

San Francisco Bay Conservation and Development Commission

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October 4, 2019

TO: Enforcement Committee Members

FROM: Karen Donovan, Staff Counsel (415-352-3628; karen.donovan@bcdc.ca.gov)

SUBJECT: Approved Minutes of September 25, 2019 Enforcement Committee Meeting

1. **Call to Order.** The meeting was called to order by Chair Scharff at the Bay Area Metro Center, 375 Beale Street, Redwood Room, Fifth Floor, San Francisco, California at 9:34 a.m.

2. **Roll Call.** Present were Chair Scharff and Members Gilmore, Techel and Vasquez.

Not present was Member Ranchod.

Staff in attendance included Executive Director Larry Goldzband, Regulatory Director Brad McCrea, Staff Counsel Karen Donovan, Chief of Enforcement Adrienne Klein, Enforcement Analyst Schuyler Olsson, and Enforcement Analyst Matthew Trujillo.

Also in attendance was Shari Posner on behalf of the Office of the Attorney General.

3. **Public Comment.** Chair Scharff called for public comment on subjects not on the agenda.

There was no public comment.

4. **Approval of Draft Minutes for the September 12, 2019 Meeting.** Chair Scharff asked for a motion and second to adopt the minutes of September 12, 2019.

MOTION: Chair Scharff moved approval of the September 12, 2019 meeting minutes, seconded by Member Gilmore.

VOTE: The motion carried unanimously with a vote of 4-0-0 with Members Gilmore, Techel, Vasquez and Chair Scharff voting “YES”, no “NO” votes, and no “ABSTAIN” votes.

5. **Enforcement Report.** Ms. Donovan gave the report as follows.

The next meeting will be held in this building in the Board Room. The schedule for some action items will be rolled out. The meeting is scheduled for October 10.

Chair Scharff stated that he would not be present at the October 23 meeting.

Commissioner Techel will not be present on November 20.

The group discussed whether the commission will be meeting during the morning of November 21. A full Commission meeting is scheduled for that afternoon.

The Commission will not meet on December 19 or January 2. The committee will meet on December 12.

6. **Case Update.** Mr. Olsson gave the update as follows.

There are a total of 284 open enforcement cases. 24 are active and 260 are inactive. Of the 284, 41 are priority cases, and staff is actively working on 11 of them.

There are 243 non-priority cases of which 13 are being actively worked on.

“Priority” means the case has an impact score of 60 or above. “Active” means staff is actively working on the case.

Since August 8, 2019, staff has opened 18 new cases. The last Cease and Desist Order was issued in July. Nine cases have been resolved since August 8, 2019.

Chair Scharff asked how the nine resolved cases compare in difficulty to the 18 new cases. Mr. Olsson answered that some of the nine cases were old; staff did research and found that the issue had resolved itself. Some cases were found not to be actual valid BCDC violations and two were old cases that staff resolved.

The group discussed a case Mr. Olsson had closed involving an unpermitted concrete pad, driveway, and fence all within the shoreline band. The permit would have cost around \$200; the fine was \$10,000. Since then, the person is alleged to have engaged in two additional violations.

Chair Scharff asked about “inherited” violations. Ms. Donovan explained that with an open enforcement case, the violation does not go away when the property changes hands. The new property owner is then responsible. If it is not an open enforcement case, and BCDC then opens one, the new owner can be held responsible for unauthorized development or fill on the property.

Member Gilmore noted that a new property owner may not know what the requirements are, and whether they are in violation of those requirements. Mr. Trujillo answered that sometimes there is a dedication on the title so that information is conveyed. We do not have a mechanism or resources to trigger an automatic review of the permit, and when the new owner takes possession sometimes we do not know when there has been a change of hands.

Ms. Donovan described a tool used by the Coastal Commission that BCDC would like: they can record a notice of violation that shows up when someone does a title search as part of a property transaction. Currently, the tool BCDC uses is to inform property owners who have resolved violations to make BCDC’s jurisdiction clear to any future purchaser.

Mr. Olsson clarified that permits are generally recorded on the property. A purchaser should know about an existing permit and its requirements. When the land transfers, they are required to submit a form to transfer the permit – but this is not always done.

Ms. Donovan noted that staff has scheduled a briefing on some of these requirements.

Member Techel suggested using labels different from “priority” and “non-priority” such as “Tier 1”, “Tier 2”, and “Tier 3”. This would prevent it from looking like we are dealing with cases that are not priorities.

Chair Scharff suggested that “active” and “inactive” are not the right words – “inactive” implies that staff is not working on the case.

Ms. Donovan explained that part of what has caused the current resolution of inactive cases was that staff had been looking at the oldest cases and looking at some cases for other data, and they had found a few that could be resolved.

Chair Scharff asked how many active cases each staff is working on. Mr. Olsson answered that it is about eight to ten.

Chair Scharff asked the percentages of time staff is spending on the cases versus the process improvements. Mr. Trujillo answered that 80/20 is the rough estimate. Ms. Donovan added that the proportion sometimes shifts.

Member Gilmore asked about the handoff between the permitting side and the enforcement side. For a permit issued with requirements that must be completed over the next year, who does the follow-up? Mr. McCrea responded that the compliance assistance component of the program is the greatest deficiency we have in the program. Executive Director Goldzband felt that the compliance process possibly should not be part of the enforcement process; it should be handled differently, possibly by the Bay Design Analyst Group which does plan review and the like.

Member Gilmore expressed concern that we spend much time, effort, and energy dealing with current cases and the backlog, and we are doing nothing to stem the tide of new cases coming into Enforcement. Ms. Donovan noted the problem of turnover on the permitting staff in addition to lack of staff on the enforcement end.

Mr. McCrea noted that when a permit analyst issues a permit, they know everything about the permit and all its requirements. However these staff come and go, and as soon as they are gone the knowledge is lost. We need a dedicated compliance person who would step in, learn the permits, and help the permittees. He added that the enforcement staff’s relationship with a violator is very different from the compliance officer’s relationship with a permittee. The permittee is in danger of missing a step unless they receive a reminder by way of a phone call, letter, postcard, etc.

Member Gilmore asked how to track that. Executive Director Goldzband stated that any new tool in a BCDC regulatory database has to include the ability to send a report to the proper staff stating that something is due. It should have the ability to send an email to the permit holder stating that something is due on a particular date. These systems do exist and are used throughout the world.

Member Techel asked how new cases come in. Mr. Olsson replied that they usually come in through an online form on the website. It populates a data point in the staff GIS online database.

Mr. McCrea asked how many come from staff versus the public. Mr. Olsson replied that staff does not track that data but it is about half and half. He added that some new cases come in through staff email. If the new case is not a duplicate of an existing case, it will get a case number. If it is not a valid case, it will get a case number and will be closed.

Member Vasquez asked what they do with homeless encampments within BCDC jurisdiction. Ms. Donovan responded that this could be a separate briefing in itself.

Member Techel mentioned cases of people using a governmental agency to rat on their neighbors.

Mr. Olsson mentioned that one of the biggest homeless encampments that BCDC is dealing with is Union Point Park. The next meeting will include a briefing.

7. Briefing on Prioritization Process. Ms. Klein presented the briefing as follows.

Step One is data collection.

- When the new enforcement report comes in, staff must review the data to validate it.
- They identify the location and affirm that it is in BCDC jurisdiction.
- Google Earth and aerial imagery are hugely important in assessing site conditions from within the office.
- Staff identifies the property owners and other responsible parties.
- Staff identifies any existing permits or consistency determinations.
- Staff determines whether the report is a violation either of BCDC's laws or of a permit.
- Staff assigns a case number and status, usually "inactive."

Mr. Olsson pointed out that even if it is not a valid violation (outside BCDC jurisdiction or something BCDC does not regulate), it still gets a case number and staff closes it. Staff wants to track the effort made; also, sometimes it takes a while to find out if the case is a violation.

Ms. Klein continued. Step Two is quick: assign an impact score. Staff assigns a number of severity (1-3) to each of six criteria. Staff uses charts that explain the severity rankings, which are split into Bay, Upland, and Suisun Marsh environments.

The criteria are Habitat; Durability or Permanence; Toxicity/Ecosystem Effect (Bay and Marsh) and Health/Safety Effects (Upland); Amount and/or Size; Nature, Type or Use; and Visibility.

Chair Scharff asked about the last criteria, which has ranking numbers of only 1 and 2. Executive Director Goldzband stated that you want to ensure an equal order of magnitude increase among the different criteria. Mr. Trujillo explained that staff felt that this criteria did not rise to the level of importance of the other criteria, so this was the compromise at which they arrived.

Ms. Klein showed the spreadsheet formula that weights the six factors.

This system is effective for the following reasons:

- Scoring is consistent among staff.
- The chosen formula was tested against other potential formulas, and they had comparable results.
- The quantitative scores such as Size are measurable and discrete.
- The qualitative scores such as Habitat Value limit staff discretion and variability.
- Staff discuss all totaled scores in the range of 50 to 70 in order to validate the score's accuracy.

The criteria are not fixed; staff can update them for future scoring.

The system is necessary because it removes any subjective bias and establishes consistency and objectivity. It results in identification of cases with the highest potential to impact Bay resources, public access, and managed wetlands.

Ms. Klein described three example cases to demonstrate the prioritization system.

She explained Step Three, Effort Scoring, which only pertains to the priority cases.

- Staff assign a number (1-3) to each of four criteria.
- An effort score is automatically calculated.
- The combined effort and impact scores identify the cases with the most impact for the least staff resources.
- This approach was being piloted before the audit, which now takes precedence.

Executive Director Goldzband did not feel that this process is complicated. It is a step-wise function that you get used to. At first glance the calculation may look daunting, but when you understand the steps, it is not complicated. Before this, there was no prioritization process and no attempt by BCDC staff to rank cases in a way that could be defended.

Mr. Olsson noted that this approach is being piloted – staff has not fully implemented it – and it probably could use some tweaking. He suggested that for Step Three, it may actually be difficult to assess effort because of all the unknowns.

Chair Scharff commented that the process creates biases that may not be good public policy. He mentioned external agency involvement; if other cities or counties are involved, does that mean we think it is more complex and we put in less effort, or is that when the Corps is involved? Ms. Klein replied that the consideration is whether that will result in more or less time.

Ms. Donovan stated that staff would like to match up the four criteria with some goals, and to determine whether there are other criteria they should look at. Other agencies conduct the process a little differently, for instance looking at whether it is a repeat violator or a recalcitrant violator.

Executive Director Goldzband explained that after staff started doing the priorities, he asked which would be the easiest to pick off from the “Tier 1’s” versus which would take the most time.

Ms. Klein stated that Chair Scharff had hit on staff’s primary concern: they did not want the respondent’s cooperation, or lack thereof, to result in a determination of whether or not to pursue. It is a real issue in terms of resource consumption.

Ms. Klein explained that the combined effort and impact scores are automatically plotted in a spreadsheet. She showed the calculation used and the plot.

At the request of Member Techel, Ms. Klein walked the Committee through the scoring of the three example cases. They comprised the Bay, Upland, and Suisun Marsh environments.

Mr. Olsson commented that one case may have multiple violations, but it gets just one combined impact score.

Mr. Trujillo commented that for the purposes of scoring, staff does not consider pre-existing dilapidated structures and docks at the site. They are just looking at the violation for efficiency purposes, to figure out what has been done and how it relates to BCDC regulations.

Chair Scharff described a hypothetical situation in which a neighbor rebuilds a dock and mows the vegetation on an absentee landlord’s land. Who will BCDC come after? The answer was both. Mr. Trujillo stated that BCDC does care about abandoned piers. They would rather be paying enforcement staff out of the General Fund than out of the Bay Fill fund so that they can use the latter to eliminate some of the piers.

To assist the Enforcement Committee, Mr. Olsson explained each of the criteria as a question:

- Habitat Value: *Where is it?*
- Durability or Permanence: *How long will it last?*
- Toxicity and/or Ecosystem Effect: *How dangerous is it?*
- Amount and/or Size of Fill: *How much is there?*
- Nature Type of Use of Fill: *What is it and could it be authorized?*
- Visibility: *How visible is it?*

Ms. Klein posed the Questions for Committee Consideration and Discussion.

Does the existing system provide the Committee with the confidence that staff can determine adequately which cases to prioritize for action?

If so, should staff address other audit recommendations to improve the enforcement program before focusing on changing the current prioritization system?

She noted that other areas for program improvement include:

- *Penalty matrix*
- *Template letters for case management*
- *Workflow improvements (case intake, etc.)*
- *Defining substantial harm*
- *Database improvements*
- *Developing a permit compliance program*
- *Case management plans*

Mr. Olsson noted that staff is confident with the impact scoring, but the effort scoring may need to be adjusted or not used at all.

Chair Scharff had some concerns about the existing system. He did not feel that it rises to a level of where we should spend our limited resources at the moment.

Member Gilmore felt that we need to move forward on database improvements – getting a software tool for tracking, whether it is for the permitting side or the compliance side or both. We need something better than an Excel spreadsheet.

Member Gilmore asked about program improvements for case management plans (the last bullet item). Staff confirmed that it pertains to enforcement cases. Ms. Donovan explained that once a case is open it should have a plan; this responds to a specific audit recommendation.

Staff confirmed that most of the bullet items were in response to the audit, although there were some improvements they had been working on already.

Ms. Donovan agreed with Member Techel that the bullet items are mostly process and system improvements except for Defining substantial harm, which might rise to the level of regulatory changes.

Member Gilmore felt that all the bullet items fall under the category of general workflow improvements. Before making substantial inroads into developing a compliance program or templates for case management, you must deal with the technology issue first.

Mr. Trujillo responded that the software is out there; it is a matter of securing the funding. First we need to discern what we need. Mr. McCrea responded that we are working to secure funding for a database that works for us. It is part of the roadmap that the auditor outlined. For now, the prioritization system is sufficient.

Chair Scharff mentioned finding funding for a Compliance Officer. Ms. Donovan responded that they are pursuing that simultaneously with finding funding for the database. Chair Scharff asked that they spend the money on the right mix of people and technology.

Executive Director Goldzband stated that he was meeting the next day with the IT team; he was to learn the 6-8 month plan for spending the money held in reserve. Secretary Crowfoot is creating a Resource Agency-wide HR team so that we can all move forward on HR in ways that help each other. Executive Director Goldzband's suggestion was to do the same with IT.

8. Briefing on Penalty Policy Development. Ms. Donovan presented the briefing. Staff was looking for input on how to incorporate the adjustment factors into the policy under development.

Ms. Donovan hoped that this would be the last general introduction and input session; she hoped to begin now with the outline of what the policies will actually look like.

The factors for discussion related to ability to pay, ability to continue in business, and voluntary efforts/degree of culpability.

BCDC's statute regarding factors to be considered in setting a penalty is very similar to the statutes of the Water Boards and other agencies.

The Enforcement policy goals are as follows:

- Deterrence. It is important to ensure that financially strapped entities do not view their permit compliance as a cost-saving measure.
- Fairness. It is important that we do not reward businesses that fail to incorporate environmental compliance into their business plans.
- Consistency. It is important that people understand the risk involved in failing to comply with the McAteer-Petris Act.

Executive Director Goldzband noted the word "rationally" in the description. Ms. Donovan explained that it means entities acting in compliance with what they claim are their goals and business objectives. Further, people need confidence that they and their competitors are being treated the same; that will drive how they act.

- Transparency.

Ms. Donovan addressed ability to pay. A legal nuance is that the US EPA has separate memos addressing this factor. The agency must show that it has taken into account the ability to pay. As part of EPA's case law, in establishing an initial civil penalty, the EPA does not need to determine that the respondent can in fact pay the penalty. It is more a check. If the entity asserts that they have an inability to pay, they need to put forward evidence.

The State Water Boards consider the ability to pay and continue in business as defenses. The agency has no obligation to demonstrate ability to pay – it is up to the violator to raise ability to pay or ability to continue in business as a defense. The Water Code provisions under which the Water Boards operate include civil penalty factors that are very similar to the McAteer-Petris Act.

The Virginia DEQ puts the burden firmly on the violator to provide sufficient information to allow the agency to make a determination on the violator's inability to pay the penalty.

Ms. Donovan asked the Committee: *Should we include guidance on assessing ability to pay? If so, how should we do this?* We have already discussed possibly presenting this issue clearly to the violator in the Statements of Defense forms.

Member Vasquez asked if we would be calling out ability to pay as a defense. Ms. Donovan responded that we would be saying that it is a defense such that the burden is on the violator to raise it and show it. Right now it operates as a mitigating factor; it can reduce the fine. This would address it more from a process end that the violator has the obligation to raise it. We would also highlight the level of information that we would expect.

Chair Scharff noted that state law says that if the violator cannot pay, we are supposed to reduce the fine.

Chair Scharff wanted the policy even stronger: if the violator does not provide an initial defense after it has been highlighted for them, they cannot raise it as an issue with the Enforcement Committee if they have not raised it with staff (unless there has been a substantial adverse change in their financial position).

Chair Scharff felt that they should bring forward some documentation; they cannot just check the box. How much showing they need to make initially as opposed to through the process is a fairness issue, and we should be fair in the process. Member Gilmore added that whatever documentation they need should be brought to staff before it ever reaches the Enforcement Committee.

Ms. Donovan said that they would have the ability to remand for further process. Chair Scharff and Member Gilmore responded that they did not like the idea of remands.

Ms. Donovan said that some agencies have it in their regulations that if you fail to appear at your Enforcement Committee meeting, you are done.

Chair Scharff commented that in thinking about ability to pay as a defense, if a business is running on the margin and would go out of business anyway – notwithstanding the environmental violation – then they should go out of business.

Member Gilmore commented that in the past we have told people we would reduce their fine by up to 50% if they come into compliance. At the end of the day we want compliance.

Ms. Donovan noted that sometimes other tools are available to address ability to pay, such as an extended payment schedule.

Member Gilmore commented that a reduced penalty amount can be used to remove an impediment to public access, for example; as a bottom line we want to have public access. There is something to be said for giving a reduction to the penalty if it incentivizes compliance, but compliance comes before the reduction of the penalty.

Executive Director Goldzband stated that penalty and compliance should not be mixed. If someone has violated the law, we do not reward them by diminishing the penalty because they have now decided to fix the violation. However, when people unknowingly inherit a violation or other factors compel it, BCDC can reduce a penalty – BCDC does not have the ability to ensure that the violation is on the title report at the time of purchase of the property.

Chair Scharff asked about the role of the Enforcement Committee if we are going to set up a new system. Now that we are giving staff tools, are we going to look at cases to see if staff has been fair?

Member Gilmore asked, if we are successful in getting a Compliance Officer, does this issue move to the realm of that person?

Ms. Donovan addressed agency approaches to culpability and violator conduct. The Act already is set up to treat intentional conduct differently – to establish a high penalty.

The Virginia DEQ has set up their enforcement manual such that culpability – the degree to which you should have known that you are violating the law or understood that there were hazards involved in your conduct – includes the cooperativeness of the violator in the adjustment factors.

Member Gilmore asked at what point, if we have a hypothetical Compliance Officer, it gets kicked into the enforcement realm. Ms. Klein responded that she saw the Compliance Officer as not dealing with violations, but with trying to avert and deter violations by proactively working with the permittees to achieve compliance.

Mr. McCrea noted that the auditor had directed us to move more quickly between when a violation is suspected and when it is confirmed – to elevate it sooner. Before we issue a notice saying that penalties are accruing and the clock has started, there needs to be a notification process that we have not yet identified (these are for routine violations that are not significant harm). Currently our process is to engage, identify the violations, communicate the violations, talk with the violator and give a reasonable amount of time to resolve, and formalize with a Notice of Violation. This process needs to happen far more quickly. If the violator has done nothing, the case is elevated through a formal Enforcement Hearing.

Ms. Donovan stated that as we establish this compliance program, the goal is to drive compliance. A Compliance Officer would track all the requirements of the permit, and also perform some other functions such as advising on sign placement, amending permits, and so on.

She added that we need to define the continuum of when you are in the compliance stage versus the enforcement stage.

Member Gilmore felt that bullet point #2 may require larger discussion by the Enforcement Committee. Ms. Donovan responded that most agencies have a separate compliance portion of their whole enforcement program. Member Gilmore noted that in the past, this Committee has reduced fines based on the violator's willingness to correct the violation and do it in a timely fashion. Maybe we should discuss our past practices and what to do going forward.

Ms. Donovan stated that the State Water Boards have a gravity-based initial penalty that increases for intentional misconduct or gross negligence. It can be adjusted downward only if you have exceeded the standard of care – for example if some accident caused the violation and you did everything possible to resolve it. The gravity-based penalty increases when the response to the violation falls below the normally expected response.

Ms. Donovan asked the Committee the following questions:

- *Should a draft penalty policy include upward and downward adjustments for addressing culpability and violator conduct?*
- *What are the goals in including this?*
 - *Having consequences for entities that ignore a significant risk*
 - *Providing incentives for acting promptly and having disincentives for not acting promptly*

Member Vasquez stated that at some point there has to be a disincentive to go the Enforcement Committee or the full Commission. Ms. Donovan responded that you do not want to penalize someone for exercising a legal right, such as to dispute whether or not they are in violation and dispute the appropriate amount of their penalty.

Chair Scharff asked if upward and downward adjustments are staff's recommendation to the Enforcement Committee or for settlement of the case. Ms. Donovan said that they had not answered that question internally; it gets to the fundamentals of how the penalty policy is going to work.

The Committee agreed that we should come down harder on entities that are grossly negligent or acting intentionally.

Regarding providing incentives and disincentives for prompt resolution, Chair Scharff supported staff-level negotiation and agreed that we should not stop people from exercising their legal rights. There should be no penalty for asking for a due process hearing and asking someone to review the case.

Member Vasquez asked how to separate the issues that everyone agrees on and those where there is some disagreement. Ms. Donovan responded that it is better to get certain things stipulated to. Sometimes an entity is unwilling to agree to anything, and it is staff's duty to make it clear that the violation is undisputed.

Ms. Donovan felt that the new policy would provide value if it guides the Committee in their decision-making.

Ms. Klein pointed out that the majority of cases are eligible for resolution at the staff level through the standardized fine process. However, some cases will go straight to a formal enforcement proceeding.

Ms. Donovan stated that she hoped to present a general outline to the Committee based on their input. Another piece for discussion will be the cost to the state in pursuing an enforcement action. Some cases involve an enormous amount of staff time to resolve, many times because of the conduct of the violator.

Member Techel suggested looking at the history of fines and penalties to get a picture of what it has been.

Ms. Posner suggested creating a flowchart showing standardized fines and what happens if someone does not comply, moving to Enforcement and the penalties that apply.

Chair Scharff posed the question of whether the Committee itself should have guidelines for purposes of consistency. Member Vasquez felt that we should so that members coming after us can understand the thought process.

Ms. Klein established that Member Techel was asking to know rates of fine reduction that have been granted by the Enforcement Committee. Member Techel said that for perhaps a dozen cases over the last three-five years, it would be useful to see how many times we reduced the penalty because we got compliance, for example, from what the staff or Executive Director recommended.

Member Gilmore stated that if we are going to reduce the penalty, we want to get some compliance out of it; that is the crux of the matter.

Chair Scharff was in favor of the past practice of trying to resolve the violation, get compliance, and avoid a penalty.

Ms. Donovan pointed out the mission and goals of BCDC's statutes: we don't want unauthorized fill in the Bay and we want maximum feasible public access. Penalties are a deterrent. The enforcement policy and how we consider penalties furthers the Enforcement Committee goal, and we cannot let it get in the way of the overall goals.

Chair Scharff asked staff to consider the role of the Enforcement Committee, the goals we are trying to achieve, and the dangers we are trying to navigate between. Executive Director Goldzband felt that the answers are going to come forth more this fall and winter as you start deciding what the actual policies are.

Chair Scharff also wanted staff to consider some sort of formalized mediation process for when staff seems to have strong disagreement with the people we are enforcing against, yet there seems to be some path forward.

9. **Update on Union Point Park.** Mr. McCrea explained that the item had been cancelled because of an upcoming meeting with the City of Oakland and the Unity Council next Tuesday.

10. **Future Agenda Items.** Ms. Donovan felt that it might be helpful to provide a briefing for the Committee on supplemental environmental project policies of other agencies.

Executive Director Goldzband stated that at the next meeting, the first agenda item after the case update was going to be a calendar for the fall and a suggested calendar for the winter, listing topics for discussion and specifying days the Committee will be asked to make decisions and hold votes.

Member Gilmore asked how frequently staff must check in with the auditors. Ms. Donovan answered that they had already had a 60-day report; the six-month report is due in November, then there is a one-year report.

Member Gilmore asked about the auditor's feedback; much of what they recommended involves resources that we do not have. Ms. Donovan answered that the auditor's next step is to put together a regular report for the Legislature. They highlight in red the recommendations that the agency has not done or has not given an indication they will do. Our next dialogue about the recommendations will probably be with the Legislature. The auditors are largely done with us.

Member Techel commented that the scoring matrix and example cases had been very helpful for the Committee.

11. **Adjournment.** There being no further business Chair Scharff adjourned the meeting at 12:17 p.m.



DATED: 11/06/2019

BRAD McCREA
Regulatory Program Director