



APPROVED
2-26-14
JB

December 12, 2013 at 2:00pm
Notice posted

Minutes

Meeting of the Cuyahoga County Debarment Review Board
Thursday, December 12, 2013 at 2:00 P.M.
Cuyahoga County Meeting Room, 4th Floor
323 W. Lakeside Avenue

Acting Cuyahoga County Fiscal Officer Mark Parks, Jr., Chair
Cuyahoga County Council President C. Ellen Connally, Vice Chair
Brandon D. Cox
Roland J. DeMonte
Evan T. Byron

Required notices were provided and posted and the meeting of the Cuyahoga County Debarment Review Board (CCDRB) was called to order at 2:03PM by the Chair. The roll was called.

Present: Parks, Connally, Cox, DeMonte, Byron

Absent: None;

A quorum was present. Also present were Inspector General Nailah Byrd; Assistant Inspector General Andrea Nelson-Moore; County Council Staff Member Trevor McAleer; Assistant County Law Directors Michael King and Ruchi Asher; Media member Andrew Tobias; and James Boyle, Clerk of the Debarment Review Board.

The Chair called the meeting to Order. The minutes of the previous meeting, held on December 12, 2013 had previously been distributed by the Clerk. The Connally moved that the minutes be accepted as written. The motion was seconded by DeMonte. The Clerk called for a voice vote on the motion to accept the minutes.

For the Motion: Parks, Connally, Cox, DeMonte, Byron
Against the Motion: None.

The motion is approved.

The Chair called for questions about the implementation of rules and operating procedures for the Debarment Board. Connally inquired about the role that the Agency of the Inspector General should play in the establishment of procedures. She noted that the Board would be reviewing the decisions of the AIG and a potential conflict could exist. Mahklouf agreed and noted that the Board should adopt its procedures and could amend them later, if necessary. Byrd stated that it might be a good policy to have the AIG simply produce all of the information that was relied upon in reaching the decision to debar an entity. The Board agreed with this comment.

Cox and Byron both stated that they felt the Board should have all the information that was used by the AIG to reach its decision. This would include information produced by the business entity as well as the research produced by the AIG. A discussion ensued regarding processes for the production of relevant information that could contain privileged information. Byrd discussed the CLEAR files and what type of information might be contained in such a file. It was determined that a process could be arranged that would allow information that was confidential to be marked as such and distributed by the Clerk, under seal.

DeMonte inquired about the nature of the appellate review and whether the Debarment review would be “de novo” appeals. King agreed that the appeals would be “de novo”. Byron and Cox commented that the AIG should not be in a position to determine what information the Debarment Board would receive, or the manner in which such information was assessed. Connally agreed and the other members of the Debarment Board concurred. It was decided that all information used by the AIG in reaching its conclusion, including CLEAR files, would be produced to all Board members for review.

The Board discussed the need for ground rules on the timing of hearings. DeMonte stated that it was important for the parties to have adequate time to

gather records. It was determined that the AIG's case file, including any information produced under seal should be produced shortly after receipt of a Notice of Appeal. Thereafter, the Debarment Review Hearing should be set within thirty days. Parks noted that the Board should be cognizant of the need for multiple hearings if numerous appeals were filed.

The Board discussed various aspects of the previously drafted procedures. The Board agreed that its deliberations would not be public. Cox inquired about the manner of presentation of the actual cases during the hearings. Byrd stated that the Law Department, as counsel for the AIG, should be presenting the case on behalf of the AIG's ruling. All parties agreed with this comment. DeMonte noted that the AIG was the Appellee in these proceedings. Connally had a differing opinion and noted that the Board itself would be rendering the decision, not the AIG. Cox asked for clarification for the rendering of an opinion by the Board. Rule 3 asked for written findings of fact. King illuminated the provisions in ORC Section 2506. At Byron's request, the language prohibiting speaking objections was removed from the operating procedures. The Board amended Rule 6(b) to include language allowing the issuance of the Board's rulings by certified mail, return receipt requested, unless a party authorized the Clerk to issued rulings via electronic mail. Finally, the Board discussed the establishment of a standing time for upcoming meetings. The Board decided that the final Wednesday of each month would be reserved on their calendars for future meetings.

King and Asher agreed to make all the amendments to the procedures as directed by the Board. Park noted that he believed a Motion to Adopt the Rules and Procedures, as amended, was appropriate. Connally moved to accept the Rules and Procedures, as amended. The motion was seconded by Cox. The Clerk called for a voice vote on the motion.

For the Motion: Parks, Connally, Cox, DeMonte, Byron
Against the Motion: None

The Motion is approved.

There being no further business before the Board, the Chair made a motion to adjourn. The motion was seconded by DeMonte. The motion was unanimously approved by a voice vote of the Board members. The meeting was adjourned at 4:00PM.

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