITTEE MEMBER JOHNSON:

Yes, correct. Yes.

FACILITATOR BLOOMER:

Okay. Taleen.

COMMITTEE MEMBER KHATCHADOURIAN:

Thank you. So, first of all, I wanted to just express my understanding of Fernando's position. I agree with you. The voice should be more diverse. However, I agree with Maria and with Otto in the sense that this committee should be made up of -- or the subcommittee should be made up of the committee.

Otherwise, the voice or the vote or the decision that's coming up is being made by people that are outside of the general committee. And in definition, a subcommittee is a smaller group within a committee made up of the members of that committee, and they're tasked by the committee to a specific topic or issue to investigate, discuss, and bring back.

So, in essence, I'd like to have definition on all of that so that we can move forward, because a subcommittee can get a lot done. And if we need more than one, we can create more than one.

While, as Sherry mentioned, the -- what the topic is of discussion at those subcommittees should be the responsibility of this general committee. Does that make sense?

So, each subcommittee, if there's more than one -- hopefully, we don't get diluted like that, but it should be a specific topic, and if the subcommittee is fluid, then those people interested in that specific topic can join, and then come back and leave that subcommittee.

And since we are already responsible to Bagley-Keene, then the public will be there. The public will have a voice. And that way, we get the diversity that Fernando is suggesting.

FACILITATOR BLOOMER:

Thanks, Taleen. If I could just tack on. If you were -- for you then, what are sort of what's the next question as it relates to this process for you?

COMMITTEE MEMBER KHATCHADOURIAN:

To confirm that a subcommittee, as I understand it, is made up of individuals from the greater committee that it's a sub of.

So, members from this committee could be on that subcommittee. Not the outside public. However, we should be listening to public comment and public view, and by targeting specific topics, the public will know whether or not they want to attend that subcommittee meeting because it pertains to their -- something they're passionate about and they have a view on that we should be listening to.

FACILITATOR BLOOMER:

Appreciate --

COMMITTEE MEMBER KHATCHADOURIAN:

Just want to confirm that that is correct and that we can move forward that way.

FACILITATOR BLOOMER:

So, it sounds like we -- what we want to do at some point in this conversation is really check the advisory committee members' support for, or lack thereof, I think, certain things about this subcommittee.

So, for example, Taleen, I'm hearing you say you would like to have the committee support or endorse or articulate that the subcommittee will be made up of a subset of advisory committee members. Full stop. You know, that that would be the makeup of the subcommittee.

So, things like that, that establish that clearly as a body today, if we're able to.

Okay. Maria?

COMMITTEE MEMBER IRIARTE:

Okay, yes. So, this is -- I'm thinking about how all of this would play out. So, we have six OAH advisory committee members who are part of this committee. They'll send out an agenda, they'll invite the public, they'll have their meeting, the public will raise concerns.

At some point in time, the subcommittee is ready to present the findings to the whole committee. The whole committee will have the opportunity to give input to the subcommittee, and then the whole committee would propose to, I guess, like we always do, make recommendations and vote on it and see what happens.

So, I mean, that's -- I think that's how Taleen is saying it, and that's how I would see it playing out.

FACILITATOR BLOOMER:

Yeah, I appreciate you kind of just saying that, giving that broad overview that, right, this subcommittee is established by the advisory committee to take on a task and bring that task back to the full body for deliberation, maybe follow-up work, and

ultimately, in the interest of the advisory committee, deciding if it has recommendations to formulate from that work.

COMMITTEE MEMBER IRIARTE:

Exactly. Better said than I did. So –

(Indiscernible crosstalk).

FACILITATOR BLOOMER:

Okay. So, how about -- shall we -- shall we test -- if not -- I think not for purposes of a discrete vote on this one thing, you know? Maybe take it more as a -- as a -- as a body of decisions by this advisory committee.

I'm hearing a sort of -- a request for the subcommittee to be comprised only of a subset of advisory committee members. So, again, not -- I think not for the -- for a motion that's just about this because otherwise we'll have so many motions today, I think, but just to sort of be taking note as we prepare for maybe a motion about this subcommittee.

Is there anyone who, maybe by a show of hands, supports that the subcommittee is comprised solely of members of the advisory committee, of course with public input?

Can you use maybe your virtual hands for us to get a feel for that?

COMMITTEE MEMBER IRIARTE:

Oh. I need to raise my hand. There we go.

(Indiscernible crosstalk).

DIVISION CHIEF ALJ FORMAKER:

Karin, I think you're going to have to say for the record who has their hands up.

FACILITATOR BLOOMER:

Okay. Thanks, Susan. So, I have virtual raised hands from Darline Dupree, Carola Camacho Maranon, Taleen Khatchadourian, Yulahlia Hernandez, Maria Iriarte, Otto Lana, Jesse Weller. And that is a total of seven virtual hands.

And Susan, others -- do we have -- can someone remind me of the count of who's present today, what our total count is? Maybe you can work on that.

DIVISION CHIEF ALJ FORMAKER:

We had 11 people present. So, unless someone else has come on in the meantime --

FACILITATOR BLOOMER:

Okay.

DIVISION CHIEF ALJ FORMAKER:

-- we had 11 people, which was just a quorum.

FACILITATOR BLOOMER:

Thank you, all right. Okay. So, again, we're just trying to get a feel. So, the majority of committee members present support the subcommittee being comprised solely of advisory committee members, again, with given that threshold of subcommittee members, you know, public meeting rules and public input.

How about the specific change of the subcommittee? As it's -- as it's written now, based on your recommendation from last time --

DIVISION CHIEF ALJ FORMAKER:

Sorry to interrupt. This is Susan again. I just wanted to say that we have some of our committee members chatting back and forth.

Mr. Gomez said, "Otto, I see what you mean. Thanks for sharing." And Otto Lana wrote back, "I agree."

FACILITATOR BLOOMER:

Okay.

DIVISION CHIEF ALJ FORMAKER:

I'm sorry.

FACILITATOR BLOOMER:

Okay. So, back to like -- what is the specific charge of this subcommittee as you -- as you voted last time as a recommendation? So, if you could listen to this and maybe ask yourselves, like, do you want to reshape this or get more specific in any way?

Create a subcommittee to provide a summary of the roles of the regional centers in the hearing process and bring back proposed recommendations for improvements for the advisory committee to consider.

Discussion around does that suffice as a scope of work? Maria?

COMMITTEE MEMBER IRIARTE:

It's a little vague for me. Provide a summary of the roles of the regional center in the hearing process. What they should be doing, or what they're actually doing? Because if we're going to --

FACILITATOR BLOOMER:

(Inaudible).

COMMITTEE MEMBER IRIARTE:

-- figure out what they're actually doing, that's going to take time. And how do we do how will the subcommittee be able to do that? I mean, they're not going to be going to these hearings?

So, I mean, that's -- those are -- I don't know what that means.

FACILITATOR BLOOMER:

Great question. Okay. And by the way, I'm seeing the time. And so, at 10:05, I had mentioned we were going to try to take -- at 10:05, hopefully, we would take a ten minute break.

Any last sort of question to put in the air before we break, and you can maybe give some thought as you break? So, from Maria, you know, what do we -- what do we mean by summarize -- summary of the roles of the RCs, that -- their current role, like, what we know to be established as their roles? (Inaudible) --

COMMITTEE MEMBER IRIARTE:

Versus what's it -- what's really being practiced by the regional centers, right?

FACILITATOR BLOOMER:

Right. So, it's sort of like what is sort of (inaudible) --

COMMITTEE MEMBER IRIARTE:

What they're supposed to be doing versus what they actually are doing.

FACILITATOR BLOOMER:

Okay. So, that's a good question to come back to so that the subcommittee is clear about its charge. Let's leave it there. So, it's 10:05. Feel free to -- please stay in the meeting, but feel free to mute and so on. We'll take a quiet ten minute break and be back at 10:15 to take up this question. Thank you.

(OFF THE RECORD.)

FACILITATOR BLOOMER:

And I believe Nina Spiegelman has joined us. Okay, Nina, I'm going to give you some instructions because I can't hear you, and I think I know why. Okay.

So, in order for people to hear you, we need to ask you to select a language channel. So, if you go to the bottom of your Zoom screen, there should be a globe.

COMMITTEE MEMBER SPIEGELMAN:

Done.

FACILITATOR BLOOMER:

Oh.

COMMITTEE MEMBER SPIEGELMAN:

Yeah, I checked -- yeah.

FACILITATOR BLOOMER:

Yay. Okay. Welcome.

COMMITTEE MEMBER SPIEGELMAN:

Great. Thank you so much.

FACILITATOR BLOOMER:

Okay. So, Nina, to catch you up, and to -- and to get us back on the same page, the advisory committee is talking about the establishment of a subcommittee.

In its recommendation from August 1st, it voted to create a subcommittee to provide a summary of the roles of the regional center in the hearing process and bring back proposed recommendations for improvements for the advisory committee to consider.

We've been talking about the formation of a subcommittee. We have established our interpretation of the Bagley-Keene Act of Open Meetings that states, if a subcommittee that is formed by a body like this one, has three or more members on it, then that subcommittee will be subject to Bagley-Keene.

So, two members or fewer, not subject to Bagley-Keene. Three members or more, subject to Bagley-Keene meeting. The post, you know, noticing of a meeting ten days in advance, the -- you know, posting -- so, posting the agenda, the requirements around posting other materials, posting a meeting that is available to members of the public, having a physical location, if there's going to be a remote -- a remote option.

It's a whole series of rules. And so, that's -- we've talked about that. We sort of took a poll of how many advisory committee members were interested in being on the subcommittee, and we had six people show interest.

So, if we have all six members, then we have triggered Bagley-Keene. And we are going -- we were going -- it was raised before the break, really trying to get clear about the scope and charge of the subcommittee.

I do want to -- I do want to note that I think it's unclear whether -- who would be in -- which entity would be in a position, if any, to be handling all those Bagley-Keene rules. So, my understanding from Office of Administrative Hearings is that the office would not be in a position to sort of manage all those Bagley-Keene rules for a subcommittee that triggers Bagley-Keene.

So, that's sort of a TBD on -- you know, how a subcommittee would go about handling all those Bagley-Keene rules that it would need to abide by. So, I don't mean to throw a wrench in all this, but I do wonder if there is another option worth contemplating that is two people from this committee who get some work done to bring back for this full committee to engage around.

So, I apologize for sort of reopening a door there, but I wonder if it's worth, from a practical perspective, thinking about whether a nimble two-person

subcommittee could be charged with something that is productive just to bring back for more information for the committee.

So, why don't we -- why don't we do this? Why don't we talk about, again, the charge of this subcommittee? So, back to Maria's question before we - before we took the break. You know, what does it mean to provide a summary of the roles of the regional centers in the hearing process?

Can we try to tease out, as an advisory committee, more specifically, what is it -- what is it that you would be looking for from a subcommittee in terms of providing a summary of the roles of the regional centers in the hearing process? Maria?

COMMITTEE MEMBER IRIARTE:

Well, why can't it be both? Why can't it be what should they be doing, and what's really happening out there? And what's really happening out there will come from -- I'm sure we'll have a lot of public comment about what's really happening out there, but why couldn't it be both?

FACILITATOR BLOOMER:

And so, just to play back if I were start seeing what -- when you talk about both, but sort -- what are the prescribed --

COMMITTEE MEMBER IRIARTE:

(Inaudible).

FACILITATOR BLOOMER:

-- well, what are the prescribed roles, like, in law, in regulation --

COMMITTEE MEMBER IRIARTE:

Exactly.

FACILITATOR BLOOMER:

-- or -- of the role of regional centers in the hearing process? So, what is -- what are those? What is stated in law and regulation of the role of regional centers? And what is the practice -- and again, I'm sure it's -- I mean, in general, I imagine this could -- this could look like many different things, but in practice, what does that role look like?

Am I -- am I capturing that right?

COMMITTEE MEMBER IRIARTE:

Yes, absolutely. Thank you.

FACILITATOR BLOOMER:

Okay. So, Maria's suggesting both, prescribed and in practice. And I'll just take hands in order. Fernando?

COMMITTEE MEMBER GOMEZ:

Yeah, I'm -- following the conversation, I'm not sure why we would kind of put type of limits to what can be discussed. I think in the spirit of what the -- and the reason the subcommittee was even considered was so that, as a key stakeholder, to define the regional center's decision and participation, which is exactly what was just said.

You know, what is -- what does the Lanterman Act state? What is the reality today? How are they positioning? And what are -- what are some recommendations that can improve the process so that it really can contribute to this whole reason this committee even exists?

So, beyond that, I'm not sure what is it that we're trying to define right now.

FACILITATOR BLOOMER:

Well, and Maria, forgive me if I don't characterize this well. Like, Maria's bringing up to say the summary -- to provide a summary of the roles of the regional centers is left to an -- is left to at least two interpretations, and I think she's suggesting let's ask the subcommittee to handle both.

What is, like, the prescribed role of regional centers, and what is the role in practice?

COMMITTEE MEMBER GOMEZ:

And what is the recommendations? How do we improve? Because there are things that are probably coming down the pipe. Masterplan, some things may be recommended and things that maybe bring us to a 21st century process.

That can all help, but like I said, if -- are we going to be limited to saying just these two things because this is what's --

COMMITTEE MEMBER IRIARTE:

(Inaudible).

COMMITTEE MEMBER GOMEZ:

-- been defined? I just don't want to be put limits to (inaudible) --

COMMITTEE MEMBER IRIARTE:

Fernando. Yeah. Fernando, it's not just those two things, but you're also going to come back to the greater committee and share what the subcommittee found and make recommendations.

The whole group will make recommendations, so you're not going to be limited to what the regional center should be doing by law and regulation versus what is really happening out there.

FACILITATOR BLOOMER:

Yeah. And just to be clear, we're just teasing out the part of the -- of your last recommendation that's about what do -- what do we mean by providing a summary of the roles? There is the second part, which is to bring back recommendations. We're just trying to unpack that first part a little for clarity.

Okay, Nina? I see your hand next.

COMMITTEE MEMBER SPIEGELMAN:

Yeah. Yeah, I just wanted to say, based -- you know, what -- just to echo what Maria's been saying, and again, Fernando, with -- this is just, to me, a minimum thing. Both of those things are minimum, minimums that are absolutely necessary to be understood.

There may be other things, but we need -- I feel strongly that there -- is a very high likelihood that there is a lot of -- I know there's confusion out there. I share part of that, but even among the ALJs, about what is -- what is the actual role, the prescribed role, the -- you know, the regulatory requirements?

That would advance the ball just having a common understanding of what that is and what everybody -- you know, what the current system is, at a minimum, required to do with respect to how much deference a regional center gets in a -- in these hearings.

That's why, you know, somewhere, and I know there's probably limits on there, it would be very instructive to hear the perspective from the ALJs about, you know, when -- you know, when sometimes to the dismay of the families, they often turn to the regional center to clarify what the Lanterman Act is, and there can be, you know, disagreements over that.

So, just having clarity on that first -- that first piece would be really, really helpful. And then absolutely, what's going on in practice, I think would really help, you know, of course get to the recommendations about how the whole system can be structured, you know, in a -- in an improved way if possible.

So, I strongly agree with Maria's points. So, thanks.

FACILITATOR BLOOMER:

Thanks, Nina. Taleen.

COMMITTEE MEMBER KHATCHADOURIAN:

And not to drag this out, but I agree with Maria and with Nina. I think we really, if you have to look at it, Fernando, maybe I can say it in a way that I think you and I would understand.

There are -- the whole thing is critical, but we need to break it down so that we're not talking abstractly, and that we have a focused effort on what we're trying to accomplish.

So, if part one of this conversation is to understand what is supposed to be happening, okay, and get that down, and compare it to what is happening, right, then we can see where the things are lacking and create the recommendation, or bring back recommendations from the public on everything else on what should be -- what our recommendations would be to make it better.

So, definitely in the long-term, but you have to break it down. We can't look at what should be happening if we don't understand the difference between what should be happening and what is happening.

And I think that's the first part of this subcommittee's responsibility, and once that's identified, then we go back and we say, okay, now, based on that and input from this committee, and on the public and everything, what our part two of the charge would be, what do we do about it? How do we fix it? What recommendations do we have?

FACILITATOR BLOOMER:

Thanks, Taleen. Fernadno and Nina, maybe it's a new hand, so we'll come back to you if or maybe you left it up. Okay, Fernando.

COMMITTEE MEMBER GOMEZ:

Yes. Thank you, Karin. Taleen, yes, thanks for explaining that, but I completely understood. Had already understood that process. That's not what I was alluding to.

And let me reiterate my comment because maybe I didn't make myself clear. I agree with that. That makes a lot of sense, and we need to have a very defined focus on what subcommittee's objectives, and of course, the parameters are.

But my experience with this committee and Bagley-Keene and the limitations it places on you, I just didn't want it to be put into a square box saying, oh, well, we can't talk about that because that's not what was discussed in the stakeholder committee members, and now you're limited to a conversation.

Why are we putting those restrictions on ourselves at this point? I think that it - - since we haven't even met, we don't even -- haven't defined that, we have to give ourselves an opportunity to look at this and let different perspectives weigh in so that -- so then we come back and we go, okay, guys, here's what we've come up with, and then maybe we can kind of put it into that square box that everybody's trying to put it into.

FACILITATOR BLOOMER:

Maria.

COMMITTEE MEMBER IRIARTE:

I'm going back to Karin's statement when we got from our break, which is, how are we -- how is the subcommittee going to deal with Bagley-Keene if OAH is not going to be involved?

And I think, Karin, you had put out there maybe you want less than the three OAH members who are not subject to Bagley-Keene, you know? So, I think, Fernando, the thought is, do you want to be limited by -- does the group want to be limited by Bagley-Keene and have its representatives in the subcommittee, or do you want less members so you're not subject to Bagley-Keene?

Because it appears that OAH is not going to do anything with regard to making sure that Bagley-Keene is complied with by the subcommittee. So, I mean, I think we go back to that question.

FACILITATOR BLOOMER:

Yeah, I mean -- you know, pretty significant resource issue around these Bagley-Keene meetings. I'm just -- I'm just -- as someone, like, in wanting to support your work as an advisory -- I do just wonder if it would make sense for two members of this committee to get something started, to get some work started.

Again, I'm just putting this out there for your deliberation or for you to ignore, but to be nimble and have two people begin to collect some information and put some things together around this recommendation so that the roles of the regional centers, at least in those two ways, if not more, that have been articulated, to bring back, and it doesn't preclude you at a future time from establishing a larger subcommittee as more information comes back around ways to resource that, I'm just trying to think of ways to help move you forward. Maria?

COMMITTEE MEMBER IRIARTE:

And I don't -- I don't understand that there would be any difficulty for these two OAH members to invite the public for comment. They could if they wanted to.

They're not subject to Bagley-Keene, so they don't have to invite the public if they don't want, but I think it would be a good idea to invite the public. So, really, to me, the question is, do we want to get it started now with two members? Let's just get it rolling and see what happens. Or do you want to have the six members and be subject to Bagley-Keene? And how are you going to -- how are you going to comply with Bagley-Keene?

FACILITATOR BLOOMER:

Thanks for that perspective, Maria. Taleen, I see your hand next. Would love others to weigh in on this, too, please. Really welcome hearing from as many of you as have an opinion about this. Taleen.

COMMITTEE MEMBER KHATCHADOURIAN:

I like the idea that Maria has. The only question is then, if I'm not one of those two, can I attend as a public member, or I cannot attend anymore? Now, I'm locked out because the two people happen to be any two people that are in this meeting, right?

So, then the rest of us are now locked out of that meeting because we're not part of the public, but we're a committee member. So, I would hesitate. I do like the idea of getting started, and I think two people who are knowledgeable about what the regional center is doing now can start that part of it.

So, let's break down what is supposed to be happening. I would recommend that two people get started on that now while we figure out the rest of it. Does that make sense? Because that's not an opinion, right? That's a stated fact. What should they be doing according to the law?

FACILITATOR BLOOMER:

Yeah, appreciate that. And Otto is sharing, "could we identify two committee members and have the meeting open for attendance from other current -- from the other current committee meeting?"

And Otto, you might be sort of getting at what Taleen was wondering out loud about, too. I mean, I -- it is -- I -- forgive me. I'm not -- I can't just say off the top of my head sort of Bagley-Keene interpretation, but I do know we have to be very careful about other committee members.

They couldn't weigh in in any way. Whether you can be listening is a great question, though. I can't recall what I've been taught about that, but it's -- we do have to be very careful about not breaching that, sort of that firewall.

Yeah. And Otto is saying "yeah, exactly what Taleen said." Thank you. Okay.

So, Darline, what are you thinking about all this?

COMMITTEE MEMBER DUPREE:

Well, one of the thoughts would be centered around the question of whether or not a -- committee members can participate kind of like from the outside.

I think it -- would it not still trigger the having more than two individuals from the committee participate in the meeting, even if we are participating kind of as a -- as an outsider looking in? So, I -- maybe that's something to look at in a little more detail to make sure that that wouldn't be a problem should that happen.

I wonder if -- I understand OAH members not being available for the committee meeting, but I'm under -- or for the work group meeting. I'm wondering, though,

other agency -- like, if DDS, who's also submit to the Bagley-Keene rule, would someone -- a representative from DDS be able to attend those meetings and kind of make sure that we are in adherence to it?

And then, if that's not possible, then I can't remember if it was Taleen or who said it, in terms of the starting point, having two members just bring back what it says in law, that regional center's role is supposed to be, like, how our regional centers, as service coordinators and the like, what is their role in the -- in the fair hearing process or the hearing process, would be a starting point until we explore the other aspects of this.

FACILITATOR BLOOMER:

Yeah. Appreciate that, Darline. So, a question about just being careful about the rules, about observing, being a member of the public observing another meeting. And also, I think you echoing Taleen's suggestion or putting it out there of, you know, what if it was two people from this committee who were asked to bring back, again, the facts, at this point, as the first step facts, you know, in statute and regulation, what is prescribed as the role of regional centers in the hearing process.

Heather, I'm so sorry. What do you want to share from OAH?

PRESIDING ALJ ROWAN:

(Inaudible) but there is (inaudible) that one yet.

FACILITATOR BLOOMER:

Yeah. I think I -- well, I read the most recent one from Otto. I think we're -- I think we've got them covered, yeah.

PRESIDING ALJ ROWAN:

Okay, my mistake.

FACILITATOR BLOOMER:

No, no worries. Thank you. I appreciate -- better to be -- better to be sure. Okay. Maria?

COMMITTEE MEMBER IRIARTE:

So, I think it was Darline maybe -- made me think of it. And so, is it bifurcating the process? Like, two OAH members to identify what should be happening, and then perhaps have, in the bifurcated process, the listening to the you know, inviting the public and coming up with recommendations as a second part of it where there might be more members who are -- more OAH members who are part of -- part of that process, but there again, that would be subject to Bagley-Keene.

And so, it would be a conversation that would have to be -- we're not going to resolve that today, but it could be a conversation that those two members, who are trying to figure out what it is that they should -- regional centers should be doing, you know, start a conversation about, you know, if we bifurcate this and then we have a second group that comes up with recommendations, how is that second group going to comply with Bagley-Keene?

I don't know. It just feels like we need to move on it. And to me, it feels like move on it, in my opinion, would be the two members to identify what should be happening, and then reconvene to maybe create a larger subcommittee to really focus on what really is happening and recommendations.

FACILITATOR BLOOMER:

Appreciate that. So, can we hear from other advisory committee members about, let's say, the suggestion to have two members from this advisory committee work specifically as a next step, and again, maybe by the November 12th meeting, be able to bring something back, but specifically, gather and bring back and explain what the role of regional centers in the hearing process, as defined in statute and regulation and to start there.

Antony, did I see your hand at one point? Oh, was that -- did you tease us? We'll go with Jesse Weller, but maybe Antony has a thought. Go ahead.

COMMITTEE MEMBER WELLER:

I'm open to the consensus of the group, whatever everyone finds the most valuable. My thought is that there's a lot of anticipation, and I think there's been a lot of waiting, and so I think anything that will support getting something going, even if it's not quite perfect, that would allow some work and momentum to keep supporting these meetings.

I appreciated the conversation today, and it's so important, but again, it's almost -- a long time just kind of coordinating the logistics, and the -- no (inaudible) there whatsoever.

I'm trying to be very sensitive because I know these are just the steps that have to get us to where we're going, which will have a really good outcome, so I want to be very mindful and very sensitive as I make that comment, that I think being sensitive, I think, going towards something, would be my vote to get something going, whatever that looks like.

FACILITATOR BLOOMER:

Appreciate that, Jesse. Fernando, I see your hand.

COMMITTEE MEMBER GOMEZ:

So, yeah, I agree, I mean, with Jesse. I mean, we -- it's now, what, 10:40? And we're trying to figure this out. If we're going to go with two individuals and get this going, and that at least moves us -- moves us forward, then I'm all about that.

But this talks to Bagley-Keene, and how it keeps weighing us down as a -- as a committee, and how it's really hard to get work done and get substance addressed when we keep talking about process and being in compliance.

So, that's why I even started the conversation at the beginning. I mean, are we really subject to Bagley-Keene (inaudible) but anyway. So, what -- if the decision -- or should we vote on -- do we go with two, or do we go with the six or seven individuals who have committed? How --

FACILITATOR BLOOMER:

Yeah.

COMMITTEE MEMBER GOMEZ:

-- do we move forward with that process?

FACILITATOR BLOOMER:

Yeah, that's a -- I mean, that's a great question. I can share -- my suggestion would be to -- would be to prepare a motion that would then be shared and seconded

just for clarity, but like, make sure we've sort of figured out what that motion would be, and I can -- I can sort of suggest maybe the starting point for that.

But it does feel like, ultimately, let's get it clear and let's -- and see if the body is in agreement to move forward with a particular motion for all the reasons have been - - that have been described.

Before we do that, I do see Carola's hand, so I -- Carola, please go ahead.

COMMITTEE MEMBER MARANON:

Thank you. Yes, it's very (inaudible) in terms of how to make it work, having, you know, a lot of rules. I'm thinking that instead one group of two people, we can create two groups of two people each, so you have, like, two subcommittees going.

One, trying to grab some input from English speakers, and if we're lucky enough to have bilingual (inaudible) members, we have another team of two trying to grab some people from the Latino community, monolingual. Because there is different experiences to have people -- comes from different communities.

So, I wonder if that may -- will make sense, you know, because we're trying to grab feedback from a diverse community, and the language is one of the barriers here when it comes to that. Thanks.

FACILITATOR BLOOMER:

Thanks, Carola. And I think it raises this question of, like, are we -- should we do this in sequence, like, first, bring back what's prescribed as we know it, like, what the -- what the rules are on paper, if you will, and a set -- a step, certainly, that is usually about then understanding what is -- what is going on in practice, and what are

people experiencing? And to your point, the importance of making sure we're hearing from as many people as possible and with whatever language access.

So, Taleen?

COMMITTEE MEMBER KHATCHADOURIAN:

I just wanted to also mention, if you're going to start doing that, if you're going to have two, one in English and one in Spanish, you also have to remember the Spanish-speaking community is fairly large, and I understand the need to capture that information, but my family is Armenian, and we always get locked out.

And the smaller subgroups, whether they're Armenian, Ethiopian, Arab-speaking, Persian-speaking, we always get locked out of the conversation because the Hispanic community is so large and strong.

So, if you are going to start diluting the information, or capturing information from subgroups, then we have to take into consideration the number of subgroups that we have available that are going to be impacted by all of this.

So, having a group that's really open to listening to everybody would have to make sense. So, before you guys vote on having two groups, one Spanish-speaking, one English-speaking, please take into consideration all the other subgroups that are impacted by these decisions that are not Spanish or English-speaking, or of other needs, right? Whether it's individuals with disabilities who need alternative communication, whether it's individuals from LGBT community, I mean, it's really going to get you're making the job more difficult is all I wanted to say.

FACILITATOR BLOOMER:

Thanks, Taleen. And yeah, Otto is weighing in that "I'm sensitive to that, but as an AAC user -- " which I believe relates to alternative communication user, "that's another language experience, and Korean language, and continued on and on, so being mindful of all the ways people are trying to access these conversations."

Well, I want to -- so, I want to float this idea that we might -- we might get to a motion of -- that speaks to two members of this advisory committee working as a subcommittee to bring back a summary of the roles of regional centers in the hearing process as set in statute (inaudible) as well, maybe, at minimum, that.

So, before we -- so, as we float that, I'm wondering if the committee were to support that -- and let me just paused and say thank you, Otto. Otto just -- Taleen and I are in sync today. You're in mind meld, the two of you.

But if we were to entertain a motion that helped advance this process nimbly by having a two-member subcommittee of two members of the advisory committee, how would -- what two members might we -- could we talk for a minute? Because we could maybe roll it all up into a motion.

Are there two members of this advisory committee, that if the committee were supportive of going (inaudible) two members who would both be willing and that, you know, might be a good pair, a good team, if you will, in bringing back a summary of what the roles are in statute and regulation?

Darline, what are your thoughts on that?

COMMITTEE MEMBER DUPREE:

I was just raising my hand that I would be willing --

(Indiscernible crosstalk).

FACILITATOR BLOOMER:

Okay. So, should the committee be supportive of a two-person subcommittee, Darline is someone. And Fernando, can you share why you're raising your hand?

COMMITTEE MEMBER GOMEZ:

Yeah. I think if you're asking for -- and here again in conversation, I think that -
- and kind of volunteering Dr. Weller as a director at San Gabriel, he would be a natural choice, and of course, I don't want to speak for him, but in my opinion, there was two -- I think one would be him because he would be a strong representative from the regional center side, and the other would be someone like myself.

I did bring up this issue. We work in a grassroots level with the community, so we understand the hearing process, and also, we were part -- one of the cosponsors of the law that brought in the reform.

So, if not myself, someone like myself from the community. That, I think, would be the other balance.

FACILITATOR BLOOMER:

And so, Jesse Weller, you've been named. Want to speak for yourself?

COMMITTEE MEMBER WELLER:

I'm more than happy to participate in any way possible. I have a really amazing team supporting my center particularly. So, we have good bandwidth, if that's helpful, if that's the direction that the committee would like to see from one of the other regional center perspectives. That could be helpful, gathering that information.

I'm more than happy to put in that perspective, if that's the majority of the group.

FACILITATOR BLOOMER:

Thanks, Jesse. And I'll add that Otto added, "I agree. In two persons, are either of these people actual consumers?"

So, so far, Darline, Jesse, and Fernando have offered up their willingness to be one of two, and to Otto's point, are any of these individuals actual consumers?

Darline, you want to go ahead?

COMMITTEE MEMBER DUPREE:

I would withdraw my name if Jess is willing. I'm fine with Jesse. But I do also agree with Otto, having someone that is a individual served by regional centers would also -- would very much be appropriate.

FACILITATOR BLOOMER:

So, great question. And also, thinking about -- Marie -- sorry, Maria, we're going to try to avoid using the chat just so we can reserve it for Otto, but she did say, "Fernando works with consumers, too."

Also, again, just thinking about -- I think for this first step, this is about, at minimum, having this two-person subcommittee bring back a way for the group to understand what is -- again, I think of it as, like, prescribed in statute regulation of the regional center's role. Maybe a whole future set of steps, I imagine, that is about then, what is the practical experience on the ground in recommendations?

Again, those would be future steps that we would discuss. Sort of the committee would discuss what those next steps would look like. Fernando. Everyone's using the chat. Okay, now, I'm going to read this one, and then -- and then please raise your hand. I'd love to hear from you verbally.

Fernando says, "I have two children served by the system, but open to anyone else who actually attends and participates in the hearing process."

So, is there anyone else, and I think to Otto's question, a consumer in the process, who would want to be one of the two subcommittee members? Otherwise, we have Jesse and Fernando as our rep -- as the -- as the discussed representatives. Again, not -- nothing yet voted on.

Antony, I see a raised hand somewhere. Wait a minute. Oh, my goodness gracious. OAH, we have -- we have committee member Antony Charles Marron as an attendee, perhaps this whole time. Could someone please promote him as a panelist? Thank you.

Okay. So, is there anything else we would want to roll up in a motion in addition to the number of people on the subcommittee, the scope -- this first -- this first scope of the subcommittee and the -- and the -- and the -- and being able to name the subcommittee members proposed.

And as you think about those three pieces, is there anything else to be part of this motion? Let me pause and give Otto's input. He's asking, "am I the only consumer on this advisory committee?"

Otto, I -- the answer to that is no, you're not. I do believe some of the other individuals who are consumers are not present today, though.

Antony, welcome. Please go ahead. Oh, is your hand still raised from trying to let us know that you're here? Do you want to unmute and say something, Antony Marron?

Oh, and Antony, you'll need to click on the globe icon at the bottom of your screen, pick English and pick mute original audio so that we can hear you.

COMMITTEE MEMBER MARRON:

Okay, can you hear me?

FACILITATOR BLOOMER:

Yay. Yes.

COMMITTEE MEMBER MARRON:

Even I can do this. Okay. I apologize for being so late.

FACILITATOR BLOOMER:

It's okay.

COMMITTEE MEMBER MARRON:

I just want to know, the subcommittee, will we have an opportunity to communicate with it much more frequently than our regular meetings? I'm not trying to break any rules. I'm just curious if that's -- if that's permissible.

FACILITATOR BLOOMER:

Got you. My understanding is that, no, you would -- the advisory committee or advisory committee members would not be communicating outside of this setting with the subcommittee members.

You would -- you would have that dialogue in the committee meeting. The next one -- I will say the next meeting is November 12th.

COMMITTEE MEMBER GOMEZ:

Okay, all right. It's more frequent, then. Okay, that's -- thank you.

FACILITATOR BLOOMER:

With these two. Yeah, thank you. Great question. Maria.

COMMITTEE MEMBER IRIARTE:

Something that I'm thinking about right now is -- so, OAH has indicated that it would not be involved with a subcommittee where Bagley-Keene is at play, that they wouldn't have anything to do with that. The subcommittee would have to figure that out.

I would want to know from OAH why they think that, why they're taking that position when this is still -- the subcommittee is made up of advisory committee members furthering the work of the whole committee, why wouldn't OAH still be responsible for making sure that Bagley-Keene is complied with if we have a bigger group of subcommittee?

And I'm thinking about the second part of this. The first part is that two member committee, figuring out what the regional center should be doing, but when we get to -- when we get to, like, what they're actually doing and recommendations, it might be a bigger group, but before we got to that -- before we get to that conversation, I would want to know from OAH why it's taking that position, what it's citing to for that proposition in light of -- we're still -- this is still the committee, just a subcommittee.

FACILITATOR BLOOMER:

So, just to make sure I'm clear, I think, before we turn to Susan, that in other words, trying to understand why OAH would not be in a position to sort of post and manage the Bagley-Keene-related aspects of a subcommittee that is large enough that it triggers the Bagley-Keene rules. Maria?

COMMITTEE MEMBER IRIARTE:

In light of the fact that this is committee work.

FACILITATOR BLOOMER:

Susan Formaker, do you want to respond to that?

COMMITTEE MEMBER IRIARTE:

Or it could be something --

DEPUTY DIRECTOR VARMA:

Hi, everyone.

COMMITTEE MEMBER IRIARTE:

-- that OAH could respond to by the next meeting, which is in November. And maybe by November, we've got the information from the two member subcommittee, and so we would know, moving forward in November, whether -- you know, what we do.

Do we open it up to a greater group, and who's responsible for Bagley-Keene at that point? But I would want to know from OAH in writing why that's their position.

DIVISION CHIEF ALJ FORMAKER:

And if there's a recommendation, OAH will respond in writing.

COMMITTEE MEMBER IRIARTE:

And that's another recommendation.

FACILITATOR BLOOMER:

Okay. So, I'm hearing -- so, let's keep -- let's go ahead and see if we can move some of this forward, then. So, if -- may we start with the -- an immediate next step around advancing a subcommittee, if that's the willingness of the body?

What I'm -- what I've understood to be the case is that someone -- and this is how it would go. Motion, second the motion, then I think we would invite public comment. Susan will jump in. She's my expert on this. Motion, second, discussion, then public comment, then a vote.

Susan, does that sound right?

DIVISION CHIEF ALJ FORMAKER:

If there's a motion, and there's discussion amongst the committee, when that discussion is over, then we would go to public comment, and then it would go back to the committee.

FACILITATOR BLOOMER:

Thank you. Just want to make sure I got my steps in order. Okay. So, just previewing that that's how it would work. The first motion that it sounds like maybe there was beginning to be some support behind, would be a motion that would go something like this and would love if there -- and if there's anyone who feels it needs to be described better before someone makes the motion, recommendation -- well, it's not a recommendation.

This is a -- this is your -- you have the right to do this, but it's to show that you have support behind this. It would be to make a motion that a subcommittee made up of two advisory committee members would be charged with bringing back to this advisory committee a summary of the roles of regional centers in the hearing process as set forth in statute and regulation, and that those two subcommittee members would be Fernando Gomez and Jesse Weller.

Is there anyone, before someone makes a formal motion, that someone wants to sort of help shape that in a better way? Does that sound right? Any hands if there's something you'd like to adjust?

Okay. So, I think, if -- so, then I think it would be enough for someone to say "I make that motion." Is there any advisory committee member who would like to say "I make that motion", the one that -- that Karin just read aloud?

COMMITTEE MEMBER IRIARTE:

Can you read it again so that we're clear? Thank you.

FACILITATOR BLOOMER:

Absolutely.

COMMITTEE MEMBER IRIARTE:

Please.

FACILITATOR BLOOMER:

To make a motion to establish a subcommittee comprised of two advisory committee members that would --

COMMITTEE MEMBER NELSON:

I make -- I make a motion.

FACILITATOR BLOOMER:

Thank you, Ryan. Thank you. And remind --

COMMITTEE MEMBER IRIARTE:

(Inaudible) --

FACILITATOR BLOOMER:

-- Ryan, I'm just going to -- Ryan, I'm going to go ahead and just -- because Maria just wanted to hear one more time, I'll read it, and I'll note that you've made the motion if -- but let me, just to say what -- again, repeat what that was.

A vote to establish a subcommittee made up of two advisory committee members who will provide to this advisory committee a summary of the roles of regional centers in the hearing process, as set forth in statute and regulation, and that those two subcommittee members will be Jesse Weller and Fernando Gomez.

COMMITTEE MEMBER IRIARTE:

Karin, can I add to that?

FACILITATOR BLOOMER:

Yeah, please.

COMMITTEE MEMBER IRIARTE:

So, it would be the hearing -- I'm just going to -- now, I'm not going to read the whole thing, but where it --

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER IRIARTE:

-- says here, process as set forth in statute and regulations, I would say, state, regulations or any other authority to be all-encompassing. That's what I would add.

FACILITATOR BLOOMER:

Oh, and Otto --

DIVISION CHIEF ALJ FORMAKER:

Mr.--(Inaudible)

FACILITATOR BLOOMER:

-- okay, and Otto was willing to make the motion, so let me back up because I know we've got to get this (inaudible) right away. Ryan, would you be open to an amended motion, to make an amended motion where -- to provide -- to establish a subcommittee comprised of two advisory committee members who provide to the advisory committee a summary of the roles of regional centers in the hearing process as set forth in statute regulation, and any other sources of authority, and that that subcommittee will be comprised of Jesse Weller and Fernando Gomez?

Ryan, are you comfortable (inaudible) motion?

COMMITTEE MEMBER NELSON:

Yes, I am.

FACILITATOR BLOOMER:

Thanks, Ryan. And just to -- just to confirm from Otto that Otto is in a position to second that motion. Just going to pause and see if he'd still like to second it. Yes. Okay. Otto seconds the motion. Now, is there any discussion by the committee before we take public comment?

Yeah, sorry. Otto and I are smiling. He corrected -- he seconds the motion. There was a typo in the -- in the first one. Thank you.

Okay. Seeing no hands for discussion, let's set up public comment now. So, we'll be taking public comment, which means we'll be taking it in two ways. We'll be taking verbal public comment.

And so, if you'd like to verbally make your public comment, members of the public, please use the raise hand feature, and we'll take you in order that your hands are raised.

We will also read aloud written public comment that is e-mailed to -- and I can show the sign in just a moment. Let me make sure I get it right. You can e-mail your public comment, and it will be read aloud, and the e-mail address is oahacomment@dgsc.ca.gov.

And we will -- we will take public comment up until 11:20. Actually, I should say 11:18, because we need to probably then vote, and then we'll take a break at 11:20. So, we'll take public comment until 11:18.

And with that, I will hand it over to Susan Formaker to manage public comment.

DIVISION CHIEF ALJ FORMAKER:

Okay. It looks like we have a public comment from Judy Mark (phonetic), Disability Voices. And please unmute yourself. And you have two minutes.

MS. MARK:

Can you hear me?

FACILITATOR BLOOMER:

Judy, I just want to make sure, are you using the English channel? English, and then mute original audio. It's a way this Zoom webinar is set up. You'll have to choose a channel.

DIVISION CHIEF ALJ FORMAKER:

Please go to the globe at the bottom, click on that, click into English, and mute original audio.

COMMITTEE MEMBER SPIEGELMAN:

I just wanted to interject that I just heard from Judy that she is talking. She has chosen the English. She has been talking, but I guess there's --

FACILITATOR BLOOMER:

Uh-oh. Okay. Judy, we can't hear you. Is anyone hearing her in the Spanish channel? Darn.

DIVISION CHIEF ALJ FORMAKER:

Okay.

MS. MARK:

Hello, can you hear me?

FACILITATOR BLOOMER:

Yeah.

DIVISION CHIEF ALJ FORMAKER:

Yes, now we can hear you.

MS. MARK:

Just to let the -- just to let folks know, you should be -- you don't need to -- if you're in the English channel, you don't need to mute original auto audio.

It's only for people using interpretation that they need to mute the original audio, and that is one of the reasons why, Karin, you're able to hear -- you're not able to hear people, and the rest of us are. So, just for the Zoom rules, it's only mute original audio when you're using non-English interpretation.

I just want to say, as a member of the public, that this has been a very frustrating two hours of this meeting, that we haven't really gotten to any of the substance that needs to be gotten to for this committee.

I was -- I lead the organization that helped to get the law passed that created this committee, and I really strongly urge you to move towards substance and away

from process. I also want to say that it -- having a small, little subcommittee of two people makes no sense to me, the -- especially, because neither one of the folks who are on it, even though I love them both dearly, are lawyers, and there needs to be a lawyer there who is understanding and analyzing the Lanterman Act to be able to say what is the appropriate role for regional centers at fair hearing.

And I finally want to say, is that, to me, it is ridiculous that the reason why the subcommittee is only two people is because OAH says they can't support it.

OAH, the -- you are public servants. You are paid by our taxpayer dollars, and I would say that if this committee says they want a subcommittee and they want it to be more than two people, and it needs to be Bagley-Keene, that you need to support it. Thank you very much.

Oh, by the way, the chat is still disabled to the public, so if a person uses AC or cannot communicate by speaking, they are unable to provide public comment at this time.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Are there any other (inaudible) --

MS. MARK:

Are you going to -- are you going to enable the chat?

DIVISION CHIEF ALJ FORMAKER:

We are not enabling the chat. No one requested any --

MS. MARK:

Oh, I received a text from a person who uses AC who requires the chat to be disabled.

DIVISION CHIEF ALJ FORMAKER:

No one requested a reasonable accommodation. Thank you. Do we have other public comments? All right. It looks like we have William Delrosario (phonetic). Could you --

MR. DELROSARIO:

Hello.

DIVISION CHIEF ALJ FORMAKER:

-- unmute yourself? Thank you.

MR. DELROSARIO:

This is actually William's communication partner. I did want to mention that throughout this meeting, just to echo what Ms. Mark said, we are not able to see anything that the committee has posted in the chat, and my son is an AAC user.

And for anybody that would have ASL interpretation, we've been in meetings most of last month from various systems, and for example, the ASL interpret froze.

They don't have a way to communicate that to you, and I think it's imperative, as you host these meetings, to at least enable the question and answer so that somebody can communicate this to you. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. All right. It looks like Ms. Mark already provided her comment. We now can go to Valerio. Please unmute yourself.

MR. VALERIO:

Can you hear me?

COMMITTEE MEMBER GOMEZ:

Yes Valerio, you're good.

MR. VALERIO:

Okay, good. Good morning, everyone. I want to echo Ms. Judy Mark's comments about the chat. It really needs to be enabled because you don't --

MS. NORRINGTON:

It seems that they're in the Spanish channel.

MR. VALERIO:

No, I'm not.

DIVISION CHIEF ALJ FORMAKER:

Can we have one of our interpreters interpret the comments for us, please?

MR. VALERIO:

(Speaking Spanish).

COMMITTEE MEMBER GOMEZ:

Yes, Valerio, I hear you in English. You're good. You keep (inaudible)

MR. VALERIO:

I'll keep going. Because you don't have the Q&A available to the public, and then you have -- well, the chat is disabled.

UNIDENTIFIED SPEAKER:

Valerio (inaudible) --

MR. VALERIO:

So, how can the public --

UNIDENTIFIED SPEAKER:

-- (inaudible) globe, and select --

MR. VALERIO:

-- how can the public --

UNIDENTIFIED SPEAKER:

-- English.

MR. VALERIO:

-- communicate with you --

(Indiscernible crosstalk).

SPANISH INTERPRETER GUTIERREZ:

(Inaudible) has to do with the Q&A function and the chat function, that it's been disabled, and how are you supposed to hear what we, the community, want to say if you're not allowing us to speak. I think you need to do a much better job of allowing the community to participate in these meetings.

This is all about the IDD community, and the community, which is a community that you're representing, and you're not representing them adequately. So, please, please enable the chat function, not just for next meeting, but at least for the remainder of this meeting. If at all possible, please do so. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. And Ms. Mark, we already heard from you. Are there any other public comments? All right. I'm not seeing any other hands up. Are there any written public comments?

MS. NORRINGTON:

Yes, we have one e-mailed comment. "Hello, we are listening to the OAH advisory committee meeting. It sounds like committee members are using the chat. However, the public cannot read it. Are they posting to hosts and panelists only or everyone?"

Regarding accessibility, it is impossible to communicate issues like this, the ASL interpreter freezing when someone is muted, et cetera. Please consider how someone with a communication difference could communicate this to you when the chat is disabled. Thank you. Michelle and William Delrosario."

There are no more e-mailed comments.

FACILITATOR BLOOMER:

Okay. And so, I think that would complete public comment on this motion. We would now take a vote for the motion that's been made and seconded. I believe I'm supposed to go through roll call. And so, I will do that now.

Okay. And forgive me if I named someone who's not here. I've done my best to keep up. Darline Dupree, what do you vote?

COMMITTEE MEMBER DUPREE:

Yay.

FACILITATOR BLOOMER:

Thank you. Fernando Gomez. Oh, dear. I could not hear Fernando.

COMMITTEE MEMBER IRIARTE:

He said yes.

FACILITATOR BLOOMER:

Said yes. I've tried both audio types. Okay. Yulahlia Hernandez.

COMMITTEE MEMBER HERNANDEZ:

Yes.

FACILITATOR BLOOMER:

Thank you. Maria Iriarte.

COMMITTEE MEMBER IRIARTE:

Yes.

FACILITATOR BLOOMER:

Sherry Johnson.

COMMITTEE MEMBER JOHNSON:

Yes.

FACILITATOR BLOOMER:

Taleen Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

FACILITATOR BLOOMER:

Otto Lana. And Otto, let us know, if you would, how you vote, yes, no, or abstain. And I'll -- yes, Otto votes yes. Okay. Carola Camacho Maranon.

COMMITTEE MEMBER MARANON:

Yes.

FACILITATOR BLOOMER:

Okay. Antony Charles Marron.

COMMITTEE MEMBER MARRON:

Yay.

FACILITATOR BLOOMER:

Thank you. Ryan Nelson.

COMMITTEE MEMBER NELSON:

Yes.

FACILITATOR BLOOMER:

Thanks, Ryan. Again, I don't believe Jessica Quesada is here, nor Benita Shaw. Aini Tjauw, how do you vote?

COMMITTEE MEMBER TJAUW:

Oh, abstain.

FACILITATOR BLOOMER:

Abstain. Jesse Weller.

COMMITTEE MEMBER WELLER:

Yes.

FACILITATOR BLOOMER:

Okay. Did I miss a committee member who is present?

COMMITTEE MEMBER SPIEGELMAN:

Yeah, it's Nina. And. --

FACILITATOR BLOOMER:

Oh, Nina.

COMMITTEE MEMBER SPIEGELMAN:

That's okay. No worries. Yes.

FACILITATOR BLOOMER:

A yes from Nina. There you are. Okay. So, with that, the motion passes.

DIVISION CHIEF ALJ FORMAKER:

This is Susan. I just wanted to interject that Otto did type into the chat, during the public comment, apparently, saying "Judy is right on her points. Yes, Ms. Delrosario is right, too. Otto Lana here."

FACILITATOR BLOOMER:

Thanks, Susan. Okay. Well, I hope there is some good feelings of moving that forward, and thank you for all -- for participating and for Jesse Weller and Fernando Gomez, and it's for a agreeing to be the subcommittee.

I see hands. I know there was another recommendation that we were going to potentially formulate, and Maria may have that on her mind. Maria, please go ahead.

COMMITTEE MEMBER IRIARTE:

I sure do. And before this meeting is over, I want to propose a motion that by the next OAH meeting on November 12th, I think, OAH provide written reasons with authority why it would not help a subcommittee, subject to Bagley-Keene, comply with Bagley-Keene.

FACILITATOR BLOOMER:

Do we have --

COMMITTEE MEMBER IRIARTE:

Its position -- its position right now is that it wouldn't, so I want to know why and I want to know -- I think we would want to know why, and we would want to have the authority in writing as to why they would not be, in light of the fact that it's part of the whole subcommittee work.

I mean, the whole -- what the subcommittee's doing is part of the work the whole committee's doing. And there may be other reasons, but that's what I'm thinking at the moment.

FACILITATOR BLOOMER:

Thanks, Maria. So, there's a motion on the table. I do see Fernando's hand, but I wonder if we should just see if there's a second.

COMMITTEE MEMBER SPIEGELMAN:

I would second that motion.

FACILITATOR BLOOMER:

That's Nina Spiegelman seconding the motion. Let's open it up to discussion. Is there anything you'd all like to talk about before we take public comment on this and vote?

Fernando, do you want to discuss, or -- can you repeat that? I just switched my audio so I could hear you.

COMMITTEE MEMBER GOMEZ:

I'm sorry about that. I have a comment that I'd like to make after the process of the motion.

FACILITATOR BLOOMER:

Thank you. And please remind us if I lose track. Okay. Any discussion about the motion and -- that's been seconded? Okay. So, now, we open it up for public comment again.

And so, we'll look for hands, virtual hands raised, any e-mailed comments that we will read aloud. Just pause to see if we see any. Have any e-mailed comments been received, OAH?

MS. NORRINGTON:

No e-mailed comments at this time. This is Maryjosephine.

FACILITATOR BLOOMER:

Thank you. Okay. Then, with that, let's return to a vote. And we'll go through the roster again. Please say yes or yay or something of support, no, or abstain.

Darline Dupree.

COMMITTEE MEMBER DUPREE:

Yes.

FACILITATOR BLOOMER:

Fernando Gomez.

COMMITTEE MEMBER GOMEZ:

Yes.

FACILITATOR BLOOMER:

Yulahlia Hernandez.

COMMITTEE MEMBER HERNANDEZ:

Yes.

FACILITATOR BLOOMER:

Maria Iriarte.

COMMITTEE MEMBER IRIARTE:

Yes.

FACILITATOR BLOOMER:

Sherry Johnson.

COMMITTEE MEMBER JOHNSON:

Yes.

FACILITATOR BLOOMER:

Taleen Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

FACILITATOR BLOOMER:

Otto Lana. I see a second yes, which I take to mean in response to this vote, as it was not there previously. So, Otto, thank you for the yes.

Carola Camacho Maranon.

COMMITTEE MEMBER MARANON:

Yes.

FACILITATOR BLOOMER:

Thank you. Antony Charles Marron.

COMMITTEE MEMBER MARRON:

Yes.

FACILITATOR BLOOMER:

Thank you. Ryan Nelson.

COMMITTEE MEMBER NELSON:

Yes.

FACILITATOR BLOOMER:

Thanks, Ryan. Aini Tjauw.

COMMITTEE MEMBER TJAUW:

Abstain.

FACILITATOR BLOOMER:

Thank you. Jesse Weller.

COMMITTEE MEMBER WELLER:

Yes.

FACILITATOR BLOOMER:

Nina Spiegelman.

COMMITTEE MEMBER SPIEGELMAN:

Yes.

FACILITATOR BLOOMER:

All right. With that, the vote passes. It's now a recommendation. I'll turn it back to you, Fernando.

COMMITTEE MEMBER GOMEZ:

Yes. Thank you, Karin, and I'll lower my hand. So, I wanted to come back to the issue that was brought up by a couple of --

MS. NORRINGTON:

I'm sorry to interrupt. We're unable to hear Fernando.

COMMITTEE MEMBER GOMEZ:

Okay, that's --

FACILITATOR BLOOMER:

I unmuted my original audio, and I could hear him.

COMMITTEE MEMBER GOMEZ:

Okay. Can you hear me now?

MS. NORRINGTON:

Yes, we can.

COMMITTEE MEMBER GOMEZ:

Okay, great. Thank you. So, I wanted to get back to the issue and the concerns that were voiced by several individuals in regards to accommodating the community who is participating and listening on these committee meetings.

I understand that the chat is disabled, and I understand also that we don't have a Q&A option, which surprises me. So, I'm trying to better understand why we don't have those opportunities available, options for the community who's interested in, you know, weighing in.

The other would be that I heard Susan, your comment, in regards to requesting accommodations. You know, that's a really hard thing for people to do. You have to follow a process. You have to find it, and it's really a burden.

So, in essence, it's not really an option. So, aside from that, what can we do? And if this is something we need to vote on to get more understanding, or is this something we can discuss between us as a committee?

FACILITATOR BLOOMER:

Fernando, can you help me understand whether you're posing a question to someone specifically or to the -- to the committee?

COMMITTEE MEMBER GOMEZ:

Actually, to the committee and to, actually, Susan, you know, OAH, in regards to why are we not able to either open the chat or provide a Q&A option for the public who's interested in weighing in?

FACILITATOR BLOOMER:

So, I guess to committee members and to Susan, any --

DIVISION CHIEF ALJ FORMAKER:

If the committee wishes to make a recommendation, OAH will respond in writing.

COMMITTEE MEMBER GOMEZ:

Then I'd like to make a motion.

FACILITATOR BLOOMER:

Go ahead, Fernando.

COMMITTEE MEMBER GOMEZ:

Thank you. I'd like to make a motion that OAH consider opening up either the chat, or making the Q&A option available, or a -- or both, if that's an opportunity, and if they can't, to please explain to us what's the limitations.

If it's based on the fact that there was no request through accommodations through an e-mail or whatever the process is, then that they reconsider that process to make it more in alignment with the community it's supposed to represent so that it's easier to do so.

And I guess the question would be, is there a second?

FACILITATOR BLOOMER:

That's exactly the question.

COMMITTEE MEMBER IRIARTE:

Can that be repeated, please, so that --

DIVISION CHIEF ALJ FORMAKER:

So, the other thing that I just wanted to mention is this was not an agenda item. So, we've now gone outside of the agenda, which is contrary to Bagley-Keene.

COMMITTEE MEMBER GOMEZ:

In my opinion, I believe it is. It talks about process, and it talks about the ability for us to function as a committee, so -- but that's my personal opinion. Here, again, I'm not the attorney in the room.

FACILITATOR BLOOMER:

So, Otto has said a third yes, which may have been to second that motion. I think the Q&A option is a viable option. Accessibility to public is Q&A. So, as it pertains to Susan flagging that's outside the agenda, that leaves me sort of unsure of how to proceed, whether there's -- other than a -- and I don't know that we can add it to a continued agenda.

Is there some way we might be able to accommodate the motion? Can an agenda item be added for -- to this agenda for November 12th, Susan, if it's a continued meeting?

COMMITTEE MEMBER IRIARTE:

The other question is, can the agenda be amended today to include that? Does there need to be a certain number of committee members that need to vote on that?

FACILITATOR BLOOMER:

Right.

DIVISION CHIEF ALJ FORMAKER:

So, because the agenda was provided to the public already, that is the agenda. Again, if Mr. Gomez can identify one of the agenda items under which this would fall, then I would think that the committee can proceed.

FACILITATOR BLOOMER:

How about the agenda item that is the explanation of the meeting format?

COMMITTEE MEMBER IRIARTE:

The one that says, Karin, you're -- it's the one that -- here, I've got it open. Would be overview of advisory committee meeting process because this is --

FACILITATOR BLOOMER:

There is that.

COMMITTEE MEMBER IRIARTE:

-- part of the meeting process.

FACILITATOR BLOOMER:

Yeah. (Inaudible) --

COMMITTEE MEMBER IRIARTE:

Agenda --

FACILITATOR BLOOMER:

-- (inaudible).

COMMITTEE MEMBER IRIARTE:

Well, I'm looking at welcome, number four.

FACILITATOR BLOOMER:

Yeah, agenda and four is overview of advisory meeting -- advisory committee meeting (inaudible) --

COMMITTEE MEMBER IRIARTE:

Can't you -- can't you squeeze it into that?

COMMITTEE MEMBER GOMEZ:

I would say so. I mean --

COMMITTEE MEMBER IRIARTE:

I would think so. I think it's broad enough.

FACILITATOR BLOOMER:

Yeah. I think so that, that --

COMMITTEE MEMBER GOMEZ:

So --

FACILITATOR BLOOMER:

-- so that process doesn't get too much in our way, I think, as you're trying to, you know, advance things.

DIVISION CHIEF ALJ FORMAKER:

So, the only thing that I -- that I would say is that we didn't open it up for public comment after those original items. And so, again, I -- you know, I'm not going to provide legal advice to the committee. That's not my role.

I'm just --

COMMITTEE MEMBER GOMEZ:

(Inaudible).

DIVISION CHIEF ALJ FORMAKER:

-- focusing on our -- the procedure that we have followed.

COMMITTEE MEMBER IRIARTE:

Could we in, in fact, open it up for public comment now? I mean, it's not -- we have that option at this moment to open it up for the public that's here today.

COMMITTEE MEMBER GOMEZ:

And we're talking about public comment on the motion itself?

COMMITTEE MEMBER IRIARTE:

Yes. The one that you --

FACILITATOR BLOOMER:

Right after the motion's made --

COMMITTEE MEMBER IRIARTE:

-- proposed.

FACILITATOR BLOOMER:

-- (inaudible) -- yeah.

COMMITTEE MEMBER GOMEZ:

Right. Okay.

FACILITATOR BLOOMER:

Yeah. Why don't we do this, Fernando? Why don't -- since I promised a break at 11:20, it's 11:26, why don't we take a five-minute break to come back to be ready for that motion and seconding it, if we -- if we could. And you can restate the motion, Fernando. Is that all right with everyone? Just because -- I apologize if I've --

UNKNOWN SPEAKER:

Yes.

FACILITATOR BLOOMER:

-- gone over that time. So --

COMMITTEE MEMBER GOMEZ:

(Inaudible).

FACILITATOR BLOOMER:

-- we'll see you at 11:32 to pick this back up. Thank you. Off with --

(OFF THE RECORD.)

FACILITATOR BLOOMER:

Thank you. So, I think -- just -- I want to just preview. I think we would move through this motion and see if there's a second, and discussion, and public comment, take a vote, and then proceed to general public comment as we had promised.

Fernando, would you be in a position to restate your motion? And this is in (inaudible) --

COMMITTEE MEMBER GOMEZ:

Sure.

FACILITATOR BLOOMER:

-- to agenda item four of review of advisory committee meeting process.

COMMITTEE MEMBER GOMEZ:

Thank you, Karin. My motion is, as it aligns with our agenda item four in -- regards to process, and as it pertains to Bagley-Keene. What is our limitations as a committee to provide either the chat feature for the public, or at the minimum, the Q&A feature for the community to weigh in.

And if we're not able to do so, if OAH can explain to us why. And also, if the reason being that it wasn't requested, based on a process that is currently in place, then that we would reconsider that process to make it more intuitive for our community to be able to request it.

FACILITATOR BLOOMER:

Thanks, Fernando. So, Fernando's made a motion. Is there a second to the motion?

COMMITTEE MEMBER IRIARTE:

Can you reread that? Because that was a lot.

FACILITATOR BLOOMER:

Fernando, one more time.

COMMITTEE MEMBER GOMEZ:

Okay. Maria, is there a specific area that you -- well, let me --

COMMITTEE MEMBER IRIARTE:

I just want to make sure I get it right, and I -- and I'm -- I don't miss something that I should have said --

COMMITTEE MEMBER GOMEZ:

No problem.

COMMITTEE MEMBER IRIARTE:

-- or added.

COMMITTEE MEMBER GOMEZ:

So, our agenda item four states, overview of advisory committee meeting process. And part of that process is why do we not have either the chat feature, or why do we not have the Q&A feature available for the community to weigh in, either or both?

And if the OAH provides a reason why, and it deemed that it was not requested, they -- that they then reevaluate that process to make it much easier for people to request it. I think that's it.

COMMITTEE MEMBER IRIARTE:

Can I add to that?

COMMITTEE MEMBER GOMEZ:

Sure.

COMMITTEE MEMBER IRIARTE:

And if they will not provide an accommodation in the way that Fernando has stated, then explain why they cannot, and where in Bagley-Keene it says -- if there -- whatever they rely on, explain it and cite it.

COMMITTEE MEMBER GOMEZ:

Thank you. I agree.

FACILITATOR BLOOMER:

So, Fernando, you've -- you are sort of amending, accepting that amended motion.

COMMITTEE MEMBER GOMEZ:

I do.

FACILITATOR BLOOMER:

(Inaudible) --

COMMITTEE MEMBER IRIARTE:

And I second the motion, too.

FACILITATOR BLOOMER:

I'm sorry. That was Maria Iriarte --

COMMITTEE MEMBER IRIARTE:

Yeah.

FACILITATOR BLOOMER:

-- seconding it. And I want to note Otto has a question. I'm thinking maybe we -- well, let me turn to discussion. I'll start with that.

So, Fernando has made the motion. Maria has seconded it. Now, discussion, Otto asks, can I ask a clarifying question? How is ASL and language translation provided?

And Otto, do you mean how -- just I'm thinking about this conversation. How is it provided to members of the public as it relates to being able to read or take in what's in chat or Q&A?

COMMITTEE MEMBER IRIARTE:

Karin, while we're waiting for Otto, maybe --

FACILITATOR BLOOMER:

Yeah.

COMMITTEE MEMBER IRIARTE:

-- what it is, you know, Otto's able to use the chat function because he's part of the committee, but what about the public? I think the question may be, how is the public, who needs ASL or some kind of translation, how are they able to provide public comment?

Is it through -- is it -- is it possible to do it through chat, through Q&A, or is it -
- does something else need to be added?

FACILITATOR BLOOMER:

And Otto's responding (inaudible). "No, I have to request the chat ahead of time." And he's added back to his earlier question, "does ASL and translation have to be requested first?"

COMMITTEE MEMBER IRIARTE:

Well, according to what Susan said, I would think that the answer would be yes, because she said that you have to request the accommodation. And then Fernando added, it's difficult for people to do that. The process is difficult.

So, how could we make it easier for people in the public to communicate, for example, for someone who needs ASL?

FACILITATOR BLOOMER:

Thank you. Other discussion about the motion? I'm just -- I want to see if there's any additional comments from Otto. Okay. So, I'm not seeing any at this time.

I think we would -- sorry, one more. This is from Otto. "So, do people actually request ASL and translation ahead of time, or is it considered universal design?"

So, for purposes of these advisory committee meetings, am I understanding -- I believe ASL and Spanish translation are provided no matter what. In other words, it's my understanding that it does not require a request for ASL or a request for Spanish translation for these to be provided.

They are provided for these committee meetings regardless. That's my understanding. I could be wrong. And so -- and so, Otto says, "okay, so should Q&A."

COMMITTEE MEMBER GOMEZ:

Yeah, I agree.

FACILITATOR BLOOMER:

Okay. If there's no other discussion, we'll take public comment, and then vote on this motion to make this recommendation. So, Susan, I'll leave it to you to, again, take public comment on this -- on this recommendation.

DIVISION CHIEF ALJ FORMAKER:

All right. We've got William Delrosario, who I believe is someone else speaking.

MS. DELROSARIO:

Hello, this is Michelle Delrosario, William's communication partner. I want to thank Mr. Gomez for his motion, and I am in support of that.

I do also want to mention that we joined this Zoom via a link that gave us an auto-join. It did not give us the option to request an accommodation, so I would like you to look at that, if that's the expectation.

And then I also want to comment that historically, William and our family have had to fight various systems across the board for his right to access communication, whether that be the education system, regional center, or even the recent masterplan meetings that you've had.

The accessibility is not there. If somebody with ASL is participating in the meeting, they would rely upon the chat to use communication. My son has peers who use Morris Code by tapping out on a chin pad. Some type with their toes, some type with their nose.

Navigating back and forth to an e-mail, to follow the processes that you have in place, is extremely difficult. And I ask you to consider Mr. Gomez's motion going forward to at least provide a minimal amount of accessibility. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Our next public comment is from Valerio.

COMMITTEE MEMBER GOMEZ:

Yes, we do.

MR. VALERIO:

Need that

MS. NORRINGTON:

Excuse me. Valerio is in the Spanish channel, and we're not getting any translation over here in the English channel. This is Maryjosephine.

FACILITATOR BLOOMER:

I believe he's speaking English, is he not?

MR. VALERIO:

Can someone help Maryjosephine --

FACILITATOR BLOOMER:

(Inaudible).

MR. VALERIO:

-- so she can --

MS. NORRINGTON:

Here, so it's not being recorded.

COMMITTEE MEMBER GOMEZ:

Valerio, are you in the Spanish channel, or you're in the English channel? You're in the English --

MR. VALERIO:

No, I'm in -- I'm in the English channel.

COMMITTEE MEMBER GOMEZ:

Yeah.

MR. VALERIO:

Yeah.

COMMITTEE MEMBER GOMEZ:

And he's speaking English, so if there's no --

FACILITATOR BLOOMER:

Yeah. I can hear him.

COMMITTEE MEMBER GOMEZ:

Yeah.

FACILITATOR BLOOMER:

So --

(Indiscernible crosstalk).

DIVISION CHIEF ALJ FORMAKER:

Maryjosephine, unmute the original audio, and you'll hear him.

COMMITTEE MEMBER GOMEZ:

Thank you.

MS. NORRINGTON:

(Inaudible)

MR. VALERIO:

Tell me when you're ready.

MS. NORRINGTON:

audio is -- oh, okay. Unmuted.

FACILITATOR BLOOMER:

Valerio, please go ahead. I think she's ready.

MR VALERIO:

Okay, she's ready. Very good. As I as saying, I support Ms. DelRosario's comments. Many of our self-advocates and their families rely on the chat to be enabled so they can communicate their concerns.

And it's -- it also shows the disposition of the OAH on supporting the community. Basically, what I'm trying to say is that if the OAH is not willing to support the community to the fullest, that trickles down, and that is probably because we don't have the chat available.

What is it, they don't want to hear from the -- from the public, or what is going on? We would like to hear an explanation why the chat is not available. Thank you.

COMMITTEE MEMBER GOMEZ:

Thank you (inaudible).

DIVISION CHIEF ALJ FORMAKER:

Thank you. I don't think we have any other public comments that are oral. Do we have any written public comments?

MS. NORRINGTON:

We have one e-mailed comment. "Hello, where can I access the link for today? I missed the beginning of the meeting. Thank you. Best, Melinda Estrada."

There are no other e-mailed comments.

FACILITATOR BLOOMER:

Thank you, Mary. Okay. Then it's time to vote on the motion. I'll go through a roll call vote. Darline Dupree.

COMMITTEE MEMBER DUPREE:

Yes.

FACILITATOR BLOOMER:

Fernando Gomez.

COMMITTEE MEMBER GOMEZ:

Yes.

FACILITATOR BLOOMER:

Yulahlia Hernandez.

COMMITTEE MEMBER HERNANDEZ:

Yes.

FACILITATOR BLOOMER:

Maria Iriarte.

COMMITTEE MEMBER IRIARTE:

Yes.

FACILITATOR BLOOMER:

Sherry Johnson.

COMMITTEE MEMBER JOHNSON:

Yes.

FACILITATOR BLOOMER:

Taleen Khatchadourian.

COMMITTEE MEMBER KHATCHADOURIAN:

Yes.

FACILITATOR BLOOMER:

Otto Lana. Yes. Carola Camacho Maranon.

COMMITTEE MEMBER MARANON:

Yes.

FACILITATOR BLOOMER:

Yes. Antony Marron.

COMMITTEE MEMBER MARRON:

Yes.

FACILITATOR BLOOMER:

Ryan Nelson.

COMMITTEE MEMBER NELSON:

Yes.

FACILITATOR BLOOMER:

Thank you, Ryan. Aini Tjauw.

COMMITTEE MEMBER TJAUW:

Yes.

FACILITATOR BLOOMER:

Jesse Weller.

COMMITTEE MEMBER WELLER:

Yes.

FACILITATOR BLOOMER:

Nina Spiegelman.

COMMITTEE MEMBER SPIEGELMAN:

Yes.

FACILITATOR BLOOMER:

Thank you. And I just want to note, I failed to mention from the chat, from Otto Lana, he mentioned that AAC is a language. So, relevant to the conversation about access.

Okay. Advisory committee, we should turn to general public comment now. So, I'd like to thank you for your time, and we will -- we will turn now to -- back to public -
- general public comment.

Susan, I'll leave it to you.

DIVISION CHIEF ALJ FORMAKER:

All right. We have a comment from Judy Mark of Disability Rights.

MS. MARK:

No, I'm -- this is Judy Mark from Disability Voices United.

DIVISION CHIEF ALJ FORMAKER:

Oh, I'm sorry. I couldn't see the full title. Thank you.

MS. MARK:

Okay. Thank you. You know, I just want to say that this has been a very frustrating meeting for three hours from the public. And that it seems like the process has been the topic as opposed to actually improving the fair hearing process.

And I'm wondering whether, if I could suggest, that there is a conversation between DDS and OAH on how to better improve accessibility and the process so that you don't have to spend so much time on this, and you can get to the substance.

I can say that while DDS public meetings are not perfect, and the masterplan process has not been perfect, I think they've gotten to a point where people in the community feel like they have -- they're able to (inaudible) things and to make comments on things as it happens.

And so, perhaps OAH could get some advice from DDS on how to move forward for this committee to be more functional. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Thank you. Are there any other spoken public comments? I'm not seeing any other hands up for spoken public comments at this time. Are there any e-mailed public comments?

MS. NORRINGTON:

This is Maryjosephine. At this time, there are no e-mailed comments. Thank you.

DIVISION CHIEF ALJ FORMAKER:

Okay, Karin. Back to you.

FACILITATOR BLOOMER

Okay. Thank you so much. Okay. Advisory committee, my suggestion would be that we -- I'll give this a pause in case there's objection. I'm going to suggest that we consider this meeting adjourned in a moment.

That gives the committee the -- some latitude for any suggested new agenda items for the next meeting. It gives OAH a chance, if they have the time, the ability, to respond to today's recommendations. So, I think my suggestion would be that we actually, in a moment here, consider the meeting adjourned.

And again, we would still hold over all items, and we'd still continue to show on the new agenda any agenda items we didn't get to today, but I think it does give you some latitude.

Fernando Gomez, go ahead.

COMMITTEE MEMBER GOMEZ:

Understanding and respecting the fact that we exhaust our -- kind of running out of runway here, Karin, I was hoping, though, because of the time, the nature of it, or the urgent nature of it, is that at least we can have a brief conversation on our agenda item 12 as it pertains to the masterplan and our -- as a committee, our objectives, if there's anything (inaudible).

There's a meeting coming up tomorrow, and there's others, and I'd hate to not take advantage of this opportunity.

FACILITATOR BLOOMER:

Thanks, Fernando. So, I'm just hearing Fernando asked that we spend a few minutes, you know, before the for the hour of 12:00, to have a little bit of discussion, at least tee up or warm up the item 12 on your agenda that reads how the advisory committee can align its stated objectives and goals with those of the California masterplan for developmental services, especially in relation to the hearing process.

So, Fernando, please go ahead.

COMMITTEE MEMBER GOMEZ:

Thank you. As we all know, the masterplan has five subcommittees, or work groups that they call themselves, or we call ourselves. I'm part of one.

But what I'm not hearing in these -- in these narratives of the discussions, there's a lot about the appeals process and the fair hearing process. And I was thinking that, maybe as a committee of -- that at -- and this could be an agenda item for our next meeting, is creating a short list of items that we can share with the masterplan to take into consideration that they could they be then allocated to the -- to the proper work groups as far as the subject matter.

FACILITATOR BLOOMER:

Advisory committee members, any sort of questions or discussion you want to engage with Fernando around that? So, Fernando, for example, you could -- if we adjourn this meeting, you could propose an agenda item for the next meeting, you know, along the lines that you just described. So, I mean that process-wise, that's -- I just want to put in my two cents around that.

So, feedback from the advisory committee, discussion, questions about what Fernando is suggesting?

COMMITTEE MEMBER GOMEZ:

Yeah. Thank you.

FACILITATOR BLOOMER:

Okay. Thank you. Okay. Process-wise -- oh, Nina, please go ahead.

COMMITTEE MEMBER SPIEGELMAN:

Oh, yeah. I just -- I just wanted -- just this is more to underscore the importance of what doing you know, the reason for Fernando, I think, mentioning it, which I think is great, I just think that at least -- we don't, you know, have time here, but I do think it would be really great for everybody to think on for the next session that exact thing, like, how we can actually contribute to the masterplan process and vice versa.

But I do think that, actually, this subcommittee, just even the work on clarifying, you know, sort of the, you know, existing state of the -- of the law on the role of the regional centers and the comparison to what the -- what the reality is can contribute.

And I think we should all think on how -- where in the masterplan the various work groups, you know, that kind of information would be beneficial. And I can think of -- you know, there's just a number of things right off the bat.

So, I think it's a unique opportunity, and I'm really glad Fernando raised that. And I just hope we can all think on it going forward. You know, be ready to have a discussion at the next meeting.

FACILITATOR BLOOMER:

Thanks, Nina. Okay. From a process perspective, Susan, anything we need to do in terms of public comment around that item. Shall I invite public comment? Probably should. We just covered an agenda item briefly.

So, just any brief -- this would be a few minutes. Any public comment? Please use the raised hand feature or the e-mail. And while we wait to see if there are any, Fernando, I see your hand.

COMMITTEE MEMBER GOMEZ:

Yeah, I've had several people text me asking for access to be able to make public comments. I don't have that link. Can somebody post it on the chat so I can share it out? I would appreciate that. Thank you.

FACILITATOR BLOOMER:

Thanks, Fernando.

DIVISION CHIEF ALJ FORMAKER:

And just to clarify, you mean the e-mail address?

COMMITTEE MEMBER GOMEZ:

However, which way people can access. Maybe, I think, they need to be able to join this -- I have the -- I guess my link is that, as a -- or as a panelist, right?

So, there is a link for people to join this meeting to be able to ask questions and they're not -- they're not finding that link.

FACILITATOR BLOOMER:

How to register for the meeting to get access.

(Indiscernible crosstalk).

DIVISION CHIEF ALJ FORMAKER:

People didn't need to register for the meeting. They just needed to use the link that is in the agenda that was publicly posted on the OAH website.

COMMITTEE MEMBER GOMEZ:

(Inaudible) put that in the chat, please, that link?

FACILITATOR BLOOMER:

Okay. Anything else? Taleen?

COMMITTEE MEMBER KHATCHADOURIAN:

Sorry. Just a clarification. Is that link the same for every meeting, or is it different per meeting? Is Fernando sharing it helpful?

DIVISION CHIEF ALJ FORMAKER:

It's different for each meeting.

FACILITATOR BLOOMER:

Okay.

COMMITTEE MEMBER KHATCHADOURIAN:

So, Fernando, if you're trying to share it for the next meeting, I don't think that's helpful.

COMMITTEE MEMBER GOMEZ:

No, there's some people, are trying -- been trying to come in, but they're -- they can't figure it out to this meeting, but thanks for that heads-up, Taleen.

COMMITTEE MEMBER KHATCHADOURIAN:

And along the same lines, trying to find a link within, you know, an agenda that is posted in a place that's not easily accessible may not be the best way to go. Maybe that link needs to be more accessible, too.

DIVISION CHIEF ALJ FORMAKER:

It is an accessible link on our website. And it's <https://oah-dgs-ca.gov.zoomgov.com/j/1605898280>.

FACILITATOR BLOOMER:

Tzer and Mary, any e-mailed comments that we want to read aloud before we adjourn?

MS. NORRINGTON:

This is Maryjosephine. At this time, there are no e-mailed comments. Thank you.

FACILITATOR BLOOMER:

Okay. Thank you so much. Okay, advisory committee, we are just before noon, and I suggest we adjourn, and we will reconvene November 12th. If our two-person subcommittee is in a position to bring some initial information back around that initial scope, more power to you.

And I know there are other agenda items that will roll over, as well as there will be an invitation for new agenda items. Any other final comments from advisory committee members before we adjourn? And Fernando, is that a new hand?

COMMITTEE MEMBER GOMEZ:

Sorry.

FACILITATOR BLOOMER:

(Inaudible) no worries.

COMMITTEE MEMBER GOMEZ:

Thank you.

FACILITATOR BLOOMER:

And Otto Lana says, "thank you, bye." Thank you, Otto. All right. Well, like Otto says, farewell, goodbye. Thank you, everyone so much. We'll see you November 12th. Bye-bye.

(OFF THE RECORD.)

- ADVISORY COMMITTEE MEETING CONCLUDED -

CERTIFICATE OF TRANSCRIPT

I, Nicholas Shupe, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the DDS Advisory Committee meeting that took place on October 8, 2024, Office of Administrative Hearings, via Zoom videoconference. This is the corrected original transcript and the statements that appear in this transcript were transcribed by me to the best of my ability. Executed under penalty of perjury in Sacramento, California on the 29th day of October, 2024.

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Nicholas Shupe

Transcriber

Northern California Court Reporters