

**UNEDITED**

U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC BUSINESS MEETING

+ + + + +

FRIDAY, FEBRUARY 18, 2022

+ + + + +

The Commission convened via  
teleconference at 12:00 p.m. EST, Norma Cantu, Chair,  
presiding.

PRESENT:

NORMA CANTU, Chair

J. CHRISTIAN ADAMS, Commissioner

DEBO P. ADEGBILE, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel

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## STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

STANLEY CARR, ASCD Contractor

DAVID MUSSATT, Director, RCPU

TINALOUISE MARTIN, Director, OM

TED MAURO, Chair, SC Advisory Committee

SANDRA RODRIGUEZ, Former Chair, NM Advisory Committee

## COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DEULL

ALEXANDER HEIDEMAN

JOHN K. MASHBURN

CARISSA MULDER

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOVIC

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1 P R O C E E D I N G S

2 12:00 p.m.

3 CHAIRPERSON CANTU: Thank you. Welcome  
4 to the business meeting for the U.S. Commission on Civil  
5 Rights. The Meeting comes to order at noon, Eastern  
6 Standard Time on Friday, February 18, 2022.

7 I am Chair Norma V. Cantu. I thank the  
8 staff who completed the Public Notice needed for this  
9 meeting and arrange for this public phone call.

10 I also thank the general public for their  
11 interest in attending today. Due to respect for health  
12 and safety during the ongoing COVID pandemic, the  
13 Commissioners are conducting this business meeting by  
14 phone conference.

15 I would like to confirm the Commissioners  
16 are on the line, and I will take roll call. Please  
17 say present or here when I say our name.

18 Commissioner Adams?

19 COMMISSIONER ADAMS: Present.

20 CHAIRPERSON CANTU: Commissioner  
21 Adegbile?

22 COMMISSIONER ADEGBILE: Present.

23 CHAIRPERSON CANTU: Commissioner  
24 Gilchrist?

25 COMMISSIONER GILCHRIST: Present.

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1 CHAIRPERSON CANTU: Commissioner Heriot?

2 COMMISSIONER HERIOT: I'm here.

3 CHAIRPERSON CANTU: Commissioner

4 Kirsanow?

5 COMMISSIONER KIRSANOW: Here.

6 CHAIRPERSON CANTU: Commissioner

7 Kladney?

8 COMMISSIONER KLADNEY: Here.

9 CHAIRPERSON CANTU: Commissioner Yaki?

10 COMMISSIONER YAKI: I'm here.

11 CHAIRPERSON CANTU: Thank you. Based on  
12 the response, a quorum of the Commissioners is present.

13 Is the Court Reporter present?

14 COURT REPORTER: Yes, Madam Chair.

15 CHAIRPERSON CANTU: Thank you. Is the  
16 Staff Director Present?

17 MR. MORALES: Yes, Madam Chair.

18 CHAIRPERSON CANTU: Thank you. The  
19 meeting will now come to order.

20 **I. APPROVAL OF AGENDA**

21 CHAIRPERSON CANTU: I will begin by asking  
22 if any Commissioners wish to amend today's Agenda?

23 COMMISSIONER KIRSANOW: Madam Chair,  
24 Kirsanow here.

25 CHAIRPERSON CANTU: Yes, Commissioner

1 Kirsanow?

2 COMMISSIONER KIRSANOW: Thanks Madam  
3 Chair, I would move to amend the Agenda to include a  
4 discussion, not a vote, but just a discussion on the  
5 letter regarding crime increases to Attorney General  
6 Garland, which I think we addressed last month.

7 The Commissioners have had it for at least  
8 a month at least. This is a, you know, a pretty  
9 important issue as we mentioned before. And it would  
10 be helpful if we discussed the letter and whatever  
11 changes the Commissioners might want to make to it.

12 Again, we're not going to vote on the  
13 letter, but I just have a discussion on it. The polls  
14 that I've seen, show that crime increase is either  
15 number one or number two, after inflation, issue out  
16 there.

17 And what we're seeing are significant  
18 disparities with respect to which minorities are being  
19 affected. Hate crimes are up 339 percent, despite the  
20 fact that just about everybody and their mother has  
21 got training programs with respect to anti-bias  
22 training and DEI initiatives.

23 And I think as I mentioned once before,  
24 at least 16 cities have recorded record homicides.  
25 And it's not just homicides, it's arson, carjackings

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1 are through the roof, mass lootings.

2 And again, disproportionate affecting  
3 mainly the black community, but as I just indicted with  
4 the hate crimes, the Asian community is suffering  
5 significantly.

6 And I think some of us have heard from  
7 members of the Asian community about the spike in crime.

8 Especially hate crimes.

9 CHAIRPERSON CANTU: I will ask if there  
10 is a second to your motion to amend the Agenda?

11 COMMISSIONER GILCHRIST: Madam Chair,  
12 Gilchrist seconds that motion.

13 CHAIRPERSON CANTU: Thank you. At this  
14 point we can have a discussion about whether this item  
15 is appropriate at this time.

16 The -- just so people understand, I have  
17 been in discussion with both Commissioner Kirsanow and  
18 Commissioner Gilchrist about this, as well as our  
19 Special Assistants have been discussing this.

20 Is there -- I would like to start this  
21 discussion with a question. Is there a matter for why  
22 we are breaking procedure?

23 Because normally before this is posted on  
24 a public meeting, we decided, you know, the format that  
25 we're going to use it. And we also decide what we're

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1 going to say.

2 And then we -- we post it, and we have the  
3 general public be aware that this is going to be  
4 discussed.

5 Commissioner Kirsanow, is there a reason  
6 why we're departing from procedure?

7 COMMISSIONER KIRSANOW: Well, I don't  
8 consider it a departure. I view this as a discussion  
9 respect to the letter.

10 We're not going to be voting on the letter  
11 itself. But, just having a discussion about it.  
12 There's not going to be any formal action taken.

13 But, it would help, I think, inform all  
14 of us on the Commission as to what format and what the  
15 context and the text of the letter will say.

16 CHAIRPERSON CANTU: We did have a -- we  
17 did have this same motion last months. So, and it  
18 failed because we did not get adequate notice.

19 And I -- and I believe that you circulated  
20 the documents that you wanted to discuss. Did you  
21 circulate the most recent?

22 What was the date of the most recent draft?

23 COMMISSIONER KIRSANOW: Well, I think it  
24 called --

25 COMMISSIONER GILCHRIST: Madam Chair?

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1 CHAIRPERSON CANTU: Yes, who is speaking,  
2 please?

3 COMMISSIONER GILCHRIST: I'm sorry, Madam  
4 Chair, Gilchrist here. I was just going to say, I don't  
5 think this is what we voted on last meeting.

6 Is that right, Mr. Kirsanow?

7 COMMISSIONER KIRSANOW: I think that's  
8 right. And I don't want to vote on a letter or specific  
9 text.

10 But, there was some discussion last time  
11 about, you know, what the text would look like. And  
12 whether or not this was appropriate, et cetera, et  
13 cetera.

14 And I think that this would help inform  
15 how such a letter may look if it goes out.

16 CHAIRPERSON CANTU: I'm going to use the  
17 Chair's prerogative, and suggest, Commissioner  
18 Kirsanow, that we have a subcommittee view, and someone  
19 else from the -- from the Progressive Caucus, and work  
20 that out, rather than try to resolve this during a  
21 business meeting where we have two Advisory Committees  
22 ready to present other business meeting for today.

23 COMMISSIONER KIRSANOW: Madam Chair, I  
24 appreciate that suggestion. But, I do think that this  
25 is something that wouldn't take long.

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1                   And we can get it all resolved now and have  
2                   our Special Assistants produce text of a letter that  
3                   I think everybody could sign off on.

4                   We have a very sparse Agenda that I think  
5                   that we could insert this. And it would take, you know,  
6                   maybe five minutes to discuss.

7                   COMMISSIONER HERIOT: Madam Chair?

8                   COMMISSIONER ADEGBILE: Madam Chair,  
9                   Commissioner Adebile.

10                  CHAIRPERSON CANTU: Commissioner  
11                  Adebile and then Commissioner Heriot.

12                  COMMISSIONER ADEGBILE: Madam Chair, to  
13                  the extent that the discussion that Commissioner  
14                  Kirsanow wants to have wouldn't take long, the way that  
15                  we proceed is to work these things out before our  
16                  meetings to be in dialog between Commissioners and  
17                  Special Assistants.

18                  And we've had a month to do that and it  
19                  hasn't happened. So, to do this type of editing on  
20                  the fly, is not typically the way we proceed.

21                  And I would recommend that we put up  
22                  Commissioner Kirsanow's request for a discussion to  
23                  a vote so that we can see if he has the votes to have  
24                  the discussion.

25                  And if he doesn't, we can move on with the

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1 agenda.

2 CHAIRPERSON CANTU: And I'm thumbing  
3 through Robert's Rules of Order, and that the -- once  
4 the discussion about having the discussion is starting  
5 to become repetitive, then we can have a vote.

6 Does someone have a different item to --  
7 to recommend about the discussion at this point? About  
8 whether we amend the Agenda?

9 COMMISSIONER HERIOT: This is  
10 Commissioner Heriot.

11 CHAIRPERSON CANTU: Yes, Commissioner  
12 Heriot?

13 COMMISSIONER HERIOT: You know, I just  
14 wanted to point out that we're getting frustrated here  
15 with months passing by and not hearing about what it  
16 is that everybody on the Commission is concerned about  
17 with the letter.

18 We thought it was pretty straightforward.

19 And think that if everybody participates, you know,  
20 we can get this taken care of very quickly.

21 This shouldn't be a controversial issue.

22 CHAIRPERSON CANTU: I believe feedback  
23 has been given back from Special Assistant to Special  
24 Assistant. And -- and --

25 (Simultaneous speaking)

1                   COMMISSIONER HERIOT: But not from all the  
2 Commissioners.

3                   CHAIRPERSON CANTU: And we're trying to  
4 get this done. You know, we're trying to get this done.

5                   The author of the letter could circulate  
6 that to all of the Commissioners. And then all the  
7 Commissioners could provide feedback.

8                   So far, I understand it's been sent to me.  
9 I am not aware whether it's been sent to all eight  
10 Commissioners.

11                   It was sent, you know, a month ago.

12                   COMMISSIONER ADEGBILE: Madam Chair, I  
13 was under the impression that what Commissioner  
14 Kirsanow said he was moving was different than what  
15 was sent a month ago, which is what we just heard from  
16 another Commissioner.

17                   So, either it was sent a month ago and we've  
18 discussed it at the last meeting, or it's different,  
19 and it hasn't been shared.

20                   COMMISSIONER HERIOT: So, what  
21 Commissioner Kirsanow is saying, he just wants to  
22 discuss it rather than approve it today.

23                   COMMISSIONER ADEGBILE: Right.

24                   COMMISSIONER HERIOT: That's how it's  
25 different.

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1 COMMISSIONER KIRSANOW: Correct.

2 CHAIRPERSON CANTU: My concern is just  
3 that we're having this conversation that we had last  
4 month. People do not know, because we've not been  
5 given the same document.

6 COMMISSIONER HERIOT: But how?

7 CHAIRPERSON CANTU: Do not know which  
8 document we're talking about. I received a document  
9 two days ago.

10 (Simultaneous speaking)

11 COMMISSIONER HERIOT: The document --

12 CHAIRPERSON CANTU: And I don't believe  
13 that others have received it. This is getting silly.

14 All right. I think we're repeating  
15 ourselves at this point, and we are ready to take a  
16 vote on whether to amend the Agenda today.

17 I want to --

18 COMMISSIONER YAKI: Madam Chair?

19 CHAIRPERSON CANTU: Yes, please?

20 COMMISSIONER YAKI: Madam Chair,  
21 Commissioner Yaki.

22 CHAIRPERSON CANTU: Who's speaking?  
23 Thank you.

24 COMMISSIONER YAKI: This is Commissioner  
25 Yaki. To the extent that this has been a rather moving

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1 item, whether it's the letter, or now a discussion,  
2 I am not prepared to have a discussion today.

3 If they want to make a broader discussion  
4 about this issue, I would want some time to gather my  
5 thoughts and think about this. Because certainly  
6 there are issues in the past that have been raised that  
7 pertain to this issue.

8 Whether it's the availability of guns.  
9 Whether it's the role model set by executives in the  
10 -- in the Oval Office with regard to the respect for  
11 the rule of law, that I have not had the chance to  
12 adequately prepare for.

13 So, I am not prepared to vote for this item  
14 to day.

15 CHAIRPERSON CANTU: Thank you. All  
16 right. I'm going to -- I'm going to call for a vote.  
17 And by roll call, please.

18 Commissioner Adams, how do you vote? To  
19 amend?

20 COMMISSIONER ADAMS: Yes.

21 CHAIRPERSON CANTU: Thank you. Yes is to  
22 amend. Commissioner Adegbile?

23 COMMISSIONER ADEGBILE: Nay.

24 CHAIRPERSON CANTU: Commissioner  
25 Gilchrist?

1 COMMISSIONER GILCHRIST: Yes.

2 CHAIRPERSON CANTU: Commissioner Heriot?

3 COMMISSIONER HERIOT: Yes.

4 CHAIRPERSON CANTU: Commissioner

5 Kirsanow?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIRPERSON CANTU: Commissioner

8 Kladney?

9 COMMISSIONER KLADNEY: No.

10 CHAIRPERSON CANTU: Commissioner Yaki?

11 COMMISSIONER YAKI: For the reasons  
12 stated, no.

13 CHAIRPERSON CANTU: I also vote no. The  
14 majority was not reached. The motion does not pass.

15 So, for our first order of business, we're  
16 going to turn to presentations from the Advisory  
17 Committees to the Commission.

18 And these presentations, first we'll hear  
19 from Sandra Rodriguez, the former Chair of our New  
20 Mexico State Advisory Committee. And they have an  
21 Advisory Memorandum on the wage theft and subminimum  
22 wages.

23 Welcome Chair Rodriguez. You've got ten  
24 minutes, and you've got the floor.

25 MR. MORALES: Madam Chair?

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1 CHAIRPERSON CANTU: Yes?

2 MR. MORALES: Sorry to interrupt, but I'm  
3 not sure that we got a vote on the Agenda to proceed.

4 CHAIRPERSON CANTU: Ah, thank you.  
5 You're right. Please, I appreciate your reminding me  
6 of that.

7 There -- are there any other --

8 COMMISSIONER ADAMS: Commissioner Adams,  
9 so moved.

10 CHAIRPERSON CANTU: Are there any other  
11 amendments?

12 (No response)

13 CHAIRPERSON CANTU: Hearing none, let's  
14 vote to approve the Agenda as amended. All in favor  
15 say aye if you are approving the Agenda, which was not  
16 amended.

17 (Chorus of Ayes)

18 CHAIRPERSON CANTU: Do I hear any nos?

19 COMMISSIONER KIRSANOW: Kirsanow, no.

20 CHAIRPERSON CANTU: Thank you. I vote  
21 aye. So, seven ayes, one no.

22 **II. BUSINESS MEETING**

23 **A. PRESENTATION BY STATE ADVISORY COMMITTEE**

24 **CHAIRS ON RELEASE REPORTS AND MEMORANDUMS**

25 **1. NEW MEXICO ADVISORY MEMORANDUM ON**



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WAGE THEFT AND SUBMINIMUM WAGES

CHAIRPERSON CANTU: So, for our first order of business, we'll turn to the presentations.

Former Chair Sandra Rodriguez from New Mexico State Advisory Committee, you've got the floor.

(No response)

CHAIRPERSON CANTU: Chair Rodriguez? I can't hear you.

(No response)

CHAIRPERSON CANTU: Hello?

OPERATOR: Hi, this is Sam. I don't think she's on the line yet. That's correct.

CHAIRPERSON CANTU: Thank you. So, we will -- we can pivot.

2. SOUTH CAROLINA ADVISORY MEMORANDUM ON  
SUBMINIMUM WAGES FOR PEOPLE WITH DISABILITIES

CHAIRPERSON CANTU: And we're going to turn then to the presentation from South Carolina. We're going to hear from Ted Mauro, Chair of the South Carolina State Advisory Committee, who will present the report on subminimum wages for people with disabilities.

I know you're on the line, Commission -- Chair Mauro. So, you have ten minutes, and welcome.

MR. MAURO: Thank you so much Chairwoman

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1 Cantu. My name is Ted Mauro, Dr. Ted Mauro. I am the  
2 Chairman of the Advisory Board here in South Carolina.

3 I'd like to take this opportunity to speak  
4 to you and keep my comments brief, because I know you  
5 have looked deeply at this issue and know it well.  
6 And it's actually been a guidepost to us here in our  
7 State as well.

8 I'd like to share with the Committee  
9 quickly that we have pretty much mirrored your own  
10 findings here in South Carolina. We particularly  
11 focused upon the issue of 14(c), the subminimum wage  
12 issues.

13 And we called various members of our  
14 disabled people with disabilities community, members  
15 of vocational training programs, people with  
16 disabilities, and members of our State  
17 Representatives.

18 During our hearings, we focused  
19 specifically on the Fair Labor Standard Act, and the  
20 idea of the supreme challenges we face here in South  
21 Carolina when it comes to issues surrounding people  
22 with disabilities.

23 Right now in South Carolina, we have about  
24 2,187 individuals with disabilities in work settings  
25 where they earn less than \$1.00 per hour. Our

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1 unemployment gap unfortunately is very high, with 42.2  
2 percent of those with disabilities in South Carolina,  
3 compared to, you know, a gap between those who are  
4 employed here in the State.

5 We have, unfortunately, one of the highest  
6 unemployment rates for people with disabilities in the  
7 country. And of those 725 thousand approximate people  
8 with disabilities in South Carolina, 34 percent of them  
9 presently are unemployed.

10 This has -- these numbers were shocking  
11 to the members of our committee. And the closer and  
12 closer we got to the issue, the more and more we found  
13 that the need to support integrated employment settings  
14 was vital to the long term success of not just people  
15 with disabilities in our State, but in issues of equity.

16 The one area in particular I like to focus  
17 on with my limited time, is to point out one of our  
18 shining stars here in South Carolina, which is the  
19 Walgreens Distribution Center in Anderson, South  
20 Carolina.

21 This to us was a demonstration, and is a  
22 demonstration to the future of employment for people  
23 with disabilities.

24 And following the lead of the U.S.  
25 Commission, we also responded by reaching out to

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1 members of our local government, who wisely have been  
2 addressing this issue as well. We have a very active  
3 community here in South Carolina who support  
4 employment.

5 As Chairman -- or I'm sorry, Commissioner  
6 Gilchrist could share with you, we are proud of our  
7 State. And we really see ourselves as a future place  
8 in the 21st Century for business and for finance and  
9 for an improvement of the lives of all our citizens.

10 I encourage you, if you're interested in  
11 finding out more about the initiatives in our State,  
12 to go to [hiremesouthcarolina.org](http://hiremesouthcarolina.org), where you'll see that  
13 businesses are now joining together with educational,  
14 government, and advocacy groups to seek a real movement  
15 to turn these numbers around.

16 Quickly, to just cover the actual report  
17 itself, page 85, and I know that all the Committee  
18 Members have -- are already well aware of the issue,  
19 and have read our report, that we recognize the humanity  
20 of all of our citizens.

21 And ultimately, I have to stress that our  
22 Committee Members voted unanimously that the South  
23 Carolina General Assembly should eliminate the use of  
24 Section 14(c).

25 And while we acknowledge the fact that this

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1 was a well-attended Act, the continuance of this Act  
2 was to use the word, unconscionable.

3 We really felt that it was an issue of pure  
4 ethical and moral rightness that we do not, by  
5 continuing subminimal wages, we continue this concept  
6 of subminimal citizens. And it's just to us, something  
7 that isn't -- isn't appropriate in the 21st Century.

8 I think the words of Justin Burrow  
9 (phonetic), who was with SOS Care, a young man who,  
10 with a disability, who was in a sheltered workshop for  
11 -- for the first -- almost 12 years of his life, who  
12 then really had the opportunity to move into a  
13 supported, integrated situation, and all he could talk  
14 about, was how he wasn't even aware of the issues around  
15 the use of 14(c) subminimal wages.

16 And that when he became aware of, of the  
17 actual concept of it himself, he really had stated that  
18 he found it, I think I have that right in front of me  
19 here, that he found it as degrading.

20 And you'll see the quotes, and I'm sure  
21 you're aware of that section in our report. That it  
22 really created a scenario where he -- and made him feel  
23 inferior and unloved.

24 So, at this point, in this time, I can't  
25 stress to you again, how strongly we felt that these

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1 -- the final rule and other elements have to be  
2 supported.

3 And too once again, backup the findings  
4 of your own Committee, and state that we really feel  
5 that you've set a very high bar. And we encourage the  
6 State of South Carolina to continue moving towards  
7 reaching equal rights of all its citizens.

8 With that said, on page 85 of the report,  
9 you'll see our recommendations. One, that the South  
10 Carolina General Assembly should pass legislation that  
11 prohibits employees from paying subminimal wages.  
12 That 14(c) certificate programs need to end.

13 And the repeal will not -- should not be  
14 retreated on. And finally that to continue to support  
15 those wonderful changes that are taking place here in  
16 South Carolina as we await and push forward this idea  
17 of placing rules for final rules here in the State.

18 Thank you again for this opportunity to  
19 speak. And I'm now open for any questions the  
20 Committee might have.

21 CHAIRPERSON CANTU: Thank you, Chair  
22 Mauro. Commissioners we have time for questions. Any  
23 questions?

24 COMMISSIONER KLADNEY: Madam Chair, Dave  
25 Kladney here.

1                   CHAIRPERSON CANTU:     Yes, Commissioner  
2                   Kladney, please proceed.

3                   COMMISSIONER KLADNEY:   Chair Mauro, I'd  
4                   like to thank you and thank your committee for the  
5                   excellent report.   And I'd like to thank them for their  
6                   findings and recommendations as well.

7                   I led our Commission on this subject.   And  
8                   I was wondering, how does the school -- the school  
9                   system in South Carolina, as well as the Department  
10                  of Rehabilitation, evaluates the disabled people and  
11                  direct the -- and teach skills to obtain integrated  
12                  employment in your State?

13                  Did you look at that?

14                  MR. MAURO:       While we did not focus  
15                  specifically on the educational component, I  
16                  originally was a special education teacher for 14  
17                  years.   And I taught at Clemson University on issues  
18                  around special education.

19                  As you well know, when it comes to  
20                  vocational rehabilitation and the interaction with  
21                  vocational rehabilitation here in South Carolina with  
22                  the school systems, it is an issue of concern.

23                  And I think one of the biggest issues of  
24                  concern, and the reason we really didn't look at the  
25                  educational side of IDEA and the requirements there,

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1 was because we found that the greatest vocational  
2 support and greatest avenues of interpersonal  
3 relationships was, until the age of 21, in the school  
4 system.

5 And that drop off that took place when aged  
6 out of IDEA and moved into the work world, that was  
7 an area of particular concern for our Committee,  
8 because that is where, you know, that first placement  
9 coming out of school is so vital.

10 But, we still found that a lot of people  
11 would leave, our citizens with disabilities would leave  
12 the public schools, and then really fall into very hard  
13 times just finding a job. Or being in a position which,  
14 you know, particularly small businesses, have unique  
15 challenges in hiring these young people.

16 So, I believe that's really one of the  
17 major reasons that we decided to focus outside of the  
18 age of 21 and higher. Because we really felt that the  
19 business community needed to be supported as we tried  
20 to encourage them.

21 And point to models which they could use,  
22 and supports they could have as a small business owner  
23 in particular. Or less than, you know, family owned  
24 businesses, people who want to work.

25 We're a rural State where, you know, we

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1 have people who want to open farms, or work on farms.  
2 That these elements really were the area that we needed  
3 to support.

4 COMMISSIONER KLADNEY: You mentioned that  
5 there were more than 2,000 people in workshops today.  
6 Was there any kind of measurement or criteria that  
7 you could -- that you found as to how many workers  
8 actually transitioned to integrated employment from  
9 the work centers?

10 Was it very high, low, in between? And  
11 do you have any feeling on that? Did you get any --  
12 any direction?

13 MR. MAURO: Well, I thought your  
14 Committee, the findings of your Committee were actually  
15 very insightful in that.

16 When it talks about how -- you mentioned  
17 in your report this idea that as people -- that there  
18 was different levels of employability within the  
19 sheltered workshop settings that was mis -- and that  
20 was a misconception.

21 That in fact the research was stating that  
22 it was not an issue of these people's ability to work.

23 It was the issue of them unable to find the right type  
24 of work for them.

25 And we have, in this State, our Employment

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1 Commission really has worked with this idea of  
2 expanding the type of employment opportunities. And  
3 looking at starting actually businesses run by people  
4 with disabilities for people with disabilities.

5 I highly recommend Able South Carolina.

6 One of the members, you know, one of the people who  
7 work at Able South Carolina is actually a member of  
8 our Committee.

9 They really have focused on this idea that  
10 we need to create employment opportunities for people  
11 with disabilities, led by business owners who are  
12 people with disabilities.

13 So, I think that issue, that measurement  
14 issue really is one in which, you know, I thought your  
15 -- your Committee also made a wonderful point that as  
16 we help people move into this supported employment  
17 model were actually, hopefully, and this is probably  
18 one of those shortfalls we should be looking at, is  
19 this idea of how many of these people are now going  
20 to be moving into some sort of independent living  
21 scenarios?

22 Which lead -- you know, lead them to a  
23 position where they can have a living wage and no longer  
24 have to rely on any sort of public assistance.

25 So yes, I -- I understand the question.

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1 We need more data and research on this issue. And  
2 hopefully South Carolina can be one of those places  
3 that are looked at as one of the innovators in this  
4 area.

5 COMMISSIONER KLADNEY: You mentioned  
6 Walgreens Distribution Center, now of course, that's  
7 a -- that's a large company. And they can provide  
8 supported employment.

9 But, it's my understanding that the  
10 Department of Rehabilitation should be supplying  
11 supported employment to smaller businesses. And  
12 provide supported employment for integrated employment  
13 with disabled folks.

14 Is that happening in your State at the  
15 State level? The State Department level?

16 MR. MAURO: It -- it is always an avenue  
17 for improvement. Voc Rehab, I was also appointed here  
18 in the State to the Anderson County Department of  
19 Disabilities and Special Needs, where we ran a  
20 sheltered workshop and a residential component.

21 I think the largest issue that we face in  
22 a rural State like this, is transportation issues.  
23 And I think that was one of the largest challenges  
24 you're going to see as well for small businesses.

25 It's very difficult for Voc Rehab or the

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1 Department of Disabilities and Special Needs to support  
2 people with disabilities who are working independently  
3 in different locations around a large rural county by,  
4 you know, the cost is so high.

5 So, and particularly transportation  
6 issues are a challenge. Our budgets unfortunately are  
7 not -- are not as strong as we'd like to see them.

8 And as you know, the challenges in finding  
9 people who are willing to work, for us at least in  
10 Anderson County, were very difficult with the -- with  
11 the limited amount of funds we had.

12 The idea though that the greatest  
13 challenge once again we did face though, would be the  
14 availability of businesses and their willingness to  
15 consider putting a person with disabilities on the  
16 payroll.

17 And I can say from personal experience that  
18 once I did place my students with disabilities, you  
19 know, in that transitional period when they are leaving  
20 high school, I consistently would come back to those  
21 companies, and they would be asking for more.

22 It's overcoming stigma, I think, is our  
23 largest challenge. And that is going to be very  
24 difficult. But, an area of particular focus, I think,  
25 all of us in the room would agree, is something that

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1 we need to focus on.

2 And the fears that businesses have, small  
3 businesses have of problems with lawsuits and numerous  
4 other issues that might actually cause them not to truly  
5 understand the benefits they have backing them.

6 COMMISSIONER KLADNEY: And finally, did  
7 you see these work centers, workshops? Are there --  
8 are any in South Carolina transitioning to the role  
9 of labor contractors, contracting their workers, their  
10 disabled people into -- as a group into a job, rather  
11 than getting them into integrated employment?

12 What I mean by that is, is they would move  
13 to do a group of ten would be sent out to do landscaping  
14 work. Or some such project, rather than trying to get  
15 them integrated into a landscaping crew.

16 MR. MAURO: I'm personally familiar with  
17 that. Unfortunately, most of our work was done during  
18 COVID. So, I can't really comment on that within the  
19 last two, three years.

20 However, I would agree with you that the  
21 model needs support and public knowledge of the need  
22 for integrated, truly integrated employment scenarios,  
23 like you mentioned.

24 And we're hoping that this report is one  
25 step we can take here in South Carolina. To not only

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1 encourage our legislatures to move towards supporting  
2 more innovative programs, but to move away from  
3 pseudo-change.

4 COMMISSIONER KLADNEY: Well, thank you,  
5 Mr. Chairman. And again, thank your Committee for the  
6 great work and the great report and their support.

7 I think it's a very important subject.  
8 And one that deserves change. Thank you again.

9 MR. MAURO: Well, thank you too,  
10 Commissioner, for your advocacy for the people with  
11 disabilities, and your continuing knowledge of those  
12 challenges that we will continue to face.

13 CHAIRPERSON CANTU: And thank you very  
14 much for those interventions, Commissioner Kladney.  
15 Would our Commissioner whose home State is South  
16 Carolina, would Commissioner Gilchrist like to ask a  
17 question or make a remark?

18 COMMISSIONER GILCHRIST: Absolutely,  
19 Madam Chair. And thank you for that. Mr. Chairman,  
20 it's great to hear your voice.

21 And I want to thank you guys so much for  
22 your work in our State, and more specifically  
23 highlighting the opportunity regarding the  
24 public/private partnerships. That is something that  
25 we're very proud of here in the State of South Carolina.

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1           In the comments that you referenced  
2 several times, our Voc Rehabilitation centers here,  
3 and one of the questions I wanted to ask you, is whether  
4 or not you think that Voc Rehab in South Carolina should  
5 be more of an advocacy agency regarding some of these  
6 issues?

7           I know, you know, they tend to focus on  
8 many issues relative to --

9           (Off mic comments)

10          COMMISSIONER GILCHRIST: I'm sorry?

11          CHAIRPERSON CANTU: We have someone --  
12 someone needs to mute. Thank you. Continue  
13 Commissioner Gilchrist.

14          COMMISSIONER GILCHRIST: Yes. Okay.  
15 And so I -- my quick question to you, Mr. Chairman,  
16 is do you think the agency needs to be more of an  
17 advocate around some of the issues in the State?

18          MR. MAURO: Of course. And I do believe  
19 that they are in some ways. I think like many  
20 government groups, and even businesses, we are in some  
21 very major changing times right now.

22                 And with these changes and the use of  
23 technology, it's a real challenge to reinvent oneself.

24                 And businesses themselves are going through  
25 challenges.

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1           And I think it's fair to say that  
2 government too. I try to stay away from government  
3 politics, if possible. Other than to say that we have  
4 some fantastic advocacy groups here, as you know,  
5 Commissioner.

6           And I think that the first step is a very  
7 simple but difficult one sometimes. And that's to  
8 listen.

9           We really need to listen to some of our  
10 great professors and researchers at the University at  
11 South Carline, at Clemson, at the College of  
12 Charleston. We have some of the best advocates and  
13 some of the best researchers in the country here, who  
14 have been looking at this issue.

15           We have a wonderful, wonderful committees  
16 and business leaders who are dedicated to this. And  
17 I think what the best thing Voc Rehab could really do,  
18 is to put themselves under their -- under their command.

19           And to basically say to them, look, help  
20 us, redesign us to be effective. And with the support  
21 of -- and I think the support is there in many ways  
22 in, at the State House, to see these changes.

23           You know, our Representative Collins from  
24 Pickens County in his H.R. 3244, he is -- he is  
25 pointing to -- he's telling -- he told us when he

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1 testified at our Committee, this is a bipartisan issue.

2 And, you know, we're ready to make some  
3 changes. We just need to have the State of South  
4 Carolina's House to feel like its money is going to  
5 be used wisely. And the changes that are going to take  
6 place have -- are going to have long term impacts.

7 And I think where we could start is by  
8 having Voc Rehab get onboard with that idea that, you  
9 know, maybe we need to change the way we've done things.

10 And maybe a focus on people with disabilities and a  
11 partnership with DDSN and mental health.

12 COMMISSIONER GILCHRIST: Yes.

13 MR. MAURO: One of the most disturbing  
14 things I saw when I was, you know, on the board with  
15 DDSN in Anderson County, was that the Department of  
16 Mental Health here in South Carolina refused to provide  
17 services to people who, you know, with intellectual  
18 disabilities or disabilities who were part of a DDSN  
19 Program.

20 And to me, I couldn't understand how two  
21 agencies of government work together to better the  
22 needs of this population.

23 So yes, we have things to change here  
24 Commissioner. And I appreciate you asking me the  
25 question.

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1                   COMMISSIONER GILCHRIST:   Well, -- no,  
2 well thank you for that.  And I want to thank you again  
3 for your work on this, and certainly delighted to know  
4 that you all used the backdrop of the Commission's  
5 report as your foundation for the work that you did.

6                   So again, hats off to you.  And thank you  
7 so much for sharing the information with us today.  
8 Thank you, Madam Chair.

9                   CHAIRPERSON CANTU:           Thank    you  
10 Commissioner Gilchrist.

11                   COMMISSIONER YAKI:  Madam Chair?

12                   CHAIRPERSON CANTU:  Yes?

13                   COMMISSIONER YAKI:  Commissioner Yaki.

14                   CHAIRPERSON CANTU:  Thank you.  Please  
15 proceed Commissioner Yaki.

16                   COMMISSIONER YAKI:  Thank you.  Mr.  
17 Chairman, thank you for your report and I echo the  
18 comments of the two previous Commissioners.

19                   I have just a quick question to explain.

20                   It's a quick question but may require a long answer.

21                   The term, you know, individual with disabilities is  
22 a very broad term encompassing a whole range of issues.

23                   In your -- in your experience in South  
24 Carolina, is there any one particular subset that has  
25 sort of the most difficulty, or the most challenges

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1 in being able to break through and enter into the  
2 workplace?

3 MR. MAURO: Oh, that's a tough question.

4 I think you're very accurate, Commissioner, with your  
5 understanding of the diversity of the term people with  
6 disabilities.

7 And oh, that's a very difficult question.

8 I think that one area that -- while it might not be  
9 the biggest challenge to employment, one of the areas  
10 of greatest of concern, needs to be people with  
11 intellectual disabilities who are being exploited in  
12 the work world.

13 There unfortunately, has this --

14 (Simultaneous speaking)

15 COMMISSIONER YAKI: And that's kind of --  
16 I think -- I think you kind of answered where I was  
17 going. But, please elaborate.

18 MR. MAURO: Unfortunately there has been  
19 a tendency for sometimes for law enforcement, and we  
20 know the difficulties faced with, you know, any sort  
21 of court action and includes a person with intellectual  
22 disabilities, for our ability to fully understand the  
23 challenges they face.

24 I think that the challenge that we're  
25 talking about is beyond unemployment though. The bias

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1 issue, I think, is a serious issue.

2 I think the challenge of the whole person,  
3 a whole person approach is really what we need to be  
4 looking at. And that includes things like housing and  
5 living conditions.

6 Issues around medical care, and the access  
7 to medical care. The -- the need, the emotional and  
8 psychological needs of people with intellectual  
9 disabilities who are still adults, and still have the  
10 needs and desires and wishes of any other adult.

11 However, unfortunately, as I mentioned,  
12 sometimes disregarded, rejected, or exploited or  
13 preyed upon. It is a -- an issue which really is a  
14 challenge to government, because government naturally  
15 is compartmentalized.

16 And it's so difficult when they have these  
17 teachers and educators, we have wonderful special  
18 education teachers across the country, who are really  
19 assigned too fortunately a small group of people to  
20 walk them to adulthood, but they really fall off cliffs.

21 I will say that the Arc of South Carolina,  
22 and some of the other groups here in South Carolina,  
23 have really been going in and understanding this idea  
24 of wraparound services.

25 And I really believe the answers are out

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1 there. And it's more about the willingness to try new  
2 things and to look at ways in which we can reach out  
3 to law enforcement.

4 And I think the prosecutor, solicitors and  
5 others, to make sure that the preying upon, the  
6 exploitation of, the subminimal wages or, you know,  
7 the charging for uniforms.

8 I do think we need oversight and we do need  
9 some sort of oversight group in the State to  
10 specifically focus upon those issues of people with  
11 disability within our State who might be in a civil,  
12 you know, legal issues that have no support. Or even  
13 in a criminal position where they have nowhere to turn.

14 Did that answer your question,  
15 Commissioner?

16 COMMISSIONER YAKI: It does. It does in  
17 part. But, I realize that there -- that wasn't exactly  
18 the focus of your report.

19 And I also realize that this is a bit on  
20 time. But, thank you for -- for your honesty. And  
21 I really appreciate again, what you and the Committee  
22 have done.

23 MR. MAURO: And well thank you. And if  
24 I had to segue on that, I would say that you will see  
25 that many advocacy groups, particularly the powerful,

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1 aggressively successful ones, are ones led by parents  
2 of children with disabilities who seek to find a future  
3 for their child beyond their time on the -- or short  
4 time on this planet.

5 And those led by people with disabilities,  
6 who see themselves as protectors of those with  
7 intellectual disabilities and other needs.

8 These two groups of people are really going  
9 to be the source of our innovation.

10 COMMISSIONER YAKI: Great. Thank you so  
11 much.

12 MR. MAURO: Thank you so much,  
13 Commissioner.

14 CHAIRPERSON CANTU: Would any other  
15 Commissioner wish to be recognized? Any questions?

16 COMMISSIONER KIRSANOW: Madam Chair,  
17 Kirsanow here.

18 CHAIRPERSON CANTU: Yes, Commissioner  
19 Kirsanow, please proceed.

20 COMMISSIONER KIRSANOW: Thanks, Madam  
21 Chair. Thank you, Dr. Mauro for your hard work. This  
22 is an impressive report. And a pretty comprehensive  
23 one.

24 I think I've got one or two questions.  
25 And one is, and maybe a little bit of a technical

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1 question. I didn't see it in the report, but it maybe  
2 in there.

3 Did you adduce any evidence or testimony  
4 from any economists or experts who opined as to the  
5 employment levels or the employment rates of  
6 individuals with disabilities if Section 14(c) were  
7 repealed?

8 MR. MAURO: We did have a section in there.  
9 I believe, I believe there is a section where we  
10 address that.

11 And again, because of COVID, it really put  
12 us in a very difficult position. Because really, there  
13 was a lot of scrambling going on within -- amongst us  
14 all.

15 I believe we did have something addressing  
16 that issue.

17 COMMISSIONER KIRSANOW: That's okay.  
18 I'll take a closer look.

19 MR. MAURO: Yes.

20 COMMISSIONER KIRSANOW: And I was just  
21 curious, as I said, because I'm not sure if we had in  
22 our report, any type of analysis, economic analysis  
23 as to what would happen to the employment levels if  
24 -- of the disabled if 14(c) were repealed.

25 What we did have, and I think you alluded

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1 to caregivers and others, is we had some testimony from  
2 caregivers, and some testimony from experts. And then  
3 after the hearing was over with, we were inundated by  
4 more than 1,000 letters from -- some of it may have  
5 been organized, some not.

6 But, from -- from interested individuals.  
7 Mainly caregivers. And the tenor of those letters  
8 was overwhelmingly in favor of retaining 14(c).

9 The fear of these individuals, as  
10 expressed in their letters, being that without 14(c)  
11 as an option, because nothing compels anyone to take  
12 the subminimum wage job, nothing compels anyone to  
13 offer a subminimum job.

14 But, if they're not there, then it may  
15 cause their, meaning the concerned individuals, their  
16 children, or family members, or others, to not have  
17 that available option. That those jobs might dry up  
18 if they were paid at a level that might not be  
19 commensurate with productivity.

20 Did you receive any kind of testimony or  
21 any other type of input from individuals who maybe  
22 caregivers of disabled individuals?

23 MR. MAURO: We did not have that testimony  
24 given to us directly. And I completely understand what  
25 you're talking about.

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1           And I think what you're talking about is  
2 the fear that if we remove and not have the scaffolding  
3 set up in such a way that with that removal, a vacuum  
4 is created. I believe in your own report actually,  
5 you all did some polling.

6           And one of the statements I saw was about  
7 how the idea is that those -- those unsuccessful  
8 attempts to create an independent employment scenario,  
9 which I would say parallels an independent living  
10 scenario, was more of an issue of not having the proper  
11 support set up to lead into the right type of job and  
12 the right type of setting.

13           So, I completely understand what you're  
14 talking about. And that's the fear that if services  
15 are withdrawn, that there will be nothing there to take  
16 care of those other elements of what employment really  
17 is. And that is, it is a source of income, but it's  
18 a source of so much more for all of us.

19           And because of that, I do understand the  
20 fear you're talking about. I personally have worked  
21 with parents who were fearful of their child going out  
22 and leaving the high school and going into the world.

23           And I agree with you, you know, you'll see  
24 for instance, and during deinstitutionalization,  
25 literally people being placed out into the streets to

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1 fend for themselves. I saw it, you know, when it  
2 happened in the '80s.

3 And I agree with you, we do need to have  
4 the proper support set up so that when 14(c) is  
5 eliminated, that there are avenues for these young  
6 people, and people of all ages, not to be left alone  
7 or behind.

8 And also those things, you know, those  
9 combined facilities where they don't just provide  
10 employment and supportive, and you know, and workshops.

11 But, are next door to, you know, the residential  
12 components or other components of support.

13 That they are given the financial ability  
14 to hire job coaches, to provide transportation to these  
15 work sites.

16 To have somebody who can make sure that  
17 there's social events and other ways in which they can  
18 be integrated into their work environments and made  
19 as, you know, given an equal footing for success.

20 And I would argue these things aren't just  
21 the needs of people with disabilities however, it's  
22 the needs of all American workers and all of us.

23 I think that the issue of the subminimal  
24 wage being tied to the ethical problem of the  
25 sub-citizenship of these members of our nation was so

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1 abhorrent to our Committee, that we really felt that  
2 there was no other choice but to demand, unanimously  
3 demand the end of 14(c).

4 COMMISSIONER KIRSANOW: Thank you,  
5 Doctor. And thank you, Madam Chair.

6 CHAIRPERSON CANTU: Thank you. Are there  
7 any other questions from Commissioners?

8 (No response)

9 CHAIRPERSON CANTU: Here again, thank you  
10 Chair Mauro. The report is nuanced and very, very  
11 intensive in terms of examining all of the different  
12 variables.

13 The questions from the Commissioners show  
14 how keenly interested they are and how well they do  
15 understand. We do understand what a serious problem  
16 this is.

17 So, I thank you for presenting your hard  
18 work, and presenting the recommendations to us. And  
19 --

20 MR. MAURO: Thank you to the Committee,  
21 Madam Chair. To David, and Barbara. And I would  
22 encourage you all to continue your wonderful work, and  
23 God bless.

24 CHAIRPERSON CANTU: And God bless you for  
25 your service and your leadership on the South Carolina

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1 State Advisory Committee. And for taking the time to  
2 speak with us today.

3 We're going to ask for our next speaker,  
4 and if you'd like to stay on and listen, please, you're  
5 welcome to sir. But Chair, if you need to leave, I  
6 understand that as well.

7 So, now -- now I ask for --

8 MR. MAURO: Thank you.

9 CHAIRPERSON CANTU: Thank you so much.  
10 Now I ask to see if we have former Chair Rodriguez on  
11 the line?

12 MR. MORALES: Madam Chair, this is Staff  
13 Director Morales. We've been informed that Ms.  
14 Rodriguez will not be available.

15 And so, please feel free to move forward  
16 with the rest of the Agenda.

17 CHAIRPERSON CANTU: Thank you for the  
18 information. So, now we can move to the next part of  
19 the Agenda, which is a discussion and vote on State  
20 Advisory Committee appointments.

21 B. DISCUSSION AND VOTE ON STATE

22 ADVISORY COMMITTEE APPOINTMENTS

23 CHAIRPERSON CANTU: As you know, the  
24 Commission depends on advice from highly qualified  
25 persons who serve in each of our 50 States, plus the

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1 District of Columbia, and most recently the U.S. Virgin  
2 Islands, Puerto Rico, Northern Mariana Islands, Guam,  
3 and American Samoa.

4 Today we're going to appoint two Advisory  
5 Committees for the States. One for the State of  
6 Louisiana and one for the State of Missouri.

7 I would move to appoint the following  
8 persons to serve as State Advisory Committee Members  
9 in the State of Louisiana, based on the recommendations  
10 of the Staff Director, and their names are Alexandra  
11 Bruce, new appointee and nominated for Chair; C. Renee  
12 Amar, new appointee; Maria de la Cruz, new appointee;  
13 Melanie Donahue, new appointee; Monique Edwards, new  
14 appointee; Marjorie Eastman, returning appointee;  
15 Robert Garda, returning appointee; Robert Lancaster,  
16 returning appointee; Tia Mills, new appointee; Jerome  
17 Smith, new appointee; Frank Torres, new appointee,  
18 Raheem Williams, new appointee.

19 All these individuals will serve as  
20 uncompensated government employees. If the motion  
21 passes, the Commission will authorize the Staff  
22 Director to execute the appropriate paperwork.

23 Do I have a second for this motion  
24 regarding the State of Louisiana State Advisory  
25 members?

1 COMMISSIONER KLADNEY: Kladney seconds,  
2 Madam Chair.

3 CHAIRPERSON CANTU: I heard Kladney. Is  
4 that correct, Commissioner?

5 COMMISSIONER KLADNEY: Yes.

6 CHAIRPERSON CANTU: Thank you. Thank  
7 you. I'll open the floor now for discussion.

8 COMMISSIONER KLADNEY: Call for the  
9 question.

10 CHAIRPERSON CANTU: Thank you, unless  
11 there's further discussion, I have a call for the  
12 question, I hear that.

13 I'll call you all by roll call. Please  
14 indicate your vote aye or nay.

15 Commissioner Adams?

16 COMMISSIONER ADAMS: Yes.

17 CHAIRPERSON CANTU: Commissioner  
18 Adebibile?

19 COMMISSIONER ADEGBILE: Aye.

20 CHAIRPERSON CANTU: Commissioner  
21 Gilchrist?

22 COMMISSIONER GILCHRIST: Yes.

23 CHAIRPERSON CANTU: Commissioner Heriot?

24 COMMISSIONER HERIOT: Yes.

25 CHAIRPERSON CANTU: Commissioner

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1 Kirsanow?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRPERSON CANTU: Commissioner

4 Kladney?

5 COMMISSIONER KLADNEY: Yes.

6 CHAIRPERSON CANTU: Commissioner Yaki?

7 COMMISSIONER YAKI: Aye.

8 CHAIRPERSON CANTU: And I vote yes. The  
9 motion passes eight to zero. Congratulations to our  
10 new members and returning members of the Louisiana  
11 State Advisory Committee.

12 I now move --

13 COMMISSIONER YAKI: Madam Chair? Madam  
14 Chair?

15 CHAIRPERSON CANTU: Yes, please? Yes --

16 COMMISSIONER YAKI: I'd like to switch my  
17 vote to a -- to a --

18 CHAIRPERSON CANTU: Abstention?

19 COMMISSIONER YAKI: Abstain.

20 CHAIRPERSON CANTU: Thank you. And this  
21 is Commissioner --

22 COMMISSIONER YAKI: Yaki.

23 CHAIRPERSON CANTU: Yaki? Thank you.

24 COMMISSIONER YAKI: Yes.

25 CHAIRPERSON CANTU: So the vote is seven

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1 and one abstention.

2 I now move to appoint the following persons  
3 to serve on the State Advisory Committee as members  
4 of the Committee in the State of Missouri, based on  
5 the recommendations of the Staff Director, David  
6 Achtenberg, nominated for chair and new appointee;  
7 Lauren Bartlett, new appointee; Mark Bremer, returning  
8 appointee; Michael Duff, new appointee; Justin Dyer,  
9 new appointee; Edward Greim, returning appointee;  
10 Emily Huntley, new appointee; Domingo Martinez Garcia,  
11 returning appointee; S. David Mitchell, returning  
12 appointee; David Partenheimer, new appointee; David  
13 Rose, returning appointee; and Sam Swisher, new  
14 appointee.

15 These individuals will serve as  
16 uncompensated government employees. If the motion  
17 passes, the Commission will authorize the Staff  
18 Director to execute the appropriate paperwork.

19 Do I have a second for this motion?

20 COMMISSIONER GILCHRIST: Gilchrist  
21 seconds, Madam Chair.

22 CHAIRPERSON CANTU: Thank you,  
23 Commissioner Gilchrist. I'll now open the floor for  
24 discussion.

25 COMMISSIONER KLADNEY: Kladney, call for

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1 the question.

2 CHAIRPERSON CANTU: Thank you,  
3 Commissioner Kladney. I'll take a roll call vote.

4 Commissioner Adams, how do you vote?

5 COMMISSIONER ADAMS: Yes.

6 CHAIRPERSON CANTU: Commissioner  
7 Adegbile?

8 COMMISSIONER ADEGBILE: Aye.

9 CHAIRPERSON CANTU: Commissioner  
10 Gilchrist?

11 COMMISSIONER GILCHRIST: Yes.

12 CHAIRPERSON CANTU: Commissioner Heriot?

13 COMMISSIONER HERIOT: I vote yes.

14 CHAIRPERSON CANTU: Commissioner  
15 Kirsanow?

16 COMMISSIONER KIRSANOW: Yes.

17 CHAIRPERSON CANTU: Commissioner  
18 Kladney?

19 COMMISSIONER KLADNEY: Yes.

20 CHAIRPERSON CANTU: Commissioner Yaki?

21 COMMISSIONER YAKI: Aye.

22 CHAIRPERSON CANTU: The motion passes  
23 eight to zero. And congratulations to the new and  
24 returning members of the State Advisory Committee for  
25 the State of Missouri.

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1                   Is that correct? Did I get Missouri  
2 right?

3                   MR. MORALES: Yes.

4                   CHAIRPERSON CANTU: Thank you. The third  
5 item on the Agenda is a Discussion and Vote to appoint  
6 Raul "Danny" Vargas as Interim Chair of the Virginia  
7 Advisory Committee.

8                   C. DISCUSSION AND VOTE TO APPROVE

9                   RAUL (DANNY) VARGAS AS INTERIM CHAIR  
10                  OF THE VIRGINIA ADVISORY COMMITTEE

11                  CHAIRPERSON CANTU: Due to the  
12 resignation as Chair by Chris Powell because of time  
13 commitments, we have an opportunity to appoint a new  
14 chair for the Virginia State Advisory Committee.

15                  I really want to express my deepest thanks  
16 to Mr. Powell for his service and his continued  
17 contribution as a member of the Virginia State Advisory  
18 Committee.

19                  I move to appoint Raul "Danny" Vargas as  
20 Interim chair of the Virginia Advisory Committee at  
21 the recommendation of the Staff Director. Is there  
22 a second?

23                  COMMISSIONER KLADNEY: Kladney seconds.

24                  CHAIRPERSON CANTU: Commissioner Kladney  
25 seconded. Thank you.

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1 (Off mic comments)

2 CHAIRPERSON CANTU: I'll open the floor  
3 for discussion.

4 (Off mic comments)

5 CHAIRPERSON CANTU: Oh, we're hearing --  
6 again, I'm sorry, we're hearing -- someone didn't mute.

7 I'm now opening for discussion. If you  
8 have a comment to make on this motion, please do.

9 COMMISSIONER KLADNEY: Kladney calls for  
10 the question -- calls for the question.

11 CHAIRPERSON CANTU: Thank you  
12 Commissioner Kladney. Without further discussion  
13 I'll take a roll call vote.

14 Commissioner Adams?

15 COMMISSIONER ADAMS: Yes.

16 CHAIRPERSON CANTU: Commissioner  
17 Adegbile?

18 COMMISSIONER ADEGBILE: Aye.

19 CHAIRPERSON CANTU: Commissioner  
20 Gilchrist?

21 COMMISSIONER GILCHRIST: Yes.

22 CHAIRPERSON CANTU: Commissioner Heriot?

23 COMMISSIONER HERIOT: I vote yes.

24 CHAIRPERSON CANTU: Commissioner  
25 Kirsanow?

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1 COMMISSIONER KIRSANOW: Yes.

2 CHAIRPERSON CANTU: Commissioner  
3 Kladney?

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRPERSON CANTU: Commissioner Yaki?

6 COMMISSIONER YAKI: Aye.

7 CHAIRPERSON CANTU: And I vote aye.

8 Congratulations to Danny Vargas as our new Interim  
9 Chair for the Virginia Advisory Committee.

10 And now we turn to our Staff Director, Mr.  
11 Morales. Would you like to make any comments regarding  
12 the monthly Staff Director's Report?

13 D. MANAGEMENT AND OPERATIONS

14 STAFF DIRECTOR'S REPORT

15 MR. MORALES: Thank you, Madam Chair. In  
16 the interest of time, I don't have anything further  
17 to add than what's already contained in the report.

18 Of course, if a Commissioner has a specific  
19 question or questions, I'm more than happy to speak  
20 with him or her about the item.

21 And with that, I thank you, Madam Chair.

22 CHAIRPERSON CANTU: Thank you, Staff  
23 Director. That concludes our business on the  
24 management and --

25 COMMISSIONER KIRSANOW: Madam Chair?

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1 CHAIRPERSON CANTU: Yes? Who am I  
2 hearing?

3 COMMISSIONER KIRSANOW: Commissioner  
4 Kirsanow here. I think this is pertinent to the Staff  
5 Director's Report.

6 I just want to note for the record, because  
7 it was placed on the record in the previous meeting,  
8 or at least I think maybe it was the November meeting.

9 That the memo from the Commission's  
10 General Counsel that was sent around to all  
11 Commissioners a couple of weeks ago, that the alleged,  
12 or question with respect to a potential conflict of  
13 interest that Commissioner Adegbile had placed on the  
14 record regarding the recommend -- that Commissioner  
15 Adams recommending voting for Clia Mitchell (phonetic)  
16 to serve on the Board of Advisors for the Election  
17 Assistance Commission.

18 And whether such referral, whether that  
19 should be referred to either the OIC or the DOJ. And  
20 the memo had indicted, without going into great detail,  
21 that after the GC examined the facts of the issue and  
22 reviewed the emails related to the FOIA requests, et  
23 cetera, regarding Ms. Mitchell's appointment to the  
24 EAC Board of Advisors, that there was no conflict of  
25 interest.

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1           And for that reason, there would be no  
2 referral or other independent action made on this  
3 matter.

4           And I think also, the very good piece of  
5 advice in that memo is that whether something is an  
6 actual or potential conflict of interest could always  
7 be resolved prior to such issue being raised at a public  
8 hearing by just consulting with the OGC.

9           COMMISSIONER ADEGBILE: I'm sorry, was  
10 that a question to me? Or I'm --

11           COMMISSIONER KIRSANOW: No, it was not a  
12 question. It was just simply a statement for -- just  
13 so we have it on the transcript.

14           Because the question with respect to a  
15 conflict was on the record also. And the OGC had  
16 answered that question.

17           CHAIRPERSON CANTU: It was not on the  
18 Agenda. But, it is -- it is fair to report that we  
19 did follow the procedures.

20           That we do ex -- we have high expectations  
21 of each of our Commissioners. If they see either an  
22 actual conflict or even an appearance of a conflict,  
23 we are obliged to report that.

24           And I complement the Commissioners for  
25 doing their duty. And I also complement the staff for

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1 following up.

2 And it does turn on facts. And in this  
3 instance, I am happy to report that we went through  
4 the process, and you correctly state the conclusion.

5 So, it's just a for your information that  
6 there was no conflict of interest determined. The  
7 determination was that there was no conflict or even  
8 appearance of conflict.

9 So, thank you for that. So, on the --  
10 COMMISSIONER ADEGBILE: Madam Chair,  
11 Commissioner Adegbile.

12 CHAIRPERSON CANTU: Yes, Commissioner?

13 COMMISSIONER ADEGBILE: This is directed  
14 to the -- to the General Counsel, just so we can have  
15 clarity. And I appreciate Commissioner Kirsanow's  
16 statement for the record.

17 And I just want the record to be clear.

18 Can the General Counsel make clear whether or not any  
19 opinion was sought prior to the vote by Commissioner  
20 Adams?

21 And if so, that would just be good to know.

22 Particularly because Commissioner Kirsanow said that  
23 the -- the best practice is to seek that advice prior  
24 to any vote where there is a potential conflict or an  
25 appearance of a conflict.

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1           So, can we just have clarity on the record  
2 for those purposes?

3           CHAIRPERSON CANTU: It would be up to  
4 Commissioner Adams if he wants us to put it on the  
5 record.

6           COMMISSIONER ADEGBILE: No, it's not  
7 actually up to Adams. I'm putting my question to the  
8 General Counsel since it's been put at issue.

9           COMMISSIONER ADAMS: Well, I'm able to  
10 answer it too. Maybe you don't want that answer.

11           COMMISSIONER ADEGBILE: No, no, no. You  
12 can answer it. But my question is to the General  
13 Counsel. And you can of --

14           COMMISSIONER ADAMS: Well, of course it  
15 is. But, either you want the answer from me or you  
16 don't.

17           COMMISSIONER ADEGBILE: Well, my question  
18 Commissioner Adams, was to the General Counsel, the  
19 opinion that was invoked by Commission Kirsanow.

20           We're happy to take your answer. But, I  
21 just would like an answer to my question first.

22           CHAIRPERSON CANTU: Commissioner Adams --

23           COMMISSIONER ADEGBILE: Can I make an  
24 observation? Chair Cantu, please let me know how you'd  
25 like him to respond?

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1 CHAIRPERSON CANTU: Commissioner Adams,  
2 would you like to go first? Or would you like the  
3 General Counsel to go first?

4 COMMISSIONER ADAMS: I would be happy to  
5 go first. First of all, the opinion was not sought.  
6 Secondly, --

7 (Simultaneous speaking)

8 COMMISSIONER ADEGBILE: Madam Chair,  
9 could you clarify -- Madam Chair, can you clarify why  
10 I can't get an answer to the question that I put to  
11 the General Counsel?

12 COMMISSIONER ADAMS: The Chair has ruled.  
13 The Chair has ruled, out of order.

14 CHAIRPERSON CANTU: We are -- we are not  
15 out of order. We are showing respect to each other  
16 as a point of privilege.

17 As a point of privilege, I am allowing the  
18 Commissioner to say something first. But, I am also  
19 allowing you to get your answer, Commissioner Adegbile.

20 So, both of you all are getting yeses.

21 COMMISSIONER ADAMS: Okay. This is  
22 Adams. First of all, the opinion was not sought.  
23 Secondly, the question was contemplated prior to the  
24 vote.

25 That's the answer.

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1                   CHAIRPERSON CANTU:     Thank you.     Our  
2     General Counsel?   David, are you on?

3                   MR. GANZ:    I am, yes.   Yes, I -- I agree  
4     with what Commissioner Adams just stated.   There  
5     wasn't an opinion sought prior to the nomination or  
6     the vote by the entire Commission.

7                   CHAIRPERSON CANTU:           Commissioner  
8     Adegbile, do you have any follow up questions?

9                   COMMISSIONER ADEGBILE:   Nope.

10                  CHAIRPERSON CANTU:     Thank you.     That  
11     concludes our business on today's agenda.

12                                   **III.    ADJOURN MEETING**

13                  CHAIRPERSON CANTU:     And I hereby adjourn  
14     the meeting at 1:11 Eastern Standard time.   Thank you  
15     all very much.   We are adjourned.

16                                   (Whereupon, the above-entitled matter  
17     went off the record at 1:07 p.m.)

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