INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
EXECUTIVE COMMITTEE MEETING
November 12, 2004
11:00 a.m. EST
Teleconference

Committee Members in Attendance:

1. David Guntharp (Chair)
2. Harry Hageman (Vice-Chair)
3. Milt Gilliam (OK)
4. Dori Ege (AZ)
5. Ed Lightenburg (SD)
6. Warren Emmer (ND)
7. Genie Powers (LA)
8. Anne Hyde (SC)

Staff:

1. Don Blackburn
2. Rick Masters
3. Ashley Kenoyer
4. Mindy Spring
5. Kelli Price

11:00a.m    Call to Order
[David Guntharp, Chair]

Roll Call
[Executive Director]

- Chairman D. Guntharp called the meeting to order at 11:00 am EST. 8 members were present, establishing a quorum.
New Business

- Tennessee Litigation
  - Compliance Committee Chair W. Emmer announced he will be making a motion to fine Tennessee $1,000/day for each complaint filed against them giving Tennessee 30 days to comply before pursuing litigation.
  - Legal Counsel R. Masters gave an update of what steps have already been taken in this matter. 2 letters have been sent to request compliance, no response.
  - Legal Counsel R. Masters suggests that a standard needs to be adapted by member states for “defiance of federal law.”
  - Compliance Committee Chair W. Emmer motions to fine Tennessee for the three formal complaints against Tennessee $1,000/day, giving them thirty days to comply before pursuing litigation. Commissioner G. Powers seconded the motion. Motion fails.
  - Compliance Committee Chair W. Emmer motions to proceed with litigation against Tennessee. Commissioner G. Powers seconded the motion. Motion passes unanimously.

- Pennsylvania Litigation
  - Legal Counsel R. Masters announced that Deputy Counsel Linda Laub (PA) offered to dismiss lawsuit in exchange for appeal dismissal.
  - Committee Vice-Chair H. Hageman made a motion to go into Executive Session. Seconded by Commissioner M. Gilliam.
  - Meeting went into Executive Session.
  - Compliance Committee Chair W. Emmer motions to counter offer to drop litigation against Pennsylvania in return for incurred appellate fees paid by Pennsylvania to Commission. Seconded by Commissioner G. Powers. Motion passes.

- Commissioner M. Gilliam motioned to have Rules Committee draft a rule that if states challenge a rule in Federal courts and do not prevail, they will reimburse Commission of attorney’s fees. Seconded by Commissioner A. Hyde. Passed Unanimously.

- Compliance Committee Chair W. Emmer stated that concerns with Washington not supervising misdemeanors will be major issue for Commission.

- Committee Chair D. Guntharp noted that Executive Committee meeting will be scheduled monthly on the second Tuesday at 11:00 EST.
Adjourn

- Motion to adjourn meeting made by Commissioner A. Hyde. Seconded by Commissioner G. Powers. Next meeting scheduled for December 14, 2004, 11:00 am EST.