



STATE of CONNECTICUT
Office of Governmental Accountability
State Contracting Standards Board

State Contracting Standards Board Regular Meeting

Friday, December 13, 2024 - 10:00 A.M.

Location: 165 Capitol Avenue, Hartford, CT
Conference Room G009F and *Virtual*

In attendance:

Rochelle Palache, Chair (in person)
Thomas Ahneman (in person)
Al Bertoline (in person)
Lauren Gauthier (in person)
Al Ilg (in person)
Donna Karnes (virtually)
Salvatore Luciano (in person)
Stuart Mahler (in person)
James Marpe (in person)
Jean Morningstar (virtually)
Daniel Rovero (virtually)

Gregory Daniels, Executive Director, Ex-Officio Member (in person)
Samson Anderson, Research Analyst (virtually)
Aaron Felman, Staff Attorney (in person)
Aleshia Hall, Administrative Assistant (in person)
Carmen Hufcut, Trainer Specialist (in person)
Martiza Lopez, Accounts Examiner (in person)

Guest:

Colleen Valentine, Assistant Attorney General

MINUTES

1. Call to Order

- a. Roll Call of Board Members

2. Approval of Minutes

- a. Approval of the minutes from the November 8, 2024, SCSB Regular Meeting
A motion to accept the minutes as written was made by: Al Bertoline
The motion was seconded by: Sal Luciano
The minutes were unanimously approved.

3. Communications and Petitions

- a. Sec. 4e-36 Contested Solicitations and Awards Subcommittee Report – Stuart L. Mahler

Through a reference to a Stephen King novel, Mr. Mahler referred to the regulations in the meeting handout that *mysteriously appeared* on the website and stated that we do not generally operate that way. He stated that the Board has had approximately 15 different complaints since it came into existence, and he is the only original member from that group; many of these procedures came from this experience of working with people who have filed complaints. He referenced an early case regarding a soccer stadium project involving the City of Hartford and CRDA. He reflected that when he worked for OPM, he would walk around the floors at lunchtime and people would bring their recommendation for an RFP; he would direct them to go upstairs and sign in for him. He feels it is important that if someone is hand carrying something, they should receive some notification at the date and time because that was an issue when dealing with the soccer stadium. He closed with saying that he would like to have his proposed regulations adopted.

Mr. Luciano offered clarification that the website had the CPO being the person who made certain decisions. Mr. Mahler is trying to clarify that the 4e-36 subcommittee should make the decisions rather than the CPO.

Staff Attorney Felman explained that the procedures are required by Uniform Administrative Procedures Act (UAPA). While the Board is well within its authority to adopt them, they would not technically have the force of law because they are not promulgated in accordance with UAPA. He offered this to clarify what is at stake.

Ms. Gauthier clarified that this is just a clarification of procedure. They are not trying to be legally enforceable.

Chair Palache clarified that this is the same material that Mr. Mahler brought to the Board and staff at the last meeting.

Ms. Gauthier made a motion to adopt, as written, the policy brought forward by the Chair of the 4e-36 Subcommittee, Mr. Mahler.

The motion was seconded by: Sal Luciano

The motion was passed unanimously with Thomas Ahneman abstaining.

b. Privatization Contract Committee Report – Chair Salvatore C. Luciano

Mr. Luciano reported that there is nothing to report.

c. Audit/Data Analysis Work Group – Chair Alfred W. Bertoline

i. Audit/Data Analysis Work Group Report – Chair Alfred W. Bertoline

Mr. Bertoline shared that we are coming to the end of the first-year process.

1. Audit Status: One will be proposed today, and one is pending comments from the agency.

- ii. We are hoping to approve the second one with the summary report at the next meeting.

1. Assistance with the Audits:

Field work on seven of the eleven audits was completed at the end of the FY'25. The remaining four audits are being moved to the next year. Mr. Bertoline was pleased with the amount of work that was completed and the processes that were developed for the first time in the history of the State.

Mr. Bertoline reviewed the history of hiring the original examiner and the original approach to the process. After resignation of the first Accounts Examiner, we were fortunate to hire Accounts Examiner Maritza Lopez. This change in personnel slowed the process, but we came through and did a lot in the first year. He feels good about the seven audits that were completed. Now, in December, we have completed all the scheduled first-year audits except for the one that is in the final process.

Additionally, the overall report should be completed for the January meeting.

There are \$18.8 billion in open contracts on the State database in which we select our contracts. We have one Accounts Examiner charged with this entire process which is an awesome task that is beyond the capabilities of just one person and a volunteer Chairperson and work group.

In the new audit year, we have selected another 11 agencies; with the four from last year, we endeavor to complete 15 audits in this second year. We purposely selected smaller agencies the first year. The agencies scheduled in the coming year are much more complex. Mr. Bertoline asked the Board to assist with making a plan to move forward and explained that we have taken some action already. Executive Director Daniels and the team (referring to the staff) met with Auditors of Public Accounts to discuss the possibility of getting assistance from them. APA declined primarily because they see that as a conflict of interest. They are, however, willing to work and collaborate with us.

Another thought from the committee was to hire someone on a temporary basis and they thought of former Executive Director David Guay, but he is not sure that went anywhere.

Executive Director Daniels reached out to DAS/HR and found that there are retired state employees who are qualified and authorized for agencies to hire. That is a nice possibility; however, we do not have money in the budget to do so.

Another approach is to orient the remaining staff members to the auditing processes to assist, knowing that they are constantly responsible for other things.

Mr. Bertoline appealed to the Board to make a decision on the priority of projects that should be accomplished in the following year and determine how to utilize our staff to ensure that we do that in an effective manner. He recommended determining the priorities in order of importance and then assigning staff to support those goals or deciding that we will just do the best we can with the resources available. He offered the topic for discussion:

1. Tom Ahneman stated that completing 15 audits with one staff member is ambitious. Our legislative mandates should be our priority.
2. Mr. Luciano said that, absent the CPO for much of the year, Chair Bertoline and Accounts Examiner Lopez have done an excellent job. Mr. Luciano said he was having difficulty understanding why there is not money in the budget for a temporary hire, unless our CPO is still getting paid. He asked for an explanation of why we do not have the money. He believes the hiring of David Guay would be helpful to the audit process and on other levels, including his connection with other agencies to push them into training. He expressed having difficulty understanding why we could not hire a temporary person, and if Jonathan (referring to Chief Procurement Officer Jonathan Longman) were to return, then that would be the termination of David (former Executive Director David Guay). Mr. Luciano asked Executive Director Daniels to speak to the budget.

Executive Director Daniels referred to the budget discussions at many meetings in which he shared that the agency was going into this fiscal year with a deficit. We requested and were granted the budget surplus carry over of the previous year in the amount of \$45,000. In response to the inquiry regarding CPO Longman's status, Executive Director Daniels stated that it is inappropriate to speak about his situation. We have a staff and continue to pay salaries. Jonathan Longman is still an employee of the State of Connecticut.

Mr. Luciano confirmed that he understood the budget proposal when it was raised and declined Executive Director Daniels offer to review the budget again. Mr. Luciano stated that if we are not paying Jonathan, there should be money available. Executive Director Daniels emphasized that it is not proper to speak about the matter, especially when there is a pending claim. Mr. Luciano continually expressed his opinion that he feels it is appropriate in a public session to talk about the money in the budget and if Jonathan is still being paid. If he is not being paid, there should be money in the budget to hire someone.

Chair Palache intervened and will move discussion offline, so we can get that answer.

Mr. Mahler stated that we are part of the Office of Governmental Accountability and referred to Executive Director Daniels previous reports that maybe SCSB took more money than they should have taken in years past. He asked if there is any money from the other agencies within OGA that we could utilize. Executive Director Daniels confirmed that, in the past, SCSB was taking most of the shared allocation that was meant for other agencies. It was made clear to us by OPM that practice of doing so is ceased, and we are to remain within our portion, 1/6th of the shared funds, which is approximately \$3,000.

Ms. Gauthier asked, if we figure out our funding stream, how long would take to get someone on board. Executive Director Daniels reported that he has spoken to DAS/HR and was told it could take three to six months to get a temporary person hired. If we start the process January, it may possibly be June.

Mr. Mahler asked Mr. Bertoline about the option of utilizing artificial intelligence (A.I.) to assist with the audits. Mr. Bertoline shared that Executive Director Daniels has looked into this option and the status of the technology within the State. Although it may be in our distant future, it is not available as a short-term solution.

Mr. Ilg sought clarification on how we can have \$18.8 billion in open contracts and expect one person to do what a law requires. He would like to address this issue before we go on to another. We cannot have a law that cannot be carried out and we could be sued because we are not carrying out the law. As a Board member, he resents being put into this position and is concerned. He asked the staff to provide an idea about how to change the law to address the situation.

Mr. Ahneman clarified that we are required to audit the agencies, not the entire \$18.8 billion in contracts. He referenced all we have accomplished with one staff member and noted that we have embarked on something different. He recommended that we examine the vehicle and the process by which we audit agencies.

Staff Attorney Felman shared that, in reference to legislative requirements, laws are often passed by those not involved with their implementation. In reference to the concerns over lawsuits, he has touched upon this in legal memos that he has shared with the Board availed himself to further discussion offline if necessary.

Mr. Marpe thanked Attorney Felman for his input and recommended that we discuss the legislative proposals. Embedded in them is more capabilities and it does not make any sense to have just one or two people to look at all of this. As a Board, we need to formulate our request to the

legislature based upon how we expect to achieve our mandates. Legislation is often put in place without any concept of how it will be accomplished. As Board members, he feels they are at risk if we do not make the legislature aware that we do not have the resources to do what we have been mandated to do. His expectation is that we have staff members who are qualified and paid to do this and discussion needs to move forward.

2. Audit Processes

In response, Accounts Examiner Maritza Lopez explained that the audits are moving along. Building on the original processes, she has been working with the staff to establish new improved processes. She provided examples of how the current audits were facilitated and how she intends to go forward. Although all the audits were not completed, they are all in process. Ms. Lopez shared a PowerPoint presentation of a newly developed Procurement Audit Process document that is being developed with the assistance of Training Specialist Hufcut. Along with a revised engagement letter, this new process will focus directly on audit areas and minimize the amount of data that we receive from each agency. By requesting specific information, the time we expend parsing through the documents will be reduced, unnecessary paperwork will be eliminated, and an overall reduction in audit time is anticipated.

Mr. Luciano reflected that, at the last meeting, Mr. Bertoline liked the idea of getting the agency heads together and asking them to provide exactly the information that Accounts Examiner Lopez is requesting, but this is being impacted by the absence of the CPO.

Attorney Felman responded that he has been examining the legal aspects of the Advisory Council and how they can proceed. He will have more information at the next meeting.

Mr. Bertoline emphasized that our approach has been refined throughout the year and will be continually improved. In reference to Mr. Ahneman's recommendation, he supports examining *exactly* what we are looking for. In the past, we solicited a lot of information for the agencies to produce and focused on competitive vs. non-competitive contracts. This new approach goes much further to ensure compliance. We are now endeavoring to refine this process constantly and welcome additional input on ways to improve.

A motion was made by Al Bertoline to accept the Department of Insurance Audit as written.

The motion was seconded by: Lauren Gauthier and Sal Luciano
The motion was passed unanimously.

4. Department of Energy and Environmental Protection Audit:
Mr. Bertoline reported that the audit is completed, and the findings have been shared with the agency for comment. There has been conversation regarding the issue that the Auditors of Public Accounts from two years ago found a non-compliance issue that we identified as well. The Audit-Data Analysis Work Group chose to include language:

The audit performed by the APA two years ago had similar findings to those we noted in our current report. This condition is unacceptable for the expenditure of state funds and must be addressed by DEEP management as a priority.

Ms. Gauthier agreed that the language should be strong. Mr. Ilg supported the efforts and discussed past efforts.

Mr. Luciano said that this is crux of why this Board exists and believes the legislature wants us to enforce them. We have the *hammer*, under 4e-7, and could stop them from having any purse strings at all. We prefer not to use the *atomic option* but need to make it clear to DEEP that we are *not screwing around*, and they need to start complying with procurement. He agrees with the use of strong language, and if DEEP does not take us seriously, we threaten them with 4e-7.

Mr. Ahneman has no problem with saying that it is unacceptable but asked for clarification on the issue, and if this was a procedural or systemic problem.

Accounts Examiner Lopez explained that there were two compliance issues that she brought to Mr. Bertoline at the conclusion of the audit.

1. Only two bids were submitted. She reached back out to the agency (DEEP), and they promptly provided the third bid. Since the agency made the correction, that finding was removed from the audit.
2. The other issue was that they did not submit the Ethics/Confidentiality Agreement forms. DEEP is not challenging our finding; however, they do not agree that the APA audit reference, which occurred during the COVID pandemic, should be referenced in our audit findings. DEEP staff plan to escalate this to the Commissioner's level. Ms. Lopez has been in constant contact with them and will share the response when it is received, possibly even today. Mr. Bertoline said that the point was made because they did not have the attestation form signed that is required. It is important that the people selecting the contractors need to confirm that there is no conflict of interest. He considers it a systemic issue

if it was happening two years ago in the APA audit and is still continuing; he believes we have to stop it and make an impact.

3. Annual Audit Report - Triennial Audit Report for FY '24

Mr. Ahneman recommended that the Training aspect be moved to the forefront since this is huge for all of the agencies.

iii. Budget Sub-Work Group Report – Chair Brenda L. Sisco

On behalf of Chair Sisco, Chair Palache shared that there was nothing to report.

d. **Statutes, Regulations, Policies and Procedures Work Group** – Chair Thomas G. Ahneman

i. Statutes, Regulations, Policies and Procedures Work Group Report – Thomas G. Ahneman

Chair Palache announced that Thomas Ahneman has agreed to chair this committee; however, Mr. Luciano provided today's report. He reflected back on the minutes of the February 19, 2023, minutes that said they would be looking at all regulations; however, that did not happen. From a universal perspective:

- 21 regulations need to be done
- 4e-5, 4e19 – 24, 4e-26 – 28, 4e41 – 47, and 4e-49.
- 8 regulations have to be done in consultation with Department of Administrative Services (DAS)
- 3 regulations have to be done in consultation with the Attorney General (AG)
- 1 regulation requires the State Insurance and Risk Management Board complete independently in consultation with us.
- 1 regulation has to be done in consultation with the Metropolitan District Commission (MDC) that controls clean water and sewage for approximately 40 towns.
- The 8 remaining is what the Board needs to address.
- 2 regulations the Board shall adopt in accordance with Chapter 54 (develop and implement the training and education program), which we are already doing, and must comply with Uniform Administrative Procedures Act (UAPA)

Mr. Luciano thanked Mr. Ahneman for taking the role of Chair of this work group.

Mr. Ahneman said he will do his best to get this done while working DAS, OPM, MDC, and any other involved parties. He thanked Executive Director Daniels when he confirmed that multiple staff members will be assisting him in this effort.

ii. Personnel Review Sub-Work Group Report – Chair James S. Marpe

Chair Palache asked that this topic be discussed now, rather than under the New Business portion of today's agenda.

Mr. Marpe reported that the Personnel Sub-Work Group met on December 4, 2024.

- The work group is comfortable with the form that was adopted for this process.
- On behalf of the Work Group, he would like to recommend:
 - Those who feel comfortable commenting on Executive Director Daniels' performance use that form to do so. He expressed is concern about a lack of clarity and specific objectives; however, he was not a member of the Board a year ago, so he is not prepared to debate or argue with those who were. He believes the form will serve as a basis for those who wish to provide feedback.
 - Upon completion, the form should be submitted individually and directly to Chair Palache. In her role as Chair, she will synthesize the commentary and use that as a basis for a one-on-one evaluation with Executive Director Daniels.
 - After Chair Palache completes the evaluation with Executive Director Daniels, she will report back to the Board in an executive session as to the reaction, the feedback, and the next steps on how to move forward with specific performance objectives upon which the Executive Director's performance can be measured going forward.

Mr. Ahneman offered to assist Chair Palache in synthesizing the 14 forms individually or as the Work Group. Chair Palache accepted his offer to assist with this process. Mr. Ahneman stressed the importance of acknowledging that this is a *blunt instrument*. This is the first time this is being done and the process can be refined. He does agree that this is the right approach at this time.

Ms. Gauthier asked Chair Palache to reiterate the full process as they discussed yesterday to which she clarified:

- Chair Palache clarified that she will be meeting with Executive Director Daniels. She will decide if she will be meeting with him alone or if she will bring another member of the Board.
- Timeline:
 - Board members wishing to do so should complete the form and return to Chair Palache directly by the end of January 2025.
 - She will then schedule a time in February to meet with Executive Director Daniels that may or may not be before the Regular February Board meeting.

- At the March Board meeting, there will be an executive session to discuss the feedback along with future objectives for Executive Director Daniels.
- In terms of our plans for next year, we need to state what the goals are, make sure that they are achievable, and that he and the staff have the resources available to meet those goals.

A motion was made by James Marpe to adopt the procedure as outlined by Chair Palache.

The motion was seconded by: Al Ilg and Donna Karnes

The motion was passed unanimously.

e. Training Work Group Report – Training Specialist Carmen Hufcut

Training Specialist Carmen Hufcut reported that the work group has not met; but plans to meet early next year.

Accreditation status update: The application was submitted, and we are awaiting response from the accreditors.

Ms. Gauthier sought clarification on the cost and payment for this item. Administrative Assistant Aleshia Hall clarified that the total is \$5,385; this represents an application fee of \$4,290 and an annual fee of \$1,095. Ms. Hufcut added that there will be no more monies due until 2027 and that has been budgeted for. Ms. Gauthier stated that we have been discussing the budget since July and asked when the Board voted to approve this. It was her understanding that it would come to a vote, so she does not understand why it never did and has been paid for anyway.

Chair Palache does not have an answer to that; however, she acknowledged that since she started as Chair in June, she understands this is within the normal course of the staff doing their work. She did not feel there was a need for a vote. Additionally, there was resolution to the budget issue, so she is not concerned. If procedurally we would like to approve it, we can figure that out, but she does not feel it was necessary. Ms. Gauthier understood it to be an open item because, before we came to resolution, they discussed needing this vote and other pathways they could take. When asked if others had the same understanding, Mr. Mahler replied in the affirmative.

Mr. Ahneman stated that was not that understanding. As a member of the Training Work Group, he was in favor of getting the accreditation. In response to his inquiry, Training Specialist Hufcut confirmed that the \$1,095 annual fee will not be paid again until 2027. Administrative Assistant Hall clarified that the \$1,095 fee has been allocated for in our FY'26-27 biennium budget request. Mr. Ahneman closed by reaffirming his favor of accreditation.

Mr. Luciano requested a copy of the budget and operational expenses year-to-date.

Executive Director Daniels will reach out to DAS and provide the requested information to the Board members. The budget is public information.

Ms. Gauthier stated that she is not against accreditation, but given that this was an open discussion, a specific expense that the Board was looking at, and whether or not this was the path that they wanted to go through, she is looking for the vote that ratified that specific event per the statute.

Training Specialist Hufcut stated that this has been discussed at every single meeting and could supply the dates. Ms. Gauthier acknowledged that there has been a lot of discussion, but she is looking for a vote, and there was not one.

After some discussion, Chair Palache recognized that there appears to be a discrepancy here; however, there does not seem to be an issue with taking advantage of the opportunity for accreditation. She is unsure how to fix that at this time, and can circle back, but it this is something required for the staff to continue their work.

f. Staff Report

i. Administrative and Operations – Gregory F. Daniels, Executive Director

1. Annual Staff Report: In lieu of the typical monthly December report, we will issue an annual agency report that wraps up the year and provides a synopsis of some of our accomplishments and successes as we enter the new year. Taking into account feedback received from Board members, it will take on a different format. Ultimately, the monthly reports are our attempt to keep the Board, and the public informed of what the staff are accomplishing.

Ms. Gauthier asked for a copy of the Report of Mandated Regulations. Executive Daniels will share that with the Board.

ii. Legal Update – Aaron I. Felman, Staff Attorney

1. Contracting Standards Advisory Council – Council Chair Delegation

Ms. Gauthier inquired about the Legal section of the monthly report; item #1 refers to advising the Chief Procurement Officer and we have not had one for a couple of months. She would like that clarified, especially given the questions regarding his pay. Additionally, she requested that a repository of memos be accessible to Board Members, particularly legal memos issued by Staff Attorney Felman. Through that, they could see the work product that he was putting out because all of his memos belong to the Board. She also asked about the ongoing UAPA vs. SCSB statute comparison and requested a draft copy of his status to date. This will be helpful for the regulations group to start with. ongoing regulation sand asked for a draft copy to see where we are at this time for the statutes committee.

Staff Attorney Felman said he will examine the option of a repository; however, all legal memos have already been shared with all Board members, so everyone has them already. As far as a draft of his ongoing regulations work is concerned, he will be happy to *make it pretty* for the Board's review with the understanding that it is ongoing.

In response to Mr. Luciano's earlier reference to statute requirements, Staff Attorney Felman clarified that there are more required regulations than those listed in Chapter 62. There are regulations required across all agencies under UAPA and other statutes such as data compliance. He will coordinate with Executive Director Daniels and Chair Palache to share any information.

Additionally, Staff Attorney Felman again spoke to 4e-8 and will be providing legal analysis on how to go about moving forward with the Advisory Council in the absence of a CPO.

Mr. Luciano said for the purposes of this, we can make someone an acting CPO to move things forward for the audits for Accounts Examiner Lopez and for Training Specialist Hufcut by telling agencies that they have no choice and must get trained.

4. Old Business:

These items were covered earlier in the meeting.

- a. Consideration/Action on the draft Proposed Personnel Evaluation Instrumentation for the Executive Director and Chief Procurement Officer positions – Chair James S. Marpe
- b. Committee and Work Group Assignments – Chair Rochelle N. Palache

5. New Business

- a. Consideration/Action on the Revised Contested Solicitations and Awards Procedures – Stuart L. Mahler
This item was discussed earlier in the meeting.
- b. Consideration/Action on the SCSB 2025 Meeting Schedule – Chair Rochelle N. Palache

A motion to approve the 2025 Regular Board Meeting schedule as written was made by: Lauren Gauthier.

The motion was seconded by: Sal Luciano

The motion passed unanimously.

6. Opportunity for Citizens to Address the SCSB:

Bryant Abbott introduced himself as a member of the general public that has been following the Board and meetings for six months and wanted to offer feedback for year end. He emailed and submitted a FOIA request for the DEEP audit communications for

the audit that was not completed by the end of the fiscal year as scheduled. He wanted to provide feedback that he is sympathetic to Al (Bertoline, whom Mr. Abbott incorrectly referred to as a staff member in the role of both Procurement Officer and Auditor) who is in this adversarial role and there is no nice way of going about it. In reference to APA, he is familiar with the Auditors of Public Accounts and explained that they produce triennial reports. In March 2022 they audited DEEP for 2018, 2019, and 2020 and produced a report in 2022. The next report would normally be for 2021, 2022, and 2023 and produced in March 2025. In 2023, they did only two years and posted it eight (8) days after Jonathan left (referring to Chief Procurement Officer Jonathan Longman's leave of absence). Jonathan (CPO Longman) *disappeared* shortly after complying with his FOIA request. The fact that staff did not produce the DEEP audit is a major concern to taxpayers. If, as Maritza (Accounts Examiner Lopez) said earlier today, they produced a piece of paper that they did not produce for the Office of Public Accounts, that is a huge red flag. Anything produced after the audit was supposed to happen is a huge red flag. As an outside concerned resident concerned with government waste fraud and abuse, he would look to this staff and this Board to be execute the audits on time and if the agency does not reply on time, it would be perfectly acceptable to produce an audit saying that they are non-compliant and would not produce. He believes that Sal (Luciano) has mentioned before that the media will have a *field day* with that, and you will be taken seriously. This goes for any agency. If DEEP was listening right now, they know exactly who I am. I am sure they do not appreciate me in some ways but to be taken seriously and to get the information that you need, you have to be serious. It is like constant passive aggressiveness, and everybody plays the game. He expressed concerned that last month Maritza (referring to Accounts Examiner Lopez) said all the audits are ready to be done; then this week it is kind of the same story. Lauren (Gauthier) is correct when she wanted to vote on something. I have sat through those meetings, and I heard that. He is concerned about Jonathan (CPO Longman), because he liked Jonathan, and he *disappeared*. If you look at the overall spending, a couple months ago Greg (Executive Director Daniels) was talking about the 'lion's share' of the money, like \$800,000 goes to staff. Jonathan (Longman) who could potentially be out on a whistleblower complaint, could be paid, and he is a highly paid member of the staff for a long time, because to stop payment would be retaliation. You are in kind of a weird position, but I don't know that is the case. I know that the staff have stopped responding to FOIAs now that there has not been a staff report since August when Jonathan (Longman) left.

There are a number of things to be concerned about and the things that Aaron (Staff Attorney Felman) is looking into makes him think that there is a whistleblower. Anybody listening on the outside is not going to take this staff and Board seriously if they do not come together as a unit. You do have the authority to make changes which the APA does not. They make recommendations and they are very good at what they do, but if you look at somebody like DEEP, they are non-compliant consistently and they do not care. If you are waiting for a response from DEEP, it is just going to be a standard response saying they will *fix it, goodbye*, and Al (Bertoline) is right, that this is not acceptable. It is a really tough job, but you guys are the ones that have to do it. The APA cannot do it; it is like they want to hand you the baton. You are going to produce a report on the Department of Insurance; they just did that two days ago. They put out that report about

DEEP in August which is really interesting that they did that and made mention of procurement contracts that the staff did not think were important. When he FOIA those records, he asked himself how they missed one major red and was not interested in that one. You have to see the whole picture. As a member of the public, he wants this to work, but it is like the staff is against the Board. He referred to Sal (Luciano), Tom (Ahneman), and Lauren (Gauthier) wanting things to happen but there is something else going on with the staff. As a taxpayer, you guys get \$800 grand a year, and I do not even get a staff report posted on the website anymore, like I do not even care about the performance review. *I can tell you right now, you did not make the audit happen, so . . .* If we are not getting DEEPs audit, then you did not perform.

Mr. Abbott closed by saying that he wants to believe in the Board and Staff, and believes they want to get productivity from the staff that is meaningful, and the public deserves that. He appreciates what everybody does, and it is a hard job; you have to have *thick skin in that staff office*, they do not care about your recommendations. What you need to do is to get the information, make a professional assessment, and provide a report; you do not have to be best friends. He shared that he speaks at DEEP meetings all the time and that does not mean that he does not respect everyone.

Chair Palache thanked Mr. Abbott.

7. Executive Session: Chair Palache called the meeting to executive session at approximately 11:50 a.m.
 - a. Purpose: Legal advice regarding pending claim before the Office of Public Hearings.
 - b. Invitee: Associate Attorney General Colleen Valentine

A Motion to go into executive session was made by: Sal Luciano

The motion was seconded by: Thomas Ahneman

The motion was unanimously approved.

At approximately 12:50 p.m., the meeting reconvened.

8. Adjournment

A motion to adjourn with a message of best wishes and happy holidays to the staff was made at approximately 12:53 p.m. by: James Marpe

The motion was seconded by: Thomas Ahneman and Al Ilg

The motion was unanimously approved.