

**Virginia Office for Protection and Advocacy  
Richmond, Virginia  
Minutes  
July 25, 2012**

**Call to Order, Welcome and Introductions**

Darrel Mason, Governing Board Chair, called the meeting to order and welcomed Board members and staff at 9:00 a.m. She asked that each participant introduce himself.

**Members Present**

Darrel Mason, Chair; Angela Thanyachareon, Vice Chair  
Jane Anthony, Martha Bryant, Bill Fuller, Maureen Hollowell,  
Rita Kidd, Jennifer Krajewski, Ali Parker, Martha Pillow,  
Michael Toobin, Linda VanAken, Tom Walk

**Staff Present**

Colleen Miller, Lisa McGee  
LaToya Blizzard, Erin Haw, and Clyde Mathews (for portions)

**Training**

- **Board Policies Review**

Colleen Miller, VOPA Executive Director, explained that the Board Bylaws require an annual review of Board Policies. Board members discussed the policies as they were reviewed.

**Mission Statement**

Jane Anthony read the Mission.

**Adopt Agenda**

No changes were noted to the agenda and it was adopted as presented.

**Approval April 25, 2012 Minutes**

With no changes noted in the April 25, 2012 minutes, Bill Fuller made a MOTION to accept the Minutes. Michael Toobin SECONDED the MOTION. The Minutes were unanimously approved.

**Public Comment**

No public comment was offered.

**Non Profit Transition Committee**

Maureen Hollowell, Committee Chair, acknowledged committee members Michael Toobin, Tom Walk, Angela Thanyachareon, Elizabeth Priaulx, and Michael Gray (VOPA Staff Attorney). She noted that the Committee met on July 24, 2012. Colleen Miller shared her hope that the Governing Board would give the Committee the authority to finalize the Study Report.

- **Name**

She explained that Elizabeth Priaulx and Lisa McGee established criteria to use as guidance in their name recommendation. The criteria and responses were provided in memorandum to the Board, recommending the name of the new nonprofit entity as **disAbility Law Center of Virginia**. The Governing Board accepted the recommendation and adopted the name by unanimous vote.

- **Articles of Incorporation**

Maureen Hollowell discussed revisions made to the Articles of Incorporation at the Committee meeting. She also explained that the three Incorporators exist for the purpose of developing the non-profit. The Committee recommended adoption of the Articles of Incorporation. No SECOND was required. The Articles were adopted by unanimous vote.

- **Bylaws**

Maureen Hollowell directed Board members to the Bylaws and shared changes recommended by the Committee. The Committee recommended adding an exception to the Notice of Meeting Requirements in an emergency. She noted that the Secretary and Treasurer for the nonprofit will be Board members but will have designated staff support. Additionally, she clarified that proxy voting will count towards a quorum and that the PAIMI Council Chair will be a voting member of the nonprofit Board. Nominations and elections will be addressed in policies and procedures for the nonprofit. After further discussion, Martha Bryant made a MOTION to change the Section 4 heading from Public Access to Public Access and Notice. Jane Anthony SECONDED the MOTION and it was passed by unanimous vote.

Noting the changes, the Committee recommended adoption of the Bylaws as amended. No SECOND was required. The Bylaws were adopted by unanimous vote.

- **Study Report**

Board members discussed the Study Report and recommended staff incorporate changes identified in the Nonprofit Transition Committee meeting. Board members unanimously approved authorizing the Committee to finalize the Study Report.

### **Executive Director's Report**

Colleen Miller referred Board members to the printed report in the Board package and noted that since the report was printed, offers of employment have been extended and accepted for two Disability Rights Advocates. One of the incoming staff members speaks Spanish as her primary language which will benefit VOPA in communications and relations in the Hispanic community. She also shared that a former Disability Rights Advocate, Jenny Heilborn, has returned to the Richmond area and will work for VOPA on a part-time basis. Mona Siddiqui, Staff Attorney is leaving VOPA to pursue her Ph.D.

### **Executive Committee**

Darrel Mason shared that the Executive Committee reviewed the Emergency Succession Plan for the Executive Director as a matter of information for the newly-installed officers.

Additionally, she also shared that the 10 Year Anniversary Celebration will be October 2 at the Virginia Historical Society. In order to keep ticket prices minimal, the event planners and VOPA staff are seeking corporate sponsors. She noted that Presenting and Supporting Sponsors, VOPA staff, and a limited number of guests will receive complementary tickets. She shared that Supporters may opt

to use their free tickets to provide an opportunity for individuals who would not otherwise be able to attend. Funds raised above expenses will be directed to the Virginia Disability Law and Advocacy Fund. She noted that the VDLA will also announce the inaugural project of Educating OUR Kids at the event. She explained that Educating OUR Kids is a phased special education project including a manual, DVD, and printed materials that will provide guidance to parents and advocates through the special education process. The final phase of the Educating OUR Kids project will be directed to attorneys.

She announced that the date of the October Governing Board meeting was moved to October 3 to allow staff coordination on the day of the Anniversary Celebration.

The Chair announced the following Committee assignments for the upcoming year:

#### Finance Committee

Darrel Mason acknowledged Linda VanAken for her service as the Chair of the Finance Committee and announced that she had requested to step down from that role.

- Michael Toobin, Chair
- Jane Anthony
- Bill Fuller
- Rita Kidd
- Ali Parker
- Linda VanAken

#### Internal Policy Committee

- Tom Walk, Chair
- Martha Bryant
- Elaine Caudill
- Melissa Meade
- Angela Thanyachareon

#### Public Awareness and Goals Committee

Darrel Mason noted that Elizabeth Priaulx, former Board member, was appointed to the PAIMI Advisory Council and will continue as the Public Awareness and Goals Committee Chair.

- Elizabeth Priaulx, Chair
- Barbara Barrett
- Maureen Hollowell
- Jennifer Krajewski
- Martha Pillow
- Angela Thanyachareon

#### Nonprofit Transition Committee

- Maureen Hollowell, Chair
- Elizabeth Priaulx
- Angela Thanyachareon
- CW Tillman

- Michael Toobin
- Tom Walk

She further explained that the Evaluation and Compensation Committee is composed of the Governing Board Chair, Vice Chair, and Finance Committee Chair as designated in the Board policies.

Additionally, as Chair of the Governing Board, she serves as ex officio to all committees.

**Finance Committee**

- **Financial Report**

The Finance Committee met on July 24, 2012. Linda VanAken, Committee Chair, stated that the Committee reviewed the budget through the end of the state fiscal year. On behalf of the Committee, she distributed the signed Certification indicating that the Committee found no areas of exception. The Committee recommended acceptance of the report. The certification indicated an incorrect meeting date of April 24, 2012. The actual date of the meeting will reflect as July 24, 2012. No SECOND was needed for the recommendation. The certification was accepted by unanimous vote as amended.

- **FY2013 Budget**

Linda VanAken presented the FY2013 budget with a Committee recommendation for adoption as follows:

<b>Expenditures</b>	<b><u>FY 2013</u></b>
salaries, wages, fringe	2,317,569
services, memberships, subscriptions, travel	226,550
supplies, gas	14,050
unemployment, indirect costs	260,804
rent, rentals, service charges	224,467
equipment, furniture	<u>50,045</u>
	<b>\$3,093,485</b>

No SECOND was required. No further discussion was offered and the budget was adopted by unanimous vote of the Board.

**Internal Policy Committee**

Angela Thanyachareon announced that the Internal Policy Committee met on July 24, 2012. The Committee introduced the Harassment in the Workplace policy statement for first reading as follows:

**Policy 4.X – Workplace Harassment**

*The Virginia Office for Protection and Advocacy (VOPA) is committed to providing a workplace free from unlawful intimidation, harassment, or coercion as defined below.*

This policy will be presented for adoption by the Governing Board at the October 2012 meeting.

The Committee also reviewed the Conflicts of Interest policies for the Board, staff, and the sample Conflict of

Interest Policy developed by the Internal Revenue Service. Using the IRS sample as guidance, the Committee will develop a new Conflicts of Interest policy that will encompass the Board, staff, and nonprofit and present at a future VOPA Governing Board meeting.

## Reports

- **Progress on Objectives**

Colleen Miller explained the Progress on Objectives report, sharing that much work is completed jointly between units. Board members requested that acronyms be used in the Progress on Objectives Report only after the full proper name is listed previously on the same page. Darrel Mason also requested that an updated list of commonly used acronyms accompany each Board package.

Colleen Miller noted that VOPA staff are now assisting individuals in applying for Social Security Disability using the criteria that the client has been denied

representation by or unable to afford private counsel. To date, VOPA has been successful in several cases.

- **Litigation**

Colleen Miller reported that historically, individuals with disabilities who were incarcerated and committed to the custody of the Commission of the Department of Behavioral Health and Developmental Services (DBHDS) (previously the Department for Mental Health, Mental Retardation and Substance Abuse Services) were left in jail because the Commissioner refused to accept them. Although the Department did improve significantly after VOPA's contempt actions, compliance is slipping once again. The next step may be to compel the Commissioner to comply may be a class action suit.

## Public Awareness and Goals Committee

- **Goals and Focus Areas**

On behalf of the Committee, Angela Thanyachareon presented the following proposed Goals and Focus Areas for Fiscal Year 2013:

**Goal 1: People with Disabilities are Free from Abuse and Neglect**

Focus Area 1: Adequate System for Protection from Harm in Institutions

Focus Area 2: Adequate System for Protection from Harm in Community Settings

Focus Area 3: Adequate System for Protection from Harm in Community or Institutional Settings Serving Children and Adolescents

Focus Area 4: Timely and Appropriate Mental Health Services in Local and Regional Jails and Juvenile Correctional Facilities

**Goal 2: Children with Disabilities Receive an Appropriate Education**

Focus Area 1: Appropriate Therapy and Services for Children with Disabilities with IEPs or 504 Plans

Focus Area 2: Children who are Suspended or who are at Risk of Long-Term Suspension

Focus Area 3: Children with Traumatic Brain Injuries

Focus Area 4: Transition from School to Work

**Goal 3: People with Disabilities Have Equal Access to Government Services**

Focus Area 1: Access to Vote for Persons with Disabilities

Focus Area 2: Access to State and Federal Government Services

Focus Area 3: Access to Appropriate Services and Supports for Veterans with TBI

**Goal 4: People with Disabilities Live in the Most Appropriate Integrated Environment**

Focus Area 1: Implementation of Settlement Agreement in *U.S. vs. Commonwealth of Virginia*.

Focus Area 2: Maximize Individual Choice and Self Direction

Focus Area 3: Right to Timely Discharge from State Facilities

Focus Area 4: Due Process Protections for Individuals in the DBHDS Forensic Mental Health System

Focus Area 5: Equal Access to Public Accommodations under the ADA

**Goal 5: People with Disabilities are Employed to their Maximum Potential**

Focus Area 1: Barriers to Work for Social Security Beneficiaries

Focus Area 2: Maximized Employment for Vocational Rehabilitation Clients

Focus Area 3: Employment Rights under the ADA

**Goal 6: People with Disabilities have Equal Access to Appropriate and Necessary Healthcare**

Focus Area 1: Assistive Technology (AT) through Insurance

Focus Area 2: Denial of Needed and Appropriate Medicaid Services

Focus Area 3: Access under the ADA and Rehabilitation Act to

## Healthcare Facilities and Services

As a recommendation from the Committee, no SECOND was needed. The Goals and Focus Areas for FY2013 were adopted unanimously.

### Reports (*continued*)

- **Disabilities Advisory Council**

Linda VanAken, DAC Chair, noted that the Council met on July 21. Clyde Mathews led a discussion on the FY2013 Goals and Focus Areas. The Council heard Colleen Miller's reports and discussed community needs including transportation and workplace assistance for individuals with hearing impairments. The DAC will next meet on September 19, 2012.

- **PAIMI Council**

Ali Parker, PAIMI Council Chair, shared that the Council met on July 24, 2012. Two guests attended, both of whom subsequently applied for membership on the Council. She acknowledged Steven Traubert for assisting the Council with input into the FY2013 Goals and Focus Areas and thanked Angela Thanyachareon for providing the Board report. Ali Parker also shared that she attended the NDRN Annual Conference. The PAIMI Council will meet next on September 22, 2012.

- **Virginia Disability Law and Advocacy Fund**

Darrel Mason noted that the Virginia Disability Law and Advocacy Fund Board currently consists of five members. The board continues to seek new members who meet specific skill sets and demographics. She noted that David Hominik, VOPA Disability Rights Advocate, is responsible for developing the special education manual and provided a presentation to the board on that project. The board also discussed the Anniversary Celebration and sponsorships.

There being no further business, Darrel Mason adjourned the meeting at 2:10 p.m. The next meeting of the Governing Board will be October 3, 2012.

### FINAL MINUTES

/s/

October 3, 2012