

# **Indiana Council on Independent Living (ICOIL)**

**Minutes of August 12, 2015**

**1:00 -4:00 p.m.**

Indiana Government Center South  
Conference Center – Conference Room C  
402 W. Washington Street, Indianapolis, Indiana

**ICOIL Members Present** – Bonnie Bomer, Peter Ciancone, Chris Cleveland, Leslie Hawker, Thomas Hayes, Kylee Hope, Al Piening, and Peri Rogowski.

**Federal Government Guests from the Administration for Community Living (ACL)** – Elizabeth Akinola, ACL Independent Living Specialist; Stephanie Hydal, Reader Assistant; and Paula McElwee, Federal Contractor. Please note: Ms. McElwee attended via phone.

**Guests** – Catherine Anders, Rebecca Anderson, Andrew Brockman, Amy Browning, Cindy Cox, Morgan Daly, Jennifer Davis, Jackie Evans, Christen Finn, John Guingrich, DeeAnn Hart, Jerry Hawker, Renae Jackson, George Janiec, Toya Lamm, Jim McCormick, Jackie Meadows, Jaya Naikene, David Nelson, Deb Newlin, Lisa Oliver, Ralph Purkhiser, Lockett Phillips, Beth Quarles, Tonya Resler, Teresa Reynolds, Mark Schmitt, Susan M. Severtson, Richard Simers, Jackie Spercher, Carole Surratt-Bradley, Traci Taylor, Al Tolbert, Teresa Torres, and Soraya Trauner.

## **Pre-Meeting and Comments by Chairperson Leslie Hawker**

Chairperson Hawker called for the official meeting to begin at 1:00 instead of 12:30. She wanted to delay the meeting since two ICOIL members were not present and may have thought the meeting was to begin at 1:00. Chairperson Hawker stated that she was calling for a Pre-Meeting to begin at 12:30 and invited Ms. Akinola to provide a wrap-up of meetings conducted earlier in the week.

Before proceeding, Ms. Akinola asked for the videotape of the meeting and stated that she was not asked about videotaping prior to the meeting.

Disagreements continued to be shared between Ms. Akinola and Ms. Teresa Torres about videotaping the meeting.

In summary, Ms. Akinola stated that no one has permission to video tape her without informing her prior to the meeting. Other audience members voiced their opinions. Ms. Akinola announced that she was leaving the meeting at which time she and her assistant Ms. Hydal left the room.

Ms. Torres asked that the record show that she had videotaped meetings for the past 10 years.

Prior to beginning the meeting at 1:00, Designated State Unit Representative (DSU), Ms. Kylee Hope, asked that only those who were ICOIL Board Members or

Federal Government representatives sit at the table. Ms. Akinola and her assistant Ms. Hydal returned to the table. Other attendees were asked to sit in the audience.

### **Welcome and Call to Order**

Chairperson Hawker called the meeting to order.

### **Pledge of Allegiance**

ICOIL Board Members and Guests recited the Pledge-of-Allegiance.

### **Roll Call**

Chairperson Hawker asked that board introduce themselves. Members and others sitting at the board table introduced themselves and shared their association with the board. Names are listed above.

### **Approval of the Agenda**

Chairperson Hawker asked if anyone had additions to the agenda. Board member Dr. Al Piening moved to accept the agenda without any additions. Peter Ciancone seconded the motion. A vote was not taken on the motion. Chairperson Hawker then stated that she wanted to add the following to the agenda: The State Plan and a Working Document she had prepared for the meeting.

### **Statement of the Chair**

Chairperson Hawker began by saying that she and Ms. Theresa Torres came to Meetings earlier this week that were called by Ms. Akinola. Upon arrival, Ms. Akinola told them that they could not attend. Chairperson Hawker shared that she and Ms. Torres were offended. Ms. Hawker then made her statement. She indicated that she would forward a copy of her comments to be attached to the minutes.

### **Approval of the Minutes from July 8, 2015**

Chairperson Hawker opened discussion for approval of the July Minutes. Discussion began with board members and guests sharing their general opinions and input. Dr. Al Piening made a motion to officially table approval of the July minutes until the next meeting. ICOIL Board member Mr. Chris Cleveland seconded the motion. The motion carried.

### **Welcome To Administration for Community Living (ACL) Staff**

Chairperson Hawker welcomed ACL Independent Living Specialist Elizabeth Akinola and Reader Assistant Stephanie Hydal to the meeting. She then informed attendees that Federal Contractor Paula McElwee would be participating via phone.

### **Old Council Business**

A. Legal Opinion presented by attorney Susan M. Severtson

Ms. Severtson began by sharing that she had worked for the Indiana State Alcohol and Tobacco Commission, and the Workers Compensation Board. She

currently has a law practice serving individuals in Northwest Indiana and the Chicago area.

She thanked the board and indicated she was present after being contacted by a number of individuals who had received a letter threatening criminal prosecution and incarceration. The topic was about ICOIL, Inc.

Ms. Severtson reported that she had read hundreds of documents and looked into documents of the Secretary of State. She said that in 2002 ICOIL became a 501c3 entity. She said that ICOIL, Inc. was formed by ICOIL Board members and that members whose terms expired took ICOIL Inc. with them.

She continued by sharing that ICOIL board members took the time and expense to incorporate as a 501c3. After that, she states that good records were not available and that it appears that Ms. Quarles was one of the founding members. She noticed that the address of ICOIL, Inc. was “this building” (400 West Washington Street, Indianapolis, IN) and stated that individuals would come to the conclusion that the board and the non-profit were one and the same and operated in somewhat of a parallel track.

Ms. Severtson continued sharing that over time new board members were appointed by the Governor and that former board members left and took – “impermissibly” – in her opinion, the 501c3 status of ICOIL, Inc. and have continued to operate under ICOIL, Inc....and now they have come before the board to contract with the board in order to disburse funds to worthy agencies that service our respective communities.

Board member Mr. Chris Cleveland told Ms. Severtson that he was a newly appointed board member, had attended one meeting, and had some questions.

He inquired as summarized: “So, the past board members formed a 501c3?” Her response, “correct”. Mr. Cleveland asked for clarification stating: “what you’re saying is that the 501c3 became this council?” Ms. Severtson responded saying ...”Well, the members...were one and the same.” Mr. Cleveland asked the following, “the members, but it’s not this council ... I have a 501c3.” “I founded it...now my board runs it and I can’t make decisions unless my Board decides what we’re going to be doing. But, I can’t imagine the Governor appointing me or anyone to my foundation that I founded.” “So, what you’re saying now is that this organization is a 501c3?”

Ms. Severtson responded in summary by saying...”So what I’m saying is that when the board members were appointed under Indiana law they took that 501c3 – impermissibly – that had been formed when they were board members and continued to operate under ICOIL, Inc.” She continued: “Now, for good Government purposes and transparency, if a citizen of our state and our community looked at ICOIL, Inc. because they are the same individuals who were on the board, one would continue to think that they are one and the same and the problem arises now that the board is considering contracting with ICOIL, Inc. for the disbursement of funds to the community.”

Mr. Cleveland responded: “So, ... as (them) forming the 501c3, they had to have 3-4 signatures and those 3-4 signatures were board members of ICOIL?”

Ms. Severtson commented “Governor-appointed Board Members”. Mr. Cleveland responded: “Right, right, but they formed their own organization.” Ms. Severtson, interjected “as Governor appointed board members...?”

Mr. Cleveland asked “...what if they didn’t call it ICOIL, Inc.?” Ms. Severtson responded “better”. Mr. Cleveland followed-up with...”Better, but it’s still the same thing...so if they call it the XYZ, Inc.? So, there is confusion because of the name. But, they are two separate organizations. If they were named something different you would definitely see ICOIL and ABC, Inc. (as separate entities)”.

Ms. Severtson then stated that “At the time of their formation, they were not (separate entities). Now they are separate entities.”

Mr. Cleveland asked “why do you say they were not?”

Ms. Severtson responded...”The 501c3 was formed by the board members and the problem is that it looks like...”

Mr. Cleveland responded...”It’s their own choice to do it that way probably, but it’s two separate organizations ...I want to make sure I am following you...”

Ms. Severtson summarized...”I understand that it is two separate organizations. So, what it looks like to the outside observer is that the former board members are acting... and operating outside the scope of the correctly established board with correct members and correct terms.”

Mr. Cleveland then asked if there were other members of ICOIL that were not part of ICOIL, Inc. Ms. Severtson responded “No”.

Mr. Cleveland asked, “So, those that formed ICOIL, Inc. would be listed on the Secretary of State’s...”

Ms. Torres commented that a list of ICOIL members was affixed to the paperwork and that many other state independent living boards operate as non-profit. She offered to send a packet to Mr. Cleveland.

Ms. Severtson brought some exhibits to show the Secretary of State filings.

Mr. Al Tolbert asked Ms. Severtson if she had seen ICOIL minutes from the last 15 years. And he stated that they did separate the two organizations into ICOIL and ICOIL, Inc.

In summary, Ms. Kylee Hope as the DSE representative and for transparency purposes, asked Ms. Severtson who retained her as attorney for this matter. Ms. Severtson responded that she was retained by the targets of the letter from Ms. Jennifer Davis threatening criminal prosecution and incarceration.

Ms. Hope followed-up her initial question asking if Ms. Severtson was working pro bono or for a fee-for-service and again asked Ms. Severtson to clarify who retained her for this SILC matter. Ms. Severtson repeated her earlier response. Ms. Hope followed-up by asking “so, you are not going to tell me who retained you...?”

Ms. Akinola summarized that this proceeding and the use of taxpayer funds was used to discuss things that have nothing to do with the State Plan and its goals and objectives. She asked that the discussion stop so that the council could focus on how the state is going to move forward to provide services with federal funds designated for Independent Living programs and services for individuals with disabilities.

Chairperson Leslie Hawker responded to Ms. Akinola stating in summary “this is my meeting - this is not your call...you are a guest”.

Ms. Akinola told Chairperson Hawker that this was not her meeting after which Ms. Hawker asked Ms. Akinola to please be quiet. Ms. Akinola responded that she would not be quiet and that she was present at the meeting to make sure tax payer funds and congressional intent were met. In addition, Ms. Akinola informed the board that the SILC Bi-Laws have removal powers to remove the chair so that the state of Indiana can move forward.

Ms. Davis was in the audience and stated for the record that she did not threaten criminal prosecution or incarceration in the letter as mentioned earlier by Ms. Severtson.

Discussion returned to proceeding under the Bi-Laws that the State Independent Living Council operates under.

Council member Mr. Peter Ciancone moved that we close this discussion and move on. Motion was seconded by Mr. Cleveland. Mr. Piening stated that we have a motion and a second on the floor.

Mr. Ciancone stated that he wanted to withdraw his motion and make a new motion for the removal of the chair. Mr. Piening seconded the motion. Ms. Akinola asked for a vote by raise of hands. Mr. Ciancone asked for the question of the removal of the chair seconded by Mr. Piening. The vote showed that three of four council members were in favor of the motion to remove the chairperson and one dissenting vote was against the motion.

Ms. Akinola stated that between now and December 31 Indiana will become a fully constituted board and that the board would write an assurance otherwise there will be no additional Part B funding.

In addition, since a majority of the ICOIL Board voted in favor of the Memorandum of Understanding (MOU) between ICOIL and ICOIL, Inc. so that ICOIL, Inc. can function as the pass-through for funds and administration – the motion will stand as previously passed by a majority of the ICOIL Board.

Mr. Piening moved that ICOIL member Mr. Chris Cleveland become the temporary ICOIL Chairperson. Mr. Ciancone seconded the nomination and the motion passed.

After the vote, newly elected Chairperson Chris Cleveland called for a ten minute break.

#### B. Appointment of Nominating Committee for October Elections

Chairperson Chris Cleveland stated that ICOIL needed a nominating committee for fall elections. Mr. Piening moved that a nominating committee be appointed. Mr. Ciancone offered to assist.

This topic was addressed later in the meeting due to the arrival of Ms. Paula McElwee via phone. Ms. McElwee provides technical assistance to state independent living councils in development of their state plan. She stated that her services via phone are at no charge, as she is a federal contractor.

## **New Council Business**

### **A. State Plan Technical Assistance**

Ms. Akinola introduced Ms. McElwee and stated that she can provide intensive support and training. Areas include: The History of Independent Living, Development of the State Program and Plan for Independent Living, Understanding and being familiar with State Independent Living Council duties, and How to implement and develop these duties in Indiana.

Ms. Akinola asked the Designated State Unit representatives Kylee Hope and Peri Rogowski if adequate funds would be available to pay Ms. McElwee's travel expenses for on-site training and technical assistance. Ms. Hope stated that funds are available to bring in Ms. McElwee on-site if the council votes to do so.

Chairperson Cleveland moved to bring Paula McElwee in for on-site training and technical assistance. The motion was seconded by Mr. Ciancone and passed. Ms. McElwee provided her contact information and is available via phone and E-mail.

Ms. Akinola asked Ms. McElwee to include the following in her technical assistance and training:

- 1) Bi-Laws Update,
- 2) Development of new Bi-Laws,
- 3) Development of a Resource Plan with focus on how to expend funds, and,
- 4) Skill Development.

Ms. Akinola reminded ICOIL members that she needs a signed letter of assurances prior to members departing the meeting. The letter should state that between now and December 31, 2015 Indiana will become a fully constituted board. If not fully constituted by December 31, 2015, Ms. Akinola reminded attendees that Part B funding will stop.

Mr. Ciancone asked if other states have trouble getting timely appointments to their board. Ms. Akinola suggested that a request to the Governor include a suggestion that he appoint members for two three-year terms. Ms. Akinola also agreed to write a letter to the Governor if that would be helpful.

### **B. Workforce Investment Opportunity Act (WIOA) Training by Kelly Buckland, Executive Director of the National Council on Independent Living (NCIL)**

Chairperson Cleveland reminded the board that Kelly Buckland will provide training on changes to WIOA beginning at 9:00 am Thursday, April 13<sup>th</sup>, 2015.

### **C. Update and Report from the Designated State Unit (DSU)**

Ms. Hope stated that she didn't have a DSR update at the moment.

Chairperson Cleveland returned to conversation under "Old Business" about the Appointment of a Nominating Committee. Mr. Ciancone offered to Chair the Nominating Committee and asked for those interested to let him know. Mr. Piening indicated he would volunteer to be on the committee.

It was moved by Mr. Piening that a Nominating Committee be formed. The motion was seconded by Mr. Cleveland and passed

## Updates, Reports, Comments

### A. Update - Centers for Independent Living

Mr. Ciancone asked for reports from Directors of Indiana's Centers for Independent Living.

Center Director Al Tolbert began the conversation stating that the currently recognized Centers for Independent Living served about half of the state.

He shared that Mr. Richard Simers had operated a center in Osgood for about ten years.

Mr. Tolbert asked about recognizing Centers for Independent Living (CILs) that were not currently operating as part of the state network of centers. He then introduced Ms. Amy Browning, Executive Director, of the Southeastern Indiana Independent Living Center (SIILC). Ms. Browning has served as Executive Director for the past seven years. She shared the following points with the board:

- She has reviewed the Rehabilitation Services Administration's (RSA) Policy Directive. It summarized what should be accomplished in order to be recognized as a center.
- SIILC is using RSA tools to operate their center.
- SIILC meets standards for centers, are providing services, and operate by doing what centers are charged to do.
- In 2014 they served 214 individuals.
- So far, they have served 190 individuals in 2015.
- They operate without a contract with the state.
- SIILC has raised funds to operate.
- Their 2015 budget is \$250,000.

Ms. Browning officially requested a mechanism on how they can move forward to be recognized as a center providing services to citizens of Southeast Indiana, and to have a voice at the table.

Chairperson Cleveland stated that he doesn't know what the process is. He wants to meet with Ms. Browning and her center to see what they are doing. Chairperson Cleveland then invited Ms. Browning to be included on the Planning Committee.

Ms. Akinola asked that someone write the assurances so that the letter can be signed by the board today. In response to a question, she stated that the content should be as follows: "The State Independent Living Council representing the State of Indiana will be fully functional and fully constituted by December 31, 2015." Ms. Akinola also suggested that the DSU write and sign a letter and make sure that the Governor agrees.

Mr. Piening moved to approve the wording that Ms. Akinola provided for the letter that board members agreed to sign. Mr. Ciancone seconded. The motion passed with one dissenting vote by Ms. Hawker.

Mr. Piening moved to adjourn the meeting. Mr. Ciancone seconded and the motion passed.

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