INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
EXECUTIVE COMMITTEE

Meeting Minutes
April 27, 2004
Atlanta, Georgia

Committee Members in Attendance:

1. David Guntharp, AR
2. Harry Hageman, OH
3. Ben Martinez, PA
4. Ed Ligtenberg, SD
5. Genie Powers, LA
6. Joe Kuebler, GA
7. Kathie Winckler, TX
8. Warren Emmer, ND
9. Leo Lucey, UT
10. Pat Tuthill, Ex Officio

Staff:

1. Don Blackburn
2. Rick Masters
3. Ashley Kenoyer
4. Diane Kincaid

• David Guntharp, Chair of the Committee, called the Executive Committee to order at 8:30am (EST). Following introductory remarks, Don Blackburn read the minutes from the January 27 meeting. Harry Hageman made a motion to adopt the minutes. Ed Ligtenberg seconded. Minutes were adopted.

• Ben Martinez referenced the amended misdemeanor rule and made a motion to table implementing the amended rule passed on March 12 until October. Guntharp deferred to legal counsel due to uncertainty in tabling an issue voted on by the entire Commission. Rick Masters advised that the Chair could reconvene the Commission for a special meeting or that half the states must come forward with a request, but the Chair is not able to table the implementation of the amended rule.

• Martinez asked the Chair to reconvene the Commission for a special meeting. Leo Lucey asked Martinez how a reconvening of the Commission would take place since teleconference would be the only method possible for a special meeting with the entire Commission and that process is what Pennsylvania is disputing. Martinez responded that it would be at the discretion of the Chair as to how that meeting would be convened.
Guntharp asked Martinez what would occur if the same rule was adopted in October. Martinez indicated that if a vote was done in that forum, Pennsylvania would live with it.

In response to a suggestion that the Commission contact states about to urge support of the misdemeanor rule change, Winckler stated that she felt it was a mistake for this body to empower itself to go to states and push states on this issue. Harry Hageman included that no Commissioner got everything he/she wanted in this rule and Pennsylvania would be doing more harm than good by pursuing this resolution. Hageman added that threatening judicial review would destroy goodwill.

Martinez stated that the misdemeanor rule was a big victim issue and Pennsylvania feels that it’s strong enough to review every avenue available. Pat Tuthill stated that she hoped states who did not favor the rule would come to the table in October with a new rule.

Martinez also stated concerns for the process that took place in voting for the amended rule and made a motion for Guntharp to use his discretion as the Chair to reconvene the full Commission. Guntharp asked for a second to Martinez’ motion. For lack of a second the motioned failed.

Guntharp moved to Sarah Pitt, Human Resource Director from CSG to discuss the workload on the National Office and the minimal staff on board. Don Blackburn stated that he has been working with Sarah Pitt to identify needs for the National Office with the workload moving at such a rapid pace. Blackburn and Pitt analyzed the duties and needs of the National Office and determined that an Assistant Director and Administrative Assistant needed to be hired. Looking into the future, a technical person would need to be brought on board next year. The original positions determined for the National Office are Executive Director, Deputy Director, IT, Training, Legal, 2 Policy and 2 clerical. Pitt stated that the current position’s level of responsibility has grown tremendously as those duties have grown it was necessary to re-classify Diane Kincaid to a more technical classification. Both Ashley Kenoyer and Diane Kincaid are exempt employees who spend time working on non-exempt duties. Don Blackburn distributed the budget report which included the impact of the two positions.

Harry Hageman made a motion to hire an Administrative Assistant. Joe Kuebler seconded. Motion carried.

Pitt affirmed that most affiliates of CSG have a number two person who works on policy, grant writing, etc and is a reasonable expectation at an equitable level. Don Blackburn included that it would relieve him of administrative duties as well as assist in grant writing. Warren Emmer expressed concerns in finding a person with all of those qualifications. Joe Kuebler made a motion to hire an Assistant
Director. Leo Lucey seconded. Harry Hageman opposed the motion stating the job description was not specific enough and needed to hire a grant writer or an Assistant Director. Don Blackburn expressed his fears of burnout and need for help and that he would develop a description around what would help him. Warren Emmer called the question. Motion carried.

- Harry Hageman made a motion to hire a grant writer. Warren Emmer seconded. After discussion Warren Emmer amended the motion to utilizing CSG staff until full awareness of the needed position was identified. Don Blackburn asked where to pull the money from in order to contract with this person. Ed Ligtenberg discussed giving Blackburn the ability to move slowly in determining this position and needs. Hageman withdrew motion. Warren Emmer made a motion to authorize Blackburn to use $42,000 to be expended for a 12 month contract through CSG for a grant writer. Winckler seconded. Motion carried.

- Winckler gave her update on the Rules Committee. She has been unable to get a quorum for meetings. Winckler stated that meetings had been scheduled in 2004 for the purpose of weeding out issues and holding the committee together. Winckler has urged Commissioners to contact her with regard to rules issues. Guntharp included that if nothing comes to the Rules Committee 30 days prior to the Commission meeting in October, it will not be put on the agenda. Winckler asked what the Executive Committee expects the Rules Committee to undertake. Guntharp asked if any changes needed to be made to the rules, the Committee needs to be mindful that they have not yet been implemented. Winckler has some technical changes that need to be made, but would discuss with Masters and Blackburn and cancel the Rules meeting Friday, April 30.

- Genie Powers updated the Committee on training. Two national trainings are completed that came under budget $12,000 and will offset the cost of training the legal representatives June 27-29. There were 121 participants, 72 of which were paid by the Commission. Powers made the Committee aware of the expressed need for judiciary training. Guntharp included that there would be a two hour block for training at the Annual Meeting on the Rules. Powers added that training was needed for new Commissioners and for Blackburn in dealing with the media.

- Joe Kuebler updated the Committee on information technology which was moving quickly. RFI went out on March 15, Vendor Conference on April 2, proposals on April 16, evaluation of proposals on May 6-7, oral presentations on May 19-22, working demo on September 7, contract negotiations on October 7 and a pilot project projected for three states being operational by April 30, 2005. 14 vendors were present in Orlando and 8 proposals were received. Kuebler expressed the needs for a project manager and asked the Committee to approve to hire. Kuebler made a motion to utilize DIS project manager. Harry Hageman seconded. Motion carried.
• Kuebler also updated the Committee on the forms and the work involved in making them accessible. Looking at Word and PDF programs with states testing. Website was developed by the National Office. Blackburn included information about the APPA grant, stating that Rob Miller was being paid for by the grant as well as meeting space and food for the vendor meetings.

• Martinez gave the East Region report. New York Commissioner Ed Mruczek retired and has no replacement. No status on Puerto Rico and Massachusetts, legislation still trying to pass.

• Joe Kuebler gave the South Region report. Virginia now a member of the Commission, James Comache is the Commissioner. Mississippi is through the House and has gone to the full Senate.

• Leo Lucey gave the West Region report. Positive feedback on the training and plans to schedule a conference call. Some states have developed Councils and Utah passed through legislation a $50 compact fee.

• Ed Ligtenberg gave the Midwest Region report. Five states are meeting in Minnesota to discuss transfers.

• Warren Emmer gave Compliance update. Plans to develop draft for Committee on goals. Strategize for major issues which are timelines, internal resolution, make compact manageable. Blackburn brought up dues issue with New York being overdue. Emmer advised sending a letter at 90 days, after 6 months considered non-compliance.

• Blackburn gave update on Finance. Annual revenue is $1,256,000 with Virginia joining. Under budget for Annual Meeting. Estimated costs for information and technology committee.

• Guntharp told Committee that the Treasurer position would not be replaced until this fall. He included that the Commission needed to create a policy statement for directive on issues discussed. Winckler made a motion to create policies regarding: 1) how policies are created by the Executive Committee and recorded; 2) delinquency of dues; 3) requesting work from the Executive Director; and, 4) requesting work from the Legal Counsel. Joe Kuebler seconded. Motion carried.

• Guntharp continued with the contract with CSG. Blackburn told the Committee that he was able to get a lower indirect cost rate from 27% to 20%. The indirect cost only covers human resources, IT, and finance. He is charged for all other services he uses. Warren Emmer moved to approve contract. Winckler seconded. Motion carried.

• Guntharp continued with the legal advisory group being put in place by Rick Masters to bring in additional support when needed. Masters added that he can not
be in two places at once for trainings, and he proposed 3 possible legal reps that could help with training at a cost of $50 per hour with a cap of $500 per day only in cases where he is unavailable. Harry Hageman made motion to accept. Leo Lucey seconded. Motion carried.

- Guntharp raised the issue of including other organizations as ex officio members. For example NIC, APPA, APPAI. Hageman asked if they could be called honorary and the Commission would not be responsible for expenses relating to these ex officio’s. Hageman made motion to change by-laws to create non-mandate ex officio members and refer to them as honorary members. Genie Powers seconded. Motion carried.

- Joe Kuebler raised issue of getting compact administrators more involved because they are the front line dealing with the day to day work. Kuebler proposed formal recognition in by-laws, serve on committees in a non-voting capacity, paid invitation to National Meeting or having their own meeting to network, and regular training for new DCA’s. Hageman stated his discomfort of voting without the presence of the full Commission. Winckler stated her concerns about doubling the cost of the Commission meeting by paying for compact administrators to attend the annual meeting. She stated that although involving compact administrators is a worthy goal further down the road, it is not a critical issue at this point, and Commission resources should be preserved for those things that are in the critical path. Guntharp advised that Kuebler could take this issue before the Commission this fall or bring it back to the Executive Committee from a different angle. Warren Emmer made a motion to adopt a resolution to go out to Commissioners encouraging them to bring one deputy compact administrator to the Annual Meeting. Joe Kuebler seconded. Motion carried.

- Pat Tuthill submitted a proposal asking that the Ex Officio victim rep be supported to attend 2-4 annual conferences that are pre-approved and chosen by the Committee. Winckler moved to support the Ex Officio rep for up to $2000 to represent the Commission at selected meetings. Genie Powers seconded. Hageman discussed concerns for having to do the same for all Ex Officio members. Leo Lucey discussed concerns that a Commissioner might be the best person to represent Commission at said meetings. Guntharp discussed concerns for locking into this position, but sees the need to support if it is in the interest of the Compact. Winckler withdrew the motion.