

**COMMISSION ON VASAP
QUARTERLY MEETING**

June 3, 2022

Minutes

Attendance:

Commission Members:

Senator Richard H. Stuart, Chairman Mr.
John L. Saunders, Vice Chairman
Delegate Don L. Scott, Jr.
The Honorable George D. Varoutsos
Ms. Pat Eggleston
Ms. Krystal Hullette
Ms. Tara Smith

Teleconference:

Delegate James A. Leftwich, Jr.
The Honorable Gino W. Williams
Ms. Margaret Steele

Absent:

Senator Scott A. Surovell
Sheriff Stacey A. Kincaid
The Honorable Mary Jane Hall

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Rosario Carrasquillo
Mr. Richard Foy
Mr. Glen Miller
Mr. Christopher Morris
Ms. Charlene Motley
Ms. Leanne Turner

Office of the Attorney General

Ms. Janet Baugh

Time and Place

The quarterly meeting of the Commission on Virginia Alcohol Safety Action Program (VASAP) was conducted in Senate Committee Room A of the Pocahontas Building in Richmond, Virginia on June 3, 2022 at 10:00 a.m.

Senator Stuart, Chairman presided and called the meeting to order. Ms. Angela Coleman called roll of the Commission Members.

Approval of the Minutes

Vice Chairman John Saunders moved and Delegate Don Scott, Jr. seconded the motion that the minutes from the March 25, 2022 Commission meeting be approved. All were in favor; none opposed.

Special Recognition

Senator Stuart recognized Richard Foy for thirty one years of dedicated service to the Commission on VASAP. Mr. Foy has been employed with the Commission on VASAP; on two occasions. His first retirement covered the periods of October, 1988 through March 2011. After that retirement, he returned in April of 2014 through June 2022. Mr. Foy single-handedly formulated Virginia's Ignition Interlock Regulations which have been shared with over 15 states for use in their interlock programs. We will miss his attention to detail and his calm demeanor.

ASAP Certification Updates

John Tyler ASAP

Ms. Charlene Motley, Commission on VASAP Field Services Supervisor, reported that John Tyler ASAP has made tremendous improvements since June of 2021 and has met the requirements for certification. Ms. Motley recommended that John Tyler ASAP be granted certification through June 30, 2024. There were no questions from the Commission.

Delegate Scott moved and Vice Chairman John Saunders seconded the motion to approve John Tyler ASAP's certification through June 30, 2024. All were in favor; none opposed.

Old Dominion ASAP

Ms. Motley reported that the Old Dominion ASAP Policy Board provided updates to the Commission at the December and March meeting. The ASAP has a new director, Jennifer McVeigh. Ms. McVeigh is actively working with the local policy board, staffing the ASAP and addressing any customer service concerns. Ms. Motley recommended that Old Dominion ASAP remain in conditional certification until the next Commission meeting, at which time another update will be provided from the policy board for the Commission's consideration.

Delegate Scott moved and Vice Chairman John Saunders seconded the motion to approve conditional certification for Old Dominion ASAP until the next Commission meeting. All were in favor; none opposed.

Executive Finance Committee Report

Krystal Hulette stated that The Executive Finance Committee met on May 18, 2022 to review and discuss the budgets presented on the 24 ASAPS. Of the 24 programs, there were two programs that submitted budgets that were of particular concern and possessed significant challenges. Of those 24 programs, Bull Run ASAP and Alexandria ASAP are the programs requiring further discussion. Ms. Hulette stated that Mr. Morris and Ms. Coleman will provide additional information on these two programs.

Bull Run ASAP

Chris Morris, Commission on VASAP Special Program Coordinator, provided further explanations on Bull Run ASAP's financial status referring to graphs and financial data which displayed disturbing trends which have further deteriorated. Mr. Morris provided a financial snapshot of data from April and May of 2021 highlighting several unusual financial transactions, a continued trend upward in accounts receivable and a collection rate that dropped from 85% last year to 65% this year.

Mr. Morris advised that an interview occurred with Ms. Moran, the Bull Run ASAP Director, at the end of May, 2022 which was very odd in nature and contained several inconsistencies and no verified explanation for the loss of approximately \$150,000 from reserves in May of 2021 and

another large loss of money out of the operating account in January, 2022. In addition, it was revealed that the person responsible for collecting fees is the same person that has been in that role for many years. Ms. Moran advised that another charge for \$110,000 was incurred from the city of Manassas in May of 2022 with another projected charge of \$100,000 is expected in June of 2022. Ms. Moran advised that the radical change in billing from the city of Manassas was due to staffing changes at the city of Manassas. Ms. Moran stated the staffing change occurred in July of 2021, two months after the first large drop out of revenues occurred. Ms. Moran was asked if her board knew about the deteriorating financial condition of the program and she advised she gives them the financial data and they can decipher the information for themselves. Ms. Moran referenced the fact that Bull Run ASAP was not receiving interlock funds any longer resulting in a negative impact to the program but approximately \$60,000 in interlock fees would have been received by Bull Run ASAP over the same period of time that Bull Run ASAP burned through approximately \$465,000 of their funds.

Mr. Morris stated that Ms. Moran, Director of Bull Run and the Policy Board were extended the invitation to Commission Meetings and the Executive Finance Meeting. Director Moran, nor the Policy Board has appeared to discuss the previously noted concerns. Ms. Moran indicated that she was unable to attend the Commission meeting because she would be on vacation.

In conclusion, Ms. Coleman encouraged Ms. Moran to talk to her Board. The Commission received correspondence from Ms. Moran stating that the Policy Board will be having an Emergency Meeting on June 22, 2022 and they will not respond until after their meeting. Mr. Morris stated he could not draw any conclusions except that the Bull Run program stopped collecting monies in May 2021.

Ms. Coleman recommended that the Executive Finance Committee convene a meeting after the Bull Run ASAP Policy Board has the opportunity to meet on June 22, 2022. Ms. Coleman stated after the May 24, 2022 meeting with Director Moran it was clear that the Board was unaware of the financial discrepancies. So in all fairness, the local Board should have the opportunity to meet and receive all financial information from the Bull Run Director.

Judge Varoutsos suggested to take immediate action in reference to the Bull Run ASAP. Ms. Coleman stated immediate action could not be taken because Bull Run ASAP has a local Policy Board in place and it appears that the Board was unaware of all the financial information and discrepancies at this time. Janet Baugh expanded with further comments on the legalities of why immediate action/decertification could not be implemented.

It was determined that the Commission can take the following steps:

- 1) Hold Bull Run ASAP's certification so they cannot operate at all
- 2) Have auditors look at accounts
- 3) Get law enforcement involved/the State Fraud/Abuse Hotline

Ms. Baugh, Office of the Attorney General, concluded that the Commission has the authority to approve the budgets, to distribute money and to certify. However, the Commission does not have the authority to hire and fire the ASAP director and does not have the authority to go in and just take over a program. Ms. Moran was asked to come to the executive finance meeting a couple of weeks ago. Ms. Moran did not show up and no reason was given for her absence. Ms. Baugh stated that Ms. Moran and the policy board have been asked multiple times to come and address either the executive finance committee or the Commission. Commission members asked if the clients were being serviced and the response provided was that to our knowledge the Bull Run ASAP program is providing adequate services to clients. Ms. Baugh stated despite the fact of the authority of the Commission to "decertify" Bull Run ASAP many clients would be displaced and that anyone referred out of those jurisdictions/courts are going to have to find some other place to go. The decertification will greatly impact the judges and the entire public. Ms. Baugh expressed that would be a hugely drastic step to take. Ms. Coleman stated throughout Manassas, Manassas Park and Leesburg, over 2000 clients would be impacted if Bull Run ASAP was immediately "decertified." Judge Williams inquired if it were possible for the Bull Run ASAP accounts to be "frozen" or at least get the signatories on those accounts changed. Ms. Coleman explained that would not be possible. Manassas Park is the fiscal agent for Bull Run ASAP.

Senator Stuart concluded that a request will be made for Commission auditors as well as the State Police to launch an investigation. Ms. Margaret Steele suggested to send a letter to the Bull Run Policy Board indicating potential consequences if a lack of response, or potential summary of findings, is not received by the Commission after the June 22, 2022 emergency meeting.

Delegate Scott moved and Vice Chairman Saunders seconded the motion to execute a letter from the Chair to appropriate law enforcement agencies and include a summary of findings that support the causes and concerns of the Bull Run ASAP and open a criminal investigation. All were in favor; none opposed.

Alexandria ASAP

Ms. Coleman stated that over the last year referrals have dropped significantly at the Alexandria ASAP. For the month of March, there were seventeen referrals and for the month of April only thirty referrals. It is uncertain if the Alexandria ASAP can remain a stand-alone program. Ms. Coleman reported that on May 2, 2022 Commission staff met with members of the Alexandria ASAP Policy Board. At that time, two of the three ASAP staff had resigned and the director was the only remaining staff. The lack of referrals and financial state of the program was discussed with the policy board. The policy board's overarching theme was that the State should maintain the program and provide more money. To date, Alexandria ASAP has received \$44,000 from the State office. Ms. Coleman stated the Commission staff met again with Alexandria ASAP in Richmond on May 18th and was advised that the director had also resigned, leaving the program without any staff and with only \$21,000 in the bank and no office space as of June 30th. On Tuesday, May 31, 2022 the policy board chairman called to advise the doors were locked, the phones were not being answered and no one was receiving services. It was critical to secure the files and to protect the client information so Ms. Coleman directed Richard Phillips from the Commission office to go to Alexandria ASAP to secure the files. The client files are secured at the Commission office and a sign was placed on the door for the Alexandria ASAP office alerting clients to contact the Commission office for assistance.

Alexandria ASAP's lease is up on June 30th and the program has no funding to sustain operation in that location. Alexandria ASAP has one person who is scheduled to start on June 14th. The Commission staff will be there two to three days a week starting next week to make sure that the clients are serviced. Ms. Coleman suggested possibly merging the Alexandria program with

another ASAP or making the ASAP a sub-office. Seventeen to thirty referrals a month is not enough to sustain an independent program nor can the state continue to allocate \$40,000 - \$50,000 to a program that cannot stand alone.

FY 2023 Budget Review

Ms. Coleman presented the FY 2023 Budget Review

In accordance with VASAP Policy and Procedures, prior to the beginning of each fiscal year, the Commission reviews and approves the operational budgets. The budgets are developed at the local level and approved by the policy board prior to sending to the Commission. Each budget is reviewed based on data from the last three years, regarding revenue, referrals and expenditures. During the independent audit, the auditors from Brown Edward conduct a year-end financial audit which provides additional data.

The budgets were further discussed at the Finance Committee meeting on May 18, 2022.

Ms. Coleman commended those directors who created sound budgets and managed funds during a difficult environment.

Ms. Coleman highlighted the following items:

- Three programs that provided raises to their staff but did not give one to themselves until they could further evaluate the funds. These programs were Capital Area ASAP, Court Community Corrections ASAP and Southside Virginia ASAP
- Seven programs that received state allocation of the interlock funds included Alexandria, Capital Area, Dan River, Old Dominion, Rockingham- Harrisonburg Southside Virginia, Southwest Virginia, Tri-River and Valley ASAPs
- Three programs that have new directors either as a result of retirement or directors moving to other positions include James River, John Tyler and Tri River
- The director at Peninsula ASAP, Rohan Williams has been successful in securing pledges of financial support from three of his localities in the amount of \$62,000

Ms. Coleman also thanked the directors for their assistance and recommend that budgets from twenty two programs, with the exception of Bull Run ASAP and Alexandria ASAP, be approved for FY 23.

Delegate Scott moved and Vice Chairman Saunders seconded the motion to approve the twenty two programs with the exception of Bull Run ASAP and Alexandria ASAP for FY 23. All were in favor; none opposed.

Executive Director's Report

Ms. Coleman directed the attention of the Commission members to the following announcements:

A flyer reminder of the training conference for all VASAP staff on August 15-16 at the Renaissance Portsmouth-Norfolk Hotel. This is supported by grant funds and is mandatory for staff unless a prior waiver is granted. There has not been any statewide training since 2019 and there are a number of new policies that need to be discussed in addition to an emphasis on providing services to customers. The number of complaints regarding lack of return phone calls and emails has been increasing to state offices and legislators. Complaints were due to staff changes and illness, but improvements need to be made in these areas.

Information of the fiscal year-end certification required by Department of Planning and Budget (DPB) to Commission members was presented and the state office has not incurred debt in excess of its revenue. Ms. Coleman is required to sign a notarized statement to this fact and will submit to DPB who already has access to the account information.

Ms. Coleman reported that the Commission will not be using a formula this year to determine program state allocation needs. This year, ASAPs will be required to complete an application for review if they are attempting to seek funds from the state office. It was found that some programs improved from last year and no longer needed funding. Special thanks to Krystal Hullette who indicated that the financial situation of her ASAP in Roanoke improved and she no longer required funding. Those funds were then used to help two other programs.

To make it fair to all ASAPs, the application automatically disqualifies programs who own their building, have an overall fee collection rate of less than 90% or who have reserves to fund their operations. The application and supporting documents can be submitted at any time during the fiscal year.

The Interlock Summary Report reflecting the total number of interlocks installed during the months of February, March and April was also presented.

VASAP Directors' Association Report

Miles Bobbitt reported that the VASAPDA Spring Conference was held on May 25 – May 27th. He provided the following highlights:

- Training on marijuana laws in Virginia by Amanda Abby an Assistant Commonwealth's Attorney for Newport News.
- Records Management – Presented by Chadwick Owen from the Library of Virginia.
- Drug Trends in Virginia presented by the regional DEA office

Meeting Dates

The following remaining Commission meeting dates are scheduled for 2022:

September 16

December 9

Special Meeting (TBD)

Adjournment

Delegate Scott moved and Vice Chairman Saunders seconded the motion to adjourn the meeting. All were in favor; none opposed.



Senator Richard H. Stuart, Chairman