

**COMMISSION ON VASAP
QUARTERLY MEETING**

September 13, 2024

Minutes

Attendance:

Commission Members:

Senator Richard H. Stuart, Chairman
Mr. John L. Saunders, Vice Chairman
Senator Scott A. Surovell
Delegate Patrick A. Hope
Delegate James A. Leftwich, Jr.
Delegate Rae C. Cousins
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Ms. Margaret Steele
Ms. Krystal Hulette
Ms. Loren Ashley Cole

Teleconference:

Delegate Atoosa R. Reaser
The Honorable Mary Jane Hall

Absent:

Ms. Pat Eggleston

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Rosario Carrasquillo
Ms. Shelby Edwards
Mr. Glen Miller
Mr. Christopher Morris
Ms. Charlene Motley

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 Room A at the General Assembly Building in Richmond, Virginia on September 13, 2024, at 10:00 a.m.

Senator Richard H. Stuart, Chairman, presided and called the meeting to order at 10:01 a.m. Ms. Angela Coleman, Executive Director, called roll of the Commission Members. A quorum was present.

Approval of the Minutes

Senator Scott A. Surovell moved, and Mr. John L. Saunders, Vice Chairman, seconded the motion that the minutes from the June 7, 2024, Commission meeting be approved. All were in favor; none opposed.

2024 VASAP Inaugural Leadership Program Presentation

Ms. Angela Coleman shared that in 2020 the ASAP program lost a lot of experienced ASAP directors either through retirement or resignation. Ms. Coleman shared that there was a lack of leadership talent and staff ready to move into the leadership role when needed and because of this, a VASAP leadership program was introduced. Ms. Coleman provided a background of how the leadership program was developed and thanked Ms. Rosario Carrasquillo, VASAP Special Programs Technician, for all her hard work for spearheading the leadership program and creating the curriculum. Ms. Coleman reported that 5 participants in this year's leadership program had been promoted.

Ms. Bridget Mullins and Ms. Amanda Profitt presented to the Commission on what they learned during the Leadership Program. Senator Stuart complimented them on their ability to adapt and overcome and congratulated them on the completion of the program.

Senator Stuart, Ms. Coleman, and Ms. Carrasquillo presented the leadership awards to:

Michelle Anderson – Court Community Corrections ASAP

LaVeice Farrell – Southeastern Virginia ASAP

Ciara Lindsey – Peninsula ASAP
Nancy Mayer – John Tyler ASAP
LaNeisha McMiller Smith – Tri River ASAP
Bridget Mullins – Old Dominion ASAP
Amanda Proffitt – Central Virginia ASAP
Tamara Pugh – Chesapeake Bay ASAP

Capital Area ASAP Certification Update

Ms. Coleman reported that at the June Commission meeting, the Commission voted to grant Capital Area ASAP conditional certification until the next Commission meeting. Ms. Coleman stated that the action plan submitted by Mr. Hatcher Johnson, Capital Area ASAP Director during the last commission meeting is not a viable action plan.

Ms. Coleman reported that over 350 staff hours by Commission staff and John Tyler ASAP staff have been put into reviewing Capital Area ASAP cases since the June meeting. The review resulted in several issues, the most concerning being that 140 clients had completed their ASAP requirements, but their ASAP completion date had not been updated in the DMV system. Ms. Coleman advised that Commission staff and John Tyler ASAP staff upon finding cases that need action have been making the appropriate corrections. Ms. Coleman reported that there are still about 1,000 more cases that need to be reviewed.

Ms. Coleman reported that she attended the John Tyler ASAP Policy Board meeting last night. There was discussion regarding John Tyler ASAP assuming Capital Area ASAP's jurisdictions. She went on to report that the groundwork has already been laid and that there are two office spaces at DMV that the Commission is in the process of furnishing. These offices are on the bus line and clients will have the option to go there or to the John Tyler ASAP Henrico office location. John Tyler ASAP Policy Board, during their policy board meeting, advised they are willing and able to assume Capital Area ASAP's jurisdictions immediately, if needed.

Ms. Coleman reported that a financial audit was requested for Capital Area ASAP. The audit revealed that payroll taxes and retirement contributions in the amount of \$78,000 have not been paid. The auditor also noted a lack of bank reconciliations.

Ms. Coleman stated the Commission pays an independent auditor once a year to audit the books of the local ASAP offices.

Ms. Coleman reported that she was informed by Mr. Hatcher Johnson that the City of Richmond provided a grant to Capital Area ASAP in the amount of \$100,000. Capital Area ASAP will have the funds to make those past due retirement contributions and pay the past due payroll taxes. Ms. Coleman reminded the Commission that Capital Area ASAP still owes back rent.

Ms. Coleman stated that these significant problems continue to validate what has been said in the past, that this program cannot operate independently.

Ms. Coleman recommended to the Commission that Capital Area ASAP's program certification be revoked.

Ms. Coleman stated there is already a system in place so that those clients will not be impacted. Ms. Coleman stated that the Capital Area ASAP Policy Board and the Capital Area ASAP Director still retain the responsibility of all financial requirements related to the program. Mr. Johnson is aware that it is their responsibility to ensure that these requirements are met.

The Honorable Gino W. Williams moved, and Mr. Saunders, seconded the motion that Capital Area ASAP's certification be revoked effective today. All were in favor; none opposed.

The remaining Capital Area cases will be supervised by John Tyler ASAP.

Legislative Review

Court Waivers

Ms. Charlene Motley, VASAP Field Services Supervisor, reported on the concerns brought up in previous Commission meetings by some ASAP directors regarding the waiver of ASAP fees by the courts. Ms. Motley reported that ASAP Directors provided the Commission with court waivers for their jurisdictions for fiscal year 2024. After review of the numbers, Ms. Motley found that less than 1% of fees were waived. As the overall impact is minimal and is not a widespread issue, Ms. Motley stated that ASAP directors are encouraged to engage directly with their judges and recommended that legislative is not needed to address the issue.

House Bill No. 774

The Commission on VASAP was asked to study the impact of House Bill 774 which states “any county, city, or town, or any combination thereof, that has established and operates an alcohol safety action program pursuant to this section and supplements fees collected for the program pursuant to this subsection by more than 33 percent annually in order to fully fund the program may charge a local administrative fee of no more than \$100 to each person entering such program under the provisions of this section.”

After review of the bill, Mr. Christopher Morris, VASAP Special Programs Coordinator, stated it is concerning that based off where a client lives they could be required to pay more than someone in another jurisdiction for the same services.

Mr. Morris reported that he reached out to the Virginia Municipal League who advised commission staff that not all municipalities want to raise fees. Mr. Morris provided an overview of inflationary data and stated that an increase in fees related to ASAP can be detrimental to local families.

Senator Stuart asked if the author of the bill, Delegate Herring, had been advised we were going to discuss her bill.

Ms. Coleman responded that she had sent an email to Delegate Herring's staff and has not yet heard back but that she will continue to provide them with the opportunity to weigh in and welcomes that discussion.

Senator Stuart stated he believes the Commission should leave the topic open to allow Delegate Herring an opportunity to present her side of the bill if she is inclined to do so.

Installation of Interlock Prior to Conviction

Mr. Morris reported that Senator Surovell reached out to commission staff about the possibility of installing an interlock device prior to conviction. Mr. Morris spoke on that and listed benefits such as highway safety and the court's ability to see interlock data leading up to the client's court date. Mr. Morris stated if allowed, this would be on a voluntary basis. Mr. Morris reported he had discussions with Oklahoma, Kansas and Kentucky regarding their practices. Kansas and Kentucky allow for the interlock to be installed ahead of conviction. Senator Stuart asked if ASAP would still monitor the device, Mr. Morris stated yes.

Senator Surovell reported he attended a conference in Louisville, KY where there was a discussion on giving people credit for interlock with an early enrollment and he believed it warranted a discussion in Virginia. Senator Stuart agreed as the whole idea is public safety. Senator Surovell will draft a bill for the Commission to review for the next meeting.

Executive Director's Report

Ms. Coleman presented the Executive Director's report.

2024 VASAP Training Conference

Ms. Coleman reported that there were 175 attendees at this year's training conference including representation from the Commission. Ms. Coleman highlighted a few well received sessions to include the Judge's Panel, the ASAP Case Manager's Roundtable and Ms. Margaret Steele's presentation on Mental Health in the Workplace. Ms. Coleman spoke on the positive reviews received. Judge Williams shared that he thought the conference was wonderful, Mr. Saunders and Ms. Steele also shared positive remarks about the conference.

Interlock Summary Report

Ms. Coleman shared with the Commission that the interlock summary report was updated to include numbers from the previous years to show trends.

Financial Audit

Ms. Coleman commended Charlene Motley for her hard work regarding the financial aspects of the office to include our most recent financial audit on September 4, 2024. The audit was clean, without findings nor suggestions making this another successful audit for the Commission on VASAP.

Allocation of Funds

Mr. Christopher Morris spoke on this year's plan for allocation of funds. Mr. Morris reported that last year there were several bills introduced in the General Assembly that spoke on waiving the ASAP fees. Mr. Morris presented a plan that commission staff believes could prevent that need for the foreseeable future. Last year, the distribution of funds to local programs resulted in the ability to retain services to 16 jurisdictions that would have otherwise been without. It also resulted in higher salaries, an increase in employee retention and provided IT assistance.

Mr. Morris introduced a new system that would compare the needs of each program to all the other programs in the state. This system will focus on "Runway Time" which is how long an ASAP can operate with zero revenue. Mr. Morris reported that currently the average is 4.1 months, and the goal is to increase that to 12 months for reach program. Under the new allocation process, funds will be distributed according to need so that each program is able to meet that 12-month goal. Once the program makes the goal, they are removed from the list for next year. By removing them, it allows for more funds to go to programs who have not yet met the 12-month goal. Arlington ASAP and Fairfax ASAP are not included.

Mr. Morris indicated that the intention is to allocate all the funds to the programs, with the exception of \$100,000, which will be set aside for program financial auditing.

Ms. Coleman clarified that the funds will only be disbursed after they are received by the VASAP office.

2024 Meeting Date

December 6

Senator Saunders expressed gratitude to Ms. Coleman for her remarkable 35 years of dedicated service. He highlighted her exceptional leadership, which is recognized nationally and thanked her for all she has contributed. Senator Stuart praised Ms. Coleman and the VASAP program in Virginia, noting that when legislators receive calls from constituents facing challenges, there has never been a situation that Ms. Coleman and her staff have not successfully resolved. Her hard work is truly appreciated.

Adjournment

Delegate Patrick A. Hope moved, and Delegate Rae C. Cousins seconded, that the meeting be adjourned. All were in favor; none opposed. There being no further business, Senator Stuart, Chairman adjourned the meeting at 11:00 am.

Senator Richard H. Stuart, Chairman