

## Minutes

Debarment Review Board  
February 25, 2015, 2:00 PM  
2079 E. Ninth Street, 4th Floor – Committee Room B  
Cleveland, OH 44115

### 1. Call to Order

The meeting was called to order at 2:05 PM.

### 2. Roll Call

Attending:

Judge Tim McMonagle  
Evan Byron  
Brandon Cox  
Roland Demonte  
Michael King (Alternate for Sunny Simon)

### 3. Public Comment

There was no public comment.

### 4. Review and Approval of the Minutes (1/23/15 meeting)

There were no corrections to the minutes. The minutes from the January 23, 2015 meeting were unanimously approved.

### 5. Old Business

- a. Proposed Substitute – O2014-0031
- b. Rules of Procedure

Evan Byron lead members through a discussion of the draft Rules of Procedure. In their discussion, Board members referred to both the Rules and to Proposed Substitute Ordinance 0031.

- On Section 5, *Schedule of Hearing*, Evan sought input on the manner in which the timing of the filing of an appeal impacts the matter's hearing date. He suggested that at least reiterating the regular meeting schedule of the Board in this section would help to inform vendors of the process timeline.
- Under Section 7, *Pre-Hearing Motions*, Evan suggested that including language on the timing, and allowance for use of pre-hearing motions at the Board's discretion would be appropriate.
- Under Section 11, *Evidence Permitted on Appeal*, Board members agreed that vendors should be permitted to submit any evidence they feel is valid. The Agency of the Inspector General will have the capability to cross examine that evidence, but – post-appeal – would not be permitted to introduce evidence outside of that which was discovered during the investigation, and considered in rendering the decision.

- Board members discussed the timeline for the appeals process and agreed that vendors shall be allowed a 30-day period in which to file a Notice of Appeal, and an additional 30-day period for discovery, during which they may submit evidence toward the appeal, or a brief with exhibits. The Board shall be given the discretion to extend the discovery period.
- Judge McMonagle sought input on the appropriate manner in which to state the Board's intent to apply the Ordinance prospectively. Board members agreed that a general statement inserted into the Preamble section of the Rules would serve this purpose.
- Under Section 13, Board members engaged in a discussion of the standard of review. It was agreed that the language in this section would consist of a brief statement, summarizing that the Board would employ a *de novo* standard in its review – to examine the evidence presented and render a decision to affirm, reverse, modify, or remand the matter.
- Under Section 16, *Waiver of Hearing*, Board members agreed that vendors should be permitted to submit a brief in lieu of a hearing.

Mike King reviewed the legislative process for approval of the proposed substitute ordinance. With regard to evidence submitted, Mike recommended - and Board members agreed - that the Board's Rules would state that evidence shall be submitted in conjunction with the Notice of Appeal and in accordance with County Code. In this manner, the Rules will maintain compliance with the Code, preventing the need for frequent amendment. Mike offered to revise the Ordinance, and distribute to the members for review and approval at the next Board meeting. Upon Board approval, Sunny Simon would introduce the substitute at the next Council Committee meeting. Upon Committee approval, the Ordinance would be referred back to full Council, for possible approval during an April meeting.

Evan agreed to continue drafting the Rules, based on feedback provided today, and would circulate again for further discussion and potential approval at the next Board meeting.

#### 6. Miscellaneous Business

Judge McMonagle provided an update to the Board on the stipend reimbursement process.

#### 7. Adjournment

Judge McMonagle motioned to adjourn; Roland Demonte seconded. The motion to adjourn was unanimously approved at 3:09 PM.