

COMMISSION ON VASAP  
QUARTERLY BOARD MEETING

Friday, June 13, 2014

**Minutes**

**Attendance:**

**Commission Members:**

Delegate Jackson H. Miller, Chairman  
Sheriff Michael L. Wade, Vice Chairman  
The Honorable Mary Jane Hall  
The Honorable Gino W. Williams  
Ms. Pat Eggleston  
Mr. James Hatcher Johnson  
Mr. Roy-Keith Lloyd  
Ms. Mellie Randall  
Mr. John Saunders

**Absent:**

Senator Thomas K. Norment  
Senator Richard H. Stuart  
Delegate Richard L. Morris  
Delegate David J. Toscano  
Honorable George Varoutsos

**Commission Staff:**

Ms. Angela Coleman, Executive Director  
Mr. Oscar Brinson, Legal Counsel  
Ms. Rosario Carrasquillo  
Mr. Richard Foy  
Ms. Sarah Morr  
Mr. Christopher Morris  
Ms. Charlene Motley

**ASAP Directors:**

Ms. Robyn Allen  
Mr. Miles Bobbitt  
Ms. Mary Read Gillispie  
Ms. Victoria Kesler  
Mr. Daren Leake  
Ms. Beth Lipes  
Ms. Jamie Moran  
Ms. Deborah Morgan  
Mr. Kimball Peele  
Ms. Cindy Sheffield  
Ms. Tara Smith  
Ms. Pam Simmons  
Mr. Rick Wilkins

**Guests:**

Mr. Jason Ball  
Ms. Lithia Carter  
Ms. Deborah Coffey  
Mr. Chad Goodwin  
Ms. Olivia Harper  
Mr. Christopher Nolen  
Mr. A. Kent Owens  
Mr. Joshua Perkins  
Ms. Terry Tennessee

**Telephone Conference:**

Ms. Susan Marchon

**Time and Place:**

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on June 13, 2014 at the General Assembly Building 6<sup>th</sup> Floor Speaker's Conference Room. The meeting was called to order by Sheriff Michael L. Wade, Vice Chairman.

**Welcome:**

Sheriff Wade welcomed and thanked everyone for attending the meeting.

**Approval of Minutes:**

Judge Gino Williams made one correction to the quarterly minutes of March 14, 2014. Judge Williams stated that he was the Commission Member that made the motion for members of the Commission to convene into Executive Session to discuss legal issues, specifically those matters related to LifeSafer and personnel issues regarding Peninsula ASAP.

A motion was made by John Saunders to approve the minutes with the correction as noted by Judge Williams. The motion was properly seconded by Judge Mary Jane Hall. All were in favor.

**Executive Finance Report:**

The Executive Finance Committee report was presented by Mr. Roy-Keith Lloyd. Mr. Lloyd reported that the Executive Finance Committee met on June 6, 2014.

**Fiscal Year 2015 ASAP Budgets:**

The Budget Committee began working April 1, 2014 to review the budgets and communicate with the local program directors to resolve any budget concerns. Mr. Lloyd thanked Ms. Keshana Lee, Commission Senior Accountant, and Ms. Susan Marchon, Commission Consultant, for their work during the budget process. He also noted that the ASAP program directors did an excellent job submitting very well prepared budgets and making any revisions necessary to be in compliance.

Mr. Lloyd briefly explained the budget approval process. The budgets are placed into three recommended categories: "approved," "conditional" and "not approved" for the Commission Members to review.

Mr. Lloyd highlighted that Arlington ASAP and Fairfax ASAP are the only two programs in the state that receive, and will continue to receive, supplemental funding from their localities. The Arlington County Sheriff's Department submitted a letter stating that they will cover the Arlington ASAP's short fall of \$158,000 for fiscal year 2015. Fairfax County has indicated its commitment for the increased funding for the next two years to Fairfax ASAP.

Mr. Lloyd provided the Commission Members with copies of the following budgets for their review and stated that the Executive Finance Committee recommended approval for: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Capital Area ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, James River ASAP, John Tyler ASAP, Mount Rogers ASAP, New River Valley ASAP, Piedmont ASAP, Rappahannock ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, Tri-River ASAP, and Valley ASAP.

A motion was made by Judge Hall and properly seconded by Judge Williams to approve the budgets for: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Capital Area ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, James River ASAP, John Tyler ASAP, Mount Rodgers ASAP, New River Valley ASAP, Piedmont ASAP, Rappahannock ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, Tri-River ASAP, and Valley ASAP. All were in favor.

Mr. Lloyd provided the Commission Members with copies of the following budgets for their review and stated that the Executive Finance Committee recommended conditional approval for: Fairfax ASAP and Old Dominion ASAP. Mr. Lloyd stated that these two ASAPs have not submitted an approval letter from their respective Policy Boards following budget revisions. The two ASAP Directors are in the process of providing the approval letters from their Policy Boards to the Executive Finance Committee.

A motion was made by Judge Williams and properly seconded by Mr. Saunders that Fairfax ASAP and Old Dominion ASAP be given conditional budget approval subject to the submission of the required Policy Board approval letters. Once the letters are received, the Executive Finance Committee will be authorized to approve the budgets for Fairfax ASAP and Old Dominion ASAP.

The Executive Finance Committee was very pleased to report that no ASAP programs were in the “not approved” category.

Sheriff Wade asked the ASAP Directors if they had any comments or suggestions for the Commission that would improve the budget process. Ms. Victoria Kesler, John Tyler ASAP Director, thanked the Commission and specifically Ms. Lee for being very helpful in working with the directors during the process of completing the budgets.

Sheriff Wade complimented Ms. Angela Coleman, Commission Executive Director, for the support the Commission staff provided to the ASAP programs that needed assistance in adjusting their budgets.

#### Drive-to-Work

At its Commission meeting on March 14, 2014, Mr. Randolph Rollins, Drive-to-Work CEO, presented a pilot program offered to inmates in the Deep Meadow Correctional Center in State Farm, Virginia and the Virginia Correctional Center for Women in Goochland, Virginia. Mr.

Rollins requested that the Commission work with Drive-to-Work to conduct driving on suspended license intervention interviews to inmates who have this requirement on their DMV Compliance Summaries. Questions were raised during Mr. Rollins' presentation. The Commission asked Mr. Oscar Brinson if the Commission on VASAP could legally enter into an agreement without having a bidding process and wanted to make sure that the Commission is following the Commonwealth of Virginia's Procurement Policy. Additionally, there was the question of whether or not the Department of Corrections is paying Mr. Rollins for the pilot program and his services. The Commission requested that Mr. Brinson review the contract between the Department of Corrections and Drive-to-Work as a whole to answer those questions at the June 13, 2014 Commission meeting.

Mr. Brinson reported that when the Commission was notified that they were mentioned as being part of the pilot program, the contract was already signed by Mr. Rollins and a representative of the Department of Corrections. Mr. Brinson stated that the Department of Corrections pays sizable fees to Drive-to-Work. A first time implementation fee in the amount of \$2,500 is paid by the Department of Corrections to Drive-to-Work when a correctional facility begins the Driver License Preparation Program. Additionally, Drive-to-Work will offer six seminars, three at the Deep Meadow Correctional Facility and three at the Virginia Correctional Center for Women, at a cost of \$400 per seminar. The \$2,400 total will be paid by the Department of Corrections to Drive-to-Work according to the Virginia Prompt Payment Act. Drive-to-Work also charges \$40 per participant for each driver improvement clinic and for "fine and cost research," which Mr. Brinson stated that he has researched. He could not find further information to explain the fee of "fine and cost research" as noted on the contract. Furthermore, there are reports of large fees being charged to the clients when they are released from the correctional facilities because Mr. Rollins represents some of the clients from that program in court when they get out of the institutions.

Mr. Brinson recommended that the Commission not work with Drive-to-Work without first going through the bidding process since doing so they could possibly violate the state procurement statutes and damage the public appearance of the Commission on VASAP. Mr. Brinson mentioned a public policy which states that state agencies are supposed to avoid any appearance of giving special benefits to persons who are making money on projects, and Drive-to-Work is making a profit from the pilot program. He also added that they should not have been mentioned on the contract for the pilot program without prior notification.

The Commission is able to provide intervention interviews to the inmates if the Department of Corrections directly requests the Commission to conduct them, but not in conjunction with Drive-to-Work.

A motion was made by Ms. Mellie Randall and properly seconded by Judge Hall that a letter be written to the Department of Corrections notifying them that the Commission is aware that they are mentioned in the pilot program contract, and the contract is inappropriate because the Commission had no knowledge that they were included at the time that it was signed by Mr. Rollins and a Representative of the Department of Corrections. All were in favor.

Sheriff Wade requested that Mr. Brinson research the VASAP logo, to determine if it is a registered trademark; Sheriff Wade wants to make sure the name is not being used without authorization from the Commission.

### Peninsula ASAP

At its March 14, 2014 meeting, the Commission requested Ms. Lithia Carter, Peninsula ASAP Policy Chair, to continue negotiations with the City of Newport News to reduce the annual indirect costs of \$45,390.00 or to research the alternative process of becoming an independent program. Ms. Carter presented a letter to the Executive Finance Committee where she stated that the City of Newport News gave Peninsula ASAP a slight cost reduction in the amount of \$1,705. Peninsula ASAP would still be spending a minimum of four times the amount being paid by any other ASAPs in the state to a Fiscal Agent. After the review of fees being paid throughout the state, the Executive Finance Committee recommends that the program pay no more than \$20,000 for fiscal services to the City of Newport News and if the city is not able to provide services for the amount suggested, Peninsula ASAP should begin the process of becoming an independent program. Mr. Lloyd stated that Ms. Carter would give an update of the progress Peninsula ASAP had made.

Ms. Carter introduced a new Peninsula ASAP Policy Member, Ms. Terry Tennessee, Director of Internal Audit, and representative of the City of Hampton. Ms. Carter stated that Ms. Tennessee understands the process of charges and indirect costs so she will be a great asset to the Peninsula ASAP Policy Board.

Ms. Carter indicated that Peninsula ASAP has reviewed their revenue and there has been a decline over the past four years and she is not certain if any other ASAPs are also experiencing this issue. Ms. Carter stated that Peninsula ASAP should move forward to become independent from the City of Newport News. In addition, they requested approval from the Commission to move forward with hiring a full-time director with a salary range of \$60,000-\$65,000 per year, noting that the program has enough funds for this expense. Because Peninsula ASAP is in negotiations with the City of Newport News, they are asking that they do not hire the director as a city employee in case the program has to become independent. Peninsula ASAP continues to pursue independence and at the same time continues to negotiate with the City of Newport News. Ms. Carter also stated that there has been a discussion with the Policy Board Members of Peninsula ASAP to sustain the program for another year with the City of Newport News and ask for jurisdictional grants for the next fiscal year because they can see that in a year they will be in a better financial position. Ms. Carter reported that Peninsula ASAP has ten months left to pay off its mortgage in the amount of \$1,500 per month.

Sheriff Wade asked Ms. Carter if it would help the negotiations if the Commission approved only a total of \$20,000 for fiscal services to the City of Newport News. Ms. Carter stated that she is not sure because the budget for the City of Newport News has already been approved with Peninsula ASAP paying \$45,390 for the fiscal year 2015. Mr. Brinson asked Ms. Carter if the intention of Peninsula ASAP is to stay with the City of Newport News for another year. She stated that is not the intention, and her recommendation is to request the Commission for an additional ninety days to research the cost of moving to independent status. Mr. Brinson stated that he thinks the cost would be much less to go independent. Peninsula ASAP will need to find

and secure comparable services elsewhere if possible. Ms. Coleman stated that in 2011 the Alexandria ASAP had a similar situation and the program moved to an independent program. The Alexandria ASAP was initially under the City of Alexandria Sheriff's Office. However, at the request of the City of Alexandria, the Commission took over the program. The Commission was able to secure services for almost half of the costs and transition to an independent program without any staff or office space. Ms. Coleman stated the Commission has contacts who can assist Peninsula ASAP secure the benefit and retirement plans. Ms. Coleman informed Ms. Carter that she wanted to advise her that it can be done successfully. Judge Hall asked if Peninsula ASAP is legally committed to the City of Newport News. Ms. Carter replied, "We are not, but it would take some time for the transition."

Mr. Lloyd quoted that on page eight of the minutes from the Commission quarterly meeting on March 14, 2014, "Peninsula ASAP has started researching the costs and is requesting more time from the Commission to make those changes." Mr. Lloyd wanted to know what information has been discovered or revealed during that time. Ms. Carter stated that once they got the approval to move forward in working with the city, all of the three months have been spent working with the City of Newport News. Peninsula ASAP met with the City of Newport News City Manager on May 1, 2014, they received the report from the City of Newport News on June 12, 2014 at 2:00 p.m., and have not moved towards independence because they have been going back and forth with the City of Newport News.

Ms. Carter stated that the budget for the fiscal year 2015 that will come into effect on July 1, 2014 has already been approved with Peninsula ASAP paying \$45,390. Delegate Miller stated that he does not think the City of Newport News will want to negotiate or be flexible with Peninsula ASAP because the city already counted the budgeted amount from Peninsula ASAP for fiscal year 2015, and the city will be doing some major adjustments if Peninsula ASAP becomes independent. Peninsula ASAP has worked hard but has not been very successful in negotiating with the City of Newport News, but it has been successful internally with sustaining the program and cutting costs. Ms. Carter's recommendations to the Commission are to move forward to becoming independent and hiring a Director independent from the city. Peninsula ASAP's Policy Board meets on June 24, 2014. Ms. Carter thanked the Commission for their support.

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

Ms. Coleman welcomed and re-introduced Richard Foy, Field Services Specialist; she stated that Mr. Foy had previously worked for the Commission for 23 years and retired in 2011, returning to work for the Commission on VASAP on April 2014. Ms. Coleman stated that as a result of the increased staff, they will be able to enhance the administrative oversight and support of both the local ASAPs and the ignition interlock program.

#### **Ignition Interlock**

Ms. Coleman discussed the ignition interlock installation wait times for the weeks beginning June 2, 2014 and June 9, 2014. She stated that it is the Commission's goal to keep the wait times to an average of two to four days. The majority of wait times are zero to five days in highly populated areas. In the rural areas, because of the population and service hours available, the average wait time is four days. The Commission is keeping a really close eye on the wait times

since wait times are a major concern to the Commission and legislators. Ms. Coleman will continue to report regarding this at each Commission meeting.

At the last Commission meeting, LifeSafer's ability to receive new ignition interlock installations was restored and the service provider was placed on a three month probationary period until the next Commission meeting. Mr. Christopher Morris, Commission Special Programs Coordinator, provided an update on their progress. He stated that LifeSafer has improved in multiple areas; the areas of concern have revolved around how they handle customer service complaints, LifeSafer's call centers, and their ignition interlock install wait times. The Commission has not received complaints from the call centers in months; customer service complaints are handled in a much more efficient manner, and the ignition interlock install wait times have been kept at a very good level. Overall LifeSafer's has progressed very well. Following Mr. Morris' presentation, Mr. Kent Owens, LifeSafer CEO, provided an update of their progress to the Commission.

Mr. Owens stated that they presented, at the Commission's quarterly meeting on March 14, 2014, a remediation plan after meeting with Ms. Coleman, Mr. Morris and Mr. Brinson to understand exactly what changes the company needed to make. Mr. Owens apologized for doing this in a reverse way; he is pleased to present their progress to the Commission. The areas where they were deficient as noted by Mr. Morris were the reduction of ignition interlock install wait times; they were high before the suspension and presently they have decreased, especially in rural areas. LifeSafer has been flexible particularly in rural areas, where it has been difficult to serve; they have been making themselves available to the clients by adding days or as needed at their install facilities. LifeSafer will continue to work with Mr. Morris to find ways to be able to keep the install wait times as low as possible. Mr. Owens stated that their installs are rebounding and progressing. LifeSafer is watching ignition interlock installs closely to ensure that they have reduced wait times in areas with long install wait times. LifeSafer has made personnel changes on a daily or weekly basis to allow the fastest installs, increased service center locations, increased operational hours at specified service centers, and increased their number of technicians.

Mr. Owens stated that they have trained staff on customer service during the first quarter of 2014, conducted training refreshers, and instituted standard operating procedures. LifeSafer has dedicated a call center for Virginia clients; to reduce client issues and reaction time on issue resolution. LifeSafer is also conducting and conduct regular service center audits to identify issues and opportunities.

LifeSafer has also incurred leadership changes and now has weekly meetings with Virginia's State Director, Regional Director, and Vice President of Operations to improve their internal communication and service. Technicians and administrators have clarity on whom to contact with questions. The communication between LifeSafer and the Commission on VASAP and the local ASAP programs is regular and open. Mr. Owens expressed his appreciation and the support from the Commission in this process.

Delegate Miller asked if there were any questions from members of the Commission for LifeSafer.

Sheriff Wade made a motion and was properly seconded by Mr. Saunders to remove LifeSafer from probation status. All were in favor.

Judge Hall asked, "How are ignition installation wait times calculated if they were self-reported by the vendors, and is the Commission confident in their integrity?" Mr. Morris responded that the vendors submit their ignition interlock installation wait times to the Commission every Monday. The criteria for the ignition interlock installation wait times is how quickly a client can have the device installed from that Monday. He stated that Commission staff also conduct spot check calls; calls are being made to the ignition interlock vendor call centers by employees pretending to be clients seeking an appointment. Commission staff have found no inaccuracies. The ignition interlock installation wait times are also calculated by customer complaints; however, Mr. Morris states that there are no customer complaints for this report.

Ms. Coleman stated that the interlock regulations made provisions for announced and unannounced service center inspections and that Mr. Morris would provide an update of the inspections since the March 14, 2014 Commission meeting.

Mr. Morris stated that all of the ignition interlock installation service facilities in the state have been inspected at least once and some have been inspected multiple times by the Commission. When inspections are performed, they inspect the facility and the interlock device that is installed on a client's vehicle that is at the center for service, to make sure the wiring is completed correctly. He stated that the inspections did identify some issues related to Smart Start; the head lights were not connected according to the Virginia Code. Vendors are also required to use tamper resistant tape which Smart Start did not have in the facility at the time of inspection. Mr. Morris stated that representatives from Smart Start were available to answer any questions.

Mr. Jason Ball, Vice President of Corporate Operations, and Ms. Deborah Coffey, Vice President of Government Affairs, representatives from Smart Start, stated that they understood the severity of the situation. Mr. Ball stated that he has been in constant contact with Mr. Morris and submitted an action plan to the Commission on Friday, June 6, 2014. He has personally inspected the ignition interlock service facilities that Mr. Morris identified as having issues. Smart Start decreased the amount of installs at the service facilities to address the problems. Additionally; two outside operations managers came to perform inspections on the 25 Smart Start service facilities in the state. They learned that the inspections conducted by the Commission were correct. While performing the inspections, if they identified that an ignition interlock device was not installed to Virginia Code requirements, the problem was corrected on site. Mr. Ball stated that he personally viewed 14 vehicles where the horns and lights were not connected and the problem was corrected immediately.

Smart Start ensured that all of their facilities have the tamper resistant tape required to properly cover the wiring of the ignition interlock. Mr. Ball stated that they do have an inspection protocol; however, it was not being thoroughly performed. Smart Start will now have an independent third party perform the inspections in addition to the inspections that will be performed by the Smart Start staff. Smart Start does not want to rely on self-governance. He

stated that all employees from Smart Start in Virginia are under evaluation. Ms. Coffey added that Smart Start is 100% committed to solving the issues. Smart Start has policies and procedures in place and they are committed to making sure they are followed. Delegate Miller stated that he does appreciate the vendors' professionalism and for correcting the issues; he added that good service is an expectation.

Ms. Coleman stated that the current interlock contracts expire on June 30, 2015 and the Commission on VASAP is in the process of updating the regulations. Mr. Brinson reviewed the proposed changes and the regulations have been submitted for publication in the Virginia Register on July 14, 2014. Public comment will be permitted until August 13, 2014. A draft text will be published with the notice. Additional review of the regulations will be made by the Office of the Attorney General, Department of Planning and Budget, and the Governor's office during the next phase. Another public comment period will take place at that time. Ms. Coleman encouraged the ASAP Directors to review the ignition interlock regulation changes, and to inform the Commission on VASAP of any issues that have not been addressed. The Virginia Register may be viewed at: <http://register.dls.virginia.gov/>.

Ms. Coleman reminded everyone of the 2014 VASAP Training Conference to be held on September 29<sup>th</sup> and 30<sup>th</sup> at the Portsmouth Renaissance Hotel. Registration information will follow closer to the dates of the conference. On June 18-20, 2014 the Commission will have the newly hired and refresher case management training at the Richmond City Police Training Academy. Ms. Coleman stated that because of its success from last year, the Commission on VASAP will have training for DMV and the courts again this year. To minimize the travel cost, the training will be in four areas throughout the state. The dates of the training and the exact locations will be determined. The Commission is also in the process of planning a separate training for administrative staff. The trainings will be offered regionally to minimize travel costs; Ms. Coleman also reported the dates and locations for the administrative training. Ms. Coleman reminded the ASAP Directors if a staff member in their program is not able to attend the trainings, a waiver request must be submitted to the Commission for approval and to ensure the absentee receives the training materials. Ms. Coleman also invited the Commission Members to attend any or all of the trainings she described.

#### **VASAPDA Report:**

Mr. Kimball Peele, President of the VASAP Director's Association, presented the VASAPDA report. Mr. Peele thanked the Commission Members for their work.

Mr. Peele stated that the VASAPDA Conference was held May 21-23, 2014 and was very successful. Mr. Peele stated that Ms. Charlene Motley, Commission Field Services Supervisor, Mr. Morris, and Mr. Foy attended the conference. Some of the discussions at the conference were ASAP program forms. The ASAP programs are working with the Commission to standardized forms.

At the VASAPDA Conference, directors discussed that many of the ASAPs are involved in law enforcement recognition. Mr. Peele strongly encouraged the ASAPs to partner with their local law enforcement and work in conjunction with Mothers Against Drunk Driving to promote DUI arrests.

VASAPDA will be involved in the case manager training on June 20, 2014.

Mr. Peele asked if he could get some clarity or a poster to inform clients that it is illegal to drive a moped while the client is on a suspended license, because clients come to the ASAP programs stating that an officer indicated that it is legal to drive a moped.

ASAP programs want to be able to provide information to the clients that they cannot drive a moped while on a suspended license.

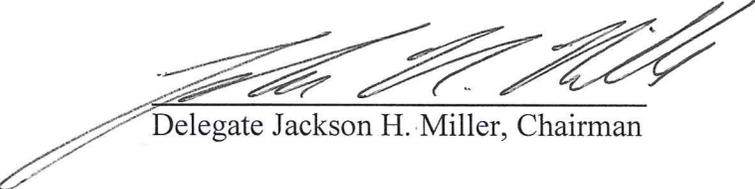
Mr. Peele reported that Sheriff Wade requested that the directors provide a standard format for reporting pertinent of financial information to the local Policy Boards. At the Executive Finance Committee on June 6, 2014, the committee assembled an agenda that will be submitted to the ASAP Directors from the Commission to ensure that the Policy Board Members always have access to the ASAP program finances.

**Meeting Dates:**

September 12, 2014	10:00 a.m.
December 12, 2014	10:00 a.m.

**Adjournment:**

It was moved by Jude Hall and seconded by Mr. Saunders to adjourn the Commission on VASAP quarterly meeting. All were in favor.



Delegate Jackson H. Miller, Chairman