

MONTANA PUBLIC DEFENDER COMMISSION

La Quinta Inn and Suites
Butte, MT

August 27, 2012

MINUTES

Approved at the December 7, 2012 Meeting

Commissioners Present

Margaret Novak, Chester; Charles Petaja, Helena; Richard (Fritz) Gillespie, Helena; Ann Sherwood, Pablo; Brian Gallik, Bozeman; Kenneth Olson, Great Falls (by teleconference)

Commissioners Absent

Christopher Daem, Billings; William Snell, Billings; Majel Russell, Billings

Staff Members Present

William Hooks, Chief Public Defender; Wade Zolynski, Chief Appellate Defender; Kristina Neal, Conflict Coordinator; Eric Olson, Training Coordinator; Harry Freebourn, Administrative Director; Peter Ohman, Regional Deputy Public Defender (RDPD), Bozeman; Dave Stenerson, RDPD, Missoula; Sherry Staedler, RDPD, Butte; Dan Minnis, RDPD, Havre; Matt McKittrick, RDPD, Great Falls; Doug Day, RDPD, Lewistown; Jenny Kaleczyc, RDPD, Helena; David Duke, RDPD, Billings; Mori Woods, Investigator Supervisor; Courtney Nolan, Staff Attorney, Kalispell; Jim Siegman, Staff Attorney, Billings

Liaisons

Cathy Huston, liaison for union support staff and investigators, and Eileen Larkin, liaison for non-management appellate defender staff and attorneys, were in attendance. The union attorneys were not represented.

Interested Persons

Timm Twardoski, Executive Director, American Federation of State, County and Municipal Employees (AFSCME); Niki Zupanic, Public Policy Director, American Civil Liberties Union of Montana (ACLU); Greg DeWitt, Legislative Fiscal Division; Brent Doig, Office of Budget and Program Planning

1. Central Services Open House

2. Call to Order and Introductions

The Montana Public Defender Commission meeting was called to order by Chairman Fritz Gillespie at 9:15 a.m. Chairman Gillespie introduced new Commission member Brian Gallik. Commissioner Gallik has a general litigation practice in Bozeman, including both civil and criminal cases. He is honored to be here.

3. Approval of Minutes (*Action Item)

Commissioner Petaja moved to approve the minutes of the May 15, 2012 meeting as drafted. They were approved by acclamation. Commissioner Petaja moved to approve the minutes of the June 4, 2012 meeting as drafted. Commissioner Sherwood seconded and the motion carried.

4. Commission Liaisons

Appellate liaison Eileen Larkin invited questions regarding her written report. Chairman Gillespie asked if case weight standards for the appellate office were being developed. They are and should be finished by year end.

Timm Twardoski, AFSCME Executive Director, gave an update on labor issues. The attorney salary survey is complete. The staff/investigator contract will be reopened in September instead of June 2013, pending completion of the position evaluation/job description update and classification which will be part of the negotiation.

Mr. Twardoski said that in the past the liaisons sometimes bypassed the Executive Boards (EBs). He would like the liaisons for the union staff to be current EB members, who will report to the Commission as a last resort if issues have not been resolved after going through all other available channels. Administrative Director Harry Freebourn noted that there are other liaison roles besides those for union attorneys and support staff/investigators—the appellate office non-union attorneys and support staff liaison, and a yet-to-be filled contract attorney liaison. He also mentioned that Commission members sit on the negotiating teams, so they have direct knowledge of labor issues rather than just relying on staff for information.

Chairman Gillespie agreed to try Mr. Twardoski’s suggestion for the next couple of meetings, accepting a report from either Mr. Twardoski or an EB member in addition to the appellate liaison report. Commissioner Petaja agreed, saying that there is a better awareness now of what is appropriate to bring before the Commission, and this will ensure that the union is aware of any issues and that they have attempted to resolve them through other channels first.

Cathy Huston is the president of the investigator and support staff EB and their liaison. She sees the liaison role more as keeping the Commission informed rather than bringing complaints forward. Current issues of concern include the pay matrix, especially using a uniform date of October 1 instead of the actual employment anniversary date for progression through the pay range; disappointment in the support staff conference; and staff turnover among the EB. In addition, the investigators are working on a proposal to allow them to carry firearms on the job. Most investigators are former law enforcement and have concealed weapons permits, but they are not allowed to carry them at work or in a state vehicle. A statutory change may be needed.

5. Commission Questions/Comments on Reports

A. Chief Appellate Defender Report

Chief Appellate Defender Wade Zolynski commended his office on continuing to produce excellent work despite a 44% turnover rate and a 17% increase in direct appeals. The turnover rate is due to high workload and low pay; almost every state agency pays more, as much as \$10,000 per year. Commissioner Sherwood asked if Chief Zolynski has thought about how to pass information along to the public so that they know about positive outcomes, and how the office acts to protect constitutional rights. He has and is building public relations contacts in hopes of having press releases actually published. Chairman Gillespie said that we don’t get to determine what is news; all we can do is develop relationships and hope the stories we submit will be printed.

B. Conflict Coordinator Report

Conflict Coordinator Kristina Neal highlighted the increase in conflict cases. She will be available during the discussion of the increase in DN cases. Chairman Gillespie said that there is a conflict in the statutes regarding eligibility determination in DN cases, and he would like to bring them into alignment and require parents to meet the eligibility standard.

C. Chief Public Defender Report

PAY ISSUES

Chief Public Defender Bill Hooks reported that a potential unfair labor practice complaint was avoided when a new attorney contract was negotiated. The movement from pay ladder Schedule A to B is being studied

and the B category may be broadened from just homicides to include other complex cases. He is working with the RDPDs to come up with specific factors to consider when moving an attorney to Schedule B.

Management has entered into a contract with an independent company to perform a study of position descriptions and classifications. A survey was distributed to all employees, and interviews will be conducted. Results should be available in the fall.

Chief Hooks was asked to discuss pay compression. The pay increases for attorneys and support staff do not extend to managers, so the pay gap continues to narrow. In some cases line attorneys are making very near or more than their supervisors' salaries.

CASE CAPS

Assistant Public Defender Courtney Nolan described the proposed changes to the Case Weighting System (CWS). Some people found the unit-based system confusing, so they propose changing to an hour-based system. Their calculations coincide with Chairman Gillespie's analysis of 125 productive hours available in a month. The previous CWS has been revised to base the weighting on actual time keeping, so homicide cases went from 50 hours to 100 hours based on empirical data. She feels this is a good tool to present to the legislature, based on good data. Chairman Gillespie congratulated Ms. Nolan and her committee on their work. The revised tool gives importance to attorney time-tracking, and will allow managers to better manage attorney caseloads.

Chief Hooks said that the revised CWS will help identify a point at which OPD cannot continue to take on cases, perhaps in certain regions or perhaps by case type (statutory vs. constitutional considerations). He is developing a proposal to explain and justify case refusal if it comes to that, as well as the mechanism for refusing cases. Chairman Gillespie noted that there is a fundamental constitutional obligation not to create ethical conflicts for attorneys extending to each individual attorney and manager, as well as Commission members who are attorneys. Duty to client is utmost, and providing ineffective assistance of counsel based on excessive caseloads results in prejudice to the clients. Finally, the statutory requirement to stay within the budgetary appropriation impacts the agency's ability to continue to contract out excess cases when FTE attorneys are overloaded.

Commissioner Sherwood said that the fifth guideline of the American Bar Association's *Eight Guidelines of Public Defense Related to Excessive Workloads* includes urging prosecutors not to initiate prosecution when public safety is not at issue. She wondered if this is something the attorney general's office would work with us on. Chief Hooks agreed that it would be an appropriate step if case refusal becomes imminent.

The issue of case caps has been discussed extensively in the Strategic Planning Committee. Commissioner Petaja believes this is the primary issue aside from pay. The Committee has recommended creating a separate program for civil cases, which account for almost 20% of expenditures.

D. *Contract Manager Report*

Contract Manager Larry Murphy was not in attendance. The Commission had no questions regarding his written report.

E. *Training Report*

Training Coordinator Eric Olson said that due to the high rate of staff attorney turnover, Trial Skills Boot Camp will be moved from February 2013 to November 2012. So far there are 16 new attorneys scheduled to attend. The DN Uniform Practice workgroup hopes to have a statewide program in place before the Commission meets again. There will a training issue when their work is complete.

F. Current Financial and Operating Status

Mr. Freebourn provided highlights. He noted that all information presented to the Commission is public information. The agency's historical average annual increase in case numbers has been 3.8%, but a double digit increase is projected for FY 12. The large increase in costs for contract services are partly related to the increase in DN cases (which are primarily handled by contractors due to the inherent conflicts of interest), and to the four capital cases. Budgets and projections for the current year are still in progress. If the \$456,747 transferred from FY 13 to FY 12 can't be made up, there might be a supplemental funding situation. Both the number and amount of assessments went down for the first time in FY 12. Mr. Freebourn is still analyzing that information. It appears that most judges are following statutory amounts instead of determining their own assessments. There has however been an increase in collections, which may be due to having the clerks of court collecting fees. However, it has become more difficult to track the assessments since the change.

6. Cost Implications of Increase in DN Cases

The agency is projecting 600 new DN cases this year over the preceding year. Several regions are experiencing extreme increases in DN cases. Since OPD assigns counsel for the child or children, all of the parents, and sometimes the GAL and the CASA, numerous attorneys can be involved in a single case, most of them contract (conflict) counsel, which is more expensive than providing services with FTE. DN cases remain open for a long time, and in some regions insufficient numbers of available contractors result in high travel costs for contractors willing to travel outside their region. A hidden cost is that some types of petitions have very short deadlines with serious ramifications if they are missed.

The agency is looking for ways to alleviate the burden. Chairman Gillespie mentioned the conflicting statutes regarding indigency determination earlier. However, the RDPDs report that the vast majority of the parents would qualify financially, so requiring the IQ process would probably not generate much savings. In one court, an attorney was not assigned to a putative father, but that did not go over well with the court. Chief Zolynski said that those high DN numbers will be coming into his office on appeal soon. The record in a DN case is enormous, so there will be increased transcript costs. A recent Supreme Court ruling encouraging attorneys to take a social worker/advocate role in a DN case may also leak over into mental health commitments. All of these issues seriously affect the budget.

7. Performance Audit Update

Deputy Legislative Auditor Angie Grove and auditors Megan Coy and Will Soller were in attendance to distribute copies of the performance audit and discuss the audit results.

Ms. Coy said that the audit objectives were to determine if the OPD contract management system is in compliance with state law, and if indigency determination is being conducted uniformly across the state. A total of nine recommendations were issued, four in each of the two areas, plus a final overall recommendation regarding ensuring system-wide consistency. The auditors recognized that at the time of the agency's inception services had to be provided while starting from scratch. The result was that today each region has a high level of autonomy. They urged management to define expectations for the regional offices, to gather information, and ensure compliance to provide statewide consistency.

As part of the audit process, the Commission and the agency were given the opportunity to respond to the recommendations, and those responses are included in the audit report. Chief Hooks said that the contract issues are being addressed, and an improved indigency determination process is being developed which will include a central oversight function.

The Audit Committee will meet again in early fall and the agency will be asked to present a written update on their progress in addressing the recommendations.

Chairman Gillespie said that additional resources are needed in both areas reviewed. Eleven people statewide making determinations in 30,000 cases is too few even before trying to collect additional verification documents. Additional FTE are also needed to relieve management caseloads so that they can spend more time on managerial duties, including assisting with contractor proficiency determinations.

Commissioner Petaja asked if there is any sense that there is wide scale abuse of the indigency determination process. Chief Hooks replied that there is none in regard to the income test, but the hardship test is more nebulous. A client with \$10,000 in assets might be able to afford an attorney for a felony DUI, but not for a multiple homicide. He does not believe there is widespread abuse, and if there is a rumor that a client has sufficient assets, a redetermination is performed.

8. Public Comment

Jim Siegman, Assistant Public Defender in the Billings office, appeared to talk about budget issues. "Selling ourselves without selling out" is his message. He said that OPD needs to sell its program compared to other programs competing for funding, and provide empirical evidence to how public defense is important. He encouraged discussion of how public defenders promote law and order by showing errors made by law enforcement officers and prosecutors, improving how they enforce the law. Public defenders also save the public money in two ways—by enabling people to avoid future charges (telling them not to drive while suspended, to show up for court, and to stay sober) and by requesting lower bails so people can post bond, reducing the costs of incarceration. Mr. Siegman gave Chairman Gillespie a study done in the Baltimore court system showing that 13 % of defendants without lawyers were released on their own recognizance, compared to 34% of those with lawyers. Public defenders also reduce costs due to wrongful convictions, as shown by an Illinois study.

There was no additional public comment.

9. 2015 Biennium Budget Discussion

Mr. Freebourn reviewed the Budget Items worksheet. It shows how the Commission prioritized decision packages at the April meeting (yellow column) and the results of preliminary discussions with the budget office (blue column). A glaring omission in the blue column is in the contractor area, which will probably be part of a global discussion of contractor rates involving other agencies. Today the Commission is asked to take final action, which will be represented in the orange column.

Mr. Freebourn discussed various items in detail. Chairman Gillespie asked that the graph illustrating staff turnover in Program 1 be posted to the website when numbers are finalized. A new decision package (DP 28) was presented to hire additional support staff for data entry and the indigency determination process. Chairman Gillespie supports having staff dedicated to those two tasks to improve consistency statewide.

Commissioner Novak moved to approve the decision packages in priority order as adopted in April, with the addition of DP 28. Commissioner Petaja seconded and the motion carried unanimously.

10. Committee Reports

▪ Legislative Committee

Chairman Gillespie reported that the Committee is presenting the same legislation presented at previous meetings. Additional legislation related to improving eligibility determination and cost assessments and collections is still in development. The case dumping and deputy chief drafts will be eliminated, and the GAL issue may be solved without statutory change. Chief Hooks is working with the Court Administrator.

Chairman Gillespie asked for public comment on the Legislative Committee's report and there was none. Commissioner Gallik moved to approve the legislative plan, Commissioner Petaja seconded and the motion carried.

▪ *Strategic Planning Committee*

Commissioner Olson submitted a report regarding the Committee's activities. They have been fine-tuning the strategic plan, without making major changes. Creating separate programs for the civil and conflict programs has been discussed at length by the Committee. Forming a separate civil program will improve the ability to track costs related to civil cases, and will highlight OPD's important function for parents and children, which might help with funding. Commissioner Petaja noted that 20% of the budget is spent in the civil arena, which has added to the budget problems because those costs weren't considered when the system was formed. The Committee also believes that creating a separate conflict program will further separate the conflict coordinator from the chiefs and reduce the appearance of conflicts.

Creating parity between OPD lawyers and their opponents (including staff) will be proposed as a new goal. The three new goals are Goals 6, 7 and 8. Goal 6 comes from the addition of a new purpose to Title 47 during the last session; Goal 7 advocates for resource parity; and Goal 8 is to ensure uniformity and consistency in the statewide system.

Chairman Gillespie invited public comment on the goals and objectives and the draft strategic plan, but there was none. Commissioner Petaja moved to adopt new Goals 6, 7, and 8. Commissioner Gallik seconded and the motion carried. Commissioner Novak moved to approve all of the revised goals and objectives, 1-8, for both Program 1 and Program 2. Commissioner Petaja seconded and the motion carried. The goals and objectives will be submitted with the budget on September 1. The Commission agreed to delay approval of the remainder of the strategic plan until the next meeting so that it can be further refined.

▪ *Standards Committee*

The Standards have been continuously updated since they were originally adopted. The proposed amendments prohibit contract counsel from taking fees from clients assigned by OPD, incorporate the conflict office into the Standards, and bring training requirements into alignment with those required by the State Bar. It was difficult to ensure compliance with the previous standards relating to training. The revisions will still ensure effective of assistance of counsel by requiring proficiency in each area of practice. Commissioner Olson moved to adopt all of the proposed Standards revisions. Commissioner Gallik seconded and the motion carried.

At the August 8 Standards Committee meeting, Mr. Olson presented proposed new Standards for representation of children. Shortly after that meeting, a Supreme Court decision instigated a review of the draft Standards in relation to the interaction of best interests and expressed wishes. A group including Chief Hooks, Chief Zolynski, Mr. Olson, Mr. Murphy and members of the DN workgroup determined that the decision was limited to the facts of the particular case and doesn't interfere with the ability to move forward with the proposed Standards. He will present the new Standards at the next Commission meeting.

▪ *Contracts Process Committee*

CURRENT CONTRACTOR RATES

Commissioner Petaja chairs this Committee, which also met on August 8. The Committee proposes adoption of the fee schedule for contractor rates, including attorneys, investigators and mental health providers, as well as a capital defense rate, mileage rates and the monthly stipend. Mr. Freebourn encouraged the Commission to approve the existing rates as required by Administrative Rule, while undertaking a process to determine how to change the rates in the future.

Chairman Gillespie said that he has been approached by the capital case coordinators, Eric Olson and Kristina Neal, regarding the hourly rate for contract capital counsel.

OPD is responsible for funding the defense of both men accused in the Sidney homicide. Information must be carefully controlled to insulate the chief public defender, and so Ms. Neal and Mr. Olson are each coordinating one defense team, which includes attending their respective team meetings so that OPD can make decisions on provision of resources. Mr. Olson summarized the issues on behalf of both capital defense teams.

These cases have several unique challenges, even in the capital defense arena:

- There is a very complicated overlay of prosecutorial jurisdictions (FBI, BIA, multiple counties and states), and federal prosecution is still possible.
- Witnesses are scattered across the country—at least 130 in eight states.
- The defendants are about as far as you can get from resources of all types, requiring extensive travel (one defendant is in Sidney, and one is in Glendive).
- There are no local investigative or paralegal resources available; the people they are contracting with are in Billings.
- The attorneys are located in Bozeman and Helena.
- Mitigation work is very different from normal criminal investigative work.
- The amount of discovery is overwhelming.
- The attorneys are devoting so much time to these cases that their regular practices are basically shut down.

Mr. Olson asked the Commission to authorize the following fee schedule for these two death penalty cases:

- \$150 per hour for lead attorneys
- \$135 per hour for second chair/briefing attorneys
- \$75 per hour for investigators
- \$45 per hour for paralegals

The teams are working together as much as possible to share resources as appropriate. The requested rates are lower than federal rates and Ms. Neal and Mr. Olson feel that they are clearly justified. Chief Hooks said that one of the ABA guidelines regarding capital cases relates to the funding agency's responsibility. He thinks it is appropriate to discuss the increased rate for these two cases. Mr. Olson said that saving lives is the main point of capital defense work; even if the defendants are convicted, you want them to avoid the death penalty.

Chairman Gillespie invited questions. Commissioner Petaja wanted to clarify that if the request is approved, the basic rates before the Commission and the rate approval process they are undertaking are not affected.

Chairman Gillespie asked why the investigators should be paid \$75 per hour. Mr. Olson said that they have experience in capital defense work. They use different interview techniques for mitigation purposes. Chairman Gillespie had two concerns: one, morale; and two, that every future death penalty case will find exceptions to justify increased rates. The bottom line is that this request needs a lot of documentation to substantiate the higher rates. He especially wants an explanation of the specialized backgrounds of the paralegals and investigators.

Chairman Gillespie decided to take action on the regular fee schedule, and will then undertake the extraordinary fees separately. He invited public comment on the current rate proposal, and there was none. Commissioner Petaja moved to adopt the rates as proposed by the Contracts Committee. Commissioner Gallik seconded and the motion carried.

Commissioner Novak moved to set the capital defense rates for the current cases in Sidney as proposed by Mr. Olson. Commission Gallik seconded and discussion ensued. Commissioner Petaja asked how contractors are compensated for travel (windshield) time. They are paid both for their time at the approved hourly rate (\$60 per hour for non-capital cases, \$120 per hour for capital cases, equivalent to time spent on legal work) and their mileage at the current state rate (0.555 per mile). Commissioner Petaja asked if the attorneys didn't know the approved compensation rate when they agreed to take the cases? Chief Hooks said that yes, they did know the approved rate and at that time it was acceptable, but now they believe that the rate is insufficient. Commission Petaja said that maybe the rate should be higher when doing lawyer work but he doesn't think they should get \$150 for windshield time. Mr. Olson said that the teams are trying to minimize their travel time by having the mitigation experts do more of the travel, and by flying instead of driving to save money.

Chief Zolynski asked if the increased rates would apply at the appellate level as well as the trial level? Mr. Olson said that they have briefing attorneys on each case to minimize the probability of appeal. Chairman Gillespie noted that those expenses would come out of the separate appropriation for capital defense and not the appellate budget. Chief Zolynski is concerned because there is no guarantee that the capital defense fund will still exist when the cases get to the appellate level. If the Commission is justifying the exceptional rate based on the complexity of the cases at the trial level, and not just the distance to Eastern Montana, it will not necessarily apply at the appellate level since the issues and the complexity of the cases can't be known until the trial phase is complete. Chief Zolynski hopes the Commission will reconsider the rate at that point.

Chairman Gillespie invited public comment on the capital defense rates. Ms. Huston asked why OPD investigators aren't attending capital defense training, and why OPD attorneys are not taking these cases if they have been trained in capital defense. Chairman Gillespie agreed that OPD staff should be trained to handle these cases, but given the agency's limited resources, staff attorneys and investigators can't devote themselves full time to capital cases.

Ms. Larkin stated that all of OPD's cases needed sufficient resources, including death penalty cases. However, sufficient funding and resources have not been provided to the agency. She noted that the proposed paralegal rate of \$45 per hour is significantly more than OPD attorneys make at the highest levels. She encouraged the Commission not to underestimate the morale problem, not just from the appellate perspective, but throughout the system.

Commissioner Novak sympathized with the need to have adequate reimbursement for the complexity and unique geography of these cases, but on the other hand, every person in the state deals with Montana's unique geography whether selling groceries or practicing law. She is very concerned about the morale issue, but is also concerned about attorneys being compensated adequately.

Mr. Freebourn asked what the effective date for the rate increase would be if approved—July 1, or from today moving forward? Chairman Gillespie asked if the Commission has the authority to approve a retroactive rate increase. Mr. Freebourn said there is some flexibility in the current fiscal year, but that services provided in the prior fiscal year could not be paid at the higher rate. He also said that the Commission cannot set a rate that will put the agency in a supplemental situation, but as of now we don't know that this is the case.

Greg DeWitt, Legislative Fiscal Analyst, believes that the Commission is open as far as what they decide today. A certain number of hours of service were not promised for the \$500,000 appropriated to the capital defense fund. He agrees that the Commission could approve a higher rate retroactively to July 1, but

suggested going forward from today since the contractors did originally agree to the existing rate. As far as windshield time, the Commission could decide to pay only for the cheapest method of transportation.

Commissioner Petaja suggested establishing rules for the travel time. Commissioner Gallik asked if the case coordinators have any idea of how much travel time will be required? Mr. Olson said that especially in a capital case there must be regular face to face contact with the client by team members. The oil boom is making setting up an office in Eastern Montana prohibitive, so the travel cannot be avoided.

Commissioner Petaja offered a substitute motion that the rates proposed by Mr. Olson be approved retroactive to July 1 for all trial time and time spent preparing and arguing motions, but that travel time be limited to \$120 per hour for attorneys, \$46 per hour for investigators, and \$30 per hour for paralegals. Chairman Gillespie seconded the motion. The motion failed 3-2 with one abstention.

Commissioner Sherwood offered an amendment to Commissioner Novak's original motion, that the increased rates be approved retroactive to July 1 and through trial, but not through the appellate level. Commissioner Gallik seconded. Chairman Gillespie invited further discussion; there was none and the question was called. The amended motion carried 5-1.

For the record, Commissioner Novak asked if the case coordinators will still try to control costs, and Mr. Olson assured her that they would.

PROCESS FOR DEVELOPING FUTURE RATES

Commissioner Petaja moved that the committee be authorized to go through a rate setting process. Commissioner Gallik seconded and the motion carried.

11. Public Comment

No further public comment was offered.

12. Old Business/New Business (*Action Items)

A. *Election of Officers* (*Action Item)

Commissioner Petaja moved that Chairman Gillespie and Commissioner Olson continue in their roles as chair and vice-chair. Commissioner Sherwood seconded. The motion carried with Chairman Gillespie abstaining.

B. *Approve Final Budget Submission* (*Action Item)

The Commission took action on this item earlier in the meeting. Chairman Gillespie will call on commissioners to work with their legislators not only in favor of the budget submission but other issues as well following the election.

C. *Action on Committee Recommendations* (*Action Item)

The Commission took action on all committee recommendations earlier in the meeting.

D. *Set Future Commission Meeting Dates*

Chairman Gillespie would like to meet in early December, before the legislative session begins. The new governor and new legislators will be known, and a plan can be developed to contact legislators to promote the agency's goals.

Mr. Freebourn said that supplemental requests, if any, would have to be filed in late October. It would not require Commission action, and he will notify commissioners by email if there is a submission.

13. Adjourn

The meeting adjourned at 4:35 p.m.