

5-31-1988

# Appointment Process for Advocacy Boards Serving Persons with Developmental Disabilities and Mental Illness, Part I

Senate Health Subcommittee on Mental Health, Developmental Disabilities and Genetic Diseases

Senate Select Committee on Citizen Participation in Government

Assembly Health Subcommittee on Mental Health and Developmental Disabilities

Follow this and additional works at: [http://digitalcommons.law.ggu.edu/caldocs\\_joint\\_committees](http://digitalcommons.law.ggu.edu/caldocs_joint_committees)

 Part of the [Legislation Commons](#)

---

## Recommended Citation

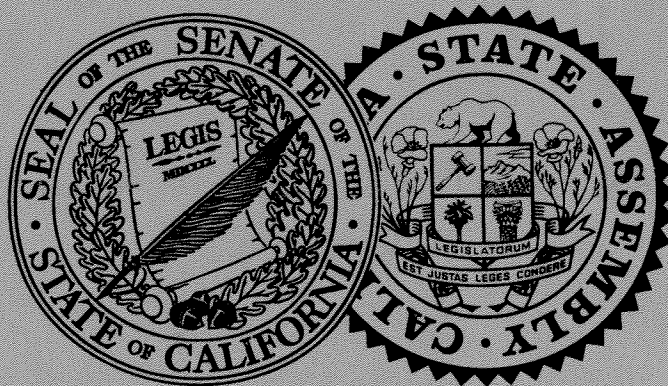
Senate Health Subcommittee on Mental Health, Developmental Disabilities and Genetic Diseases; Senate Select Committee on Citizen Participation in Government; and Assembly Health Subcommittee on Mental Health and Developmental Disabilities, "Appointment Process for Advocacy Boards Serving Persons with Developmental Disabilities and Mental Illness, Part I" (1988). *California Joint Committees*. Paper 68.  
[http://digitalcommons.law.ggu.edu/caldocs\\_joint\\_committees/68](http://digitalcommons.law.ggu.edu/caldocs_joint_committees/68)

This Hearing is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Joint Committees by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

CALIFORNIA LEGISLATURE  
SENATE HEALTH SUBCOMMITTEE ON  
MENTAL HEALTH, DEVELOPMENTAL  
DISABILITIES AND GENETIC DISEASES  
SENATE SELECT COMMITTEE ON CITIZEN  
PARTICIPATION IN GOVERNMENT  
Senator Dan McCorquodale, Chairman  
ASSEMBLY HEALTH SUBCOMMITTEE ON  
MENTAL HEALTH AND  
DEVELOPMENTAL DISABILITIES  
Assemblyman Richard Polanco, Chairman

Hearing on

**APPOINTMENT PROCESS FOR  
ADVOCACY BOARDS SERVING  
PERSONS WITH DEVELOPMENTAL  
DISABILITIES AND MENTAL ILLNESS**



DEPOSITORY

NOV 7 1988

RECEIVED

Tuesday, May 31, 1988  
Inglewood, California

KFC  
22  
L500  
M44  
1988  
no. 1

LAW LIBRARY

NOV 7 1988

GOLDEN GATE UNIVERSITY

BEFORE THE SENATE SUBCOMMITTEE ON  
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES  
AND GENETIC DISEASES;

THE SENATE SELECT COMMITTEE ON  
CITIZEN PARTICIPATION IN GOVERNMENT:

AND THE ASSEMBLY SUBCOMMITTEE ON  
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

IN THE MATTER OF: )  
)  
OVERSIGHT HEARING ON THE )  
APPOINTMENT PROCESS FOR ADVOCACY )  
BOARDS SERVING PERSONS WITH )  
DEVELOPMENTAL DISABILITIES AND )  
MENTAL HEALTH. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS TAKEN  
AT DANIEL FREEMAN MEMORIAL HOSPITAL,  
333 NORTH PRAIRIE AVENUE, INGLEWOOD,  
CALIFORNIA, COMMENCING AT 10:15 A.M. ON  
TUESDAY, MAY 31, 1988, HEARD BEFORE  
SENATOR DAN MC CORQUODALE, CHAIR,  
REPORTED BY BILLIE HANSON-BORGERDING,  
CSR NO. 4986, A NOTARY PUBLIC IN AND FOR  
THE STATE OF CALIFORNIA AND COUNTY OF  
ORANGE.

ccsb B1186

APPEARANCES:

COMMITTEE MEMBERS:

SENATOR DAN MC CORQUODALE, CHAIR  
SENATOR MILTON MARKS  
SENATOR HERSCHEL ROSENTHAL  
ASSEMBLYMAN RICHARD POLANCO

STAFF:

PEGGY COLLINS  
JULIE KAUFMAN  
LENORE TATE  
JANE UITTI  
HOLLY MITCHELL

I N D E X

<u>OPENING STATEMENTS:</u>	<u>PAGE</u>
SENATOR DON MC CORQUODALE	5, 15
SENATOR MILTON MARKS	11
ASSEMBLYMAN RICHARD POLANCO	12
POLLY MITCHELL (FOR SENATOR WATSON)	13

<u>SWORN WITNESSES:</u>	<u>NARRATIVE TESTIMONY</u>	<u>EXAMINATION BY COMMITTEE MEMBERS</u>
ALBERT ZONCA	19	28, 126
CONNIE LAPIN	41	49
GEORGE DE BELL	63	71, 112, 129
LINDA KOWALKA	89	101, 108, 210
HALE ZUKAS	109	108
SAM CHAN	114	124
JAMES BELLOTTI		133
SANDRA MONAGAN		149, 203
HARVEY BUSH		173
MICHAEL MORGAN		182
BARBARA HOOKER		191

I N D E X

<u>ADDITIONAL WITNESSES:</u> (UNSWORN)	<u>PAGE</u>
CHRISTINA KEEFFER	206
JOHN JACOBS	208
RICHARD ROBERTSON	211
AZALEE SCHNEIDER	220
STELLA MARCH	222
EILEEN CASSIDY	224
LORI SHEPHERD	227
LEON ELLIS (FOR AL MARSELLA)	232
BONNIE CLEMENS	236
MURIEL COHEN	236
RICHARD ROSENBERG	238
ASENATH YOUNG	239
JUDY MC KINLEY	242
MARK KARMATS	244
HARVEY LAPIN	245
LOTTEE MOISE	247

1 INGLEWOOD, CALIFORNIA, TUESDAY, MAY 31, 1988

2 10:15 A.M.

3  
4  
5 SENATOR MC CORQUODALE: I THINK OUR SPEAKER SYSTEM  
6 WILL BE ADEQUATE FOR PEOPLE TO HEAR, BUT IN CASE AT ANY  
7 TIME DURING THE DAY YOU ARE NOT ABLE TO HEAR WHAT IS BEING  
8 SAID, PLEASE FEEL FREE TO RAISE YOUR HAND AND I'LL TRY TO  
9 MAKE SURE THAT PEOPLE EITHER TALK LOUDER OR TALK INTO THE  
10 MICROPHONE.

11 THIS IS A JOINT HEARING OF THE SENATE  
12 SUBCOMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES  
13 AND GENETIC DISEASES, THE SENATE SELECT COMMITTEE ON  
14 CITIZEN PARTICIPATION IN GOVERNMENT, AND THE ASSEMBLY  
15 SUBCOMMITTEE ON MENTAL HEALTH AND DEVELOPMENTAL  
16 DISABILITIES.

17 A MEMBER OF ONE OF THOSE COMMITTEES, WHO IS  
18 ALSO THE CHAIR OF THE SENATE SUBCOMMITTEE ON THE RIGHTS OF  
19 THE DISABLED, SENATOR MARKS, IS THE SECOND PERSON FROM THE  
20 END ON MY LEFT.

21 THE PERSON NEXT TO HIM IS JULIE KAUFMAN,  
22 WHO IS THE STAFF PERSON TO THAT COMMITTEE.

23 ON THE RIGHT-HAND SIDE OF SENATOR MARKS,  
24 COMING THIS WAY, IS SENATOR ROSENTHAL.

25 THE NEXT PERSON OVER IS LENORE TATE, WHO IS

1 THE STAFF TO ASSEMBLYMAN POLANCO, WHO IS IMMEDIATELY TO MY  
2 LEFT AND IS THE CHAIR OF THE ASSEMBLY SUBCOMMITTEE ON  
3 MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES.

4 I'M DAN MC CORQUODALE. I'M CHAIR OF THE  
5 SENATE SUBCOMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL  
6 DISABILITIES AND GENETIC DISEASES, AND THE SENATE SELECT  
7 COMMITTEE ON CITIZEN PARTICIPATION IN GOVERNMENT.

8 ON MY IMMEDIATE RIGHT IS PEGGY COLLINS, WHO  
9 IS ON MY STAFF.

10 NEXT TO HER IS JANE UITTI, WHO IS THE STAFF  
11 TO THE SUBCOMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL  
12 DISABILITIES, AND ON SENATOR WATSON'S HEALTH AND HUMAN  
13 SERVICES COMMITTEE OF THE SENATE.

14 NEXT TO HER IS HOLLY MITCHELL, WHO IS ON  
15 SENATOR WATSON'S STAFF IN THE DISTRICT AND WHO WILL HAVE A  
16 STATEMENT IN A LITTLE BIT FROM SENATOR WATSON.

17 THE MEETING IS BEING TRANSCRIBED, SO AS  
18 YOU SPEAK -- AND IT WILL HELP, I THINK, ALSO FOR THE  
19 PANELISTS, THE PEOPLE UP HERE IN THIS GROUP, IF WE WILL  
20 MAKE SURE THAT WE IDENTIFY WHO WE ARE AS WE SPEAK. IT WILL  
21 HELP HER TO IDENTIFY THE CORRECT WORDS WITH THE CORRECT  
22 PERSON.

23 IF YOU WANT TO SPEAK AT ANY POINT DURING THE  
24 DAY, THERE ARE SOME CARDS IN THE BACK AND YOU CAN FILL  
25 THOSE OUT, GIVE THEM TO THE TWO SERGEANTS HERE, WHO WILL



1 BE ABLE TO GET THOSE UP TO US AND WE WILL TRY TO FIT YOU  
2 IN.

3 WE HAVE A LOT OF PEOPLE WHO WILL BE  
4 TESTIFYING. I'M GOING TO KEEP TRYING TO URGE PEOPLE TO  
5 KEEP THE TESTIMONY MOVING. IF SOMEONE MAKES SOME COMMENTS  
6 AND YOU ARE IN AGREEMENT WITH THOSE, AND PART OF YOUR  
7 TESTIMONY COULD BE JUST SIMPLY REFLECTED AS AGREEING WITH  
8 SOMEONE WHO HAS SPOKEN EARLIER, YOU CAN DO THAT.

9 MANY OF THE PEOPLE WHO WILL BE SPEAKING WILL  
10 BE SWORN IN, SO THAT DOES TAKE SOME AMOUNT OF TIME IN  
11 TRYING TO TAKE CARE OF ALL THOSE FORMALITIES, BUT WE WILL  
12 TRY TO KEEP THE MEETING MOVING.

13 SOME MEMBERS OF THE PANEL WILL HAVE TO LEAVE  
14 AT VARIOUS TIMES DURING THE DAY TO TAKE CARE OF THEIR  
15 RESPONSIBILITIES BACK AT THE CAPITOL, BUT WE WILL ATTEMPT  
16 TO PROVIDE ADEQUATE TIME TO EXPLORE THIS ISSUE AND PROVIDE  
17 THE TIME NECESSARY.

18 THIS IS A LITTLE DIFFERENT THAN MANY OF THE  
19 LEGISLATIVE HEARINGS THAT YOU MIGHT HAVE BEEN INVOLVED IN  
20 OR FOLLOWED BEFORE, IN THAT WE WILL BE A LITTLE MORE  
21 FORMALIZED THAN MANY OF THOSE. WE ARE SWEARING MOST OF  
22 THE PEOPLE IN WHO WILL BE TESTIFYING, AND WE WILL NEED TO  
23 HAVE -- WE WILL PROBABLY FOLLOW A MORE ORGANIZED PERIOD OF  
24 QUESTIONING AND COMMENT THAN YOU MIGHT NORMALLY EXPECT IN  
25 A REGULAR SENATE COMMITTEE HEARING.

1                   FOR MUCH OF MY PROFESSIONAL CAREER, I'VE HAD  
2                   SOME INVOLVEMENT WITH PERSONS WHO ARE DEVELOPMENTALLY  
3                   DISABLED OR MENTALLY ILL. FOR THE PAST FIVE AND A HALF  
4                   YEARS I'VE BEEN CHAIR OF THIS SENATE SUBCOMMITTEE ON  
5                   MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AND GENETIC  
6                   DISEASES, AND IN THAT CAPACITY I'VE HAD AN OPPORTUNITY TO  
7                   WORK WITH VARIOUS GROUPS IN THE LEGISLATIVE ARENA DEALING  
8                   WITH THESE ISSUES.

9                   I HAVE ALWAYS KNOWN THAT THOSE WHO SPEAK FOR  
10                  THESE SPECIAL PEOPLE ARE AMONG THE MOST COMMITTED AND  
11                  VOCAL ADVOCATES OF THE STATE. YET IN ALL MY EXPERIENCE I  
12                  HAVE NEVER SEEN AN ISSUE AFFECTING THE MENTALLY ILL OR  
13                  DEVELOPMENTALLY DISABLED WHICH RAISES THE LEVEL OF CONCERN  
14                  THAT HAS BEEN EXPRESSED TO ME OVER THE COURSE OF THE PAST  
15                  FEW MONTHS.

16                  AT THE HEART OF OUR DISCUSSION TODAY IS  
17                  WHETHER OR NOT THOSE ORGANIZATIONS ENTRUSTED WITH  
18                  PROTECTING THE RIGHTS OF DISABLED PEOPLE ARE IN JEOPARDY.  
19                  YOU WILL HEAR TESTIMONY ABOUT VARIOUS BOARD MEMBERS WHOSE  
20                  APPOINTMENTS DO NOT MEET THE SPIRIT AND, PERHAPS, THE  
21                  LETTER OF THE LAW.

22                  WE WILL HEAR TESTIMONY WHICH BRINGS INTO  
23                  QUESTION THE MOTIVATION OF CERTAIN BOARD MEMBERS. WE WILL  
24                  HEAR TESTIMONY WHICH INDICATES THAT CERTAIN BOARD MEMBERS  
25                  MAY BE MORE ALIGNED TO THE ADMINISTRATION'S AGENDA THAN

1 WITH THE NEEDS OF THE VERY PEOPLE THEY ARE MANDATED TO  
2 SERVE.

3 THESE ARE ALL SERIOUS ALLEGATIONS AND ONES  
4 THAT WE HAVE TO PURSUE AND DISCUSS AND INVESTIGATE THE  
5 EXTENT TO WHICH WE FIND THEY DO AFFECT THE RIGHTS AND THE  
6 PROGRAMS RELATED TO THE DEVELOPMENTALLY DISABLED OR  
7 MENTALLY ILL.

8 SO THESE BOARDS ARE DESIGNED AND THEY WERE  
9 INTENDED TO BE INDEPENDENT, AND THEIR VERY EXISTENCE IS  
10 BASED ON THE NEED TO PROTECT THE RIGHTS OF CLIENTS IN  
11 DISPUTES AGAINST THE STATE.

12 BUT THEY ARE A LITTLE DIFFERENT THAN AN  
13 ADVISORY BOARD OR A BOARD PUT TOGETHER TO HELP US  
14 DETERMINE WHAT PROGRAMS MAY BE NECESSARY. THEIR ROLE IS  
15 TO PROTECT THE CLIENTS AND INSURE THE AVAILABILITY OF  
16 THOSE SERVICES ONCE A DETERMINATION IS MADE THAT PROGRAMS  
17 ARE AVAILABLE OR THAT THEIR RIGHTS ARE BEING INFRINGED  
18 UPON.

19 SO WHETHER OR NOT THESE ALLEGATIONS ARE  
20 JUSTIFIED AND WHETHER THEY'RE RIGHT IS THE QUESTION AND  
21 THE ISSUE BEFORE THESE COMMITTEES TODAY.

22 MANY OF YOU ARE HERE TODAY TO PROVIDE US WITH  
23 YOUR INSIGHTS INTO THIS ISSUE. WE APPRECIATE THE TIME  
24 THAT YOU HAVE TAKEN TO BE HERE.

25 SOME OF YOU ARE HERE AS SUBPOENAED WITNESSES

1 AND HAVE DEMONSTRATED A RESPONSE TO THIS HEARING WHICH, IN  
2 MY OPINION, IS JUST SHORT OF CONTEMPT, AND WHICH IN FACT  
3 MAY RESULT IN THAT CHARGE AT SOME POINT. I WOULD SAY YOUR  
4 RESISTANCE TO APPEAR BEFORE THESE COMMITTEES RAISES  
5 QUESTIONS ABOUT YOUR WILLINGNESS TO PROVIDE THESE  
6 COMMITTEES WITH HONEST AND FRANK TESTIMONY; THEREFORE, I  
7 WILL BE REQUIRING YOU TO TAKE AN OATH SO THAT YOU  
8 UNDERSTAND THAT YOU ARE SPEAKING THE TRUTH.

9 IF ANY SUBPOENAED WITNESSES HAVE FAILED TO  
10 ATTEND OR HAVE SUCCESSFULLY AVOIDED BEING SERVED WITH  
11 THEIR SUBPOENAS, I CAN ASSURE YOU THAT WE WILL RESCHEDULE  
12 A SECOND HEARING AND SUBPOENA YOU ONCE AGAIN.

13 FURTHERMORE, WE WILL PURSUE ALL LEGAL OPTIONS  
14 AVAILABLE TO US FOR THOSE UNDER SUBPOENA WHO HAVE FAILED  
15 TO APPEAR BEFORE THIS COMMITTEE, AND AT A LATER TIME TODAY  
16 WE WILL BE TAKING ACTION RELATED TO THOSE WHO ARE NOT IN  
17 ATTENDANCE BUT WHO HAVE BEEN SUBPOENAED.

18 AND I WOULD SAY, FOR THE RECORD, THAT THERE  
19 ARE TWO ACTUAL SUMMONS WHICH HAVE BEEN ISSUED. ONE WAS A  
20 LETTER WHICH WAS DIRECTED TO MEMBERS AND INDIVIDUALS  
21 ALERTING THEM TO THIS MEETING. THAT, IN ITSELF,  
22 CONSTITUTES A SUMMONS OF A LEGISLATIVE COMMITTEE AND WOULD  
23 SERVE AS AN OFFICIAL NOTICE AND REQUIREMENT TO BE IN  
24 ATTENDANCE.

25 THE SECOND ONE WAS AN OFFICIAL SUBPOENA

1 APPROVED BY THE SENATE RULES COMMITTEE THIS PAST WEEK AND  
2 WHICH HAS BEEN SERVED ON A NUMBER OF INDIVIDUALS, BUT SOME  
3 HAVE NOT BEEN SERVED BECAUSE OF INABILITY TO MAKE CONTACT  
4 WITH THEM. HOWEVER, AS I INDICATED, AT SOME POINT WE WILL  
5 DEAL WITH THAT ISSUE FURTHER.

6 NOW, WHAT I WOULD LIKE TO DO IS TO SEE,  
7 STARTING WITH SENATOR MARKS, IF HE HAS SOME COMMENTS THAT  
8 HE WOULD LIKE TO MAKE, AND THEN WE WILL COME RIGHT ON  
9 DOWN.

10 SENATOR MARKS: I WOULD LIKE TO MAKE A SHORT  
11 STATEMENT. I APPRECIATE BEING HERE VERY MUCH AND I'M GLAD  
12 YOU ARE HAVING THIS MEETING.

13 LET ME JUST MAKE A BRIEF STATEMENT TO YOU  
14 THAT THE PEOPLE OF CALIFORNIA TAKE PRIDE IN HELPING OTHERS  
15 HELP THEMSELVES. WE ARE A SOCIETY OF HELPFUL VOLUNTEERS  
16 AND VOCIFEROUS ADVOCATES WORKING FOR MANY CAUSES IN  
17 POPULATIONS, INCLUDING THOSE PEOPLE WITH DEVELOPMENTAL  
18 DISABILITIES AND MENTAL ILLNESS.

19 WE APPLAUD PEOPLE WHO DONATE THEIR TIME AND  
20 ENERGY TO SERVE FOR THE GOOD OF THESE POPULATIONS.  
21 VOLUNTEERING FOR A PROGRAM, HELPING IN A FUND RAISER, OR  
22 SERVING ON A BOARD IS A WELCOME SELFLESS AND HUMANITARIAN  
23 ACT AND DISREGARDS COMMON BENCHMARKS SUCH AS RACE,  
24 ECONOMIC STATUS, AND POLITICAL BELIEFS.

25 I WAS, THEREFORE, SHOCKED AND DISMAYED TO

1 LEARN THAT PROTECTION AND ADVOCACY, INC. AND THE STATE  
2 COUNCIL ON DEVELOPMENTAL DISABILITIES HAD BECOME EMBROILED  
3 IN SUCH ACTIVITIES AS QUESTIONABLE BOARD APPOINTMENTS AND  
4 SELF-SERVING AGENDAS.

5 IT IS UNFORTUNATE THAT WE HAVE HAD TO HOLD  
6 THIS HEARING, BUT WE HAVE BEEN FORCED TO SUBPOENA  
7 WITNESSES TO TESTIFY. ALL THE TIME, ENERGY, AND ABUSE OF  
8 POWER INVOLVED HAVE ABUSED THE SYSTEM AND HAVE NOT HELPED  
9 THE POPULATIONS THAT WE ARE COMMITTED TO SERVE. I HOPE  
10 THAT WE CAN REPAIR THE DAMAGE THAT HAS BEEN DONE AND MOVE  
11 AHEAD IN A POSITIVE MANNER.

12 LET ME SAY, AS THE CHAIR ANNOUNCED, I AM THE  
13 CHAIR OF THE SENATE SUBCOMMITTEE OF THE RIGHTS OF THE  
14 DISABLED, AND I, TOO, AM INTERESTED IN THE CONCERN THAT  
15 YOU HAVE HERE.

16 THANK YOU.

17 SENATOR MC CORQUODALE: SENATOR ROSENTHAL?

18 SENATOR ROSENTHAL: I HAVE NO STATEMENT AT THIS  
19 POINT. THANK YOU.

20 SENATOR MC CORQUODALE: ALL RIGHT. TO SHOW, TO  
21 SOME EXTENT, THE LEVEL OF INTEREST THAT THIS ISSUE HAS  
22 ENGENDERED IN THE LEGISLATURE, THIS IS PERHAPS, CERTAINLY  
23 WITHIN MODERN TIMES, ONE OF THE FIRST TIMES THAT A  
24 COMMITTEE SUCH AS THIS HAS CONVENEED WITH BOTH HOUSES  
25 INVOLVED.

1 AS I INDICATED, MR. POLANCO CHAIRS A SIMILAR  
2 COMMITTEE TO THE COMMITTEE THAT I CHAIR IN THE SENATE, AND  
3 NOW I'LL SEE IF HE HAS SOME COMMENTS HE'D LIKE TO MAKE.

4 ASSEMBLYMAN POLANCO: MY OPENING COMMENTS ARE VERY  
5 BRIEF. I AM DISTURBED AT WHAT I HAVE LEARNED IN REFERENCE  
6 TO SOME OF THE ALLEGATIONS. I AM HERE TO DEMONSTRATE MY  
7 SINCERE COMMITMENT IN WANTING TO GET TO THE BOTTOM LINE OF  
8 SOME OF THESE ALLEGATIONS, AND I AM VERY HAPPY TO SEE THAT  
9 THIS HEARING IS OF A SERIOUS NATURE IN LIGHT OF THE FACT  
10 THAT YOU WILL BE UNDER OATH. WE REMIND YOU OF THAT.

11 I APPRECIATE THE OPPORTUNITY TO PARTICIPATE  
12 IN SOMETHING THAT IS WORTHY AND LONG OVERDUE. WE NEED TO  
13 MAKE THOSE CORRECTIONS IN THOSE AREAS THAT NEED TO BE  
14 MADE.

15 AND WITH THAT, SENATOR, I'LL CONCLUDE MY  
16 STATEMENT.

17 SENATOR MC CORQUODALE: ALL RIGHT.

18 HOLLY MITCHELL HAS A STATEMENT FROM SENATOR  
19 WATSON. WOULD YOU LIKE TO GIVE THAT NOW?

20 MS. MITCHELL: THANK YOU.

21 AS SENATOR MC CORQUODALE HAS PREVIOUSLY  
22 STATED, TODAY'S HEARING IS GOING TO BE UNIQUE IN THAT WE  
23 ARE DOING AN INVESTIGATIONAL HEARING TO FLUSH OUT SOME  
24 FACTS.

25 IN QUESTION ARE THE METHODS USED BY THE

1 GOVERNOR'S OFFICE IN MAKING APPOINTMENTS TO DEVELOPMENTAL  
2 DISABILITIES AND MENTAL HEALTH ADVOCACY BOARDS. THESE  
3 BOARDS INCLUDE THE STATE COUNCIL ON DEVELOPMENTAL  
4 DISABILITIES, PROTECTION AND ADVOCACY INCORPORATED, AND  
5 AREA BOARDS.

6 THESE BOARDS ARE MANDATED IN STATUTE TO  
7 ADVOCATE FOR THE RIGHTS OF DISABLED PERSONS.

8 UP UNTIL RECENTLY, THEY HAVE HAD HIGHLY  
9 PROFESSIONAL REPUTATIONS IN RESEARCHING ALLEGED VIOLATIONS  
10 IN SERVICES PROVIDED TO CLIENTS. THEY HAVE BEEN KNOWN AS  
11 STRONG FIGHTERS FOR PARENTS AND ADVOCATES IN THE FIELD OF  
12 DISABILITIES, AND THAT IS WHY, WHEN LAST YEAR GOVERNOR  
13 DEUKMEJIAN INTRODUCED A PROPOSAL TO ELIMINATE THE 13 AREA  
14 BOARDS FOR DEVELOPMENTAL DISABILITIES, THE LEGISLATURE  
15 IMMEDIATELY ATTACKED THE PROPOSAL AND DEFENDED THE BOARDS  
16 STRONGLY.

17 WE NOW HAVE EVIDENCE THAT WILL BE BROUGHT OUT  
18 TODAY THAT THIS ADMINISTRATION IS ATTEMPTING TO COMPROMISE  
19 THE EFFECTIVENESS OF THESE BOARDS BY WATERING THEM DOWN  
20 WITH APPOINTEES THAT SEEM LESS THAN COMMITTED TO UPHOLDING  
21 THEIR STATUTORY MANDATES OF ADVOCATING FOR CLIENTS'  
22 RIGHTS.

23 WE SAW THIS HAPPEN OVER THE LAST FEW YEARS  
24 WITH A NUMBER OF THE GOVERNOR'S APPOINTMENTS TO THE  
25 DEPARTMENT OF HEALTH SERVICES' FAMILY PLANNING ADVISORY



1 BOARD. THESE APPOINTEES NOT ONLY DID NOT FIGHT FOR  
2 IMPROVED FAMILY PLANNING SERVICES; SEVERAL OF THEM DID  
3 EVERYTHING THEY COULD TO OPPOSE FAMILY PLANNING PROGRAMS  
4 AND TO DISRUPT THE BUSINESS OF THOSE BOARD MEETINGS.

5 AS A RESULT, THE REPUTATION OF THE BOARD  
6 BECAME A SORRY JOKE. EVEN THE DEPARTMENT CONSIDERED THE  
7 BOARD AN EMBARRASSMENT.

8 BUT THESE ADVOCACY BOARDS WE ARE DISCUSSING  
9 TODAY ARE NO JOKE. THEY OPERATE INDEPENDENTLY, OFFERING A  
10 NECESSARY CHECK-AND-BALANCE ON THE ENORMOUS SERVICE SYSTEM  
11 FOR DISABLED PEOPLE.

12 IF SOME OF THE NEW BOARD MEMBERS WERE  
13 APPOINTED TO PROMOTE THE CURRENT ADMINISTRATION'S  
14 PHILOSOPHIES (THE "NO-ADVOCACY-IS-BEST" POLICY), OR IF  
15 THEY ARE UNQUALIFIED TO FILL THE CONSUMER OR OTHER SLOT  
16 UNDER WHICH THEY WERE APPOINTED, WE WANT TO KNOW.

17 THIS HEARING IS JUST THE BEGINNING, NOT THE  
18 END. WE WILL BE WATCHING THESE BOARDS VERY CLOSELY NOW  
19 THAT WE HAVE BECOME CONCERNED ABOUT THE APPOINTMENT  
20 PROCESS. WHETHER THE LEGISLATURE IS IN OR OUT OF SESSION,  
21 OR BEFORE OR AFTER AN ELECTION, WE WILL BE WATCHING TO  
22 MAKE SURE THAT THE ADMINISTRATION DOES NOT SUCCEED IN  
23 DISMANTLING THE EFFECTIVENESS OF THESE ADVOCACY BOARDS.

24 SENATOR MC CORQUODALE: ALL RIGHT. THANK YOU.

25 LET ME SAY THAT, AS A GENERAL, OVERALL

1 STATEMENT, OF COURSE, WE RECOGNIZE THAT PEOPLE HAVE  
2 CERTAIN RIGHTS. I'M NOT TALKING ABOUT THE RIGHTS OF THE  
3 DISABLED AT THIS POINT; I'M TALKING ABOUT THE RIGHTS OF  
4 ANYONE WHO TESTIFIES BEFORE A COMMITTEE NOT TO INCRIMINATE  
5 THEMSELVES.

6 WE ARE NOT SEEKING ANY ISSUES RELATED TO  
7 CRIMINAL PROSECUTION. HOWEVER, I WOULD WANT YOU TO KNOW  
8 THAT YOU DO HAVE CERTAIN RIGHTS AND ABILITIES AND WAYS TO  
9 EXERCISE THOSE RIGHTS BY CLAIMING NOT TO INCRIMINATE  
10 YOURSELF.

11 THE SUBPOENAS WHICH WE ISSUED DO NOT GIVE YOU  
12 THE RIGHT NOT TO APPEAR. IT GIVES PEOPLE THE RIGHT --  
13 THEY MAY RETAIN RIGHTS, THOUGH, NOT TO INCRIMINATE  
14 THEMSELVES AND NOT TO DIVULGE CONFIDENCES WHICH THEY ARE  
15 LEGISLATIVELY OR CONSTITUTIONALLY PROTECTED AGAINST  
16 DIVULGING.

17 IF YOU DETERMINE, AS YOU TESTIFY, THAT YOU DO  
18 NOT WANT TO TESTIFY IN SOME AREA AND YOU SUGGEST THAT THIS  
19 IS PROTECTED BY A CONFIDENTIALITY STATUTE OR BY THE  
20 CONSTITUTION, WE WANT YOU TO EXPLAIN WHAT SECTION AND THE  
21 WAY THAT YOU ARE EXEMPT FROM RESPONDING TO THAT.

22 AS WE SWEAR PEOPLE IN, I HAVE A WHOLE SERIES  
23 OF THINGS THAT I COULD READ TO EACH ONE. I DON'T INTEND  
24 TO DO THAT. I FEEL THAT SINCE WE ARE NOT SEEKING ANY  
25 CRIMINAL INDICTMENT FROM THIS HEARING, THAT WE ARE NOT

1 GOING TO GO THROUGH THAT PROCESS.

2           HOWEVER, THE MAIN FORCE OF THE TESTIMONY IS  
3 THE TESTIMONY RELATED TO PERJURY. THAT ONE I DO WANT TO  
4 CAUTION YOU ABOUT. THERE IS NO CONSTITUTIONAL NOR  
5 LEGISLATIVE PRIVILEGE RELATED TO PERJURY.

6           IF YOU DO NOT WANT TO ANSWER, IF YOU FEEL  
7 THAT ANY QUESTION THAT I ASK OR ANY MEMBER MIGHT ASK YOU  
8 IS INCRIMINATING TO YOU IN ANY WAY, IN A CRIMINAL MATTER,  
9 THEN YOU SHOULD NOT ANSWER THAT QUESTION AND YOU SHOULD SO  
10 STATE, AND STATE THE BASIS FOR IT, WHICH WOULD BE THE  
11 CONSTITUTION.

12           AND SO, IN EFFECT, THE STATUS OF PEOPLE WHO  
13 COME TO TESTIFY ARE HERE -- EVEN THOUGH THEY MIGHT HAVE  
14 HAD A SUBPOENA, THEY ARE TESTIFYING VOLUNTARILY, AND SO  
15 YOU CAN REFUSE TO ANSWER QUESTIONS IF YOU SO DESIRE.  
16 HOWEVER, ANY ANSWER THAT YOU GIVE MAY, FROM THAT POINT ON,  
17 BE A CONCERN OF YOURS IF THE TRUTH HAS NOT BEEN STATED.

18           AGAIN, I WANT TO CAUTION YOU, THE ONE AREA OF  
19 ABILITY OF THE COMMITTEE TO DEAL WITH IS THE ISSUE OF  
20 PERJURY, AND THEREFORE THAT IS ONE THAT I WOULD WANT YOU  
21 TO KNOW.

22           SO AS YOU COME FORWARD AND YOU ARE SWORN IN,  
23 AGAIN, YOU MAY NOT BE HERE IN THIS ROOM VOLUNTARILY;  
24 HOWEVER, THE TESTIMONY THAT YOU WILL GIVE WILL BE GIVEN  
25 VOLUNTARILY AND YOU THEN CAN MAKE YOUR OWN STATEMENT ABOUT

1 THAT, ANYTHING YOU WANT TO. I'LL GIVE YOU A CHANCE TO  
2 MAKE A STATEMENT AND THEN WE WILL ASK QUESTIONS.

3 OUR FIRST WITNESS FOR THE DAY IS AL ZONCA,  
4 WHO IS THE EXECUTIVE DIRECTOR OF P.A.I.

5 IS AL HERE? AL ZONCA?

6 SENATOR MC CORQUODALE: AND YOU CAN GO THERE  
7 (INDICATING), AND IF ALL THE OTHER WITNESSES WOULD JUST GO  
8 TO THAT COUNTER AND THAT PODIUM.

9 I'LL READ THE OATH AND THEN YOU CAN SAY, "I  
10 DO" OR "I WILL," WHATEVER IS MOST COMFORTABLE, AND THEN  
11 PROCEED WITH YOUR COMMENTS AT THAT POINT.

12 SERGEANT, I THINK WE HAVE A LITTLE PROBLEM  
13 WITH THE MICROPHONE HERE.

14 (DISCUSSION OFF THE RECORD)

15  
16 ALBERT ZONCA,

17 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
18 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

19 THE WITNESS: I SO SWEAR.

20 SENATOR MC CORQUODALE: NOW, DO YOU HAVE A  
21 STATEMENT THAT YOU WOULD LIKE TO MAKE FIRST?

22 THE WITNESS: YES.

23 SENATOR MC CORQUODALE: AND WHEN YOU START, WOULD  
24 YOU SPELL YOUR NAME AND GIVE YOUR TITLE SO IT CAN BE  
25 PICKED UP?

1 THE WITNESS: YES, I WILL. MY NAME IS ALBERT  
2 ZONCA. THE LAST NAME IS Z-O-N-C-A. I AM THE EXECUTIVE  
3 DIRECTOR OF PROTECTION & ADVOCACY, INC., AND I HAVE HELD  
4 THAT POSITION SINCE 1980.

5 WHAT I WILL DO IS PRESENT YOU WITH A BRIEF  
6 OVERVIEW AND HISTORY OF THE AGENCY AND ITS PURPOSES,  
7 HIGHLIGHTING WHAT I THINK ARE SOME OF THE RELEVANT POINTS  
8 FOR DISCUSSION RELATED TO YOUR HEARING.

9 PROTECTION & ADVOCACY, INC. OPERATES UNDER  
10 TWO DISTINCT FEDERAL ACTS: THE DEVELOPMENTALLY DISABLED  
11 ASSISTANCE AND BILL OF RIGHTS ACT, UNDER WHICH P.A.I. WAS  
12 ESTABLISHED IN 1978 TO PROVIDE PROTECTION AND ADVOCACY  
13 SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AND  
14 THE PROTECTION AND ADVOCACY FOR MENTALLY ILL PERSONS ACT  
15 OF 1986, WHICH EXPANDED THE RESPONSIBILITIES OF THE  
16 EXISTING PROTECTION AND ADVOCACY AGENCY TO PROVIDE  
17 ADVOCACY SERVICES TO PERSONS IDENTIFIED AS MENTALLY ILL.

18 IN 1975, WHEN CONGRESS PASSED PUBLIC LAW  
19 94-103, WHICH WAS THEN AMENDED IN 1978, 1984 AND 1987, THE  
20 D.D. ACT MANDATED THAT AS A CONDITION FOR THE RECEIPT OF  
21 CONTINUED FEDERAL FUNDS, EVERY STATE AND TERRITORY MUST  
22 HAVE IN PLACE AN INDEPENDENT PROTECTION AND ADVOCACY  
23 AGENCY TO ADVOCATE FOR THE RIGHTS AND INTERESTS OF PERSONS  
24 WITH DEVELOPMENTAL DISABILITIES.

25 THIS ACTION BY CONGRESS CAME AFTER YEARS OF

1 CONCERN THAT DISABLED PERSONS, PARTICULARLY THOSE WITH  
2 SUBSTANTIAL HANDICAPS, WHILE ASSUMED TO HAVE FULL LEGAL  
3 RIGHTS AND PRIVILEGES, WERE AT A DISTINCT DISADVANTAGE IN  
4 ASSERTING THOSE RIGHTS.

5 THERE WAS INCREASING CONCERN IN CONGRESS THAT  
6 FUNDS SPENT TO PROVIDE FOR THE CARE AND TREATMENT OF  
7 DISABLED PERSONS IN FACT WERE NOT BEING EFFECTIVELY  
8 DELIVERED TO ACHIEVE THE INTENDED RESULTS.

9 THIS CONCERN CULMINATED, AND SOME OF YOU MAY  
10 REMEMBER, WHEN GERALDO RIVERA, WHO WAS THEN AN  
11 INVESTIGATIVE REPORTER FOR W.A.B.C. IN NEW YORK, VISITED  
12 WILLOWBROOK, A STATE INSTITUTION FOR RETARDED PERSONS,  
13 AND AIRED A DOCUMENTARY THAT BROUGHT ABOUT A NATIONAL  
14 PUBLIC UPROAR BECAUSE OF THE ABYSMAL CONDITIONS IN THAT  
15 FACILITY.

16 SENATOR JACOB JAVITS VISITED THE FACILITY, AS  
17 A SENATOR FROM THE STATE OF NEW YORK, AND CONCURRED THAT  
18 THE CONDITIONS WERE HORRIBLE. HE APPEALED TO CONGRESS TO  
19 DO SOMETHING. HIS REMARKS IN THE CONGRESSIONAL RECORD  
20 CONCLUDE THAT IT WAS UNFORTUNATELY NECESSARY FOR  
21 GOVERNMENT TO INTERVENE TO PROTECT PEOPLE FROM ABUSE,  
22 NEGLECT, AND DENIAL OF TREATMENT IN THE VERY PROGRAMS THAT  
23 CONGRESS HAD ENACTED TO HELP THEM, AND THE GOVERNMENT HAD  
24 AN OBLIGATION BOTH TO THE RECIPIENTS OF THOSE SERVICES AND  
25 TO THE TAXPAYER TO INSURE ITS SERVICES THAT WERE PAID FOR

1 BY FEDERAL FUNDS WERE BEING DELIVERED IN THE MANNER  
2 INTENDED BY LAW.

3 THE D.D. ACT REQUIRES THAT A PROTECTION AND  
4 ADVOCACY SYSTEM HAVE THE AUTHORITY TO PURSUE, AND I QUOTE,  
5 "LEGAL, ADMINISTRATIVE, AND OTHER APPROPRIATE REMEDIES" TO  
6 ENSURE THE PROTECTION OF THE RIGHTS OF D.D. PERSONS.  
7 SUCH A SYSTEM MUST BE COMPLETELY INDEPENDENT OF ANY AGENCY  
8 WHICH PROVIDES CARE, TREATMENT, SERVICES, OR HABILITATION  
9 TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

10 THIS ISSUE OF INDEPENDENCE IS DISCUSSED  
11 EXTENSIVELY IN THE CONGRESSIONAL RECORD. JACK ANDREWS,  
12 THEN MINORITY COUNSEL FOR THE SENATE SUBCOMMITTEE ON THE  
13 HANDICAPPED AND A MAJOR ARCHITECT FOR THE COMPROMISES THAT  
14 ENSUED BETWEEN THE HOUSE AND SENATE VERSIONS OF THE  
15 ORIGINAL 1975 ACT, STATED:

16 "ADEQUATE DISTANCE IS NEEDED BETWEEN  
17 THE MONITOR AND THE MONITORED. IT IS BECOMING  
18 INCREASINGLY CLEAR THAT THE DISTANCE ADEQUATE  
19 FOR ONE PURPOSE MAY BE INADEQUATE FOR ANOTHER  
20 PURPOSE AND VICE VERSA. THUS, FOR EXAMPLE,  
21 TRADITIONAL PUBLIC PROTECTIVE SERVICE AGENCIES  
22 RESPONSIBLE FOR PROTECTING CHILDREN FROM ABUSE  
23 BY CARETAKERS HAVE DISTANCED FROM THE NATURAL  
24 OR FOSTER PARENTS BUT NOT ALWAYS FROM STATE  
25 EMPLOYED CARETAKERS."

1                   CONGRESS FURTHER SPOKE ON THE INDEPENDENCE  
2                   ISSUE IN THE D.D. ACT AMENDMENTS OF 1984 AFTER ATTEMPTS BY  
3                   GOVERNORS TO DE-DESIGNATE PROTECTION AND ADVOCACY AGENCIES  
4                   HAD OCCURRED IN TWO STATES.

5                   THE AMENDMENTS ADDED LANGUAGE THAT CLARIFIED  
6                   THAT ONCE AN AGENCY WAS DESIGNATED AS THE PROTECTION AND  
7                   ADVOCACY AGENCY, THAT DESIGNATION COULD NOT BE CHANGED  
8                   EXCEPT, QUOTE, "FOR CAUSE," END QUOTE. THAT IS BECAUSE OF  
9                   THE AGENCY'S FAILURE TO CARRY OUT THE INTENT OF THE ACT  
10                  BUT NOT AS RETALIATION FOR AGGRESSIVELY PURSUING ADVOCACY  
11                  ACTIVITIES ON BEHALF OF DISABLED PERSONS.

12                  CONGRESS SET UP DUE PROCESS PROCEDURES THAT  
13                  INCLUDED NOTICE TO CONSUMER GROUPS FOR ANY SUCH PROPOSED  
14                  ACTIONS, INCLUDING A PROCESS FOR FEDERAL OFFICIALS TO HOLD  
15                  HEARINGS, REVIEW ANY SUCH PROPOSED ACTIONS, AND MAKE  
16                  DETERMINATIONS REGARDING THEIR APPROPRIATENESS.

17                  IN CALIFORNIA, IT WAS THE STATE COUNCIL  
18                  ON DEVELOPMENTAL DISABILITIES THAT ASSUMED PRIMARY  
19                  RESPONSIBILITY FOR PLANNING AND DESIGNING THE STATE'S  
20                  PROTECTION AND ADVOCACY SYSTEM DURING ITS INCEPTION. IN  
21                  1976, THE COUNCIL INCLUDED EXTENSIVE STUDY AND PUBLIC  
22                  INPUT THAT RESULTED IN AN INITIAL PLAN FOR PROTECTION AND  
23                  ADVOCACY SERVICES IN CALIFORNIA.

24                  PURSUANT TO THE COUNCIL'S PLAN, PROTECTION  
25                  AND ADVOCACY, INC. WAS FORMED ON MAY 9TH, 1978, AS A



1 NONPROFIT, TAX-EXEMPT CORPORATION, CHARGED WITH THE  
2 RESPONSIBILITY OF IMPLEMENTING THE FEDERAL MANDATE OF THE  
3 D.D. ACT AND WAS DESIGNATED AS THE STATE'S PROTECTION AND  
4 ADVOCACY AGENCY BY THE THEN GOVERNOR.

5 THE CURRENT CONFIGURATION OF THE BOARD OF  
6 DIRECTORS CONSISTS OF SEVEN MEMBERS APPOINTED BY THE  
7 GOVERNOR AND FOUR APPOINTED BY THE BOARD ITSELF. THESE  
8 MEMBERS CURRENTLY MUST REPRESENT PRIMARY AND SECONDARY  
9 CONSUMERS, I.E. INDIVIDUALS WITH DISABILITIES AND/OR THEIR  
10 FAMILY MEMBERS, MEMBERS AFFILIATED WITH DEVELOPMENTAL  
11 DISABILITIES ORGANIZATIONS, AND TWO MEMBERS REPRESENTING  
12 THE PUBLIC GENERALLY.

13 THE PROTECTION AND ADVOCACY FOR MENTALLY ILL  
14 INDIVIDUALS ACT (PUBLIC LAW 99-319) WAS PASSED ON MAY  
15 23RD, 1986. IT WAS SIGNED BY PRESIDENT REAGAN.

16 FEDERAL LEGISLATION CREATING A SYSTEM FOR  
17 PROTECTION AND ADVOCACY FOR THE LEGAL AND CONSTITUTIONAL  
18 RIGHTS OF PERSONS IDENTIFIED AS MENTALLY ILL HAD BEEN  
19 CONSIDERED BY CONGRESS SINCE THE LATE 1970'S.

20 IN 1986, SENATOR LOWELL WEICKER HELD HEARINGS  
21 AND PARTICIPATED IN ON-SITE INVESTIGATIONS INTO CONDITIONS  
22 IN FACILITIES IN 13 STATES, INCLUDING CALIFORNIA.

23 AT THE SAME TIME, CONCERNED ABOUT THE  
24 CONGRESSIONAL INVESTIGATIONS, THE U.S. DEPARTMENT OF  
25 HEALTH AND HUMAN SERVICES CONDUCTED ITS OWN INTERNAL STUDY

1 OF FACILITIES AND CARE AND TREATMENT OF PEOPLE IDENTIFIED  
2 AS MENTALLY ILL. THE CONGRESSIONAL INVESTIGATIONS FOUND  
3 CONDITIONS OF SERIOUS ABUSE AND NEGLECT, WHICH INCLUDED  
4 PHYSICAL ABUSE AND RAPE.

5 H.H.S.'S OWN FINDINGS WERE EVEN MORE CRITICAL  
6 THAN THE FINDINGS OF CONGRESS ITSELF. THEY CALLED  
7 CONDITIONS, AND I QUOTE, "APPALLING."

8 AS A RESULT, AND A RESPONSE, PUBLIC LAW  
9 99-319 WAS ENACTED TO EXTEND THE POWERS OF THE PROTECTION  
10 AND ADVOCACY AGENCY AND THE RESPONSIBILITY TO PROVIDE  
11 SERVICES TO PERSONS IDENTIFIED AS MENTALLY ILL.

12 THE SYSTEM MUST HAVE THE AUTHORITY TO  
13 INVESTIGATE INCIDENTS OF ABUSE AND NEGLECT, TO PURSUE  
14 ADMINISTRATIVE, LEGAL, AND OTHER APPROPRIATE REMEDIES TO  
15 ENSURE THAT THE PROTECTION OF MENTALLY ILL INDIVIDUALS IN  
16 THE STATE WHO ARE RECEIVING CARE AND TREATMENT ARE  
17 PROTECTED.

18 THE SYSTEM MUST ALSO ESTABLISH A BOARD WHICH  
19 WILL PROVIDE ADVICE ON POLICIES AND PRIORITIES TO BE  
20 CARRIED OUT IN PROTECTING AND ADVOCATING THOSE RIGHTS ON  
21 BEHALF OF PERSONS WHO ARE MENTALLY ILL.

22 AT LEAST ONE-HALF OF THE MEMBERSHIP OF THAT  
23 BOARD, IT WAS MANDATED BY CONGRESS, SHOULD BE COMPRISED OF  
24 INDIVIDUALS WHO HAVE RECEIVED OR ARE RECEIVING MENTAL  
25 HEALTH SERVICES OR WHO ARE FAMILY MEMBERS OF SUCH

1 INDIVIDUALS.

2 FOLLOWING THE ENACTMENT OF PUBLIC LAW 99-319,  
3 THE BOARD OF DIRECTORS, IN KEEPING WITH THE REQUIREMENTS  
4 OF THE ACT, APPOINTED SUCH AN ADVISORY COMMITTEE IN 1986  
5 TO ASSIST IN DEVELOPMENT OF A PLAN FOR PROTECTION AND  
6 ADVOCACY SERVICES FOR THIS POPULATION IN CALIFORNIA.

7 THE COMMITTEE INCLUDED MEMBERS OF FOUR OF  
8 CALIFORNIA'S MAJOR ORGANIZATIONS PROVIDING ADVOCACY TO  
9 PERSONS IDENTIFIED AS MENTALLY ILL. THE PLAN WAS APPROVED  
10 BY THE BOARD OF DIRECTORS TO BEGIN SERVICES TO THIS  
11 POPULATION IN THE SPRING OF 1987.

12 THE OVERALL MANAGEMENT OF PROTECTION AND  
13 ADVOCACY, INC. IS CARRIED OUT BY AN EXECUTIVE DIRECTOR,  
14 HIRED BY THE BOARD OF DIRECTORS. WE MAINTAIN OFFICES IN  
15 THREE REGIONS OF THE STATE; SACRAMENTO, WHICH ALSO HOUSES  
16 THE CENTRAL ADMINISTRATIVE OFFICES, LOS ANGELES, AND  
17 OAKLAND.

18 P.A.I. ALSO HAS CONTRACTORS IN SAN DIEGO, THE  
19 CENTRAL VALLEY, THE NORTH COAST AREAS, AND SIX CONTRACTORS  
20 THROUGHOUT THE STATE SPECIFICALLY PROVIDING SERVICES TO  
21 PERSONS IDENTIFIED AS MENTALLY ILL. THROUGH THIS  
22 CONFIGURATION OF REGIONAL OFFICES AND CONTRACTS, WE DO  
23 PROVIDE SERVICES TO ALL COUNTIES IN THE STATE.

24 IN FISCAL YEAR 1987, WE PROVIDED ADVOCACY  
25 SERVICES TO ALMOST 6,000 PEOPLE. WE PROVIDED SELF-

1       ADVOCACY TRAINING TO AN ADDITIONAL 3,000 PEOPLE. SERVICES  
2       INCLUDE INFORMATION, REFERRAL, MATERIALS DEVELOPMENT, AND  
3       DISTRIBUTION AND PROVISION OF TECHNICAL ASSISTANCE.

4       P.A.I. ALSO PROVIDES DIRECT REPRESENTATION IN  
5       NEGOTIATIONS, ADMINISTRATIVE HEARINGS, AND LITIGATION.

6                 IN ADDITION, P.A.I. PROVIDES TECHNICAL  
7       ASSISTANCE AND FACTUAL INFORMATION REGARDING LEGISLATION,  
8       REGULATIONS, AND ADMINISTRATIVE POLICIES THAT AFFECT OR  
9       POTENTIALLY HAVE IMPACT ON THE LIVES OF PERSONS WITH  
10      DEVELOPMENTAL DISABILITIES.

11                DURING THE PAST YEAR, 34 PERCENT OF P.A.I.'S  
12      CASES WERE IN THE AREA OF RIGHTS OF EDUCATION; 16 PERCENT  
13      WERE RELATED TO INCOME AND BENEFITS; 9 PERCENT WERE  
14      RELATED TO HEALTH CARE; AND 9 PERCENT WERE IN THE AREA OF  
15      REHABILITATION OR HABILITATION.

16                OF THOSE CASES, ALMOST 48 PERCENT WERE  
17      RESOLVED BY NEGOTIATION; 22 PERCENT WENT TO SOME KIND OF  
18      AN ADMINISTRATIVE HEARING; 4-1/2 PERCENT WERE SETTLED BY A  
19      COURT; AND LESS THAN 3 PERCENT WERE ACTUALLY ADJUDICATED  
20      BY COURT.

21                IN THOSE CASES WHERE WE HAVE GONE TO  
22      ADMINISTRATIVE HEARINGS OR TO COURT, P.A.I. HAS WON  
23      FAVORABLE DECISIONS FOR WELL OVER THE MAJORITY OF OUR  
24      CLIENTS. IN FACT, OUR RECORD IN DECISIONS IS SOMEWHERE IN  
25      THE 80 TO 90 PERCENT RANGE. WE HAVE BEEN INVOLVED IN

1       SIGNIFICANT CASES, SOME OF WHICH YOU MAY BE FAMILIAR WITH;  
2       LOPEZ V. HECKLER, A.R.C. V. D.D.S., HONIG V. DOE, AND  
3       RE: VALERIE N., WHICH ARE CASES THAT HAVE REACHED EITHER  
4       THE U.S. OR THE STATE SUPREME COURT IN CALIFORNIA.

5                 WITH THAT BRIEF OVERVIEW, I WILL END MY  
6       COMMENTS, AND I HAVE PROVIDED YOU WITH A STATEMENT.

7  
8                                 EXAMINATION

9       BY SENATOR MC CORQUODALE:

10                Q        OKAY. COULD YOU TELL US THE ROLE OF THE  
11       BOARD VERSUS THE STAFF? IN OTHER WORDS, IF YOU MAKE A  
12       DECISION TO -- WHO MAKES A DECISION TO PURSUE LITIGATION?

13                A        IT DEPENDS ON THE PARTICULAR PIECE OF  
14       LEGISLATION. THERE IS, OF COURSE, AN ATTORNEY-CLIENT  
15       PRIVILEGE BETWEEN AN ATTORNEY AND A CLIENT, JUST AS THERE  
16       IS BETWEEN A DOCTOR AND A CLIENT, AND THE BOARD'S ROLE IS  
17       TO SET POLICY, WHICH THEN ALLOWS THE AGENCY TO FUNCTION  
18       WITHIN THOSE PARAMETERS AND WITHIN THAT POLICY.

19                         IT WOULD BE UNETHICAL, I THINK, BY ANYONE'S  
20       STANDARDS, CERTAINLY BY THE STANDARDS ESTABLISHED BY THE  
21       AMERICAN BAR ASSOCIATION, THE STATE BAR OF CALIFORNIA, AND  
22       CONGRESS, THAT THE BOARD INTERVENE IN ANY WAY IN AN  
23       INDIVIDUAL CASE ONCE IT HAS BEEN ACCEPTED. HOWEVER, A  
24       BOARD CAN DEVELOP POLICIES WHICH WOULD RESTRICT AND WHICH  
25       WOULD PRIORITIZE THE WORK OF AN AGENCY.

1 THE BOARD DOES MAKE DECISIONS IN PROTECTION  
2 AND ADVOCACY'S CASE WHEN WE DO NOT HAVE AN INDIVIDUAL  
3 CLIENT WHO IS DEVELOPMENTALLY DISABLED. AN EXAMPLE WOULD  
4 BE THE ISSUE SURROUNDING THE AREA BOARDS. THERE WAS A  
5 REQUEST FROM THE STATE COUNCIL ON DEVELOPMENTAL  
6 DISABILITIES TO ENTER INTO LITIGATION IF, INDEED, THE  
7 GOVERNOR VETOED -- OR IF THE GOVERNOR PROCEEDED WITH HIS  
8 ATTEMPT TO ELIMINATE THE AREA BOARDS.

9 THE BOARD DID VOTE TO PURSUE SUCH LITIGATION  
10 IN THAT EVENT, BUT THAT WAS AN ACTION THAT WAS NECESSARILY  
11 TAKEN BY THE BOARD BECAUSE WE WERE NOT INVOLVED IN  
12 REPRESENTING AN INDIVIDUAL WITH DEVELOPMENTAL  
13 DISABILITIES.

14 SO THOSE KINDS OF CASES DO, IN FACT, GO TO  
15 THE BOARD FOR JUDGMENT.

16 Q WOULD IT BE POSSIBLE FOR THE BOARD TO MAKE A  
17 DECISION, AS AN EXAMPLE, THAT YOU WOULD NOT PROVIDE  
18 SERVICES TO A PERSON WHO OTHERWISE MET THE CRITERIA BUT  
19 WHO HAD AIDS?

20 A UH -- YES, IT COULD.

21 Q WHO MIGHT OTHERWISE MEET THE CRITERIA BUT  
22 WAS -- BUT THE LAWSUIT WAS AGAINST THE STATE.

23 A THE BOARD, AS I SAID, AND I THINK IS THE BEST  
24 WAY TO STATE THIS, CAN, AND I THINK DOES, SET PRIORITIES  
25 THAT WE WILL WORK IN CERTAIN AREAS AND NOT OTHER AREAS.

1 SO I THINK THE ANSWER TO YOUR HYPOTHETICAL, IF I  
2 UNDERSTAND IT CORRECTLY, IS YES.

3 Q ALL RIGHT. GOING TO THE ISSUE OF THE  
4 APPOINTMENTS, HOW DO YOU KNOW WHEN A BOARD MEMBER IS  
5 APPOINTED? WHEN THE GOVERNOR APPOINTS SOMEONE, HOW DO YOU  
6 FIND OUT ABOUT IT?

7 A WELL, THERE HASN'T BEEN, IN THE HISTORY OF MY  
8 TENURE, ALWAYS ONE METHOD. I HAVE RECEIVED LETTERS FROM  
9 THE GOVERNOR'S OFFICE; I HAVE RECEIVED TELEPHONE CALLS; I  
10 HAVE RECEIVED CALLS FROM MEMBERS OF THE COMMUNITY WHO SAW  
11 A PRESS RELEASE THAT WAS PUBLISHED IN THEIR LOCAL PAPER  
12 ASKING ABOUT A NEW BOARD MEMBER. AND SOMETIMES I HAVE  
13 NOT -- AS IN THOSE CASES, NOT HEARD UNTIL EITHER THE  
14 MEMBER OR THE INDIVIDUAL FROM THE PUBLIC HAS CALLED.

15 SO THERE ARE MANY DIFFERENT WAYS IN WHICH,  
16 OVER THAT TIME, I HAVE HEARD ABOUT APPOINTMENTS; SOME  
17 OFFICIAL AND SOME NOT OFFICIAL, I WOULD SAY.

18 Q TAKE LORI ROOS, FOR EXAMPLE. HOW DID YOU  
19 HEAR ABOUT HER APPOINTMENT; DO YOU RECALL?

20 A LORI ROOS AND MARGARET HEAGNEY WERE APPOINTED  
21 AT THE SAME TIME. I GOT A CALL FROM A MEMBER OF THE  
22 BOARD, CHRIS JONES, INFORMING ME THAT THEY HAD BOTH BEEN  
23 APPOINTED AND WOULD BE ATTENDING THE UPCOMING BOARD  
24 MEETING.

25 Q ARE YOU ADVISED AS TO THE QUALIFICATIONS AND

1 THE CATEGORY THAT THEY ARE FILLING?

2 A AT THAT TIME?

3 Q YES. IS THERE ANY WAY THAT YOU KNOW IN  
4 ADVANCE OF THEM TELLING YOU? AS AN EXAMPLE, WITH THOSE  
5 TWO, WAS THERE ANY WAY THAT YOU WOULD KNOW WHAT CATEGORY  
6 THEY WERE FILLING?

7 A NO. IN THAT INSTANCE I WAS NOT INFORMED OF  
8 THE CATEGORIES.

9 Q DO YOU REMEMBER WHAT THEIR CLAIM WAS AS TO  
10 THE CATEGORY THEY WERE FILLING? DID THEY --

11 A AS I REMEMBER, I THEN PHONED THE GOVERNOR'S  
12 OFFICE DIRECTLY AND ASKED FOR CONFIRMATION, OR THEY PHONED  
13 ME. I'M NOT PRECISELY CLEAR. BUT I DID HAVE A  
14 CONVERSATION WITHIN 24 HOURS OF THAT FIRST PHONE CALL WITH  
15 THE GOVERNOR'S STAFF, AND IT WAS SUSAN PRITCHARD ON THE  
16 GOVERNOR'S STAFF, AND I WAS INFORMED EITHER BY HER AT THAT  
17 TIME OR THE RECIPIENTS THAT LORI ROOS HAD A DISABILITY AND  
18 THAT MARGARET HEAGNEY WAS AFFILIATED WITH A DEVELOPMENTAL  
19 DISABILITY ORGANIZATION.

20 Q DO YOU HAVE ANY KNOWLEDGE OF OTHER PEOPLE  
21 BEING CONSIDERED FOR THE POSITIONS HELD BY THOSE TWO?

22 A WELL, THERE WERE AT LEAST TWO THAT I HAVE  
23 KNOWLEDGE OF, ALTHOUGH I AM NOT PRIVY TO THE NAMES THAT  
24 THE GOVERNOR MAY HAVE REVIEWED. THERE WAS A WARREN SNOW  
25 WHO WAS ON THE BOARD AND WHO WAS FILLING THE POSITION FOR



1 AN AFFILIATED ORGANIZATION, AND HE HAD SUBMITTED A LETTER  
2 TO THE GOVERNOR AND COPIED ME ON THAT LETTER, REQUESTING  
3 REAPPOINTMENT. HE HAD BEEN APPOINTED BY THE GOVERNOR AND  
4 WAS RE-ELIGIBLE FOR A SECOND THREE-YEAR TERM.

5 THERE WAS ALSO A LETTER FORWARDED TO ME  
6 BY A PATRICIA -- I BELIEVE HER LAST NAME WAS HERETSKI  
7 (PHONETIC) OR SOMETHING TO THAT EFFECT -- WHO WAS THE  
8 DAUGHTER OF THE HAL SOBEL WHO WAS ON THE STATE COUNCIL AND  
9 P & A AND HAD PASSED AWAY, AND AS A MEMORIAL TO HER FATHER  
10 HAD REQUESTED TO BE APPOINTED TO HIS POSITION; AND I DID  
11 SEE THAT LETTER.

12 SO I AM AWARE OF AT LEAST TWO APPLICANTS, AND  
13 I BELIEVE THOSE ARE THE ONLY TWO THAT I KNOW OF.

14 Q WHAT ABOUT IN THE CASE OF JONES, OSPITAL, OR  
15 KELLOGG? ARE THERE OTHER NOMINEES -- AN AVAILABLE POOL  
16 FOR THEM TO SELECT FROM, OR DO YOU KNOW IF THERE WERE ANY  
17 OTHERS?

18 A THE ONLY THING I CAN SAY IS THAT I GET CALLS  
19 RATHER REGULARLY FROM THE COMMUNITY, AND PEOPLE ASK ME  
20 HOW THEY CAN APPLY FOR THE BOARD AND I GIVE THEM THE  
21 INFORMATION, THE GOVERNOR'S OFFICE ADDRESS, AND ENCOURAGE  
22 THEM TO APPLY.

23 I DO NOT ALWAYS GET COPIED. IN FACT, MOST  
24 OFTEN I DON'T GET COPIED, BUT I HAVEN'T SEEN ANY OTHERS.

25 Q DO YOU OR DOES THE BOARD, AS A MATTER OF

1 POLICY, REQUEST RESUMES FROM NEW BOARD MEMBERS?

2 A YES, IT DOES.

3 Q HAVE YOU HAD ANY TROUBLE GETTING THOSE  
4 RESUMES?

5 A WE DO NOT HAVE RESUMES OF ALL APPOINTMENTS ON  
6 FILE. WE FURNISHED YOUR COMMITTEE WITH THOSE RESUMES THAT  
7 WE DO HAVE.

8 Q SO WE RECEIVED ALL OF THEM THAT YOU DO HAVE?

9 A THAT'S CORRECT.

10 Q SO CHRIS JONES, AS AN EXAMPLE, WE DON'T HAVE  
11 THAT?

12 A THAT'S CORRECT.

13 Q AND YOU PROBABLY DON'T HAVE THE RESUME?

14 A THAT'S CORRECT.

15 Q AT THE LAST BOARD MEETING, SEVERAL MEMBERS  
16 LEFT AFTER THE LUNCH BREAK. DID ANY OF THESE PEOPLE SAY  
17 THAT THEY WERE PLANNING ON NOT RETURNING BEFORE THE LUNCH  
18 BREAK TOOK PLACE?

19 A NOT TO ME.

20 Q DID ANY OF THESE PEOPLE GIVE YOU A REASON TO  
21 BELIEVE THAT THEY WOULD RETURN? WAS THERE ANY REASON TO  
22 ASSUME EITHER THAT THEY WERE NOT GOING TO RETURN OR THAT  
23 THEY WOULD RETURN?

24 A WELL, THEY ATE LUNCH WITH US. ONE OF THEM  
25 HAD, IN FACT, ASKED FOR A RIDE TO SACRAMENTO AFTER THE

1 MEETING AND, IN FACT, THEY LEFT SOME OF THEIR BELONGINGS  
2 IN THE ROOM EVEN AFTER THEY HAD DEPARTED. SO I THINK  
3 THAT -- MY ASSUMPTION WAS THAT CERTAINLY THEY WERE PRESENT  
4 AND REMAINING PRESENT AT THE MEETING.

5 Q WELL, YOU WERE AT LUNCH WITH THEM?

6 A THAT'S CORRECT.

7 Q HOW DID YOU BECOME AWARE OR DETERMINE THAT  
8 THEY WERE NOT COMING BACK OR THAT THEY HAD DEPARTED?

9 A IN RETURNING FROM LUNCH BACK TO THE MEETING  
10 ROOM, I WAS INFORMED BY CHRIS JONES, WHO WAS THE PRESIDENT  
11 OF THE BOARD, THAT SEVERAL MEMBERS HAD LEFT AND THAT THERE  
12 WAS NO LONGER A QUORUM TO CONDUCT BUSINESS.

13 SENATOR MC CORQUODALE: ALL RIGHT. LET'S SEE IF  
14 THERE ARE ANY OTHER MEMBERS WHO HAVE QUESTIONS.

15 SENATOR MARKS, DID YOU HAVE SOME QUESTIONS?

16  
17 EXAMINATION

18 BY SENATOR MARKS:

19 Q DID ANY BOARD MEMBERS MAKE COMMENTS TO YOU OR  
20 IN YOUR PRESENCE TO INDICATE THAT THEY WOULD NOT ATTEND OR  
21 NOT COOPERATE WITH THIS HEARING?

22 DID ANY MEMBER TELL YOU THEY WOULD NOT  
23 COOPERATE WITH THIS HEARING; AND, IF SO, WHO WERE THEY?

24 A WOULD YOU REPEAT YOUR INSTRUCTIONS ABOUT THE  
25 INCRIMINATING QUESTIONS, PLEASE.

1           SENATOR MC CORQUODALE: YOU ARE FREE NOT TO ANSWER  
2 ANY QUESTION IN WHICH YOU WOULD FEEL INCRIMINATED.

3           THE WITNESS: I WOULD LIKE TO GIVE YOU A REASON WHY  
4 I WOULD LIKE NOT TO ANSWER AND LET YOU DECIDE IF IT'S  
5 SUFFICIENT. AND IT'S PROBABLY STATING THE OBVIOUS AT THIS  
6 POINT TO SAY THAT I AM IN A VERY DELICATE POSITION TRYING  
7 TO WORK FOR A PROTECTION AND ADVOCACY AGENCY, ONE WHICH I  
8 BELIEVE IN STRONGLY AND HAVE COMMITTED A NUMBER OF YEARS  
9 OF MY LIFE TO, AT THE SAME TIME SERVING A BOARD IN THE  
10 MIDDLE OF A CRISIS AND TWO OPPOSING CAMPS AND THE  
11 COMMUNITY IN AN UPROAR.

12           AND SOME OF THE INFORMATION -- LIKE THE  
13 QUESTION YOU JUST ASKED ME, IF I ANSWERED IT, IT WOULD  
14 ONLY MAKE THAT JOB MORE DIFFICULT, IF NOT IMPOSSIBLE. SO  
15 I WOULD PREFER TO DECLINE TO ANSWER THAT QUESTION.

16           SENATOR MC CORQUODALE: IF I COULD, SENATOR MARKS,  
17 MAYBE I COULD RESTATE IT IN A MANNER WHICH WOULD BE MORE  
18 VALUABLE TO US ANYWAY IF THAT WERE THE CASE.

19           DID THE BOARD TAKE ANY ACTION RELATING TO  
20 THIS HEARING?

21           THE WITNESS: WHERE IS MY POTTED PLANT?

22           OKAY. THIS IS CAROLINE SCHNEIDER.

23           MS. SCHNEIDER: I'M THE CHIEF PROGRAM SERVICES  
24 ANALYST WITH PROTECTION AND ADVOCACY. I'VE BEEN ATTENDING  
25 ALL OF THE BOARD MEETINGS, AND STAFF OF THE BOARD HAVE

1 BEEN MEETING AS WELL.

2 AT THE MARCH MEETING OF THE BOARD, IT WAS  
3 THE LETTER FROM YOU, SENATOR MC CORQUODALE, WHICH WAS  
4 READ TO THE BOARD BY THE THEN PRESIDENT, GEORGE DE BELL,  
5 WHO REQUESTED ALL OF THE BOARD MEMBERS TO RESPOND  
6 AFFIRMATIVELY TO THE LETTER AND TO SEND INFORMATION TO THE  
7 P.A.I. STAFF TO BE FORWARDED TO THIS COMMITTEE.

8 SO THERE WAS AN ACTION IN THE SENSE THAT  
9 PEOPLE WERE REQUESTED TO SUBMIT THAT INFORMATION. AND I  
10 RECALL AS WELL, I THINK, IN THE DRAFT MINUTES OF THE MAY  
11 MEETING, THAT NOW PRESIDENT JONES INDICATED THAT THERE WAS  
12 THIS HEARING COMING UP AND THAT PEOPLE ON THE BOARD SHOULD  
13 BE ENCOURAGED TO ATTEND AND TO SUBMIT THEIR RESUMES, AND  
14 THAT'S IN THE DRAFT MINUTES.

15 SENATOR MC CORQUODALE: ALL RIGHT. SENATOR MARKS?  
16 BY SENATOR MARKS:

17 Q LET ME ASK IT A DIFFERENT WAY. NOT  
18 INDICATING WHO THEY WERE, CAN YOU ANSWER FOR ME WHETHER  
19 ANYBODY INDICATED THEY WOULD NOT COOPERATE WITH THIS  
20 HEARING?

21 DID ANYBODY TELL YOU THAT? CAN YOU ANSWER  
22 THAT QUESTION?

23 A YES. THERE WERE MEMBERS THAT SO INDICATED.

24 SENATOR MC CORQUODALE: ALL RIGHT. SENATOR  
25 ROSENTHAL?



1 ORGANIZATION, AT THAT MEETING AT LEAST, HAD IN FACT  
2 STOPPED.

3 I SENT A MEMO TO THE BOARD SO STATING THAT  
4 ON MAY 25TH, POINTING OUT WHAT, AGAIN, I THINK IS THE  
5 OBVIOUS, THAT THE BOARD AT THIS POINT AND WITH THE  
6 COMMUNITY UPROAR THAT CREATES A VERY DIFFICULT WORKING  
7 ENVIRONMENT, LITERALLY OVER A HUNDRED PEOPLE AT ONE  
8 MEETING AND 50 PICKETS OUTSIDE THE BUILDING, MAKE IT VERY  
9 DIFFICULT TO CONDUCT BUSINESS.

10 I HAVE ADVISED THEM THAT IT IS MY OPINION  
11 THAT THEY SHOULD BRING IN A PAID PROFESSIONAL NEGOTIATOR  
12 WHO HAS NO INTEREST NOR UNDERSTANDING OF THE FIELD AND NO  
13 INTEREST OR CONNECTION WITH THE ADMINISTRATION, BUT SIMPLY  
14 IS TRAINED TECHNICALLY TO MEDIATE AND NEGOTIATE DISPUTES,  
15 AND THAT THEY SHOULD LOCK THEMSELVES IN A ROOM IN PRIVATE  
16 SESSION AND NOT COME OUT UNTIL THEY HAVE AGREED IN SOME  
17 MANNER TO RESOLVE THIS ISSUE, AND ALSO AGREE TO CONDUCT  
18 BUSINESS OF THE ORGANIZATION.

19 I FELT IN THE CURRENT SITUATION THAT IT HAD  
20 REACHED A POINT WHERE THE MEETINGS THEMSELVES WERE  
21 BECOMING A PUBLIC EMBARRASSMENT FOR EVERYONE, INCLUDING  
22 MYSELF AND STAFF OF THE ORGANIZATION, AND THAT I REALLY  
23 WAS LEFT WITH LITTLE ELSE, GIVEN WHAT CONTROL OR LACK  
24 THEREOF THAT I HAD IN THIS SITUATION.

25 I HAVE NOT YET HEARD FROM THE MAJORITY OF THE

1 BOARD AND DO NOT KNOW WHETHER THEY WILL HEED THIS ADVICE.

2 Q ONE FURTHER QUESTION. YOU MENTIONED  
3 SOMETHING ABOUT BYLAWS. WHAT NECESSITATED A CHANGE OF  
4 BYLAWS THAT THE BOARD HAD BEEN OPERATING UNDER PREVIOUSLY?

5 A WHEN CONGRESS PASSED THE NEW ACT, P.L.  
6 99-319, TO INCLUDE SERVICES TO PERSONS WITH MENTAL  
7 ILLNESS, IT PROVIDED, OBVIOUSLY, A RESPONSIBILITY TO SERVE  
8 A WHOLE NEW POPULATION. WE HAVE A BOARD CONSTITUTED OF  
9 INTERESTS RELATED TO DEVELOPMENTAL DISABILITIES. THE  
10 COMMUNITY'S FIRST REMARKS UPON MY MEETING THEM, AND THAT'S  
11 THE CALIFORNIA ASSOCIATION OF THE MENTALLY ILL, THE  
12 NETWORK OF EX-CLIENTS, SAID:

13 "WE WANT TO BE ON YOUR BOARD. IF YOU  
14 ARE GOING TO BE DELIVERING SERVICE TO OUR  
15 COMMUNITY, YOU NEED TO UNDERSTAND OUR COMMUNITY.  
16 YOU NEED TO HAVE THAT DEPTH OF REPRESENTATION  
17 ON YOUR BOARD."

18 AND, IN FACT, I BELIEVE THAT TO BE TRUE, THAT  
19 IT IS PROBABLY -- THAT IT IS NOT APPROPRIATE TO HAVE JUST  
20 PERSONS REPRESENTING DEVELOPMENTAL DISABILITIES ON THE  
21 BOARD NOW, GIVEN THIS CHANGE OF PURPOSE. SO THAT IS THE  
22 IMPETUS FOR THE CHANGE.

23 Q WELL, I AGREE THAT THEY PROBABLY SHOULD BE  
24 REPRESENTED, BUT SEVERAL MEETINGS TOOK PLACE. WHAT WAS  
25 THE REAL PROBLEM IN TERMS OF COMING TO A CONCLUSION THAT



1 YOU NEEDED TO ADD SOMEBODY TO THE BOARD REPRESENTING  
2 MENTAL HEALTH?

3 A I THINK THERE ARE PROBABLY MANY TRUTHS AND  
4 MANY ANSWERS TO THAT QUESTION. THE FACTUAL ANSWER, WHICH  
5 IS THE ONE I WILL GIVE YOU, IS THAT THE DISPUTE CENTERS  
6 AROUND WHO WILL APPOINT.

7 SHALL IT BE THE GOVERNOR WHO SHALL APPOINT,  
8 OR SHALL IT BE THE BOARD, OR SHALL THE CONSTITUENCIES  
9 THEMSELVES HAVE SOME SAY IN THE GOVERNOR'S SELECTION?  
10 ERGO, A LIST WITH THREE NAMES, UH -- INFLUENCE IN THE  
11 GOVERNOR'S OFFICE OF SOME KIND OR SOME GUARANTEED METHOD  
12 TO INSURE THAT THE REPRESENTATION, AS THEY SEE IT, IS  
13 LEGITIMATE; THAT IS, HAS THAT BREADTH OF KNOWLEDGE, THAT  
14 UNDERSTANDING, AND THAT COMMITMENT.

15 THAT'S HOW I WOULD INTERPRET AND ANSWER THAT  
16 QUESTION.

17 Q AND THAT TOOK SEVERAL MEETINGS?

18 A THIS ISSUE HAS BEEN DEBATED FOR EIGHT MONTHS  
19 NOW AND IT IS NOT RESOLVED.

20 SENATOR ROSENTHAL: THANK YOU.

21 SENATOR MC CORQUODALE: ANY OTHER QUESTIONS?

22 OKAY. DO YOU HAVE ANYTHING YOU WOULD LIKE TO  
23 ADD?

24 THE WITNESS: NO, I DON'T. THANK YOU.

25 SENATOR MC CORQUODALE: ANYTHING YOU WOULD LIKE TO

1       RETRACT? NO. DON'T ANSWER THAT.

2             THE WITNESS: CAN I DO THAT IN THE MORNING?

3             SENATOR MC CORQUODALE: THANK YOU. WE APPRECIATE  
4       YOUR BEING HERE AND WE RECOGNIZE THE SENSITIVE POSITION  
5       THAT YOU ARE IN, AND WE HOPE THAT TIMES WILL GET BETTER.

6             THE WITNESS: THANK YOU, SENATOR.

7             SENATOR MC CORQUODALE: THE NEXT PERSON I WOULD  
8       LIKE TO CALL IS CONNIE LAPIN.

9

10                               CONNIE LAPIN,

11       PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
12       CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

13             THE WITNESS: I SO SWEAR.

14             SENATOR MC CORQUODALE: CAN YOU GIVE US YOUR NAME  
15       AND THE POSITION YOU NOW HOLD?

16             THE WITNESS: MY NAME IS CONNIE LAPIN, L-A-P-I-N,  
17       AND I AM NOW THE CURRENT SECRETARY TO THE BOARD OF  
18       PROTECTION & ADVOCACY.

19             SENATOR MC CORQUODALE: AND DO YOU HAVE A STATEMENT  
20       THAT YOU WOULD LIKE TO READ OR --

21             THE WITNESS: YES, I DO.

22                               BEFORE I PRESENT MY PREPARED REMARKS ON THE  
23       SUBJECT OF THIS OVERSIGHT HEARING, I WANT TO ACKNOWLEDGE  
24       THE INCREDIBLE COMMITMENT ON BEHALF OF PEOPLE WITH  
25       DISABILITIES THAT YOU, SENATOR MC CORQUODALE, HAVE

1 DEMONSTRATED CONSISTENTLY AS A MEMBER OF OUR LEGISLATURE.

2 MOST RECENTLY, YOUR FOCUS HAS BEEN IN  
3 PURSUING INCREASED RATES AND REASONABLE STANDARDS FOR DAY  
4 PROGRAMS SERVING REGIONAL CENTER CLIENTS. AND, OF COURSE,  
5 YOU HAVE BEEN THERE, OUT FRONT WITH PARENTS AND ADVOCATES,  
6 TO INCREASE THE RATES FOR COMMUNITY RESIDENTIAL CARE  
7 FACILITIES.

8 IN ADDITION, I WOULD BE REMISS IF I DIDN'T  
9 EXPRESS GRATITUDE, NOT TO MENTION TELLING YOU HOW LUCKY  
10 YOU ARE TO HAVE EXTRAORDINARY STAFF LIKE PEGGY COLLINS IN  
11 SAN JOSE AND JANE UITTI IN SACRAMENTO.

12 I ALSO WANT TO EXPRESS "THANKS" TO  
13 ASSEMBLYMAN POLANCO, WHO WAS RECENTLY ELECTED TO THE  
14 ASSEMBLY AND WHO HAS BRAVELY TAKEN ON SEVERAL COMPLICATED  
15 BILLS WHICH SEEK TO IMPROVE SERVICES TO PEOPLE WITH  
16 DISABILITIES. I AM SURE HE WOULD AGREE THAT HE HAS GOTTEN  
17 HIS FEET VERY WET, AND QUICKLY, AS CHAIRMAN OF THE HEALTH  
18 SUBCOMMITTEE ON MENTAL HEALTH AND DEVELOPMENTAL  
19 DISABILITIES.

20 I ALSO WANT TO THANK LENORE TATE, ALSO  
21 SITTING THERE, AND I WANT TO THANK SENATOR ROSENTHAL,  
22 SENATORS MARKS, AND SENATOR WATSON FOR BEING HERE.

23 AS FOR ME AND MY HUSBAND, HARVEY, WE HAVE  
24 LABORED FOR OVER 17 YEARS AS PARENT ADVOCATES FOR IMPROVED  
25 SERVICES FOR PEOPLE WITH AUTISM, SUCH AS OUR 20-YEAR-OLD

1 SON, SHAWN, AND OTHERS WITH DEVELOPMENTAL DISABILITIES AND  
2 MENTAL HEALTH NEEDS.

3 COLLECTIVELY, OUR EXPERIENCE IN ADVOCACY HAVE  
4 RUN THE GAMUT FROM LEADERSHIP POSITIONS WITH SEVERAL  
5 STATEWIDE AND NATIONAL ASSOCIATIONS TO LEADERSHIP AND  
6 MEMBERSHIP ON AREA BOARD TEN ON DEVELOPMENTAL  
7 DISABILITIES, TO MEMBERSHIP ON THE BOARD OF THE NORTH  
8 L.A. COUNTY REGIONAL CENTER, TO LEADERSHIP ON THE BOARD OF  
9 DIRECTORS -- I THINK LEADERSHIP -- ON THE BOARD OF  
10 DIRECTORS OF PROTECTION & ADVOCACY, INC.

11 WITHOUT BORING EVERYONE WITH DETAILS ON THESE  
12 EXPERIENCES, I CAN HONESTLY SUMMARIZE BY SAYING THAT BOTH  
13 HARVEY AND I CONSIDER OURSELVES EXPERTS, TERMINAL  
14 VOLUNTEERS, ON ADVOCACY FOR PEOPLE WITH DEVELOPMENTAL  
15 DISABILITIES IN CALIFORNIA.

16 BEFORE DESCRIBING SOME OF MY MOST RECENT  
17 EXPERIENCES AS A MEMBER AND SECRETARY TO THE BOARD OF  
18 DIRECTORS OF P.A.I., I WANT TO OFFER SPECIFIC  
19 RECOMMENDATIONS FOR LEGISLATIVE ACTION.

20 POINT NO. 1: THE LEGISLATURE SHOULD  
21 INTRODUCE AND PASS BEFORE ADJOURNMENT ON AUGUST 31ST,  
22 1988, A JOINT RESOLUTION OF THE SENATE AND ASSEMBLY WHICH  
23 HIGHLIGHTS THE IMPORTANCE OF INDEPENDENT ADVOCACY AS A  
24 PART OF THE TOTAL SERVICE DELIVERY SYSTEM IN CALIFORNIA.

25 POINT NO. 2: THIS RESOLUTION SHOULD STATE

1 CLEARLY THE IMPORTANCE OF HAVING WELL-QUALIFIED AND TRULY  
2 REPRESENTATIVE APPOINTEES ON THE STATE COUNCIL ON  
3 DEVELOPMENTAL DISABILITIES, THE AREA BOARDS OF  
4 DEVELOPMENTAL DISABILITIES, AND PROTECTION & ADVOCACY,  
5 INC.

6 POINT NO. 3: THIS RESOLUTION SHOULD EXPRESS  
7 A CLEAR COMMITMENT, BY AS MANY MEMBERS OF THE CALIFORNIA  
8 LEGISLATURE AS WE CAN GET TO CO-AUTHOR IT, TO THE FEDERAL  
9 LAWS REQUIRING STATE SYSTEMS WHICH PROTECT AND ADVOCATE  
10 FOR THE RIGHTS AND SERVICES ENTITLEMENTS OF PEOPLE WHO ARE  
11 DEVELOPMENTALLY DISABLED AND MENTALLY ILL.

12 POINT NO. 4: THIS RESOLUTION SHOULD REQUEST  
13 THAT THE P.A.I. BOARD ACCEPT APPOINTMENTS OF BOARD MEMBERS  
14 MADE BY THE SENATE RULES COMMITTEE AND THE SPEAKER OF THE  
15 ASSEMBLY FOR FOUR OF THE APPOINTMENTS CURRENTLY HELD BY  
16 THE GOVERNOR.

17 POINT NO. 5: THE LEGISLATURE SHOULD CONSIDER  
18 AMENDMENTS TO WELFARE & INSTITUTIONS CODE SECTION 4521  
19 RELATED TO THE APPOINTMENTS PROCESS FOR THE STATE COUNCIL.  
20 EXISTING LAW IN SUBDIVISION (D) STATES:

21 "PRIOR TO APPOINTING THE NINE MEMBERS,  
22 PURSUANT TO SUBDIVISION (A), THE GOVERNOR  
23 SHALL REQUEST AND CONSIDER RECOMMENDATIONS  
24 FROM ORGANIZATIONS REPRESENTING OR PROVIDING  
25 SERVICES, OR BOTH, TO PERSONS WHO ARE

1 DEVELOPMENTALLY DISABLED, AND SHALL TAKE INTO  
2 ACCOUNT SOCIOECONOMIC, ETHNIC, AND GEOGRAPHIC  
3 CONSIDERATIONS OF THE STATE."

4 THIS SUBDIVISION SHOULD BE STRENGTHENED TO  
5 PREVENT FUTURE ABUSES OF POWER AND PARTISAN POLITICS OF  
6 CONTROL, WHICH YOU WILL HEAR DESCRIBED TODAY.

7 I MIGHT ADD THAT ASSEMBLYWOMAN MAXINE WATERS  
8 IS CARRYING A SMALL POLICY BILL WHICH AMENDS THIS PART OF  
9 THE LANTERMAN ACT RELATED TO THE STATE COUNCIL. A.B. 4230  
10 IS CURRENTLY BEING REFERRED TO THE SENATE HEALTH & HUMAN  
11 SERVICES COMMITTEE.

12 I AM SURE, SENATOR, THAT YOU COULD EASILY  
13 WORK WITH ASSEMBLYWOMAN WATERS AND ASSEMBLYMAN POLANCO TO  
14 USE THIS AS A VEHICLE FOR SOME OF THE CHANGES THAT YOU  
15 MIGHT WANT AS A RESULT OF TODAY'S HEARING.

16 POINT NO. 6: BECAUSE THE APPOINTMENTS  
17 MECHANISM, FUNCTIONS AND TRACK RECORD OF THE 13 AREA  
18 BOARDS HAVE BEEN MORE EFFECTIVE AND REPRESENTATIVE OF THE  
19 GRASS ROOTS CONSTITUENCY, THE LEGISLATURE SHOULD GIVE  
20 SERIOUS CONSIDERATION IN 1989 TO STATUTORY CHANGES WHICH  
21 WILL MEET THE REQUIREMENTS OF FEDERAL LAW BUT WHICH WILL  
22 USE THE ORGANIZATION OF AREA BOARDS IN LIEU OF THE CURRENT  
23 STATE COUNCIL. YOU HAVE RECEIVED A BRIEF DESCRIPTION OF  
24 SUCH A PROPOSAL FROM MERLE TRACY, WHO IS EXPECTED TO  
25 TESTIFY LATER TODAY.

1 AND NOW TO GIVE YOU SOME DETAILS ON UPSETTING  
2 ACTIVITIES INVOLVING THE APPOINTMENTS PROCESS TO THE BOARD  
3 OF PROTECTION & ADVOCACY, INC.

4 THERE IS IRONY IN THE FACT THAT GENERALLY IT  
5 WAS THE SAME TIME LAST YEAR, SENATOR, THAT YOU WERE  
6 HOLDING TWO HEARINGS ON THE GOVERNOR'S PROPOSAL TO  
7 ELIMINATE THE AREA BOARDS ON DEVELOPMENTAL DISABILITIES  
8 THROUGH THE BUDGET PROCESS.

9 I AM VERY CLEAR FROM MY EXPERIENCE AS A BOARD  
10 MEMBER AND SECRETARY OF P.A.I. THAT THE INVOLVEMENT OF THE  
11 STATE COUNCIL AND P.A.I. IN THE AREA BOARD SITUATION WAS  
12 THE "TURNING POINT" OR "STRAW THAT BROKE THE CAMEL'S BACK"  
13 IN THIS APPOINTMENTS PROCESS TO BOTH THE STATE COUNCIL AND  
14 THE P.A.I.

15 CHRIS JONES HAS INDICATED THAT TO ME IN  
16 PERSON, AND HE ALSO MADE MENTION OF THAT WHEN HE WAS  
17 SPEAKING TO STAFF ON APRIL 28TH. IT IS TAPE-RECORDED, HIS  
18 MEETING WITH THE STAFF.

19 FOR THE BENEFIT OF THE AUDIENCE, I WILL  
20 QUICKLY RECAP THE EVENTS. THE GOVERNOR PROPOSED TO  
21 ELIMINATE THE AREA BOARDS FOR FISCAL YEAR 1987-88,  
22 BEGINNING WITH JULY 1ST, 1988 -- '87. HE AND HIS KEY  
23 ADVISORS DISGUISED THEIR REAL INTENT, WHICH WAS TO WIPE  
24 OUT INDEPENDENT ADVOCACY AND TO GET PUBLIC SYMPATHY BY  
25 STATING THAT THIS \$2.0 MILLION OR SO OF FEDERAL MONEY WAS

13

1 NEEDED FOR THE CARE OF SEVERELY HANDICAPPED INFANTS AND  
2 CHILDREN.

3 AS A PARENT ADVOCATE, I WAS SO INSULTED WITH  
4 THAT APPROACH AND DECEPTION. WE ALL NEED TO WORK  
5 TOGETHER. ALL THE GOVERNOR HAD TO DO WAS TAKE TWO MILLION  
6 FROM THE STATE GENERAL FUND FOR THOSE PURPOSES. IN A  
7 \$43.0 BILLION BUDGET, THAT AMOUNT IS MERE SMALL CHANGE.  
8 OF COURSE WE ALL KNOW ABOUT THE REBATE.

9 IRONICALLY, THE GOVERNOR, THROUGH D.D.S.  
10 DIRECTOR GARY MACOMBER, WHO TESTIFIED TO THIS EFFECT IN  
11 SAN JOSE AT A HEARING, PLUS OTHERS, TRIED TO ARGUE THAT  
12 THE 13 AREA BOARDS DUPLICATED P.A.I. IN THEIR ROLES,  
13 RESPONSIBILITIES, AND FUNCTIONS.

14 THROUGH YOUR LEADERSHIP IN PARTICULAR,  
15 SENATOR, THE LEGISLATURE RESTORED THE FUNDING IN THE  
16 BUDGET SENT TO THE GOVERNOR FOR ACTION. EXTRAORDINARY  
17 GRASSROOTS ADVOCACY AND LOBBYING EFFORTS STATEWIDE  
18 PRODUCED SIGNIFICANT POLITICAL PRESSURE ON THE GOVERNOR  
19 NOT TO "BLUE-PENCIL" THIS MONEY.

20 AT THAT TIME, THE STATE COUNCIL AUTHORIZED  
21 LITIGATION TO BE BROUGHT BY P.A.I. IN THE EVENT THAT THE  
22 GOVERNOR VETOED ANY OF THESE FUNDS.

23 HERE IS MY IMPORTANT POINT. WHEN THE MOTION  
24 TO AUTHORIZE LITIGATION WAS BROUGHT BEFORE THE P.A.I.  
25 BOARD, I NOTED THAT CHRISTOPHER JONES AND JOHN KELLOGG



1 VOTED "NO" AND STRENUOUSLY OPPOSED THIS ACTION. THEIR  
2 AGENDAS HAVE BEEN CONSISTENTLY TO PROTECT THE GOVERNOR AND  
3 MEMBERS OF HIS PARTY.

4 AS A RESULT OF LOSING ON THIS VOTE, IT IS MY  
5 OPINION THAT THEY PROCEEDED TO ENGINEER CONTROL OF THE  
6 STATE COUNCIL AND P.A.I. THROUGH THE APPOINTMENTS PROCESS  
7 AFTER THAT INCIDENT IN 1987.

8 AND SO AT THE NOVEMBER, 1987 MEETING OF THE  
9 P.A.I. BOARD, WE FOUND OURSELVES IN ANOTHER, WELL, I HATE  
10 TO USE A CURRENT POLITICAL JOKE, BUT A "GANG OF FIVE"  
11 SITUATION. MARGARET HEAGNEY AND LORI ROOS, BOTH WITH  
12 STRONG SOCIAL AND POLITICAL TIES TO CHRIS JONES AND JOHN  
13 KELLOGG, WERE QUICKLY APPOINTED IN A QUESTIONABLE,  
14 UNPROFESSIONAL PROCESS JUST DAYS BEFORE THE SCHEDULED  
15 BOARD MEETING.

16 THE NET RESULT WAS A BLOC OF FIVE VOTES WHO  
17 HAD PREVENTED ANY REAL BUSINESS TO BE CONDUCTED. YOU WILL  
18 HEAR MUCH MORE ABOUT VARIOUS ACTIVITIES AS THE TESTIMONY  
19 CONTINUES.

20 IN SHORT, THE LAST BOARD MEETING WAS THE  
21 WORST YET. THE NEW PRESIDENT, CHRIS JONES, CONTROLLED THE  
22 CONTENTS OF THE AGENDA AND PREVENTED ANY REAL BUSINESS  
23 FROM BEING CONDUCTED. IT WAS CHAOS AND THERE WERE  
24 WALKOUTS BY CERTAIN MEMBERS OF THE CONTROLLING FIVE.  
25 IN ALL MY YEARS OF ADVOCACY AND SITTING ON BOARDS AND

1 DISPUTING CERTAIN DECISIONS. I HAVE NEVER SEEN THE  
2 PRESIDENT OR THE CHAIR WALK OUT OF A MEETING.

3 ALL OF THIS WAS CALCULATED TO CONTROL RATHER  
4 THAN HAVE MEANINGFUL, ALTHOUGH ADMITTEDLY TENSE,  
5 DISCUSSIONS AND DEBATES ON CRITICAL ISSUES AFFECTING THE  
6 LIVES OF PEOPLE WITH DISABILITIES IN OUR STATE.

7 SO I WILL CONCLUDE HERE FOR NOW, BUT WILL BE  
8 AVAILABLE FOR ANY QUESTIONS THAT YOU MAY HAVE AT ANY TIME.  
9 I MIGHT SUGGEST THAT I TAKE QUESTIONS LATER AFTER SOME OF  
10 THE WITNESSES SPEAK SO THAT I CAN COMMENT ON THEM AND TIE  
11 THEM INTO THE CENTRAL THEMES OF PROBLEMS IN THE  
12 APPOINTMENTS PROCESS.

13 IN CLOSING, I WANT TO URGE THE LEGISLATURE TO  
14 TAKE DECISIVE ACTION TO PREVENT THE CONTINUATION OF  
15 PARTISAN IDEOLOGUES WHOSE PRINCIPAL AGENDA IS NOT TO  
16 ADVOCATE AND PROTECT THE RIGHTS AND SERVICE ENTITLEMENTS  
17 OF PEOPLE WITH DEVELOPMENTAL DISABILITIES AND MENTAL  
18 ILLNESS.

19  
20 EXAMINATION

21 BY SENATOR MC CORQUODALE:

22 Q ALL RIGHT. LET ME FIRST INDICATE THAT WHEN  
23 YOU ARE SWORN IN, AND ESPECIALLY IF YOU ARE HERE UNDER A  
24 SUBPOENA, THAT LASTS ALL DAY, AND SO WE WILL CALL YOU  
25 BACK. BUT LET ME ASK YOU A FEW QUESTIONS BECAUSE I WANT

1 TO DEVELOP ONE THREAD IN THAT AS WE GO ALONG.

2 WHEN WERE YOU APPOINTED TO THE P.A.I. BOARD?

3 A I WAS NOT APPOINTED. I WAS NOMINATED FROM  
4 THE BOARD. I WAS AWARE THAT THERE WAS AN OPENING ON  
5 PROTECTION AND ADVOCACY, AND THIS IS AN AGENCY THAT I  
6 ALWAYS BELIEVED IN. SO I WAS ASKED IF I WOULD BE  
7 INTERESTED TO SERVE ON THE BOARD, AND I SAID I WOULD.

8 I SENT IN A RESUME TO THE NOMINATING CHAIR,  
9 WHO WAS SAM CHAN. I SPOKE TO SAM. I SPOKE TO THE  
10 PRESIDENT AT THE TIME, LINDA KOWALKA, AND WE TALKED ABOUT  
11 WHAT MY INTERESTS WERE, WHAT MY EXPERIENCES WERE, HOW I  
12 VIEWED DEVELOPMENTAL DISABILITIES AND P.A.I.'S FUNCTION; A  
13 GENERAL DISCUSSION.

14 I WAS NOTIFIED, I THINK, IN '86 THAT THE  
15 NOMINATING COMMITTEE HAD VOTED AND THE BOARD HAD VOTED TO  
16 PLACE ME ON THE P.A.I. BOARD. SO MY FIRST MEETING WAS  
17 FEBRUARY 20TH AND 21ST AS A BOARD MEMBER.

18 Q DID YOU RECEIVE ANY COMMISSION OR A NOTICE,  
19 FORMAL NOTICE, AND WERE YOU SWORN IN AT THE --

20 A NO, I WAS NOT SWORN IN. IT WAS MY  
21 UNDERSTANDING THAT NOBODY ON THE P.A.I. BOARD WAS SWORN  
22 IN.

23 Q NOW, YOU INDICATED THAT YOU ARE SECRETARY TO  
24 THE BOARD?

25 A YES.

1 Q THAT'S ONE OF THE OFFICERS OF THE BOARD?

2 A YES; OF THE P.A.I. BOARD.

3 Q PREVIOUSLY, HAS THAT POSITION INCLUDED  
4 MEMBERSHIP ON THE EXECUTIVE COMMITTEE?

5 A YES. HISTORICALLY -- I LOOKED IT UP -- IT  
6 HAS ALWAYS BEEN THE CASE THAT THE OFFICERS SERVED ON THE  
7 EXECUTIVE COMMITTEE. AND EVERY ORGANIZATION I'VE EVER  
8 BEEN IN, THE OFFICERS SERVE ON THE EXECUTIVE COMMITTEE.

9 Q AND ARE YOU ON THE EXECUTIVE COMMITTEE?

10 A NO. ONCE CHRIS JONES -- I WAS CHAIR OF THE  
11 NOMINATING COMMITTEE AND WE HAD AN ELECTION. THIS ISN'T  
12 ANSWERING YOUR QUESTION DIRECTLY, BUT I UNDERSTAND THAT  
13 THE FIRST MEETING THAT CHRIS JONES EVER CAME TO, HE WANTED  
14 TO BE PRESIDENT. ANOTHER MEETING, WHEN IT WASN'T ON THE  
15 AGENDA, HE ASKED FOR AN ELECTION.

16 WHEN WE HAD OUR ELECTION IN A PROPER FASHION  
17 WITH ESTABLISHED PROTOCOL, HE WAS ELECTED PRESIDENT AND I  
18 WAS ELECTED SECRETARY.

19 AFTER THAT BOARD MEETING, HE SENT A LETTER TO  
20 ALL THE BOARDS STATING THAT HE WANTED TO CHANGE THE  
21 COMMITTEE STRUCTURE AND GIVE NEW BOARD MEMBERS A CHANCE TO  
22 HAVE LEADERSHIP ROLES.

23 WHAT HE DID WAS, HE PRETTY MUCH DISMANTLED  
24 THE COMMITTEE STRUCTURE. HE MADE SURE, IN MY OPINION,  
25 THAT OF THE FIVE I SPOKE OF PREVIOUSLY, EACH ONE CHAIRED A

1 COMMITTEE. THE EXECUTIVE COMMITTEE HE TOOK ME OFF OF AND  
2 HE PLACED JOHN KELLOGG ON, WHO HAD BEEN RUNNING FOR  
3 SECRETARY AND LOST. HE SAID THAT JOHN HAD SHOWN AN  
4 INTEREST.

5 I MIGHT ADD THAT WHEN I WAS NOMINATING CHAIR,  
6 I ASKED HIM TO SERVE ON THE NOMINATING COMMITTEE, AND HE  
7 SAID HE DIDN'T HAVE ENOUGH EXPERIENCE IN THE FIELD AND HE  
8 REALLY DIDN'T HAVE THE TIME TO SERVE ON THE NOMINATING  
9 COMMITTEE, AND THEN CHRIS JONES PUT HIM ON THE EXECUTIVE  
10 COMMITTEE.

11 AND I WROTE HIM A LETTER. I WAS SO SHOCKED  
12 THAT HE TOOK ME OFF THE EXECUTIVE COMMITTEE AND THAT HE  
13 CHANGED ALL THE COMMITTEE STRUCTURE. HE LET ME STAY ON  
14 THE POLICY COMMITTEE.

15 I MIGHT ADD THAT HE DID NOT SEEK OR ASK ANY  
16 OF THE BOARD MEMBERS WHAT COMMITTEE THEY WOULD LIKE TO  
17 SERVE ON. HE DID NOT ASK FOR ANY INPUT AT ALL. SO WHAT  
18 IT WAS, HE UNILATERALLY DECIDED WHO WAS GOING TO BE ON THE  
19 COMMITTEES.

20 I WROTE A LETTER TO CHRIS AND I SAID THAT,  
21 "I FEEL I SHOULD BE ON THE EXECUTIVE COMMITTEE," THAT IT  
22 WOULD PROVIDE CONTINUITY, THAT I HAD THE EXPERIENCE AND IT  
23 HAD ALWAYS BEEN HISTORICALLY DONE, AND AS THE SECRETARY, I  
24 FELT I SHOULD BE ON THE COMMITTEE.

25 I SENT COPIES OF THAT LETTER TO A LOT OF

1 PEOPLE BECAUSE I WANTED TO MAKE A RECORD OF MY REQUEST IN  
2 AN OPEN MANNER. I THINK WE LIVE IN A DEMOCRACY AND I  
3 THINK THERE'S A PLACE FOR CRITICS.

4 ANYWAY, HE SENT ME BACK ANOTHER LETTER SAYING  
5 THAT I WAS IMMATURE AND THAT I HAD NOT DEMONSTRATED  
6 LEADERSHIP ABILITY, AND UNTIL I DEMONSTRATE LEADERSHIP  
7 ABILITY, I COULD NOT SERVE ON THIS COMMITTEE.

8 BY THE WAY, THERE WERE TWO OTHER BOARD  
9 MEMBERS THAT WROTE BACK TO HIM AND SAID THAT THEY FOUND  
10 HIS LETTER ABUSIVE AND THEY FELT THAT THEY WANTED TO MAKE  
11 THIS AN AGENDA ITEM AT A BOARD MEETING. AND MIGHT I  
12 ADD -- THAT'S ONE OF THE THINGS I REFERRED TO -- HE  
13 REFUSED TO PUT THE EXECUTIVE COMMITTEE STRUCTURE ON THE  
14 AGENDA, AND THIS IS A WAY TO KIND OF CONTROL A MEETING  
15 AND, TO ME, STOP PUBLIC ACCESS. IF IT IS AN AGENDA ITEM  
16 (SIC), THEN PEOPLE DON'T KNOW IT'S GOING TO BE DISCUSSED.

17 SENATOR MC CORQUODALE: OKAY. ANY QUESTIONS?

18  
19 EXAMINATION

20 BY SENATOR MARKS:

21 Q TELL US A LITTLE BIT ABOUT CHRIS JONES.  
22 WHAT'S HIS OR HER BACKGROUND?

23 A I'M GLAD YOU ASKED ME THAT, BECAUSE THERE ARE  
24 A LOT OF PEOPLE ON THE BOARD --

25 Q IS IT A MAN OR A WOMAN?

1           A       IT'S A MAN. HIS NAME IS CHRISTOPHER JONES.

2           SENATOR MC CORQUODALE: WE DO HAVE HIM UNDER  
3 SUBPOENA --

4           SENATOR MARKS: IS HE HERE?

5           SENATOR MC CORQUODALE: -- SO WHY DON'T YOU --  
6 ANYTHING YOU WANT TO SAY THAT YOU KNOW IS FACTUAL AND  
7 NOT --

8           THE WITNESS: RIGHT. WELL, I HAD NEVER MET HIM  
9 BEFORE THE BOARD. ALL I KNOW IS, AS NOMINATING CHAIR, I  
10 ASKED FOR A RESUME, ESPECIALLY SINCE HE WAS RUNNING FOR  
11 PRESIDENT. I BELIEVE WE SHOULD HAVE AS MUCH INFORMATION  
12 AS POSSIBLE ON EACH PERSON.

13           HE HAS FAILED TO SUBMIT A RESUME, AND THE  
14 ONLY INFORMATION I HAVE ON HIM IS FROM A P.R. RELEASE FROM  
15 THE GOVERNOR'S APPOINTMENTS OFFICE, WHICH SAYS, I BELIEVE,  
16 THAT HE WAS CHIEF AIDE TO ASSEMBLYMAN FERGUSON; DIRECTOR  
17 OF THE ASSEMBLY REPUBLICAN PACT; AND HE'S NOW ON THE D.D.  
18 COUNCIL AND NOW ON OUR BOARD.

19           BUT I REALLY DON'T KNOW ANYTHING MORE ABOUT  
20 HIM. HE SAID HE WANTED TO GET INVOLVED TO HELP PEOPLE.  
21 BY SENATOR MARKS:

22           Q       SO YOU DON'T KNOW IF HE HAD ANY BACKGROUND IN  
23 THIS FIELD?

24           A       WELL, HE ADMITTED TO ME THAT HE DIDN'T. I  
25 ASKED HIM, "HAVE YOU EVER BEEN ON A BOARD BEFORE? "NO."

1 HAVE YOU EVER HELD AN OFFICE BEFORE?" "NO."

2 AND HE IS NOT FAMILIAR WITH THIS COMMUNITY,  
3 CONSTITUENCIES OF BOTH MENTAL ILLNESS AND DEVELOPMENTAL  
4 DISABILITIES. HE STATED THAT TO ME.

5 SENATOR MC CORQUODALE: SENATOR ROSENTHAL?

6 SENATOR ROSENTHAL: NO.

7 SENATOR MC CORQUODALE: ANYONE ELSE?

8 OKAY. I DO HAVE SOME OTHER QUESTIONS THAT I  
9 WANT TO ASK, BUT I THINK I'LL KEEP ON IN THIS DIRECTION  
10 AND THEN I'LL CALL YOU BACK.

11 THE WITNESS: I'LL BE HERE AS LONG AS IT TAKES.

12 SENATOR MC CORQUODALE: ALL RIGHT. IS LORI ROOS  
13 HERE? SHE IS ONE THAT WAS SUBPOENAED, SO IF SHE'S NOT  
14 HERE, BASED ON GOVERNMENT CODE SECTIONS 9400 AND 9414,  
15 WITH THE CONCURRENCE OF MY LEGISLATIVE COLLEAGUES HERE  
16 TODAY, THEN I FIND LORI ROOS TO BE IN CONTEMPT OF THESE  
17 PROCEEDINGS, AND WE WILL PURSUE ALL LEGAL OPTIONS PURSUANT  
18 TO THIS.

19 ONCE AGAIN, IS LORI ROOS HERE?

20 OKAY. IS THERE ANY OBJECTION BY ANY OF THE  
21 COMMITTEE MEMBERS TO THIS RULING?

22 SENATOR ROSENTHAL: MR. CHAIRMAN, WHAT DOES THE LAW  
23 STATE IS OUR DIRECTION WHEN A SUBPOENAED WITNESS BEFORE  
24 THE COMMITTEE DOES NOT APPEAR?

25 SENATOR MC CORQUODALE: WE WILL FIRST HAVE TO



1 DETERMINE THAT SHE WAS SERVED.

2 SENATOR ROSENTHAL: RIGHT.

3 SENATOR MC CORQUODALE: IF SHE WAS SERVED, THEN WE  
4 WILL REPORT THAT BACK TO THE FULL SENATE. IF SHE WAS NOT  
5 SERVED, THEN SHE WILL BE AMONG THOSE THAT WILL BE SERVED  
6 THE SECOND TIME.

7 SENATOR ROSENTHAL: IF A PERSON IS SERVED --

8 SENATOR MC CORQUODALE: WELL, LET ME ALSO SAY THAT  
9 SHE DID RECEIVE THE LETTER. THERE'S NO QUESTION THAT SHE  
10 RECEIVED THE ORIGINAL LETTER THAT I SENT, WHICH I HAVE  
11 SAID BEFORE, BOTH SERVED THE SAME PURPOSE, ONCE THE RULES  
12 COMMITTEE HAS GIVEN THE AUTHORITY FOR THE SUBPOENA. SO  
13 SHE HAS RECEIVED THAT.

14 THE PENALTIES ARE QUITE SEVERE. I'M NOT SURE  
15 WHAT HER CURRENT EMPLOYMENT IS. CERTAINLY, IF SHE IS  
16 EMPLOYED BY THE STATE AND SHE IS FOUND TO BE IN CONTEMPT,  
17 SHE CAN NO LONGER BE EMPLOYED BY THE STATE AND SHE CAN NO  
18 LONGER AT ANY POINT BE EMPLOYED.

19 SENATOR ROSENTHAL: IN ANY CAPACITY AT ALL?

20 SENATOR MC CORQUODALE: IN ANY CAPACITY.

21 IF THE LEGISLATURE IS IN SESSION, THE  
22 COMMITTEE MUST REPORT THE CONTEMPT TO THE SENATE AND/OR  
23 THE ASSEMBLY, AND IN THIS CASE WE WOULD PROBABLY REPORT TO  
24 BOTH, AND THAT BODY COULD DETERMINE ANY MODIFICATION OF  
25 THAT PENALTY.

1                   AND THEN, AS I SAY, IF YOU ARE A STATE  
2   EMPLOYEE, UH -- WHETHER OR NOT THE LEGISLATURE IS IN  
3   SESSION, IT'S GENERALLY A MISDEMEANOR AND A CRIMINAL  
4   PROCEEDING MAY BE COMMENCED BY THE CHAIRMAN OR EVEN BY THE  
5   COMMITTEE FILING A COMPLAINT IN THE OFFICE OF THE DISTRICT  
6   ATTORNEY OR CITY PROSECUTING ATTORNEY.

7                   SO WE HAVE SEVERAL OPTIONS: ONE, TO PROCEED  
8   ON WITH THE COMPLAINT; SECONDLY, REPORT TO THE LEGISLATURE  
9   AND DETERMINE ANY MODIFICATION OF THAT. THAT WILL BE OUR  
10   DECISION TO DO SO, OR TO LOOK INTO ANY MITIGATING REASONS  
11   THAT THEY MAY HAVE AS TO WHY THEY AREN'T HERE.

12                  SENATOR ROSENTHAL: ONE FURTHER QUESTION. ARE  
13   MEMBERS OF THE BOARD CONSIDERED EMPLOYEES? AND IF THEY'RE  
14   NOT CONSIDERED EMPLOYEES, WHAT THEN WOULD TAKE PLACE? IF  
15   THEY CAN'T BE EMPLOYED BUT THEY ARE NOT CONSIDERED  
16   EMPLOYEES --

17                  SENATOR MC CORQUODALE: IT WOULD BE A MISDEMEANOR.  
18   IF THEY ARE AN EMPLOYEE OF -- EVERY STATE AGENCY IS  
19   REQUIRED TO DISCHARGE SUCH PERSON AND IS FORBIDDEN TO PAY  
20   HIM OR HER FOR SUCH PERFORMANCES AFTER REFUSAL, AND IS  
21   PROHIBITED FROM EVER EMPLOYING OR COMPENSATING THEM AGAIN.  
22   THE COMMITTEE IS REQUIRED TO READ THE SECTION TO THE  
23   WITNESS AND TO CERTIFY THE REFUSAL TO TESTIFY.

24                  THAT'S NOT NECESSARY. BUT AS TO WHETHER  
25   P.A.I. IS A STATE AGENCY OR NOT, I FRANKLY CAN'T TELL YOU.

1 IT HAS A DIFFERENT STATUS THAN MOST ANY OTHER BOARD OR  
2 COMMISSION.

3 SENATOR ROSENTHAL: I GUESS THE QUESTION I'M TRYING  
4 TO GET TO IS IF, IN FACT, SOMEONE IS SUBPOENAED, REFUSES  
5 TO APPEAR, CAN WE REMOVE THEM FROM THE BOARD?

6 SENATOR MC CORQUODALE: WE COULD TRY. I'M NOT  
7 POSITIVE ABOUT THAT. I WOULD HAVE TO SEEK LEGAL COUNSEL  
8 ON THAT.

9 SENATOR MARKS: MR. CHAIRMAN, MAY I SAY ONE POINT?  
10 I'VE READ HER RESUME. SHE IS A CANDIDATE FOR JURIS DOCTOR  
11 SO SHE KNOWS THE LAW.

12 SENATOR MC CORQUODALE: ALL RIGHT. SHE IS NOT  
13 HERE, THEN. LET ME SEE IF MARGARET HEAGNEY IS HERE.  
14 MARGARET HEAGNEY?

15 HEARING NO RESPONSE, AND BASED ON GOVERNMENT  
16 CODE SECTION 9400 TO 9414, AND WITH THE CONCURRENCE OF MY  
17 LEGISLATIVE COLLEAGUES HERE TODAY, I FIND MARGARET HEAGNEY  
18 TO BE IN CONTEMPT AND THESE COMMITTEES WILL PURSUE ALL  
19 LEGAL OPTIONS PURSUANT TO THIS RULING.

20 ANY OBJECTIONS FROM ANYONE? SEEING NONE,  
21 NEXT IS JOHN KELLOGG. JOHN KELLOGG?

22 HEARING NO RESPONSE, AND BASED ON GOVERNMENT  
23 CODE SECTIONS 9400 TO 9414 AND WITH THE CONCURRENCE OF MY  
24 LEGISLATIVE COLLEAGUES HERE TODAY, I FIND JOHN KELLOGG TO  
25 BE IN CONTEMPT, AND THESE COMMITTEES WILL PURSUE ALL LEGAL

1           OPTIONS PURSUANT TO THIS RULING.

2                    ANY OBJECTIONS TO THAT?

3                    CHRIS JONES. IS CHRIS JONES HERE? IS CHRIS  
4 JONES IN THE ROOM?

5                    IF NOT, AND BASED ON GOVERNMENT CODE SECTIONS  
6 9400 TO 9414, AND WITH THE CONCURRENCE OF MY LEGISLATIVE  
7 COLLEAGUES HERE TODAY, I FIND CHRIS JONES TO BE IN  
8 CONTEMPT. THESE COMMITTEES WILL PURSUE ALL LEGAL OPTIONS  
9 PURSUANT TO THIS RULING. ANY OBJECTION TO THAT?

10                   IS GARY MACOMBER HERE TODAY? YOU DON'T LOOK  
11 LIKE GARY MACOMBER.

12                   MR. KELLY: YES, MR. CHAIRMAN. AS YOU KNOW, I'M  
13 NOT GARY MACOMBER. I'M BRENDAN KELLY.

14                   SENATOR MC CORQUODALE: BRENDAN, YOU'RE A NICE  
15 PERSON AND IF I WERE GOING FISHING I WOULD PROBABLY INVITE  
16 YOU. HOWEVER --

17                   MR. KELLY: WELL, WOULD IT BE APPROPRIATE, SIR, TO  
18 READ THIS LETTER INTO THE RECORD AS TO WHY HE COULDN'T BE  
19 HERE TODAY?

20                   SENATOR MC CORQUODALE: NO. I THINK WE HEARD THE  
21 REASON HE HAD GIVEN. I TAKE IT THAT IT'S THE SAME REASON  
22 HE HAD COMMUNICATED TO ME ABOUT THREE WEEKS AGO?

23                   THE WITNESS: YES.

24                   SENATOR MC CORQUODALE: HOWEVER, I DID NOT AGREE TO  
25 THAT. MR. ALLENBY ASSURED ME THAT ALL PEOPLE ON HIS STAFF

1 AND UNDER HIM WOULD APPEAR WITHOUT A SUBPOENA. HOWEVER,  
2 SINCE I HAD SPECIFICALLY RECEIVED INFORMATION DIRECTLY  
3 FROM MR. MACOMBER THAT HE WOULD NOT APPEAR, THEN I FELT  
4 THE NEED TO SUBPOENA HIM.

5 MR. KELLY: OKAY. WELL, SIR, I'M AVAILABLE IF YOU  
6 WOULD LIKE TO DISCUSS THE STATUTES THAT GOVERN THE  
7 APPOINTMENTS TO THESE BOARDS.

8 SENATOR MC CORQUODALE: ALL RIGHT. VERY GOOD.

9 SO MR. MACOMBER IS NOT HERE, AND BASED ON  
10 GOVERNMENT CODE SECTIONS 9400 TO 9414, AND WITH THE  
11 CONCURRENCE OF MY LEGISLATIVE COLLEAGUES HERE TODAY, I  
12 FIND GARY MACOMBER TO BE IN CONTEMPT. THESE COMMITTEES  
13 WILL PURSUE ALL LEGAL OPTIONS PURSUANT TO THIS FINDING.

14 ANY OBJECTION TO THAT?

15 SENATOR MARKS: NO, MR. CHAIRMAN.

16 SENATOR MC CORQUODALE: SENATOR ROSENTHAL?

17 SENATOR ROSENTHAL: IT SEEMS TO ME THAT -- THE  
18 PRESS MAY OR MAY NOT BE HERE. IT SEEMS TO ME THAT WE  
19 OUGHT TO PUT OUT A PRESS RELEASE TO BE CARRIED BY ALL OF  
20 THE LOCAL AND STATEWIDE NEWSPAPERS, RADIO, AND TELEVISION,  
21 ABOUT MEMBERS OF THIS BOARD WHO WERE SUBPOENAED AND  
22 REFUSED TO MEET THIS COMMITTEE; AND THAT, TO MY  
23 RECOLLECTION, HAVING BEEN IN THE LEGISLATURE GOING ON  
24 15 YEARS NOW, THIS HAS NOT HAPPENED BEFORE UNDER PREVIOUS  
25 ADMINISTRATIONS, AND IT DIDN'T HAPPEN EVEN UNDER GOVERNOR

1 REAGAN.

2 I WAS PART OF A COMMITTEE THAT DID SUBPOENA,  
3 EARLY IN MY CAREER ON THE HEALTH COMMITTEE AND THE  
4 ASSEMBLY, BUT THERE NO ONE DARED NOT APPEAR, AND I THINK  
5 THAT WE OUGHT TO REALLY MAKE A NEWS -- A POINT OF THIS AND  
6 PURSUE IT TO ITS FINAL CONCLUSION.

7 SENATOR MARKS: MR. CHAIRMAN?

8 SENATOR MC CORQUODALE: SENATOR MARKS?

9 SENATOR MARKS: I'VE BEEN HERE 30 YEARS SO I'VE  
10 BEEN HERE A LITTLE BIT LONGER THAN SENATOR ROSENTHAL, AND  
11 I'VE NEVER SEEN AN INSTANCE WHERE ANY BOARD OR COMMISSION  
12 HAS EVER REFUSED TO APPEAR BEFORE A LEGISLATIVE COMMITTEE.

13 I MUST SAY I FIND IT DISGRACEFUL THAT  
14 ANYBODY DOES DO THIS, AND I'VE SERVED UNDER GOVERNOR  
15 REAGAN AND GOVERNOR BROWN AND SEVERAL OTHER GOVERNORS.  
16 I DIDN'T ACTUALLY BUILD THE CAPITOL BUT I CAME CLOSE TO  
17 IT.

18 SENATOR MC CORQUODALE: THE ORIGINAL ONE?

19 SENATOR MARKS: I BUILT THE ORIGINAL CAPITOL. BUT  
20 SERIOUSLY, I'VE BEEN HERE FOR A LONG, LONG PERIOD OF TIME  
21 AND I'VE NEVER SEEN INSTANCES OF THIS KIND.

22 LET ME JUST ALSO POINT OUT TO YOU, IN READING  
23 THE RESUME OF JOHN CLEMENT KELLOGG, WHO IS NOT HERE, HE'S  
24 A LAWYER SO HE KNOWS THE LAW.

25 SENATOR MC CORQUODALE: WE INTEND TO PURSUE THIS.

1 AND OF COURSE THE FACT THAT THEY ARE NOT HERE, I WANT TO  
2 ASSURE THE COMMITTEE, ON THE COMMITTEE'S END, AND THE  
3 AUDIENCE THAT WE WILL NOT ABSOLVE THEM OF ANY  
4 RESPONSIBILITY TO APPEAR. WE WILL TOMORROW ASK THE RULES  
5 COMMITTEE TO REISSUE THOSE SUBPOENAS FOR PROBABLY A TWO-  
6 TO THREE-DAY HEARING IN AUGUST, AND THAT WILL PROVIDE  
7 PLENTY OF TIME FOR THEM TO ADJUST THEIR SCHEDULES  
8 ACCORDINGLY AND TO PURSUE THEIR ASPECTS OF THIS ISSUE.

9 I THINK THE IMPORTANT THING IS FOR THEM TO  
10 REALIZE THAT WE ARE SERIOUS ABOUT THIS ISSUE AND WE DO NOT  
11 INTEND TO ALLOW IT TO END TODAY BY THEIR UNWILLINGNESS TO  
12 BE HERE.

13 THERE'S NO QUESTION THAT ALL OF THOSE PEOPLE  
14 KNEW THEY WERE TO BE HERE. THERE'S NO QUESTION THAT THERE  
15 WAS OPPORTUNITY TO DISCUSS ANY REASONS THAT THEY COULD NOT  
16 BE HERE.

17 I WOULD SAY THAT MR. ALLENBY HAS BEEN VERY  
18 COOPERATIVE IN THIS REGARD, AND THE GOVERNOR'S OFFICE HAS  
19 BEEN VERY COOPERATIVE IN THIS REGARD, AND HAS PROVIDED ANY  
20 PEOPLE FROM THE GOVERNOR'S OFFICE THAT WE HAVE WANTED TO  
21 DISCUSS THIS ISSUE WITH AT ANY TIME. SO IT'S NOT AN AREA  
22 THAT I THINK CERTAINLY THOSE TWO ENTITIES TAKE LIGHTLY,  
23 AND WE DO NOT INTEND TO TAKE IT LIGHTLY.

24 GOING ON TO OTHER WITNESSES, WE HAVE  
25 GEORGE DE BELL, A MEMBER AND PAST PRESIDENT OF P.A.I.,

1 THE GOVERNOR'S APPOINTMENT, AND HIS TERM ENDS IN SEPTEMBER  
2 OF 1988.

3 MR. DE BELL?

4  
5 GEORGE DE BELL,

6 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
7 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

8 THE WITNESS: I DO SO SWEAR.

9 SENATOR MC CORQUODALE: THANK YOU. WOULD YOU GIVE  
10 YOUR NAME AND ANY DESCRIPTION OF YOURSELF THAT YOU DESIRE  
11 ON THE RECORD, AND THEN I UNDERSTAND THAT YOU DO HAVE A  
12 STATEMENT THAT YOU WOULD LIKE TO READ.

13 THE WITNESS: YES. MY NAME IS GEORGE J. DE BELL,  
14 D-E-B-E-L-L. IF IT WOULD HELP YOU, I WILL READ MY  
15 STATEMENT.

16 SENATOR MC CORQUODALE: WE HAVE GIVEN HER A COPY OF  
17 IT SO IF YOU WANT TO PARAPHRASE ANY OF IT OR MODIFY IT,  
18 SHE WILL JUST TAKE YOUR STATEMENT AS YOU HAVE PROVIDED IT  
19 FOR US.

20 THE WITNESS: THANK YOU.

21 I AM CURRENTLY A BOARD MEMBER OF PROTECTION  
22 AND ADVOCACY AND I WAS FORMERLY THE IMMEDIATE PAST  
23 PRESIDENT, AND I'LL PROCEED WITH MY STATEMENT NOW.

24 SENATOR MC CORQUODALE AND DISTINCTIVE MEMBERS  
25 OF THE THREE COMMITTEES HOLDING THIS HEARING, I'VE BEEN



1 DEEPLY INVOLVED WITH VOLUNTEER ACTIVITIES FOR THE  
2 DEVELOPMENTALLY DISABLED SINCE 1962 AND I HAVE SERVED  
3 IN A LEADERSHIP CAPACITY IN LOCAL CONSTITUENCY  
4 ORGANIZATIONS AND STATE LEVEL BOARDS AND COUNCILS. I  
5 HAVE ATTACHED MY PERSONAL RESUME TO THIS TESTIMONY TO  
6 SUPPORT THIS STATEMENT.

7 THE CONSTITUENCY WHICH I REPRESENT DEEPLY  
8 APPRECIATES THE OPPORTUNITY TO TESTIFY BEFORE YOU. WE  
9 CONSIDER THIS HEARING TO BE TIMELY AND APPROPRIATE. THE  
10 CONDITIONS EXISTING CURRENTLY IN THE APPOINTMENT PROCESS  
11 HAVE NEUTRALIZED THE EFFECTIVENESS OF CONSTRUCTIVE  
12 ADVOCACY AND HAVE CAUSED PROBLEMS WHICH REQUIRE INFORMED  
13 SOLUTIONS.

14 IN MY TESTIMONY AND SUBSEQUENT QUESTIONING,  
15 I WILL ATTEMPT TO DEFINE THE CURRENT PROBLEM AND CONCERN  
16 WHICH FORCED A HEARING AT THIS TIME. MY TESTIMONY WILL BE  
17 FACTUAL AND HOPEFULLY WILL ASSIST YOU IN MAKING A FAIR  
18 ASSESSMENT OF AN APPOINTMENT PROCESS WHICH HAS BEEN  
19 POLITICIZED. I WILL CONCLUDE WITH RECOMMENDATIONS FOR  
20 LEGISLATIVE CORRECTIVE ACTION.

21 WHEN FRANK LANTERMAN SPONSORED THE PRINCIPLE  
22 OF INFORMED ADVOCACY IN THE LANTERMAN ACT, HE VISUALIZED  
23 AN ORGANIZATIONAL CONCEPT FOR THE STATE COUNCIL AND THE  
24 AREA BOARDS WHICH COULD PROVIDE THE ADMINISTRATION AND  
25 LEGISLATURE WITH ADVICE ON THE EFFECTIVENESS OF THE SYSTEM

1 FOR THE CARE OF THE DEVELOPMENTALLY DISABLED.

2 IN CREATING THE PROTECTION AND ADVOCACY  
3 SYSTEM, THE FEDERAL GOVERNMENT PROVIDED ALL STATES WITH  
4 THE CAPABILITY TO PROTECT THE RIGHTS GRANTED BY LAW TO THE  
5 DEVELOPMENTALLY DISABLED. A PROFESSIONAL, LEGAL STAFF  
6 ADVISES, COUNSELS, ADVOCATES, AND AS A LAST RESORT  
7 LITIGATES TO INSURE THAT THE RIGHTS OF INDIVIDUALS, AND  
8 THE SYSTEMS CREATED BY LAW, ARE NOT JEOPARDIZED.

9 NATURALLY, THE MOTIVATIONS AND CONCLUSIONS OF  
10 THE ADMINISTRATION IN CARRYING OUT THE LAW AND PROVIDING  
11 THE APPROPRIATE SYSTEMS WILL AT TIMES BE DIFFERENT THAN  
12 THE MOTIVATIONS AND CONCLUSIONS OF THE VOLUNTEERS AND  
13 ADVOCATES SERVING ON AREA BOARDS, DEVELOPMENTAL CENTER  
14 ADVISORY BOARDS, STATE COUNCILS, AND THE BOARD OF  
15 PROTECTION AND ADVOCACY. SETTLEMENTS OF THOSE DIFFERENCES  
16 HAVE TRADITIONALLY BEEN NEGOTIATED AND COMPROMISES REACHED  
17 WITHOUT THE NECESSITY FOR LITIGATION.

18 RECENT ACTIONS BY THE ADMINISTRATION,  
19 HOWEVER, INDICATE AN EXTREMELY LOW TOLERANCE FOR THIS  
20 PROCESS. A CLIMAX WAS REACHED WHEN THE GOVERNOR PLANNED  
21 TO ELIMINATE THE AREA BOARDS BY BUDGETARY PROCESS.

22 THIS ACTION WAS VIEWED BY THE CONSTITUENCY  
23 FOR THE DEVELOPMENTALLY DISABLED AS BOTH HOSTILE AND  
24 UNLAWFUL. A CAMPAIGN OF LETTER WRITING, PROTEST AND  
25 LOBBYING SUCCEEDED IN WINNING A REVERSAL OF THIS DECISION

1 BY THE GOVERNOR. HOWEVER, THE SEEDS FOR AN INSIDUOUS  
2 PROCESS APPEARS TO HAVE BEEN SOWN. BASED ON THE STRATEGY,  
3 "IF YOU CAN'T BEAT THEM, JOIN THEM," THE APPOINTMENT  
4 PROCESS TO THE BOARD AND COUNCIL STRUCTURE HAS BEEN USED  
5 TO POPULATE AND DE-POPULATE TO ASSURE AN ADMINISTRATION  
6 BIAS.

7 THIS HAS BEEN MOST PRONOUNCED IN THE STATE  
8 COUNCIL OF BOARD PROTECTION AND ADVOCACY. THE APPOINTMENT  
9 PROCESS HAS BEEN CHARACTERIZED AS CONTEMPTUOUS, POLITICAL,  
10 IDEOLOGICAL, UNINFORMED, AND ADMINISTRATIVELY INCOMPETENT.

11 I WILL BRIEFLY DESCRIBE THE MEANING OF THESE  
12 TERMS AS PERCEIVED BY THE DEVELOPMENTALLY DISABLED  
13 CONSTITUENCY, AND I WILL BE GLAD TO DEVELOP THEM IN VERBAL  
14 TESTIMONY.

15 CONTEMPTUOUS. THE MAJORITY OF BOARD AND  
16 COUNCIL MEMBERS ARE VOLUNTEERS. THEY ARE DEDICATED TO  
17 SERVING THE DEVELOPMENTALLY DISABLED POPULATION TO IMPROVE  
18 THEIR QUALITY OF LIFE. IN TERMS OF COMMITMENT, THIS  
19 ACTIVITY IS ONE OF THE MAIN PRIORITIES IN THEIR LIVES. ON  
20 NUMEROUS OCCASIONS, WHEN THEIR TERM OF OFFICE IS EXPIRING,  
21 THEY HAVE EXPRESSED IN WRITING A DESIRE TO BE APPOINTED TO  
22 A SECOND TERM AS AUTHORIZED BY LAW.

23 NOT A SINGLE ONE OF THESE LETTERS, TO MY  
24 KNOWLEDGE, HAS EVER BEEN ANSWERED. INDIVIDUALS ARE LEFT  
25 TO SERVE IN AN UNOFFICIAL CAPACITY FOR MONTHS AND YEARS.

1 REPEATED REQUESTS FOR INFORMATION ON THEIR STATUS HAVE  
2 BEEN IGNORED.

3 ON THE OTHER HAND, VACANCIES HAVE BEEN LEFT  
4 UNFILLED FOR LONG PERIODS, ALTHOUGH THE RESERVOIR OF  
5 QUALIFIED VOLUNTEERS, PRIMARY CONSUMERS, AND PARENTS IS  
6 OVERFLOWING.

7 POLITICAL. AT TIMES WHEN ISSUES OF  
8 SIGNIFICANT IMPORTANCE TO THE ADMINISTRATION OUGHT TO BE  
9 VOTED ON, SUDDENLY VACANCIES ARE FILLED, EXPIRED TERMS ARE  
10 TERMINATED, AND NEW MEMBERS ARE SWORN IN ON THE MORNING OF  
11 THE VOTE. THIS IS GENERALLY PROCEEDED BY AN  
12 ADMINISTRATION SPOKESPERSON COUNSELING THE NEW MEMBERS ON  
13 THE IMPORTANCE OF THE ISSUE TO THE GOVERNOR, THE  
14 DEPARTMENT, THE TAXPAYER, AND THE BUDGET.

15 THE INTERESTS OF THE DEVELOPMENTALLY DISABLED  
16 ARE SECONDARY IN THESE EXHORTATIONS. THE EFFECT IS TO  
17 ESTABLISH IN THE MINDS OF THE APPOINTEES AN IMMEDIATE BIAS  
18 ON THE ISSUE THEY WILL BE CALLED UPON TO DECIDE IN A FEW  
19 HOURS.

20 IDEOLOGICAL. THIS CHARACTERIZES THE RECENT  
21 APPOINTMENTS TO THE PROTECTION AND ADVOCACY BOARD. THIS  
22 HAS BEEN SO FLAGRANT THAT THE PERCEPTION OF THE BOARD BY  
23 THE MINORITY OF THE BOARD MEMBERS AND THE DEVELOPMENTALLY  
24 DISABLED AND MENTAL HEALTH CONSTITUENCY IS "PROTECTION AND  
25 ADVOCACY FOR THE ADMINISTRATION."

1           UNINFORMED. MEMBERSHIP OF VOLUNTEERS ON A  
2 STATE LEVEL BOARD IMPLIES A KNOWLEDGE OF THE COMMUNITY  
3 ENVIRONMENT, A PERIOD OF SERVICE OVER A BROAD SPECTRUM IN  
4 VOLUNTEER SERVICE AND ADVOCACY, AND A NON-PARTISAN CODE OF  
5 CONDUCT WHEN REPRESENTING THE DEVELOPMENTALLY DISABLED.  
6 THIS BASIC KNOWLEDGE AND EXPERIENCE IS NECESSARY TO MAKE  
7 AN EFFECTIVE CONTRIBUTION TO THE BOARD AND COMMITTEE  
8 RESPONSIBILITIES.

9           RECENT APPOINTMENTS TO THE PROTECTION AND  
10 ADVOCACY BOARD HAVE DEMONSTRATED MINIMAL UNDERSTANDING AND  
11 COMMITMENT TO THIS OBJECTIVE. EVEN WORSE, THE ELIGIBILITY  
12 OF SOME RECENT APPOINTEES TO SERVE ON THE BOARD IS  
13 QUESTIONABLE AND POSSIBLY ILLEGAL.

14           ADMINISTRATIVELY INCOMPETENT. NOTIFICATION  
15 OF RECENT APPOINTMENTS HAS BEEN MADE BY SACRAMENTO PRESS  
16 RELEASE. NEITHER THE STATE COUNCIL NOR PROTECTION AND  
17 ADVOCACY ARE OFFICIALLY INFORMED OF THE APPOINTMENTS. IN  
18 MOST CASES, A PHONE CALL IS THE ONLY NOTIFICATION  
19 RECEIVED.

20           WHEN ELIGIBILITY IS CHALLENGED, THE  
21 APPOINTEES' CATEGORIES HAVE BEEN CHANGED TO FIT THE  
22 SITUATION. SWEARING IN HAS IN SOME CASES BEEN DONE, AND  
23 IN OTHERS HAS BEEN NEGLECTED.

24           A RECENT LETTER APPOINTING A NEW MEMBER TO  
25 PROTECTION AND ADVOCACY DID NOT INFORM THE STAFF OF THE

1 MEMBER'S ADDRESS OR PHONE NUMBER AND MISNAMED THE  
2 ORGANIZATIONAL AFFILIATION OF THE APPOINTEE.

3 CORRESPONDENCE REQUESTING CLARIFICATION OF  
4 ELIGIBILITY HAS BEEN UNANSWERED, OR ANSWERED WHEN THE  
5 CHALLENGE HAS RESULTED IN PUBLIC OUTRAGE.

6 TERMS OF OFFICE AS MANDATED IN THE LAW, OR IN  
7 THE BYLAWS, HAVE BEEN ALTERED FROM THREE YEARS TO "SERVES  
8 AT THE CONVENIENCE OF THE GOVERNOR."

9 A RECITAL OF THE CONTINUOUS CHAOS IN THE  
10 APPOINTMENT PROCESS COULD BE EXPANDED. THIS CHAOS HAS  
11 PRODUCED LOSS OF CONFIDENCE IN THE INTEGRITY AND  
12 COMPETENCE OF THE STATE LEVEL ADVOCACY FUNCTION AMONG THE  
13 DEVELOPMENTALLY DISABLED CONSTITUENCY. A DIRECT RESULT OF  
14 THIS LOSS OF CONFIDENCE IS EVIDENCED BY THE FOLLOWING:

15 PUBLIC PROTEST DEMONSTRATIONS; INABILITY OF  
16 THE PROTECTION AND ADVOCACY BOARD TO COMPLETE ITS AGENDA;  
17 POLITICIZATION OF THE MANDATE TO INTEGRATE MENTAL HEALTH  
18 AND DEVELOPMENTALLY DISABLED ON THE PROTECTION AND  
19 ADVOCACY BOARD; DISRUPTION OF THE BOARD MEETING BY AN  
20 ANGRY PUBLIC; LOSS OF EFFECTIVE COMMITTEE INPUT;  
21 DETERIORATION OF STAFF MORALE; INSULTS AND HOSTILITY TO  
22 THE PUBLIC; INSULTS AND HOSTILITY AMONG THE BOARD MEMBERS;  
23 CONCENTRATION BY BOARD MEMBERS ON TRIVIA.

24 IN EFFECT, THE SUBTLE STRATEGY TO NEUTRALIZE  
25 THE PROTECTION AND ADVOCACY BOARD HAS BEEN ACCOMPLISHED.

1                   YOUR COMMITTEE HAS THE ABILITY AND  
2                   RESPONSIBILITY TO RESTORE ORDER. MY RECOMMENDATIONS TO  
3                   ACCOMPLISH THIS WOULD BE AS FOLLOWS:

4                   REMOVE THE CONFLICT OF INTEREST BIAS FROM THE  
5                   APPOINTMENT PROCESS. TO GIVE THE TOTAL APPOINTING POWER  
6                   TO THE ADMINISTRATION WHICH IS CHARGED WITH DEVELOPING AND  
7                   OPERATING THE DEVELOPMENTALLY DISABLED AND MENTAL HEALTH  
8                   SYSTEM ELIMINATES ANY CHANCE OF "CHECKS AND BALANCES" SO  
9                   NECESSARY IN A DEMOCRATIC SOCIETY.

10                  DETERMINE STRICT RULES FOR ELIGIBILITY TO  
11                  SERVE ON STATE BOARDS AND COUNCILS.

12                  INSURE TIMELY APPOINTMENTS AND  
13                  REAPPOINTMENTS.

14                  INSURE THAT REPRESENTATION IN TRUTH  
15                  REPRESENTS THE INTENT OF THE ELIGIBILITY RULE. THAT IS, A  
16                  MEMBER APPOINTED FROM A RECOGNIZED CONSTITUENCY  
17                  ORGANIZATION MUST TRULY REPRESENT THE POLICIES OF THAT  
18                  ORGANIZATION; A PRIMARY CONSUMER MUST BE CLINICALLY AND  
19                  LEGALLY RECOGNIZED AS A PRIMARY CONSUMER; A RELATIVE OF A  
20                  DISABLED PERSON MUST BE A RELATIVE WHO IS RESPONSIBLE FOR  
21                  THE CARE OF THAT DISABLED PERSON.

22                  INSURE THAT MEMBERS APPOINTED TO REPRESENT  
23                  THE PUBLIC DO REPRESENT THE BROAD INTERESTS OF THE PUBLIC  
24                  AND NOT A NARROW INDIVIDUAL IDEOLOGY.

25                  IN CONCLUSION, THIS HEARING IS AN IMPORTANT

1 MILESTONE WHICH FOR MANY YEARS WILL AFFECT THE LIVES OF  
2 MILLIONS OF OUR POPULATION SUFFERING FROM MENTAL AND  
3 PHYSICAL DISABILITIES. THE ORGANIZATIONAL STRUCTURE OF  
4 AREA BOARDS, DEVELOPMENTAL CENTER ADVISORY BOARDS, STATE  
5 COUNCILS, AND PROTECTION AND ADVOCACY MUST FUNCTION  
6 EFFECTIVELY.

7 THE STAFF SUPPORTING THESE ORGANIZATIONS IS  
8 SUPERB. THE APPOINTING PROCESS TO THE BOARDS CONTROLLING  
9 THE POLICY ASPECTS OF THE ORGANIZATION IS WEAK AND SUBJECT  
10 TO MANIPULATION. YOU CAN CORRECT THIS SITUATION.

11 THANK YOU FOR YOUR CONSIDERATION. I'LL BE  
12 GLAD TO ELABORATE ON EACH POINT THAT I HAVE MADE.

13  
14 EXAMINATION

15 BY SENATOR MC CORQUODALE:

16 Q ALL RIGHT. THANK YOU. WHEN WERE YOU FIRST  
17 APPOINTED TO P.A.I.?

18 A I WAS APPOINTED IN SEPTEMBER OF 1985. I WAS  
19 APPOINTED ON A RATHER FUNNY APPOINTMENT, I GUESS. AT THAT  
20 TIME PROTECTION AND ADVOCACY WAS REQUIRED TO HAVE A MEMBER  
21 ON THE STATE COUNCIL. AT THAT TIME I WAS THE CHAIRMAN OF  
22 THE STATE COUNCIL.

23 SINCE THE STATE LAW COULD NOT BE PUT IN  
24 EFFECT UNTIL JANUARY 1ST, AND SINCE TERMINATION OF FEDERAL  
25 FUNDING WAS THREATENED IF THERE WAS NOT A MEMBER OF



1 PROTECTION AND ADVOCACY ON THE STATE COUNCIL, MR. MACOMBER  
2 CONTACTED ME BY TELEPHONE AND ASKED IF I WOULD SERVE ON  
3 THE PROTECTION AND ADVOCACY BOARD FOR THREE MONTHS.

4 HE THEN OFFERED ME THE OPTION, IF I WISHED TO  
5 CONTINUE MY APPOINTMENT, THAT I COULD COMPLETE A FULL  
6 THREE-YEAR TERM.

7 I SAID AT THE TIME THAT I WAS CONCERNED ABOUT  
8 AN OVERCOMMITMENT. AT THAT TIME I WAS ON THE LANTERMAN  
9 STATE HOSPITAL ADVISORY BOARD, WHICH WAS A GOVERNOR  
10 APPOINTMENT. I WAS APPOINTED TO THAT BY GOVERNOR BROWN.  
11 I WAS THE CHAIRMAN OF THE STATE COUNCIL, AND I FELT I MAY  
12 BE OVERCOMMITTING MYSELF TO ALSO SERVE ON PROTECTION AND  
13 ADVOCACY, BUT I REALIZED THE SITUATION WITH RESPECT TO THE  
14 FEDERAL FUNDING AND I AGREED AT LEAST TO TRY IT FOR THREE  
15 MONTHS.

16 AT THE CONCLUSION OF THREE MONTHS ON THE  
17 PROTECTION AND ADVOCACY BOARD, I LEARNED ENOUGH ABOUT ITS  
18 FUNCTIONING TO KNOW THAT IT WAS EXTREMELY IMPORTANT TO THE  
19 CONSTITUENCY. IT WAS A WELL-FUNCTIONING BOARD. IT HAD  
20 MEMBERS DEEPLY INVOLVED IN VOLUNTEER ACTIVITY, AND I FELT  
21 PRIVILEGED TO SERVE ON IT.

22 I DID ASK THE BOARD, I SAID, "IF YOU FEEL  
23 THAT I AM NOT WORTHY OF BEING ON THIS BOARD, I WILL  
24 WITHDRAW IMMEDIATELY." THEY VOTED UNANIMOUSLY THAT I  
25 SHOULD REMAIN ON THE BOARD, AND SO I ADVISED MR. MACOMBER

1 THAT I WOULD CONTINUE MY FULL TERM.

2 Q LET ME CLARIFY WHO ASKED YOU ORIGINALLY. YOU  
3 SAID MR. MACOMBER. IS THAT GARY MACOMBER OF THE  
4 DEPARTMENT OF DEVELOPMENTAL SERVICES?

5 A CORRECT.

6 Q AND THEN WHEN YOU DECIDED TO STAY ON LONGER,  
7 YOU NOTIFIED HIM?

8 A I NOTIFIED -- WHEN I DECIDED TO STAY ON  
9 LONGER, IT WASN'T NECESSARY TO NOTIFY ANYBODY BECAUSE I  
10 ACTUALLY HAD BEEN APPOINTED FOR A THREE-YEAR TERM. BUT I  
11 DID, AS A MATTER OF COURTESY, ADVISE MR. MACOMBER THAT I  
12 WOULD CONTINUE WITH MY APPOINTMENT.

13 Q AFTER MR. MACOMBER HAD NOTIFIED YOU THE FIRST  
14 TIME OR MADE THE REQUEST, DO YOU KNOW IF THEY THEN  
15 CONTACTED THE GOVERNOR'S OFFICE ON YOUR BEHALF?

16 A WELL, I'M QUITE SURE THEY DID BECAUSE I DON'T  
17 KNOW OF ANY OTHER WAY -- I DIDN'T CONTACT THEM, AND IT WAS  
18 BASICALLY A ONE-ON-ONE CONVERSATION I HAD WITH MR.  
19 MACOMBER.

20 Q YOU DIDN'T SUBMIT AN APPLICATION?

21 A NEGATIVE. NO, I DID NOT.

22 Q HOW DID YOU GET -- YOU THEN JUST WENT TO THE  
23 NEXT MEETING?

24 A I WENT TO THE NEXT MEETING OF THE PROTECTION  
25 AND ADVOCACY BOARD.

1 Q WERE YOU SWORN IN AT THAT MEETING?

2 A I'VE NEVER BEEN SWORN IN ON THE PROTECTION  
3 AND ADVOCACY BOARD. I WAS SWORN IN ON THE STATE COUNCIL,  
4 OF COURSE.

5 Q WAS THERE ANY DISCUSSION RELATIVE TO THE  
6 ADMINISTRATION OR DEPARTMENT OF DEVELOPMENTAL SERVICES'  
7 DISSATISFACTION WITH P.A.I. AND THE STATE COUNCIL  
8 APPOINTMENTS AT ANY POINT THAT YOU ARE AWARE OF?

9 A NO. I'M NOT AWARE OF ANYTHING LIKE THAT.

10 Q WHILE YOU WERE CHAIR, DID YOU PERSONALLY  
11 RECEIVE NOTIFICATION OF THE APPOINTMENTS OF LORI ROOS,  
12 CHRIS JONES, JOHN KELLOGG, ANNETTE OSPITAL, MARGARET  
13 HEAGNEY, OR ANY OTHERS THAT YOU MIGHT DEAL WITH?

14 A NO, SIR. IN MY STATEMENT I THINK I  
15 CLASSIFIED THAT AS ADMINISTRATIVE INCOMPETENCE. MANY,  
16 MANY REPRESENTATIONS WERE MADE TO CLARIFY THE ELIGIBILITY  
17 STATUS OF THESE INDIVIDUALS WE ARE TALKING ABOUT.

18 THE BOARD ITSELF WAS CONFUSED; AS, FOR  
19 EXAMPLE, WITH LORI ROOS, AT DIFFERENT TIMES SHE CLAIMED,  
20 AND IT WAS BACKED UP BY MR. JONES, THAT, (A), SHE WAS  
21 DEVELOPMENTALLY DISABLED AND HAD BEEN APPOINTED UNDER THAT  
22 CRITERIA, AND THE CLINICAL JUSTIFICATION WAS THAT SHE HAD  
23 INJURED HER LEG IN A GYMNASIUM ACCIDENT A COUPLE OF YEARS  
24 BEFORE A BOARD RACE (SIC). THAT, OBVIOUSLY, IS NOT  
25 DEVELOPMENTALLY DISABLED.

1                    THEN SHE VOLUNTEERED THE INFORMATION THAT SHE  
2 WAS A RELATIVE OF A DEVELOPMENTALLY DISABLED PERSON, WHO  
3 SHE CLAIMED WAS HER COUSIN WHO LIVED IN NEW YORK, WHO HAD  
4 A LEARNING DISABILITY. OBVIOUSLY, THERE WAS NO WAY FOR US  
5 TO VALIDATE THAT ELIGIBILITY.

6                    AND WHEN WE CONTINUED TO PURSUE THE  
7 ELIGIBILITY QUESTION, SHE THEN BECAME A MEMBER OF A  
8 CONSTITUENCY GROUP. AND TO THIS DAY WE ARE NOT QUITE SURE  
9 OF WHAT HER ELIGIBILITY IS. SHE IS A 22-YEAR OLD LAW  
10 STUDENT AT U.C.L.A.

11                   MS. SCHNEIDER: U.S.C.

12                   THE WITNESS: PARDON ME. U.S.C.

13                   SENATOR MC CORQUODALE: I HAVE SOME ADDITIONAL  
14 QUESTIONS, BUT LET'S TAKE A LITTLE BREAK SO THE  
15 TRANSCRIPTIONIST CAN ADD NEW PAPER TO HER STACK THERE.

16                   (DISCUSSION OFF THE RECORD)

17                   SENATOR MC CORQUODALE: MR. DE BELL, I THINK  
18 SENATOR MARKS WOULD LIKE TO ASK A QUESTION TO START OFF  
19 WITH.

20  
21                   EXAMINATION

22 BY SENATOR MARKS:

23                   Q        LET ME SAY FIRST THAT I THINK YOUR  
24 PRESENTATION IS EXCELLENT AND I APPRECIATE HEARING FROM  
25 YOU.

1           A        THANKS.

2           Q        HOW DO YOU SUGGEST THAT WE IN THE  
3           LEGISLATURE -- LET ME GET YOUR SUGGESTIONS FOR CHANGES IN  
4           ACCOMPLISHING THE ABILITY TO APPOINT.  HOW DO YOU SUGGEST  
5           WE ACCOMPLISH THAT?

6                   AS I UNDERSTAND IT, THE LEGISLATIVE TERMS AND  
7           APPOINTMENTS ARE BASED UPON STATUTES.  HOW DO WE GET THE  
8           BILL PASSED AND SIGNED BY THE GOVERNOR?  I MEAN, I'M  
9           SERIOUS ABOUT -- YOU MADE SOME GOOD SUGGESTIONS.  WE CAN  
10          MAYBE GET THE BILL PASSED, BUT HOW DO WE GET THE GOVERNOR  
11          TO SIGN IT?

12          A        I HAVE NO EASY ANSWER FOR THAT, SENATOR.  I  
13          DO KNOW THAT IN THE PAST, SUGGESTIONS HAVE BEEN MADE TO,  
14          FOR EXAMPLE, AUTOMATICALLY MAKE THE APPOINTMENTS TO STATE  
15          COUNCIL WHICH ARE AUTHORIZED IN THE LANTERMAN ACT, AS ONE  
16          EXAMPLE.  THE PRESIDENT OF PROTECTION AND ADVOCACY BOARD  
17          IS AN AUTHORIZED MEMBER.  THE CHAIRMAN OF THE ORGANIZATION  
18          OF AREA BOARDS IS AN AUTHORIZED MEMBER OF THE STATE  
19          COUNCIL.  HOWEVER, THIS HAS BEEN RESISTED IN THAT THE  
20          GOVERNOR INSISTS THAT HE WILL STILL APPOINT.

21                   I KNOW IN THE CASE OF THE ORGANIZATION OF  
22          AREA BOARD PRESIDENT, THIS HAS BEEN DELAYED FOR FOUR OR  
23          FIVE MONTHS WHILE THE GOVERNOR HAS DECIDED WHETHER TO  
24          APPOINT HIM OR NOT, EVEN THOUGH HE IS STATUTORILY REQUIRED  
25          TO BE ON THE BOARD.  NOW, THIS HAS DEPRIVED HIM,

1       INCIDENTALLY, OF THE HONORARIUM. HE HAS ATTENDED THE  
2       MEETINGS BUT HE HAS NOT BEEN ABLE TO SUBMIT A CLAIM FOR  
3       HIS HONORARIUM.

4               I KNOW THAT THE GOVERNOR GUARDS VERY  
5       JEALOUSLY THE APPOINTING POWER. WE HAVE BEEN ARGUING FOR  
6       THE LAST THREE MONTHS ON THE PROTECTION AND ADVOCACY BOARD  
7       TO SPREAD THAT APPOINTING POWER OVER A BROADER BASE.

8               IN EFFECT, WE SUGGESTED THAT THE GOVERNOR  
9       RETAIN THE AUTHORITY TO APPOINT SEVEN, WHICH HE CURRENTLY  
10      HAS, AND THAT THE LEGISLATURE APPOINT AN ADDITIONAL  
11      NUMBER, POSSIBLY FOUR OR FIVE; AND THAT THE BOARD, WHO HAS  
12      THE POWER RIGHT NOW TO APPOINT FOUR, BE RESTRICTED IN THE  
13      NUMBER THEY CAN APPOINT BECAUSE, IN TERMS OF SIMPLE  
14      ARITHMETIC, IF ONE INFLUENCE APPOINTS NINE MEMBERS, AND  
15      THEN THOSE NINE MEMBERS ARE ABLE TO PERPETUATE THEMSELVES  
16      FOR A SECOND TERM OF THREE YEARS, YOU HAVE A SELF-  
17      PERPETUATED BOARD. AND IF THE MAJORITY OF THE BOARD IS  
18      POLITICIZED, IT BECOMES WHAT WE NOW HAVE, A SEVERE --

19              SENATOR MARKS: WELL, LET ME ASK A QUESTION OF THE  
20      CHAIR. DO WE HAVE THE AUTHORITY, WE IN THE SENATE RULES  
21      COMMITTEE, TO PASS ON THESE APPOINTMENTS?

22              SENATOR MC CORQUODALE: NO, WE DON'T, SENATOR. I  
23      THINK THAT THERE MAY BE SOME QUESTION AS TO WHETHER WE MAY  
24      BE ABLE TO SET STANDARDS FOR THEIR BYLAWS, BUT THAT MIGHT  
25      BE THE ONLY AVENUE.

1 WE HAVE BEEN EXPLORING ALTERNATIVES TO THE  
2 PRESENT SITUATION, BUT I'M NOT IN THE POSITION TO --

3 SENATOR MARKS: WE HAVE THE AUTHORITY, I PRESUME,  
4 TO CHANGE THE BUDGET ALLOTMENTS FOR PAYMENT OF THE MEMBERS  
5 OF THE BOARD? HOW DO THEY GET THEIR MONEY?

6 SENATOR MC CORQUODALE: THEIR MONEY COMES FROM THE  
7 FEDERAL GOVERNMENT TO THEM, AND THE IDEA -- ORIGINALLY,  
8 THE CONCEPT WAS THAT THIS WOULD BE AN INDEPENDENT BOARD  
9 WITH NO WAY TO BE CONTROLLED BY THE STATE, WHO THEY MAY BE  
10 AT TIMES SUING.

11 THE ISSUE THEY RAISED, FOR EXAMPLE, WE HAVE  
12 SOUGHT ADVICE AS TO WHETHER THERE IS A PROHIBITION OF  
13 STATE LEGISLATIVE EMPLOYEES SERVING. WHILE THAT DOESN'T  
14 APPEAR TO BE AN ABSOLUTE, THERE ARE SOME CONDITIONS AND  
15 THEY ARE LIMITED TO NOT BEING ABLE TO DO IT ON STATE-PAID  
16 TIME.

17 SENATOR MARKS: LET ME ASK YOU ONE MORE QUESTION.  
18 IS THERE A REPRESENTATIVE OF THE GOVERNOR PRESENT IN THIS  
19 ROOM?

20 SENATOR MC CORQUODALE: WELL, I DON'T KNOW.  
21 BRENDAN MIGHT CLAIM THAT. I DON'T KNOW WHETHER HE WOULD.

22 DO YOU WANT TO CLAIM THAT YOU REPRESENT THE  
23 GOVERNOR?

24 MS. HOOKER: SURE.

25 MR. KELLY: I WOULD THINK THAT THE GOVERNOR MIGHT

1 BE INTERESTED IN THESE POINTS (SIC).

2 SENATOR MC CORQUODALE: WE DO HAVE REPRESENTATION  
3 FROM THE HEALTH AND WELFARE AGENCY.

4 AGAIN, I WANT TO INSURE THAT EVERYONE  
5 UNDERSTANDS THAT MY DISCUSSIONS WITH MR. ALLENBY HAVE BEEN  
6 MOST COOPERATIVE AND HAVE NOT TRIED TO OBSTRUCT THIS  
7 HEARING IN ANY WAY.

8 SENATOR MARKS: NO. I'M NOT SUGGESTING AN  
9 OBSTRUCTION. I APPRECIATE THEIR COOPERATION, BUT I WOULD  
10 THINK THEY COULD TAKE BACK TO THE GOVERNOR THE COMMENTS  
11 THAT HAVE BEEN MADE BY MR. DE BELL AND OTHERS.

12 SENATOR MC CORQUODALE: I TRIED TO FIND IT IN THE  
13 TESTIMONY THAT WE HAD FROM BELLA MEESE, WHO IS THE  
14 APPOINTMENTS SECRETARY IN THE GOVERNOR'S OFFICE, AND I  
15 CAN'T FIND IT. SO I'M GOING TO PARAPHRASE WHAT, TO MY  
16 MEMORY, SHE SAID. IT MAY NOT BE EXACT BUT I THINK THE  
17 SENSE OF IT WOULD BE.

18 WE ASKED HER ABOUT THE ISSUE OF WHETHER YOU  
19 HAD TO BE OF A CERTAIN PARTY AFFILIATION TO BE APPOINTED,  
20 AND HER RESPONSE WAS THAT THAT WAS NOT A DISQUALIFYING  
21 ASPECT.

22 SENATOR ROSENTHAL: WAIT, WAIT. IT WAS NOT  
23 DISQUALIFYING, BUT WAS IT QUALIFYING?

24 SENATOR MC CORQUODALE: WELL, SHE DIDN'T SAY THAT  
25 EITHER. SHE DID ACKNOWLEDGE THAT THEY VERY SELDOM



1 APPOINTED, BUT SHE CLAIMED, TO THE BEST OF HER MEMORY,  
2 THAT THERE HAD BEEN SOMEONE APPOINTED TO THE STATE COUNCIL  
3 WHO WAS A DEMOCRAT, BUT SHE DID ACKNOWLEDGE THAT THERE WAS  
4 HEAVY EMPHASIS ON REPUBLICANS. I CLAIMED THAT ALL THE  
5 APPOINTMENTS HAD BEEN REPUBLICANS. SHE SAID THAT THERE  
6 HAD BEEN SOME WHO WERE NOT REPUBLICANS.

7 BUT THE POINT I WANT TO MOVE TO, THOUGH,  
8 IS NOT NECESSARILY ON A FACTUAL BASIS OF DEMOCRAT,  
9 REPUBLICAN, OR ANYTHING LIKE THAT, BUT INTO THE AREA OF  
10 PHILOSOPHY. AND I ASKED HER IF THERE WAS SOME QUESTIONING  
11 OR DETERMINATION THAT APPOINTEES WOULD FOLLOW THE  
12 GOVERNOR'S PHILOSOPHY AS RELATED TO THE BOARD THAT THEY  
13 WERE BEING APPOINTED TO, AND SHE SAID, "YES." THAT HER --  
14 HER RESPONSE WAS "YES." THAT THAT WAS A FACTOR IN THE  
15 APPOINTMENT.

16  
17 FURTHER EXAMINATION

18 BY SENATOR MC CORQUODALE:

19 Q SO, WHAT I WOULD LIKE TO ASK YOU IS IF YOU  
20 WERE EVER TOLD TO SUPPORT THE GOVERNOR'S POSITION ON  
21 PROGRAMS (SIC) AND/OR WERE YOU EVER GIVEN THE INDICATION  
22 THAT YOUR ABILITY TO DO SO MOTIVATED YOUR APPOINTMENT?

23 A WHEN I WAS APPOINTED, SIR, TO THE STATE  
24 COUNCIL, I WAS APPOINTED ALONG WITH TWO OTHER INDIVIDUALS  
25 AT THE SAME TIME, AND WE WERE ASKED TO MEET AT THE

1 FAIRVIEW HOSPITAL WITH MR. MACOMBER AND SOME OF HIS STAFF.

2 WE WERE ADVISED AT THAT TIME OF WHAT THE  
3 SYSTEM WAS ALL ABOUT, A BRIEFING ON WHAT THE DEPARTMENT  
4 DID, WHAT THE COUNCIL RESPONSIBILITIES WERE, AND WITHOUT  
5 SAYING, I SUPPOSE, "WE ARE NOT GOING TO PUT YOU ON THIS  
6 BOARD UNLESS YOU SUPPORT THE GOVERNOR," THERE'S ALWAYS AN  
7 INFERENCE TO SOMETHING LIKE THAT.

8 I POINTED THAT OUT IN MY TESTIMONY, THAT  
9 ALMOST EVERYBODY IS BRIEFED PRIOR TO THE BOARD EVER SEEING  
10 THEM BY A MEMBER OF THE ADMINISTRATION. IN MY OPINION,  
11 THERE'S A PERSUASIVE INTENT IN THAT TO FOLLOW A PARTISAN  
12 POSITION.

13 MOST PEOPLE, I BELIEVE, WHEN THEY ARE  
14 APPOINTED TO A BOARD OF THIS NATURE, ARE VERY NAIVE,  
15 INCLUDING MYSELF, AND THEY FEEL IT A GREAT HONOR TO BE  
16 APPOINTED TO A STATE LEVEL BOARD REPRESENTING THIS  
17 CONSTITUENCY, AND ARE VERY ANXIOUS TO ACCOMPLISH POSITIVE  
18 THINGS AND NOT GET IN THE WAY OF ROAD BLOCKING SOMETHING.

19 IN MY SERVICE ON THE COUNCIL, WHICH HAS BEEN  
20 FOR ABOUT FOUR, FOUR AND A HALF YEARS, I CAN ONLY THINK  
21 OF ONE OR TWO INSTANCES WHERE DISAGREEMENT WITH THE  
22 ADMINISTRATION'S HANDLING OF THE SYSTEM EVER CAME UP.  
23 ONE OF THEM, OF COURSE, WAS THE AREA BOARD PROBLEM.

24 I'VE HAD VERY GOOD RELATIONSHIPS WITH  
25 MR. MACOMBER, VERY GOOD PERSONAL RELATIONSHIPS WITH HIM.

1 I HAVE A RESPECT FOR MR. MACOMBER AND WHAT MOTIVATES HIM.  
2 HE'S MOTIVATED BY A BIG JOB, AND COMPROMISE IS THE ORDER  
3 OF THE DAY IN THIS AREA. HOWEVER, IT APPEARS THAT JUST  
4 RECENTLY THERE'S A CERTAIN VINDICTIVENESS IN HOW THIS  
5 COMPROMISE IS ACHIEVED, AND IT HAS RESULTED IN THINGS LIKE  
6 TODAY'S HEARING.

7 I WAS ELECTED UNANIMOUSLY AS VICE-CHAIRMAN OF  
8 THE BOARD. I HAD SERVED AS VICE-CHAIRMAN WHEN I FIRST  
9 WENT ON THE BOARD. I THEN SERVED AS CHAIRMAN, AND THEN I  
10 WAS REELECTED AS VICE-CHAIRMAN, NEVER GOT A CHANCE TO  
11 SERVE A DAY BECAUSE I WAS INDISPOSED FROM THE BOARD.

12 I HAD BEEN IN AN EXPIRED TERM FOR OVER A  
13 YEAR, HAD WRITTEN LETTERS TO THE APPOINTMENTS SECRETARY  
14 SAYING THAT I WISHED TO BE REAPPOINTED; NEVER RECEIVED ANY  
15 INFORMATION. THE COUNCIL ITSELF WAS NEVER ABLE TO RECEIVE  
16 ANY INFORMATION. AND I WAS ADVISED ONE DAY THAT I WAS NO  
17 LONGER ON THE COUNCIL.

18 TWO DAYS LATER, I WAS ADVISED THAT I WAS NO  
19 LONGER ON THE LANTERMAN ADVISORY BOARD, AND MR. JONES HAS  
20 INFORMED ME THAT IN SEPTEMBER I WILL PROBABLY BE  
21 UNEMPLOYED.

22 Q LET ME CLARIFY. YOU MENTIONED, BUT YOU  
23 DIDN'T INDICATE CLEARLY, ON THE ISSUE OF -- DID YOU  
24 SUPPORT THE P.A.I. ON THE STATE COUNCIL DECISION TO SUE  
25 THE GOVERNER AFTER ITS PROPOSED ELIMINATION OF THE AREA

1       BOARDS?

2               A        YES, I DID.  AND THE REASON I DID THAT, AND I  
3        ARGUED FOR IT, WAS THAT THERE OBVIOUSLY WERE TWO POINTS OF  
4        VIEW.  THERE WAS THE ADMINISTRATION'S POINT OF VIEW THAT  
5        THE AREA BOARDS WERE DUPLICATIVE AND THAT THE MONEY COULD  
6        BE PUT TO BETTER PURPOSES THAN DIRECT SERVICES TO THE  
7        DEVELOPMENTALLY DISABLED.

8                IN OUR POINT OF VIEW, HE DIDN'T DO THIS  
9        LEGALLY.  WE ARE REQUIRED TO HAVE PUBLIC HEARINGS AND  
10       REQUIRED TO CHANGE THE LAW, NOT TO ELIMINATE AREA BOARDS.  
11       AND WHEN YOU HAVE A CONFLICT OF THIS NATURE, THE BEST WAY  
12       TO GET IT SETTLED IS THROUGH A LEGAL PROCESS.

13              Q        WAS YOUR POSITION ON THIS ISSUE EVER  
14       DISCUSSED WITH ANYONE IN THE ADMINISTRATION THAT YOU ARE  
15       AWARE OF?  WAS THE FACT THAT YOU WERE NOT SUPPORTING THE  
16       GOVERNOR'S POSITION A MATTER OF DISCUSSION?

17              A        I'M SURE IT WAS QUITE CLEAR, SIR.

18              Q        WHAT ABOUT WITH CHRIS JONES?  DO YOU KNOW IF  
19       THAT WAS EVER DISCUSSED WITH HIM OR --

20              A        MR. JONES' POSITION ON PROTECTION AND  
21       ADVOCACY IN THIS PARTICULAR MATTER WAS THAT WE HAD TO  
22       SUPPORT THE GOVERNOR AND WE HAD NO RIGHT TO SUE HIM.

23              Q        DID HE DISCUSS YOUR POSITION ON THIS?

24              A        WITH ME?

25              Q        WHAT I'M TRYING TO DO IS SEE IF THERE WAS

1 ANY -- FIRST OF ALL, IN THE APPOINTMENT, WAS THERE ANY  
2 INDICATION, OR INFERENCE EVEN, THAT YOU OUGHT TO SUPPORT  
3 THE GOVERNOR? AND THEN AS WE MOVE TO A POINT WHERE A  
4 MAJOR ISSUE COMES ALONG AND YOU TAKE A POSITION CONTRARY  
5 TO THAT, WAS THAT A SUBJECT THAT -- DID THAT OCCASION ANY  
6 DISCUSSION, THE FACT THAT YOU DIDN'T SUPPORT THE  
7 GOVERNOR --

8 A I WOULD SAY --

9 Q -- THAT YOU ARE AWARE OF?

10 A INDIRECTLY, MR. JONES HAS SEVERAL TIMES  
11 IMPLIED TO ALL OF THE BOARD MEMBERS THAT WE HAD TO SUPPORT  
12 THE DEPARTMENT AND WE HAD TO SUPPORT THE ADMINISTRATION.  
13 I'M SURE ALL OF THE BOARD MEMBERS, IN A MINORITY GROUP  
14 HERE, WOULD AGREE TO THAT.

15 Q HOW WERE YOU REMOVED FROM THE STATE COUNCIL?

16 A I WAS REMOVED FROM THE STATE COUNCIL BY A  
17 CALL FROM THE CLERK IN THE APPOINTMENT OFFICE WHO SAID  
18 THAT, "AS YOU KNOW, YOUR TERM HAS EXPIRED."

19 I DID KNOW THAT. I HAD ALREADY SUBMITTED A  
20 LETTER THAT IT HAD EXPIRED A YEAR BEFORE, AND ASKED FOR  
21 REAPPOINTMENT, AND THEY SAID THAT I WOULD BE OFF THE  
22 COUNCIL AND I WOULD RECEIVE A LETTER FROM THE GOVERNOR,  
23 AND I DID. I RECEIVED A LETTER THANKING ME FOR MY  
24 SERVICES.

25 Q DID YOU EVER EXPRESS ANY CONCERN TO THE

1 GOVERNOR'S OFFICE REGARDING THE NOTIFICATION PROCESS OF  
2 BOARD MEMBERS OR THEIR QUALIFICATION FOR BOARD MEMBERS OR  
3 HOW THEY LOOKED AT HOW A PERSON GOT ON THE BOARD; ANYTHING  
4 IN THIS REGARD?

5 A YES, SIR. AT THAT TIME I WAS PRESIDENT OF  
6 PROTECTION AND ADVOCACY, AND THE QUESTION OF THE  
7 ELIGIBILITY OF BOTH MARGARET HEAGNEY AND LORI ROOS WAS A  
8 SOURCE OF CONSTANT DISCUSSION AT BOARD MEETINGS. IT  
9 BECAME SO BAD THAT WE ASKED FOR THE LEGAL COUNSEL OF THE  
10 P.A.I. CORPORATION TO RENDER A DECISION AS TO WHETHER THEY  
11 HAD MET THE ELIGIBILITY REQUIREMENTS TO BE BOARD MEMBERS.

12 HIS RESPONSE TO ME, AS PRESIDENT, WAS THAT,  
13 IN HIS OPINION, TECHNICALLY MARGARET HEAGNEY MET THE  
14 REQUIREMENTS SINCE SHE HAD JOINED THE A.R.C. ORGANIZATION  
15 TEN DAYS BEFORE HER APPOINTMENT AND, THEREFORE, WAS A  
16 MEMBER OF THE CONSTITUENCY.

17 BUT IN THE CASE OF LORI ROOS, HE QUESTIONED  
18 WHETHER SHE HAD BEEN VALIDLY APPOINTED BECAUSE, THROUGH  
19 THE VERBAL INFORMATION WE HAD, HER APPOINTMENT WAS AS A  
20 DEVELOPMENTALLY DISABLED PERSON, OR AS A RELATIVE, AND HE  
21 DIDN'T FEEL THAT SHE QUALIFIED UNDER EITHER CATEGORY.

22 I WROTE AS PRESIDENT THEN TO THE APPOINTMENTS  
23 SECRETARY, MS. BELLA MEESE, AND REQUESTED CONFIRMATION OF  
24 THE ELIGIBILITY RULE UNDER WHICH MS. ROOS HAD BEEN  
25 APPOINTED, AND I NEVER RECEIVED A RESPONSE TO THAT LETTER

1 AS PRESIDENT.

2 WE HAD A MEETING. MS. SECRETARY, COULD YOU  
3 HELP ME WITH THE DATES?

4 MS. LAPIN: YES.

5 MR. DE BELL: WE HAVE A VERY GOOD SECRETARY.

6 MS. LAPIN: WE DIDN'T GET A RESPONSE UNTIL  
7 MARCH 25TH. CHRIS SENT A LETTER TO THE BOARD MEMBERS FROM  
8 BELLA MEESE, SO WE ORIGINALLY WERE ASKED BY CONSTITUENCY  
9 GROUPS IN DECEMBER AND JANUARY. GEORGE WROTE A LETTER TO  
10 LORI ON JANUARY 11TH. FEBRUARY 11TH, LANCE OLSEN WROTE A  
11 LETTER TO GEORGE. FEBRUARY 23RD, GEORGE WROTE A LETTER TO  
12 BELLA MEESE CLARIFYING IT BECAUSE LANCE OLSEN'S LETTER  
13 SAID SHE DIDN'T QUALIFY UNDER THE SECTION UNDER WHICH SHE  
14 WAS APPOINTED.

15 THEN IT WASN'T UNTIL APRIL 1ST THAT CHRIS  
16 SENT THE LETTER FROM BELLA MEESE. AND, IN FACT, IT'S MY  
17 UNDERSTANDING THAT THAT LETTER JUST REQUALIFIED HER UNDER  
18 THE SAME HEADING THAT LANCE OLSEN SAID SHE WASN'T  
19 APPROPRIATELY APPOINTED AS CONSUMER OR SLASH RELATIVE.  
20 BY SENATOR MC CORQUODALE:

21 Q ALL RIGHT. LET ME ASK ONE MORE QUESTION IN  
22 THIS REGARD. DID GARY MACOMBER EVER ASK YOU TO LOOK INTO  
23 SPECIFIC P.A.I. LITIGATION IN WHICH P.A.I. WAS INVOLVED?

24 A ONLY ON ONE OCCASION.

25 Q COULD YOU EXPLAIN THAT?

1           A       AT THAT TIME THERE WERE -- IT WAS JUST AFTER  
2 I GOT ON THE PROTECTION AND ADVOCACY BOARD, DURING THAT  
3 THREE-MONTH PERIOD. THERE WERE A SERIES OF INDIVIDUAL  
4 LITIGATION CASES IN THE RIVERSIDE REGIONAL CENTER BOARD,  
5 WHERE CERTAIN PEOPLE WHO HAD BEEN ELIGIBLE FOR SERVICES AS  
6 DEVELOPMENTALLY DISABLED SUDDENLY FOUND THEMSELVES  
7 UNQUALIFIED, AND SUPPORT WAS WITHDRAWN.

8                   I BELIEVE THERE WERE EIGHT OR NINE CASES. IN  
9 EACH ONE OF THESE CASES, LITIGATION WAS ENTERED INTO BY  
10 PROTECTION AND ADVOCACY LEGAL STAFF. IN EACH CASE THE  
11 ELIGIBILITY WAS RESTORED.

12                   I VISITED MR. MACOMBER IN HIS OFFICE ONE DAY  
13 AND HE ASKED ME, "WOULD YOU PLEASE LOOK AT WHAT THE HELL  
14 THEY'RE DOING OUT THERE? YOU KNOW, THEY'RE JUST SUING  
15 EVERYBODY," OR WORDS TO THAT EFFECT.

16                   I SAID, "YES. I'LL BE GLAD TO." I CALLED  
17 MR. ZONCA AND I SAID, "AL, WOULD YOU PLEASE ADVISE ME  
18 WHAT'S GOING ON?" AND HE ADVISED ME THAT WE WERE WINNING  
19 CASES.

20                   I REPORTED THAT BACK TO MR. MACOMBER. I  
21 SAID, "GARY, I THINK THE PROBLEM IS THAT THE INDIVIDUALS  
22 ARE WINNING AGAINST THE SYSTEM, AND I DON'T THINK YOU HAVE  
23 A PROBLEM," AND THAT WAS THE END OF THAT.

24                   SENATOR MC CORQUODALE: ALL RIGHT. ARE THERE ANY  
25 QUESTIONS? SENATOR MARKS? SENATOR ROSENTHAL?



1 MR. POLANCO?

2  
3 EXAMINATION

4 BY ASSEMBLYMAN POLANCO:

5 Q IN REFERENCE TO THE RECOMMENDATION ON A  
6 DISABLED RELATIVE, THE RELATIVE WAS EITHER IN NEW YORK OR  
7 SOMEPLACE OUT OF THE STATE. MAYBE WE WOULD LIKE TO  
8 TIGHTEN THAT UP FURTHER TO INCLUDE A RELATIVE IN THE STATE  
9 OF CALIFORNIA.

10 A I BELIEVE A RELATIVE SHOULD BE SOMEBODY WHO  
11 IS CLOSELY INVOLVED IN THE CARE OF THE INDIVIDUAL AND IS  
12 RESPONSIBLE FOR THE INDIVIDUAL.

13 WHEN WE TALKED ABOUT THIS, WE FOUND OUT THAT  
14 THIS COUSIN FROM NEW YORK VISITED MS. ROOS MAYBE TWO WEEKS  
15 A YEAR AND STAYED AT HER HOUSE. SO THAT'S CERTAINLY NOT  
16 IN THE SPIRIT OF THE ELIGIBILITY RULE.

17 SENATOR MC CORQUODALE: ALL RIGHT. VERY GOOD.  
18 THANK YOU, AND WE MAY WANT TO CALL YOU AT A LITTLE LATER  
19 TIME TODAY.

20 THE WITNESS: THANK YOU VERY MUCH, SENATOR.

21 SENATOR MC CORQUODALE: NOW, IT IS MY UNDERSTANDING  
22 THAT THERE ARE SOME HEARING-IMPAIRED FOLKS IN THE AUDIENCE  
23 AND WE DID NOT GET AN INTERPRETER FOR HEARING-IMPAIRED.  
24 FIRST, I'LL APOLOGIZE FOR THAT. I THOUGHT WE HAD COVERED  
25 THE VARIOUS AREAS THAT WE NEEDED TO AND THAT WE HAD NOT

1 HAD AN INDICATION.

2 WE SHOULD HAVE HAD AN INTERPRETER HERE AND WE  
3 DO HOPE TO HAVE ONE FOR THIS AFTERNOON'S PROCEEDINGS.  
4 IN FACT, WE HAVE CONTACTED THE SERVICE AND THEY HAVE  
5 INDICATED THEY WILL ATTEMPT TO GET SOMEONE HERE AS QUICKLY  
6 AS POSSIBLE.

7 NEXT IS LINDA KOWALKA, A MEMBER OF P.A.I.,  
8 BOARD APPOINTMENT IN 1986.

9  
10 LINDA KOWALKA,

11 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
12 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

13 THE WITNESS: I DO.

14 SENATOR MC CORQUODALE: WOULD YOU STATE YOUR NAME  
15 AND WHAT POSITION YOU CURRENTLY HOLD WITH P.A.I.?

16 THE WITNESS: MY NAME IS LINDA KOWALKA, AND THE  
17 SPELLING ON MY LAST NAME IS K-O-W-A-L-K-A. I'M ONE OF THE  
18 FOUNDING MEMBERS OF P.A.I.; I'VE BEEN CHIEF FINANCIAL  
19 OFFICER TO THE BOARD; I SERVED AS PRESIDENT TO THE BOARD  
20 FOR TWO YEARS; AND UP UNTIL MARCH OF THIS YEAR WAS  
21 CHAIRMAN OF THE BOARD.

22 SENATOR MC CORQUODALE: ALL RIGHT. DO YOU HAVE A  
23 STATEMENT?

24 THE WITNESS: YES, I DO, SENATOR.

25 SENATOR MC CORQUODALE: I THOUGHT IT WAS ONE PAGE

1 EACH SO I DISTRIBUTED ALL SEVEN PAGES OUT TO EVERYBODY.

2 (DISCUSSION OFF THE RECORD)

3 SENATOR MC CORQUODALE: ALL RIGHT. DO YOU WANT TO  
4 PROCEED WITH THAT, THEN?

5 THE WITNESS: THANK YOU.

6 BEFORE I PRESENT MY PREPARED REMARKS ON THE  
7 SUBJECT OF THIS OVERSIGHT HEARING, I'D LIKE TO ACKNOWLEDGE  
8 THE COMMITMENT ON BEHALF OF PEOPLE WITH DISABILITIES  
9 THAT YOU, SENATOR MC CORQUODALE, AND YOUR STAFF HAVE  
10 CONSISTENTLY DEMONSTRATED AS A MEMBER OF STATE  
11 LEGISLATURE.

12 AS AS PROFESSIONAL IN THE AREA OF  
13 DEVELOPMENTAL DISABILITIES, AS AN ADVOCATE, AND AS AN  
14 INDIVIDUAL WITH A DISABILITY, IT IS REASSURING TO KNOW  
15 THAT THERE ARE LEGISLATORS WHO ARE WILLING TO LISTEN, ARE  
16 SENSITIVE TO THE ISSUE, AND WILL BE PRO-ACTIVE IN AREAS  
17 SUCH AS IN THE TOPIC BEFORE US TODAY.

18 I ALSO WANT TO EXPRESS MY HEARTFELT THANKS TO  
19 ASSEMBLYMAN POLANCO, WHO, AS A NEWLY ELECTED MEMBER OF THE  
20 ASSEMBLY, HAS WILLINGLY AUTHORED BILLS THAT SEEK TO  
21 IMPROVE THE QUALITY OF SERVICES AND LIVES OF PEOPLE WITH  
22 DISABILITIES.

23 AS FOR MYSELF, I HAVE BEEN ACTIVE IN  
24 ADVOCATING FOR COST EFFECTIVE, STATE OF THE ART SERVICES  
25 FOR INDIVIDUALS WITH DISABILITIES AND THEIR FAMILIES. I

1 HAVE BEEN AN EDUCATOR IN THE AREA OF SPECIAL EDUCATION FOR  
2 16 YEARS, AS A SPEECH AND LANGUAGE THERAPIST, A TEACHER OF  
3 THE COMMUNICATIVELY HANDICAPPED, LEARNING HANDICAPPED, AND  
4 SEVERELY HANDICAPPED.

5 MY ADVOCACY INTERESTS HAVE INCLUDED ASSISTING  
6 IN THE FOUNDING OF A LOCAL EPILEPSY CHAPTER OF E.F.A.,  
7 MEMBER OF THE BOARD OF DIRECTORS OF ALTA CALIFORNIA  
8 REGIONAL CENTER, AND ONE OF THE FOUNDING MEMBERS OF P.A.I.

9 I WOULD LIKE TO PROVIDE FOR THIS COMMITTEE  
10 AND THIS AUDIENCE AN OVERVIEW OF THE HISTORY OF PROTECTION  
11 AND ADVOCACY, INC. P.A.I. CAME INTO BEING AS A RESULT OF  
12 PUBLIC LAW 94-103, SECTION 113. THE CONGRESSIONAL RECORD  
13 OF 9/15/77 SAID THAT IT WOULD CREATE SUCH A SYSTEM THAT  
14 WILL HAVE THE AUTHORITY TO PURSUE LEGAL, ADMINISTRATIVE,  
15 AND OTHER APPROPRIATE REMEDIES TO ENSURE THE PROTECTION OF  
16 THE RIGHTS OF SUCH PERSONS WHO ARE RECEIVING TREATMENT,  
17 SERVICES OR HABILITATION WITHIN THE STATE.

18 FURTHERMORE, IT GOES ON TO SAY THAT SUCH A  
19 SYSTEM WILL "BE INDEPENDENT OF ANY STATE AGENCY WHICH  
20 PROVIDES TREATMENT, SERVICE, OR HABILITATION TO PERSONS  
21 WITH DEVELOPMENTAL DISABILITIES."

22 ON JULY 19TH, 1978, A 14-MEMBER REVIEW  
23 COMMITTEE AND A SEVEN-MEMBER BOARD OF DIRECTORS WAS SWORN  
24 IN, IN THE OFFICE OF THE HEALTH AND WELFARE AGENCY BY  
25 SECRETARY OBLEDO.

1 THE ORIGINAL P.A.I. MEMBERS, BOTH REVIEW  
2 COMMITTEE AND BOARD OF DIRECTORS, REPRESENTED A BROAD  
3 CROSS-SECTION OF INTERESTS WITHIN THE DEVELOPMENTAL  
4 DISABILITY COMMUNITY: PRIMARY CONSUMERS, PARENTS AND  
5 FAMILY MEMBERS, PROFESSIONALS, ETHNIC REPRESENTATIVES AND  
6 KNOWLEDGEABLE PUBLIC MEMBERS, AS WELL AS REPRESENTING SUCH  
7 DISABILITIES AS MENTAL RETARDATION, CEREBRAL PALSY,  
8 LEARNING DISABILITIES, AUTISM AND EPILEPSY.

9 THE INITIAL ACTIVITIES OF THE ORGANIZATION  
10 WERE TO FORMULATE BYLAWS, LETTERS OF INCORPORATION, HIRE  
11 AN EXECUTIVE DIRECTOR, LOCATE AND FURNISH AN OFFICE, AND  
12 ISSUE REQUESTS FOR FUNDING, ALL PRIOR TO SEPTEMBER 30TH OF  
13 THAT YEAR.

14 IN THE BEGINNING YEARS, P.A.I. WORKED TO  
15 ESTABLISH ITS CREDIBILITY AS AN INDEPENDENT ADVOCACY  
16 ORGANIZATION. BY 1982, WE WERE AT A LEVEL OF ESTABLISHING  
17 A SECOND OFFICE IN LOS ANGELES. WE DEVELOPED A MEMORANDUM  
18 OF UNDERSTANDING WITH THE DEPARTMENT OF DEVELOPMENTAL  
19 SERVICES FOR THE PROVISION OF ADVOCACY SERVICES TO STATE  
20 HOSPITAL CLIENTS; WE PROVIDED OUTREACH SERVICES TO THE  
21 MINORITY COMMUNITY; AND WE PHASED OUT THE REVIEW COMMUNITY  
22 AND THUS REWROTE OUR BYLAWS.

23 I WANT TO ADD THAT WE WENT FROM A  
24 SEVEN-MEMBER BOARD TO AN ELEVEN-MEMBER BOARD, AND FOUR  
25 OF US CAME FROM THE REVIEW COMMITTEE ONTO THE BOARD.

1                   DURING THE FISCAL YEAR 1984-1985, P.A.I.  
2           EXPANDED ITS SERVICES BY OPENING A THIRD OFFICE IN THE  
3           SAN FRANCISCO-OAKLAND BAY AREA. IN THAT YEAR, WE PROVIDED  
4           ASSISTANCE TO 3200 CLIENTS, OF WHICH ONLY 42 CASES  
5           RESULTED IN ANY FORM OF LITIGATION. IT'S IMPORTANT TO  
6           NOTE THAT UP TO THIS TIME THE BOARD HAD AN UNQUESTIONABLE  
7           RESPECT FOR THE SPIRIT AND LETTER OF THE LAW AND VALUED  
8           CREATIVE TENSION AND DEBATE ON POLICY AND FISCAL ISSUES.

9                   IN THE INDEPENDENT EVALUATION OF P.A.I., DONE  
10          BY TERRY LYNCH & ASSOCIATES, AND THAT WAS MARCH OF 1986,  
11          IT IS SAID, QUOTE:

12                   "SEVERAL OF THE REPRESENTATIVES OF  
13           OTHER ORGANIZATIONS INTERVIEWED DURING THIS  
14           EVALUATION ATTRIBUTE THE RAPID DEVELOPMENT  
15           OF P.A.I. INTO AN OUTSTANDING ADVOCACY  
16           ORGANIZATION TO THE QUALITY OF THE BOARD AND  
17           ITS COMMITMENT TO AN INDEPENDENT, UNCOMPROMISED  
18           ADVOCACY PROGRAM, AS EVIDENCED IN THE POLICIES  
19           IT HAS ESTABLISHED AND THE LATITUDE IT ALLOWS  
20           THE EXECUTIVE DIRECTOR IN THE DAILY ADMINISTRATION  
21           OF THE P & A PROGRAM."

22                   HE FURTHER INDICATES THAT, QUOTE:

23                   "THE COMPREHENSIVENESS AND QUALITY OF P.A.I.  
24           POLICIES AND PROCEDURES CAN BE ATTRIBUTED, ALSO,  
25           TO THE EXCELLENT RELATIONSHIP BETWEEN THE BOARD

1           AND THE EXECUTIVE DIRECTOR AND STAFF. SUGGESTIONS  
2           FOR POLICY MODIFICATION AND ADDITIONS COME FROM  
3           BOTH STAFF AND BOARD MEMBERS (PRINCIPALLY FROM  
4           THE ORGANIZATIONAL DEVELOPMENT COMMITTEE), AND  
5           BOARD MINUTES INDICATE THAT THE PROCESS FOR  
6           MAKING SUCH CHANGES WORKS SMOOTHLY AND RAPIDLY."

7           IN 1985, THE TENOR OF THE BOARD BEGAN TO  
8           CHANGE AS NEW APPOINTMENTS WERE MADE TO THE BOARD.  
9           APPOINTMENTS BEGAN TO BE MADE SHORTLY BEFORE A BOARD  
10          MEETING, OFTEN BEFORE A VOTE ON A CRITICAL ISSUE, WITH  
11          LITTLE OR NO NOTICE TO THE BOARD MEMBER BEING REPLACED  
12          AND/OR TO THE ORGANIZATION.

13          A CASE IN POINT IS THE PROCESS FOLLOWED IN  
14          THE APPOINTMENT OF MR. JOHN KELLOGG. MR. KELLOGG WAS  
15          APPOINTED DURING MY TENURE AS BOARD PRESIDENT. THE  
16          NOTIFICATION OF HIS APPOINTMENT OCCURRED IN A PHONE  
17          CONVERSATION I HAD WITH MY PARENTS, WHO HAD READ THE PRESS  
18          RELEASE IN THE NAPA REGISTER. CONFIRMATION OF THE  
19          APPOINTMENT OCCURRED BY THE EXECUTIVE DIRECTOR CALLING THE  
20          APPOINTMENTS OFFICE TO INQUIRE IF, IN FACT, WE HAD A NEW  
21          DIRECTOR.

22          WHEN I CALLED MR. KELLOGG TO WELCOME HIM TO  
23          THE BOARD, UPDATE HIM ON THE AGENDA AND THOSE DETAILS, HE  
24          ASSURED ME THAT HE WAS AWARE OF THE UPCOMING MEETING AND  
25          AGENDA THROUGH CONVERSATIONS HE HAD HAD WITH ANOTHER BOARD

1 MEMBER, CHRIS JONES.

2 IT WAS ALSO IN THIS TIME FRAME THAT THE BOARD  
3 BEING EXPERIENCING, DURING DELIBERATION OF AN ISSUE, BOARD  
4 MEMBERS RELATING PERSONAL CONTACTS THEY HAD WITH THE  
5 DIRECTOR OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES,  
6 MR. GARY MACOMBER.

7 IN ONE DISCUSSION ON A P.A.I. STAFF ANALYSIS  
8 OF THE CURRENT RATE STRUCTURE AND PENDING LEGISLATION,  
9 CHRIS JONES RELATED THAT AFTER A PHONE CONVERSATION WITH  
10 MR. MACOMBER, QUOTE, "IT MAKES ME SO SAD TO BE WORKING ON  
11 A BOARD THAT MAKES THE GOVERNOR'S OFFICE SO UPSET."

12 IN MAY OF 1986, PRESIDENT REAGAN SIGNED INTO  
13 LAW PUBLIC LAW 99-319, OR THE P & A BILL FOR MENTALLY ILL  
14 INDIVIDUALS ACT, AT THE N.A.P.A.S. CONFERENCE HELD IN  
15 WASHINGTON D.C. IN JUNE OF THAT YEAR, P.A.I. WAS  
16 CONSIDERED ONE OF THE BEST P & A SYSTEMS IN THE COUNTRY.  
17 SEVERAL EXECUTIVE DIRECTORS AND BOARD MEMBERS FROM OTHER  
18 STATES REMARKED THAT THEY "WOULD BE LOOKING AT CALIFORNIA  
19 TO TAKE THE LEAD IN DESIGNATING AND IMPLEMENTING THIS NEW  
20 CONSTITUENCY INTO THE P & A SERVICE SYSTEM."

21 UNFORTUNATELY, AND I EMPHASIZE  
22 "UNFORTUNATELY," WE ARE NOW ONE OF THE LAST P & A SYSTEMS  
23 IN THIS COUNTRY WHO HAVE NOT SEATED DIRECTORS WHO  
24 REPRESENT THE MENTALLY ILL.

25 CONTROVERSY AND MANIPULATION OF THE BOARD



1       BEGAN IN EARNEST WHEN, IN JUNE OF 1987, THE MOTION TO  
2       AUTHORIZE LITIGATION ON THE AREA BOARD ISSUE WAS BROUGHT  
3       BEFORE THE P.A.I. BOARD. CHRIS JONES AND JOHN KELLOGG  
4       STRENUOUSLY OPPOSED THIS ACTION BY VOTING "NO." THEIR  
5       ARGUMENTS REVOLVED AROUND PROTECTING THE GOVERNOR AND  
6       LOYALTY TO THE REPUBLICAN PARTY. RECENTLY CHRIS JONES  
7       STATED, QUOTE:

8                       "WE COULD HAVE AVOIDED QUITE A BIT  
9       OF THIS CONTROVERSY IF THE BOARD HADN'T  
10      JUMPED ON THIS AREA BOARD THING, IF THEY  
11      HAD SAID, 'LET'S WAIT UNTIL SOMETHING ACTUALLY  
12      HAPPENS BEFORE WE PUT OUR FEET IN CEMENT TO SUE.'  
13      THE NATURAL TENDENCY OF ANYONE THREATENED WITH  
14      A LAWSUIT IS TO TAKE A MORE COMBATIVE APPROACH  
15      THAN THEY MIGHT OTHERWISE TAKE."

16                      DURING THE SEPTEMBER BOARD MEETING, THE BOARD  
17      VOTED THAT THE COMPOSITION WOULD GO FROM ELEVEN TO  
18      THIRTEEN, WITH SEVEN APPOINTED BY THE GOVERNOR AND SIX  
19      APPOINTED BY THE BOARD ITSELF. THIS DRAFT WAS CIRCULATED,  
20      AS MANDATED BY OUR BYLAWS, AND HAD ONLY ONE RESPONDENT,  
21      MR. GARY MACOMBER.

22                      WITHIN 48 HOURS OF OUR NOVEMBER BOARD  
23      MEETING, WE FOUND THAT WE NOW HAD TWO NEW BOARD MEMBERS.  
24      BOTH MS. HEAGNEY AND MS. ROOS WERE APPOINTED IN TIME FOR  
25      THE VOTE ON THE PROPOSED BYLAWS AND HAD BEEN INSERVICED BY

1 CHRIS JONES ON THE "ISSUES" AND APPEARED TO HAVE A SOCIAL  
2 RELATIONSHIP WITH EACH OTHER AND OTHER MEMBERS OF THE  
3 BOARD. THESE APPOINTMENTS CREATED A BLOC OF FIVE VOTES,  
4 WHICH TO THIS DAY HAVE PREVENTED ANY REAL BUSINESS FROM  
5 BEING CONDUCTED.

6 BOTH IN THE JANUARY AND MARCH BOARD MEETINGS,  
7 THIS "GANG OF FIVE" HAS CONSISTENTLY BLOCKED ANY COMPRO-  
8 MISE AND/OR INTERIM SOLUTIONS TO SEATING REPRESENTATIVES  
9 FROM THE MENTAL HEALTH COMMUNITY AND RESTRUCTURING THE  
10 BYLAWS. IN ONE ATTEMPT THEY OPENLY MANIPULATED THE  
11 APPOINTMENT CATEGORIES TO MAINTAIN THEIR MEMBERSHIP AND  
12 DESIGNATE NINE GOVERNOR APPOINTMENTS TO ENSURE A  
13 TWO-THIRDS CONTROL OF THE BOARD. BY THE WAY, THAT WAS OUR  
14 JANUARY, 1988 BOARD MEETING.

15 THE MOST RECENT BOARD MEETING WAS ONE OF OUR  
16 WORST YET. OUR NEW BOARD PRESIDENT, CHRIS JONES, WENT  
17 INTO THE MEETING BY STATING THAT:

18 "I'M LOOKING FOR FUTURE MEETINGS TO  
19 BE RUN, I THINK, A LITTLE MORE EFFICIENT  
20 AND GET BUSINESS DONE TYPE BASIS, AND NOT  
21 QUITE AS MUCH, AS I VIEW, GRANDSTANDING, AND  
22 THAT WE HAVE HAD THE LAST TWO MEETINGS WHERE  
23 WE HAD DONE NOTHING BUT REHASH THE SAME THING  
24 OVER AND OVER AND GOTTEN NOTHING DONE. SO I  
25 WANT TO FOCUS US NOT ON THE BYLAWS BUT ON

1 FUTURE IN-SERVICE ASPECTS AND GO FROM THERE."

2 TO ENSURE HIS POINT OF VIEW, MR. JONES  
3 REFUSED TO ADDRESS BOTH VERBAL AND WRITTEN REQUESTS BY  
4 HALE ZUKAS AND CONNIE LAPIN TO ADD ITEMS TO THE AGENDA.  
5 BOTH MEMBERS SPECIFICALLY REQUESTED THAT THE BY-LAWS ISSUE  
6 AND APPOINTMENT TO THE EXECUTIVE BOARD BE ADDRESSED ON THE  
7 AGENDA. AT THE MEETING, BOTH BOARD MEMBERS AND THE  
8 AUDIENCE QUESTIONED MR. JONES' INTERPRETATION OF ROBERTS  
9 RULES OF ORDER AND THE CURRENT BYLAWS AND ARBITRARY  
10 APPROACH TO CONDUCTING A MEETING.

11 FOR EXAMPLE, AT ONE POINT IN THE MEETING  
12 THREE MOTIONS WERE ON THE FLOOR SIMULTANEOUSLY, ONE OF  
13 WHICH WAS MADE BY MR. JONES HIMSELF. IN SPITE OF A MOTION  
14 TO APPOINT TWO MEMBERS OF THE MENTAL HEALTH COMMITTEE WHO  
15 ARE DEVELOPMENTALLY DISABLED UNDER THE FEDERAL DEFINITION,  
16 CHRIS INSISTED THAT, QUOTE, "YOU CANNOT APPOINT THOSE TWO  
17 PEOPLE UNTIL THE BYLAWS ARE CHANGED."

18 THE ISSUE WAS RAISED THAT THE DELAY BEING  
19 PURSUED BY MR. JONES AND HIS COLLEAGUES WAS TO DEAL WITH  
20 THE BYLAWS ISSUE AFTER SEPTEMBER WHEN TWO BOARD MEMBERS'  
21 TERMS WOULD EXPIRE. RECENTLY, HE SAID:

22 "I THINK THE VOTES WILL BE THERE AFTER  
23 THE END OF SEPTEMBER WHEN SEVERAL BOARD MEMBERS'  
24 TERMS WILL BE VACANT. WE WILL THEN HAVE THE,  
25 UH, THERE WILL BE A TWO-THIRDS VOTE TO PASS THE

1 PLAN."

2 THE FINAL PIECE TO THIS CHARADE CAME AFTER  
3 OUR LUNCH RECESS WHEN THREE BOARD MEMBERS HAD LEFT THE  
4 MEETING AND REFUSED TO RETURN UNLESS THERE WAS A SPIRIT OF  
5 COMPROMISE. THE PRESIDENT THEN DECLARED THAT WE DID NOT  
6 HAVE ENOUGH MEMBERS TO CONSTITUTE A QUORUM, BASED ON A  
7 TEN-MEMBER BOARD. AND I WANT TO ADD THAT THAT MORNING HE  
8 ANNOUNCED DURING HIS PRESIDENT'S REPORT THAT WE HAD  
9 ANOTHER, OR A TENTH MEMBER ADDED TO OUR BOARD RATHER THAN  
10 THE NINE HE HAD USED IN THE MORNING.

11 HIS POSITION WAS CHALLENGED BOTH BY MEMBERS  
12 OF THE BOARD AND THE AUDIENCE, TO WHICH HE REPLIED, QUOTE,  
13 "IF YOU VOTE ON THIS MOTION, THEN I WILL JUST HAVE TO  
14 LEAVE," UNQUOTE. WITHOUT EVER HAVING CALLED FOR THE  
15 QUESTION, MR. JONES LEFT THE MEETING.

16 THOSE OF US THAT REMAINED FINISHED CONDUCTING  
17 BUSINESS, INCLUDING VOTING ON TWO MEMBERS OF THE MENTAL  
18 HEALTH COMMUNITY, MS. LANI PLASTER AND TONY HOFFMAN, AS  
19 BOTH PRIMARY AND SECONDARY CONSUMERS.

20 FOR MYSELF, AS A REGISTERED REPUBLICAN, I  
21 CANNOT UNDERSTAND THE INTENSE PARTISANSHIP AND NEED FOR  
22 CONTROL THAT I'M WITNESSING THROUGH THE RECENT  
23 APPOINTMENTS. THERE IS NO ROOM FOR PARTISAN POLITICS WHEN  
24 IT IS THE GOAL OF SOCIETY AND CONGRESS TO ASSIST PEOPLE  
25 WITH DISABILITIES TO LIVE MORE INDEPENDENTLY THROUGH

1           ADVOCACY WHICH INCLUDES LEGAL REDRESS.

2                           IT APPEARS THAT I AM WITNESSING A CONSPIRACY  
3 TO DENY PEOPLE WITH DISABILITIES THE RIGHT TO AN  
4 INDEPENDENT ADVOCACY SYSTEM. I BELIEVE THAT IF THIS  
5 SITUATION CANNOT BE RESOLVED AT THE STATE LEVEL, THEN  
6 REDRESS WILL NEED TO BE SOUGHT THROUGH CONGRESS AND THE  
7 FEDERAL COURT.

8                           WHAT I RECOMMEND TO THIS COMMITTEE IS THAT  
9 THE LEGISLATURE INTRODUCE AND PASS, BEFORE ADJOURNMENT ON  
10 AUGUST 31ST, 1988, A JOINT RESOLUTION OF THE SENATE AND  
11 ASSEMBLY WHICH HIGHLIGHTS THE IMPORTANCE OF INDEPENDENT  
12 ADVOCACY AS A PART OF THE TOTAL SERVICE DELIVERY SYSTEM IN  
13 CALIFORNIA.

14                           I'M NOT GOING TO REITERATE A LOT OF WHAT  
15 MRS. LAPIN SAID, BUT I WILL SAY ONE THING. I FEEL THAT  
16 THE P.A.I. BOARD SHOULD ACCEPT FOUR APPOINTMENTS OF  
17 MEMBERS MADE BY THE SENATE RULES COMMITTEE AND THE SPEAKER  
18 OF THE HOUSE, FOUR APPOINTMENTS BY THE GOVERNOR, AND THAT  
19 THE REMAINING APPOINTMENTS SHOULD COME FROM  
20 RECOMMENDATIONS MADE BY THE CONSTITUENCY GROUPS  
21 REPRESENTING BOTH THE DEVELOPMENTALLY DISABLED AND  
22 MENTALLY ILL.

23                           I FEEL EXTREMELY STRONGLY THAT AT THIS POINT  
24 IN TIME P.A.I. IS GOVERNING MONIES FOR THE MENTALLY ILL.  
25 THEY DO NOT HAVE ANY REPRESENTATION, AND I BELIEVE THAT'S

1 IN VIOLATION OF OUR DEMOCRACY.

2 THAT'S THE END OF MY REMARKS.

3  
4 EXAMINATION

5 BY SENATOR MC CORQUODALE:

6 Q MS. KOWALKA, YOU SAY YOU WERE APPOINTED TO  
7 THE P.A.I. BOARD IN '86?

8 A NO. I WAS ORIGINALLY APPOINTED TO THE REVIEW  
9 COMMITTEE ON JULY 19TH, 1978. I SERVED ON THE REVIEW  
10 COMMITTEE UNTIL 1982. THEN WHEN THE BYLAWS WERE WRITTEN  
11 AND FORMED NEW MEMBERS, OR BOARD-APPOINTED MEMBERS WERE  
12 BUILT INTO THE BYLAWS, BOTH MYSELF AND THREE OTHER MEMBERS  
13 WERE BROUGHT FROM THE REVIEW COMMITTEE ONTO THE BOARD, AND  
14 I'VE BEEN ON THE BOARD SINCE THAT TIME.

15 Q ALL RIGHT. NOW, LET ME ASK YOU -- WE WILL GO  
16 IN A LITTLE BIT DIFFERENT DIRECTION THAN I'VE BEEN ASKING  
17 EARLIER, BUT JUST TO PROCEED ON TO THE NEXT STEP BEYOND  
18 HOW A PERSON IS APPOINTED, LOOKING AT THE ISSUE OF  
19 ORIENTATION, ARE YOU AWARE OF ANY ORIENTATION OCCURRING  
20 FOR RECENT BOARD MEMBERS?

21 A DURING MY TENURE AS PRESIDENT, WHICH WAS FROM  
22 1985 TO 1987, IN THE SPRING -- AND I BELIEVE IT WAS AROUND  
23 MARCH OR APRIL OF 1986 -- I BECAME AWARE OF AN ORIENTATION  
24 FOR TWO OF THE NEW BOARD MEMBERS, MR. CHRIS JONES AND  
25 ANNETTE OSPITAL, BY THE DEPARTMENT OF DEVELOPMENTAL

1 SERVICES.

2 AT THAT TIME I MADE A CALL TO THE DEPARTMENT  
3 AND ASKED THAT I BE ALLOWED TO COME. I RECEIVED A CALL  
4 BACK FROM GREG SANDIN, WHO, IN EFFECT, SAID THAT IT WAS  
5 NOT NECESSARY FOR ME TO BE THERE. IT WAS ONLY FOR NEW  
6 BOARD MEMBERS.

7 Q HISTORICALLY, HAVE THERE BEEN ORIENTATIONS?  
8 IS THAT A NORMAL THING TO HAVE?

9 A THE EXECUTIVE DIRECTOR -- AND AGAIN, WHEN I  
10 WAS PRESIDENT OF THE BOARD -- HAD AN ORIENTATION WITH THE  
11 NEW BOARD MEMBERS. THE EXECUTIVE DIRECTOR'S ORIENTATION  
12 WAS IN DEPTH, GOING OVER THE LAWS AND THE POLICIES AND  
13 PROCEDURES AND ALL OF THAT OF THE ORGANIZATION. MINE WAS  
14 MORE TO HAVE THEM FEEL COMFORTABLE AND GET THEM TO  
15 UNDERSTAND THE UPCOMING AGENDA AND THOSE KINDS OF THINGS.

16 Q OKAY. THE RECORDS INDICATE THAT THE FIRST  
17 BOARD WAS SWORN IN.

18 A YES.

19 Q I THINK SOMEBODY MENTIONED THAT. YOU OR THE  
20 PREVIOUS SPEAKER --

21 A YES.

22 Q -- MENTIONED THAT THE FIRST BOARD WAS SWORN  
23 IN. TO YOUR KNOWLEDGE, WERE THERE ANY MEMBERS AFTER THAT  
24 THAT WERE ADDED THAT WERE EVER SWORN IN? WAS THAT AN  
25 OVERSIGHT OR WAS THERE JUST NO NEED FOR IT?

1           A       TO MY KNOWLEDGE, NO OTHER MEMBERS WERE SWORN  
2           IN OTHER THAN THE ORIGINAL --

3           Q       THE FEDERAL REQUIREMENTS DON'T REQUIRE THAT,  
4           FROM YOUR AWARENESS?

5           A       NOT THAT I'M AWARE OF.

6           SENATOR MC CORQUODALE: ANY OTHER QUESTIONS?

7           SENATOR MARKS?

8

9

EXAMINATION

10          BY SENATOR MARKS:

11           Q       LET ME JUST SAY THAT I AM DELIGHTED THAT YOU,  
12           AS A REPUBLICAN, HAVE COME TO US. I THINK THIS INDICATES  
13           THAT THIS IS NOT JUST A DEMOCRATIC POSITION ON THIS BILL.

14                   LET ME ASK YOU A QUESTION. HAVE YOU EVER  
15           TALKED AS A REPUBLICAN TO MR. CHRIS BELL?

16           A       PARDON ME?

17           Q       WAS THAT HIS NAME? OH, CHRIS JONES, I MEAN.  
18           HAVE YOU EVER TALKED TO MR. JONES AS A FELLOW REPUBLICAN?  
19           HAVE YOU EVER SAT DOWN AND DISCUSSED THE PROPOSITION  
20           (SIC)?

21           A       WE HAVE DISCUSSED IT, NOT SITTING DOWN JUST  
22           THE TWO OF US. WE HAVE DISCUSSED IT AT LENGTH IN BOARD  
23           DELIBERATIONS.

24           Q       WHAT TOOK PLACE AT THAT MEETING AT THE TIME  
25           YOU DISCUSSED IT? DID YOU EVER INDICATE TO HIM THAT YOU



1 WERE CONCERNED AS A FELLOW REPUBLICAN ABOUT THE WAY IN  
2 WHICH THIS BOARD HAS OPERATED? I'M ASSUMING YOU DISCUSSED  
3 IT WITH HIM.

4 A YES. AND THE REMARK GIVEN BACK TO ME WAS  
5 THAT HE DISCOUNTED MY OPINION BECAUSE HE FELT I WAS TOO  
6 LIBERAL.

7 Q THERE HAVE BEEN A FEW OF THOSE PEOPLE.

8 A I WOULDN'T CONSIDER MYSELF LIBERAL, BUT I  
9 GUESS IN THIS CONTEXT MAYBE I AM.

10 SENATOR MARKS: WELCOME.

11 SENATOR MC CORQUODALE: ALL RIGHT. MR. POLANCO?

12

13

EXAMINATION

14 BY ASSEMBLYMAN POLANCO:

15 Q THUS FAR IT APPEARS THAT THE FEDERAL MANDATE  
16 TO ADD A MENTALLY ILL REPRESENTATIVE TO THE BOARD HAS NOT  
17 TAKEN PLACE. CAN YOU ELABORATE AND SHARE WITH US YOUR  
18 THOUGHTS AS TO WHY THAT'S NOT DEVELOPED?

19 A FIRST OF ALL, I WANT TO SAY THAT I WAS THE  
20 PRESIDENT OF THE BOARD WHEN THAT BILL BECAME A LAW. AT  
21 THAT TIME WHEN I SET UP AND NAMED THE MEMBERS OF THAT  
22 COMMITTEE, WHICH WE WERE DESIGNATED TO DO UNDER THAT  
23 FEDERAL STATUTE, I MADE A COMMITMENT TO MEMBERS OF THE  
24 MENTAL HEALTH COMMUNITY THAT WE WOULD DO AN IN-DEPTH  
25 PLANNING PROCESS, AND BEFORE THAT PROCESS WAS OVER, THAT

1 IT WAS CLEARLY THE BOARD'S INTENTION TO SEAT MEMBERS OF  
2 THE MENTAL HEALTH COMMUNITY ONTO OUR BOARD.

3 WE NEVER, FROM THE BEGINNING, FELT THAT IT  
4 WAS APPROPRIATE TO JUST HAVE THEM BE PART OF AN ADVISORY  
5 COMMITTEE. WE FELT THAT AS LONG AS WE WERE GOING TO  
6 PROVIDE SERVICES AND WE WERE RECEIVING MONIES TO PROVIDE  
7 THOSE SERVICES, THAT THEY HAD A RIGHT TO HAVE AN ACTIVE  
8 VOICE IN HOW THOSE SERVICES WERE DELIVERED, THE POLICIES  
9 AND PROCEDURES GOVERNING THOSE SERVICES.

10 I BELIEVE THAT THE STALL HAS COME AROUND, WHO  
11 WILL HAVE THE POWER TO APPOINT TWO-THIRDS OF THE VOTE OF  
12 THE BOARD?

13 MR. JONES AND HIS OTHER COLLEAGUES ON THE  
14 BOARD WANT NINE APPOINTMENTS FROM THE GOVERNOR. WE DO NOT  
15 BELIEVE THAT THE GOVERNOR SHOULDN'T HAVE APPOINTING POWER  
16 TO OUR BOARD, BUT TWO-THIRDS CONTROL MEANS THAT HE CAN  
17 CONTROL ANY ISSUE THAT COMES BEFORE OUR BOARD, BECAUSE IT  
18 CLEARLY STATES IN THE BYLAWS THAT IT REQUIRES A TWO-THIRDS  
19 MAJORITY.

20 DOES THAT ANSWER YOUR QUESTION?

21 Q NOT REALLY. I MEAN, THERE'S A FEDERAL  
22 MANDATE THAT IT TAKE PLACE.

23 A RIGHT.

24 Q IT HAS NOT DEVELOPED AS OF THIS DATE?

25 A WELL, THE FEDERAL MANDATE SAYS THAT WE WILL

1 HAVE AN ADVISORY COMMITTEE, SO WE HAVE MET THAT PART OF  
2 THE LAW FROM THE BEGINNING.

3 CURRENTLY, 99-319 DOES NOT SAY THAT THEY HAVE  
4 TO BE MEMBERS OF OUR BOARD OF DIRECTORS, BUT IT HAS BECOME  
5 A PRACTICE THROUGHOUT THE P & A SYSTEM THAT MEMBERS EITHER  
6 FROM THAT COMMITTEE OR FROM THE MENTAL HEALTH COMMITTEE  
7 ARE SEATED ON THE BOARD OF DIRECTORS.

8 Q AND THAT HAS NOT DEVELOPED TO THIS DATE?

9 A YES, THAT IS CORRECT. WELL, THAT'S NOT  
10 TOTALLY CORRECT. AFTER MEMBERS OF THE BOARD LEFT THE  
11 AFTERNOON PORTION OF THE MAY 21ST BOARD MEETING, I MADE A  
12 MOTION TO SEAT LANI PLASTER AND TONY HOFFMAN, LANI AS A  
13 PRIMARY CONSUMER AND TONY HOFFMAN AS A SECONDARY CONSUMER,  
14 AS MEMBERS OF THE BOARD.

15 EARLIER, I HAD MADE THAT MOTION TO SEAT THEM  
16 UNDER THE CATEGORY OF MENTAL HEALTH, AND THEN I MODIFIED  
17 MY MOTION TO READ THAT UNDER FEDERAL LAW THEY MET THE  
18 DEFINITION AS BEING DEVELOPMENTALLY DISABLED.

19 LANI, IN ADDITION TO HAVING A MENTAL ILLNESS,  
20 WAS DIAGNOSED AS HAVING SEIZURES AS A CHILD, AND  
21 MR. HOFFMAN'S SON WAS DIAGNOSED AS HAVING SEVERE EMOTIONAL  
22 PROBLEMS AT THE AGE OF 15.

23 SENATOR MC CORQUODALE: ALL RIGHT. SENATOR  
24 ROSENTHAL? NOTHING?

25 OKAY. I THINK THAT PROBABLY COMPLETES THE

1 QUESTIONS FOR YOU, BUT MAYBE IF YOU CAN BE AROUND FOR --

2 THE WITNESS: I'D LIKE TO ADD, SENATOR, THAT DURING  
3 MY TENURE OF TWO YEARS AS BOARD PRESIDENT, I WATCHED SEVEN  
4 NEW MEMBERS BE SEATED ON OUR BOARD, SIX OF WHOM WERE  
5 APPOINTED BY THE GOVERNOR.

6 SENATOR MC CORQUODALE: ALL RIGHT. I THINK, AGAIN,  
7 THAT I WANT TO INDICATE THAT WE HAVE RECEIVED COOPERATION  
8 FROM VARIOUS INDIVIDUALS WITHIN THE ADMINISTRATION. WE  
9 HAD DISCUSSED WITH THE DIRECTOR OF MENTAL HEALTH THE  
10 POSSIBILITY OF HIS COMING. IT SEEMED LIKE THERE WAS NOT  
11 ANYTHING TO BE GAINED PARTICULARLY BY HAVING HIS TESTIMONY  
12 HERE, SO WE DID NOT PURSUE THAT.

13 BUT HE DID PROVIDE US WITH A LETTER IN  
14 RESPONSE. WE ASKED HIM TO RESPOND TO ANY AREAS OF CONCERN  
15 THAT HE HAD. I THOUGHT IT MIGHT BE APPROPRIATE AT THIS  
16 POINT AFTER THE LAST TESTIMONY TO ENTER THIS INTO THE  
17 RECORD. THIS IS A PORTION OF A LETTER FROM MR. O'CONNOR.

18 "AS THE DIRECTOR OF THE DEPARTMENT OF  
19 MENTAL HEALTH, I WOULD LIKE TO MENTION ONE  
20 AREA OF CONCERN: THE COMPOSITION OF THE BOARD  
21 OF DIRECTORS FOR PROTECTION AND ADVOCACY, INC.  
22 (P.A.I.)

23 "THE PROTECTION AND ADVOCACY FOR MENTALLY  
24 ILL INDIVIDUALS ACT OF 1986, PUBLIC LAW 99-319,  
25 AUTHORIZED P.A.I. TO PROVIDE ADVOCACY SERVICES TO

1 PERSONS IDENTIFIED AS MENTALLY ILL AS WELL AS  
2 TO PERSONS WITH DEVELOPMENT DISABILITIES.

3 "FOLLOWING THE ENACTMENT OF PUBLIC LAW  
4 99-319, P.A.I.'S BOARD OF DIRECTORS ESTABLISHED  
5 AN ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT  
6 OF A PLAN FOR IMPLEMENTATION OF THIS LAW IN  
7 CALIFORNIA. THIS COMMITTEE INCLUDED FOUR  
8 INDIVIDUALS FROM MAJOR ORGANIZATIONS CONCERNED  
9 WITH SERVICES AND CARE PROVIDED TO INDIVIDUALS  
10 IDENTIFIED AS MENTALLY ILL. THE DEPARTMENT HAS  
11 BEEN SATISFIED WITH THE PROGRESS OF THIS ADVISORY  
12 COMMITTEE AND WITH THE REPRESENTATIVES WHO WERE  
13 SELECTED TO PARTICIPATE.

14 "AS WE NOW ENTER THE BEGINNING OF FISCAL  
15 YEAR 1988-89, IT IS MY HOPE THAT INDIVIDUALS WHO  
16 ADVOCATE FOR SERVICES FOR THE MENTALLY ILL WILL  
17 SOON BE INCLUDED AS VOTING MEMBERS OF THE P.A.I.  
18 BOARD OF DIRECTORS. MEMBERS OF MY STAFF HAVE  
19 BEEN WORKING TOWARDS THIS END.

20 "I CONTINUE TO BE CONCERNED THAT THERE IS  
21 NO MENTAL HEALTH REPRESENTATION ON THE BOARD.  
22 I HOPE THAT ADVOCATES FOR INDIVIDUALS WHO ARE  
23 MENTALLY ILL WILL BE ABLE TO ACTIVELY PARTICIPATE  
24 ON THE P.A.I. BOARD OF DIRECTORS."

25 I THOUGHT THAT THAT WOULD BE -- AND THAT

1 LETTER IS SIGNED BY D. MICHAEL O'CONNOR, M.D., DIRECTOR,  
2 DEPARTMENT OF MENTAL HEALTH.

3 MS. HAMRAN: MAY I SAY THAT TODAY THERE ARE SEVEN  
4 OR EIGHT PEOPLE FROM THE COALITION, ALONG WITH  
5 DR. O'CONNOR, WHO HAVE A DATE WITH THE GOVERNOR, WHICH WE  
6 HOPE THERE'S SOME HEADWAY.

7 SENATOR MC CORQUODALE: COULD YOU IDENTIFY  
8 YOURSELF, PLEASE.

9 MS. HAMRAN: I'M MARY ANN HAMRAN AND I'M A MEMBER  
10 OF THE ALLIANCE FOR THE MENTALLY ILL. I'M A PARENT.

11 SENATOR MC CORQUODALE: VERY GOOD.

12 WE ARE GOING TO, AT LEAST BEFORE WE BREAK,  
13 ATTEMPT TO TAKE ONE ADDITIONAL PERSON. HE'S THE LAST  
14 PERSON WHO HAS BEEN AN ONGOING MEMBER OF P.A.I. THAT WE  
15 HAD SUBPOENAED, AND I WANTED TO TRY TO GET HIM BEFORE  
16 LUNCH.

17 I'M ASSUMING HE IS A BOARD APPOINTMENT. HE  
18 DOESN'T HAVE TO RAISE HIS HAND. CAN YOU RAISE YOUR HAND  
19 FOR HIM?

20  
21 HALE ZUKAS,

22 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
23 CHAIR, WAS EXAMINED AND TESTIFIED THROUGH AN INTERPRETER  
24 AS FOLLOWS:

25 THE WITNESS: I DO.

1           SENATOR MC CORQUODALE: VERY GOOD. CAN HE GIVE HIS  
2 NAME AND POSITION AT THIS POINT?

3           THE WITNESS: MY NAME IS HALE ZUKAS. THE LAST NAME  
4 IS SPELLED Z-U-K-A-S.

5           LIKE LINDA KOWALKA, I WAS APPOINTED TO THE  
6 P.A.I. REVIEW COMMITTEE AT ITS INCEPTION AND I WAS  
7 ELEVATED TO THE BOARD WHEN THE REVIEW COMMITTEE WAS  
8 ABOLISHED IN 1982.

9           OTHER PEOPLE OF COVERED THE LARGER SITUATION  
10 VERY WELL, AND I AGREE WITH EVERYTHING THAT HAS BEEN SAID.  
11 I SEE NO POINT IN REPEATING, SO I'M OPEN TO RESPONSE TO  
12 ANY QUESTIONS.

13

14

EXAMINATION

15 BY SENATOR MC CORQUODALE:

16           Q ALL RIGHT. HALE, I HAVE THREE QUESTIONS THAT  
17 I WOULD ASK YOU.

18                   DID YOU WRITE A LETTER TO CHRIS JONES  
19 REGARDING HIS APPOINTMENTS TO THE EXECUTIVE COMMITTEE?

20           A YES.

21           Q WHAT WAS THE NATURE OF THIS LETTER AND WHY DO  
22 YOU THINK MR. JONES MADE THE APPOINTMENTS HE DID?

23           A THE NATURE OF THIS LETTER WAS THAT CHRIS  
24 JONES WAS SHOWING UTTER DISREGARD FOR A TRADITION THAT HAS  
25 BEEN FOLLOWED SINCE THE INCEPTION OF THE ORGANIZATION, AND

1 THAT IT WAS IMPROPER FOR HIM TO UNILATERALLY CHANGE THAT  
2 PRACTICE.

3 WHILE IT'S TRUE THAT THE PRACTICE COULD BE  
4 CHANGED, IT WAS UP TO THE BOARD TO RELINQUISH THAT  
5 PRACTICE. MOST CERTAINLY, IT WAS NOT THE PREROGATIVE OF  
6 ONE INDIVIDUAL.

7 Q DID MR. JONES MEET YOUR REQUEST TO PLACE THIS  
8 ON THE AGENDA AS AN ACTION ITEM?

9 A HE SAID IT WOULD BE COVERED IN THE  
10 PRESIDENT'S REPORT, WHICH I PERSONALLY DID NOT HAVE A  
11 BIG PROBLEM WITH.

12 SENATOR MC CORQUODALE: ALL RIGHT. ANY OTHER  
13 QUESTIONS? SENATOR MARKS OR SENATOR ROSENTHAL? ANY OTHER  
14 MEMBERS?

15 WELL, THANK YOU. WE APPRECIATE YOUR BEING  
16 HERE TODAY AND TAKING PART IN THIS, AND IF WE HAVE  
17 ADDITIONAL QUESTIONS WE WILL COMMUNICATE THEM TO YOU.

18 ALL RIGHT. I THINK WE WILL BREAK NOW FOR  
19 LUNCH. WE ARE GOING TO TRY TO KEEP THE LUNCH TO NO MORE  
20 THAN 30 MINUTES, SO LET'S PLAN ON THIS TAKING BACK UP AT  
21 1:15. IF WE HAVE TROUBLE GETTING LUNCH AND GETTING FED  
22 AND IT TAKES LONGER, WE WILL TAKE LONGER, BUT WE WILL TRY  
23 TO GET BACK HERE AT 1:15.

24 (LUNCH RECESS)

25 SENATOR MC CORQUODALE: ALL RIGHT. WE SHALL



1 CONTINUE AT THIS POINT. WE WILL CALL GEORGE DE BELL. I  
2 HAVE ONE MORE QUESTION I'D LIKE TO ASK YOU BEFORE I GO ON  
3 WITH THE OTHERS, IF I COULD.

4 WHILE HE'S COMING FORWARD, I WILL ANNOUNCE  
5 THAT WE HAVE AN INTERPRETER FOR THE HARD OF HEARING RIGHT  
6 OVER HERE. PERHAPS YOU COULD SIGN AND ASK IF THERE ARE  
7 PEOPLE WHO NEED YOUR SERVICES AT THIS POINT.

8 UNIDENTIFIED SPEAKER: OKAY.

9 (PAUSE IN THE PROCEEDINGS)

10 SENATOR MC CORQUODALE: ALL RIGHT. AND EVERY  
11 LITTLE BIT, IF I FORGET TO ASK YOU, WOULD YOU REMIND ME TO  
12 HAVE YOU ASK AGAIN IF PEOPLE WANT YOU TO SIGN?

13 UNIDENTIFIED SPEAKER: YES.

14

15 GEORGE DE BELL,

16 RECALLED AS A WITNESS, HAVING BEEN PREVIOUSLY SWORN BY THE  
17 CHAIR, WAS FURTHER EXAMINED AND TESTIFIED AS FOLLOWS:

18

19 EXAMINATION

20 BY SENATOR MC CORQUODALE:

21 Q OKAY. MR. DE BELL, I HAVE ONE OTHER QUESTION  
22 THAT I FORGOT TO ASK YOU THIS MORNING. IT'S ON THE ISSUE  
23 OF THE P.A.I. REPRESENTATIVE TO THE STATE COUNCIL.

24 DOES P.A.I. MAKE RECOMMENDATIONS OR DO THEY  
25 SELECT SOMEBODY TO REPRESENT THEM ON THE STATE COUNCIL?

1           A        YES, SIR.  AND I THINK I WAS IN ERROR THIS  
2 MORNING BECAUSE I THINK I INFERRED THAT THE PRESIDENT OF  
3 THE P.A.I. BOARD WAS AUTOMATICALLY A MEMBER OF THE STATE  
4 COUNCIL.  THAT IS NOT CORRECT.

5                    THE P.A.I. BOARD MADE A RECOMMENDATION TO THE  
6 APPOINTMENT SECRETARY, AND THE MAJORITY AGREED, THAT THE  
7 OUTGOING PRESIDENT, WHO IN THIS CASE HAPPENED TO BE  
8 LINDA KOWALKA, SHOULD BE THE REPRESENTATIVE OF P.A.I. ON  
9 THE COUNCIL BECAUSE OF THE CONTINUITY OF SERVICE THAT SHE  
10 WAS ABLE TO RENDER.  SO WE FORWARDED A LETTER TO THE  
11 APPOINTMENT SECRETARY RECOMMENDING MS. KOWALKA AS OUR  
12 REPRESENTATIVE.

13                   AT THE TIME THAT THIS WAS DECIDED UPON,  
14 CHRIS JONES OFFERED THE INFORMATION THAT HE WOULD LIKE TO  
15 BE CONSIDERED AS THE P.A.I. BOARD MEMBER ON THE STATE  
16 COUNCIL.  SO THE LETTER THAT I FORWARDED, AS PRESIDENT, TO  
17 THE APPOINTMENT SECRETARY INDICATED THAT THE P.A.I. BOARD  
18 RECOMMENDED THE APPOINTMENT OF LINDA KOWALKA AS THEIR  
19 REPRESENTATIVE ON THE STATE COUNCIL, AND THAT  
20 MR. JONES HAD ALSO INDICATED AN INTEREST TO SERVE.  AND  
21 THE CULMINATION OF THAT WAS THAT MR. JONES WAS APPOINTED  
22 TO THE STATE COUNCIL.

23                    SENATOR MARKS:  BY WHOM?

24                    THE WITNESS:  BY THE GOVERNOR.  BY -- WELL, BY THE  
25 APPOINTMENT SECRETARY, PROCESSED THROUGH THE GOVERNOR.

1           SENATOR MC CORQUODALE: ALL RIGHT. DO YOU HAVE ANY  
2 OTHER QUESTIONS?

3                   VERY GOOD. I THINK THAT COVERED IT.

4                   OUR NEXT WITNESS IS SAM CHAN, MEMBER OF THE  
5 P.L. 99-319 ADVISORY COMMITTEE.

6

7                               SAM CHAN,

8 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
9 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

10                   THE WITNESS: I DO.

11                   SENATOR MC CORQUODALE: WOULD YOU GIVE ME YOUR NAME  
12 AND SPELL IT, AND THEN YOUR CURRENT CAPACITY?

13                   THE WITNESS: MY NAME IS SAM CHAN. THE SPELLING IS  
14 C-H-A-N. I CURRENTLY SERVE AS CHAIRPERSON OF THE  
15 P.L. 99-319 ADVISORY COMMITTEE.

16                   I'LL BE PRESENTING FROM A PREPARED STATEMENT,  
17 WHICH I WILL GIVE YOU A COPY OF RIGHT NOW.

18                   SENATOR MC CORQUODALE: ALL RIGHT.

19                               (PAUSE IN THE PROCEEDINGS)

20                   THE WITNESS: OKAY. I HAVE WORKED AS AN ADVOCATE,  
21 SERVICE PROVIDER, AND EDUCATOR IN THE FIELD OF MENTAL  
22 HEALTH AND DEVELOPMENTAL DISABILITIES THROUGHOUT THE PAST  
23 15 YEARS. I WAS ORIGINALLY APPOINTED BY THE GOVERNOR'S  
24 OFFICE TO SERVE AS A MEMBER OF THE P.A.I. BOARD OF  
25 DIRECTORS IN 1982 AND PRIVILEGED TO HAVE LATER SERVED AS

1 PRESIDENT AND THEN CHAIRPERSON OF THE BOARD UNTIL 1986.

2 I THEN ASSUMED THE ROLE OF CHAIRPERSON OF THE  
3 P.L. 99-319 ADVISORY COMMITTEE AND CONTINUE SERVING IN  
4 THAT CAPACITY AT THE PRESENT TIME.

5 THROUGHOUT MY INVOLVEMENT WITH PROTECTION AND  
6 ADVOCACY, I HAVE WITNESSED THE ACCELERATED GROWTH AND  
7 PROFOUNDLY POSITIVE IMPACT OF AN AGENCY WHICH IS  
8 CONSIDERED ONE OF THE MOST INNOVATIVE, EFFECTIVE,  
9 RESPONSIVE, AND WELL-ADMINISTERED P & A'S IN THE NATION.

10 AMONG THE MORE CHALLENGING TASKS WHICH P.A.I.  
11 HAS SUCCESSFULLY INITIATED IS THE AUGMENTATION OF A STATE  
12 ADVOCACY SYSTEM FOR PERSONS IDENTIFIED AS MENTALLY ILL  
13 UNDER THE "PROTECTION AND ADVOCACY FOR MENTALLY ILL  
14 INDIVIDUALS ACT OF 1986," OR, AS WE REFER TO IT, PUBLIC  
15 LAW 99-319.

16 IN KEEPING WITH THE REQUIREMENTS OF THE ACT,  
17 P.A.I.'S BOARD OF DIRECTORS ESTABLISHED AN ADVISORY  
18 COMMITTEE TO ASSIST IN THE DEVELOPMENT OF A PLAN FOR  
19 IMPLEMENTATION OF P.L. 99-319 IN CALIFORNIA. THE  
20 COMMITTEE HAS CONSISTED OF MEMBERS OF THE STATE'S MAJOR  
21 ORGANIZATIONS PROVIDING ADVOCACY TO PERSONS IDENTIFIED AS  
22 MENTALLY ILL AS WELL AS MEMBERS OF THE P.A.I. BOARD OF  
23 DIRECTORS WHO ARE ALSO KNOWLEDGEABLE ABOUT ISSUES  
24 INVOLVING THE POPULATION TO BE SERVED UNDER THE ACT.

25 AT LEAST HALF OF THE COMMITTEE MEMBERSHIP HAS

1 INCLUDED INDIVIDUALS WHO ARE RECEIVING OR HAVE RECEIVED  
2 MENTAL HEALTH SERVICES AND THE FAMILY MEMBERS OF SUCH  
3 INDIVIDUALS.

4 IN CONCERT WITH P.A.I. STAFF, THE P.L. 99-319  
5 ADVISORY COMMITTEE ENGAGED IN AN INTENSIVE PLANNING  
6 PROCESS THAT CULMINATED IN THE DEVELOPMENT OF A SET OF  
7 OBJECTIVES TO GUIDE P.A.I.'S PROVISION OF SERVICES UNDER  
8 THE ACT. THESE OBJECTIVES WERE INCORPORATED INTO A  
9 THREE-YEAR PLAN FOR P.A.I.'S EXPANDED ADVOCACY SERVICES TO  
10 INCLUDE INDIVIDUALS IDENTIFIED AS MENTALLY ILL AS WELL AS  
11 PERSONS WITH DEVELOPMENTAL DISABILITIES.

12 ONE OF THE OBJECTIVES OF THE THREE-YEAR PLAN  
13 IS TO REVIEW AND MODIFY P.A.I. BYLAWS TO ASSURE  
14 CONSISTENCY WITH LEGAL MANDATES AND ORGANIZATIONAL NEEDS.  
15 THE P.A.I. BOARD OF DIRECTORS THUS BEGAN TO DEVELOP  
16 SPECIFIC BYLAW MODIFICATIONS IN SEPTEMBER OF 1987 FOR THE  
17 PRIMARY PURPOSE OF CHANGING BOARD MEMBERSHIP TO INCLUDE  
18 REPRESENTATIVES UNDER P.L. 99-319.

19 WHILE AWAITING THE OUTCOME OF VARIOUS BYLAW  
20 REVISION PROPOSALS, THE P.L. 99-319 ADVISORY COMMITTEE  
21 RECOMMENDED THAT TWO OF ITS MEMBERS (A FORMER CLIENT AND A  
22 FAMILY MEMBER) BE APPOINTED TO THE P.A.I. BOARD AS P.L.  
23 99-319 CONSUMER REPRESENTATIVES.

24 EACH OF THE CANDIDATES POSSESSED OUTSTANDING  
25 QUALIFICATIONS TO SERVE AS BOARD MEMBERS AND FURTHER

1 RECEIVED FORMAL ENDORSEMENTS FROM AT LEAST FIVE MAJOR  
2 STATE ADVOCACY ORGANIZATIONS FOR THE MENTALLY ILL, AS  
3 WELL AS LOCAL MENTAL HEALTH ADVISORY BOARDS AND  
4 DEPARTMENTS OF MENTAL HEALTH.

5 THESE CANDIDATES WERE THUS RECOMMENDED BY THE  
6 P.A.I. BOARD NOMINATING COMMITTEE FOR BOARD APPOINTMENT AT  
7 THE JANUARY 16, 1988 BOARD MEETING, BUT A VOTE TO CONFIRM  
8 THIS RECOMMENDATION WAS DEFERRED UNTIL THE FINAL ADOPTION  
9 OF BYLAW AMENDMENTS. PERSISTENT EFFORTS BY THE NOMINATING  
10 COMMITTEE AND SELECTED BOARD MEMBERS TO SECURE  
11 APPOINTMENTS FOR P.L. 99-319 CONSTITUENT REPRESENTATIVES  
12 (PENDING BYLAW CHANGES) AGAIN FAILED IN THE SUBSEQUENT  
13 BOARD MEETING OF MARCH 19, 1988.

14 THE SYSTEMATIC AND LEGITIMATE PROCESS OF  
15 ENSURING P.L. 99-319 CONSTITUENT REPRESENTATION ON THE  
16 P.A.I. BOARD OF DIRECTORS HAS THUS BEEN THWARTED FOR AN  
17 EXTENDED PERIOD OF TIME OF OVER SIX MONTHS.

18 THE PROLONGED IMPASSE WHICH THE BOARD OF  
19 DIRECTORS HAS BEEN UNABLE TO RESOLVE IN RELATION TO THE  
20 PROPOSED BYLAW REVISIONS CENTERS ON THE APPOINTMENT  
21 AUTHORITY OF THE GOVERNOR. THE CURRENT P.A.I. BOARD  
22 PRESIDENT, CHRIS JONES, HAS REPEATEDLY INSISTED THAT OF A  
23 THIRTEEN-MEMBER BOARD, NINE MEMBERS BE GOVERNOR-  
24 APPOINTED.

25 THE PREVIOUSLY APPROVED BYLAWS (IN EFFECT

1 PRIOR TO AND DURING RECENT DELIBERATIONS) SPECIFIED THAT  
2 THE GOVERNOR HAVE AUTHORITY FOR APPOINTING SEVEN OUT OF  
3 ELEVEN, A CLEAR MAJORITY OF BOARD MEMBERS.

4 IN THE JANUARY 16, 1988 BOARD MEETING,  
5 CHRIS JONES WAS THUS ASKED BY THEN PRESIDENT GEORGE  
6 DE BELL TO ELABORATE ON HIS RATIONALE FOR INCREASING THE  
7 APPOINTMENT AUTHORITY OF THE GOVERNOR TO AN EVEN GREATER  
8 NUMBER OF BOARD MEMBERS. MR. JONES STATED THAT, QUOTE,  
9 "A BOARD APPOINTEE IS LESS ACCOUNTABLE THAN A GOVERNOR  
10 APPOINTEE . . . ACCOUNTABILITY IS ENHANCED BY GOVERNOR  
11 APPOINTEES."

12 ASIDE FROM MR. JONES' PHILOSOPHICAL ARGUMENT,  
13 NINE OUT OF THIRTEEN MEMBERS WOULD ALSO CONSTITUTE A  
14 TWO-THIRDS MAJORITY OF THE BOARD, THE REQUIRED NUMBER TO  
15 APPROVE AND ADOPT BYLAW AMENDMENTS.

16 THUS FAR, CHRIS JONES AND HIS PRESUMABLY  
17 MORE "ACCOUNTABLE" GOVERNOR-APPOINTED BOARD COLLEAGUES  
18 (ANNETTE OSPITAL, JOHN KELLOGG, MARGARET HEAGNEY, AND  
19 LORI ROOS) HAVE BEEN UNABLE TO ACHIEVE THE TWO-THIRDS VOTE  
20 NECESSARY TO ADOPT HIS ORIGINAL "NINE AND THIRTEEN"  
21 PROPOSAL.

22 SHORTLY AFTER HE WAS ELECTED PRESIDENT BY  
23 HIS COLLEAGUES AND HIMSELF IN THE MARCH 19, 1988 BOARD  
24 MEETING, MR. JONES THEREFORE PREVAILED UPON THE P.L.  
25 99-319 ADVISORY COMMITTEE TO SUPPORT THIS PROPOSAL AND TO

1 FURTHER PERSUADE AT LEAST ONE OTHER "RECALCITRANT" BOARD  
2 MEMBER TO DO THE SAME.

3 IN RETURN FOR SUCH SUPPORT, MR. JONES OFFERED  
4 TO EXPEDITE THE PROCESS OF PROMPTLY SECURING TWO P.L.  
5 99-319 CONSTITUENT REPRESENTATIVE APPOINTMENTS TO THE  
6 P.A.I. BOARD OF DIRECTORS. MEMBERS OF THE ADVISORY  
7 COMMITTEE FORMALLY REVIEWED MR. JONES' PROPOSAL AND  
8 UNANIMOUSLY REJECTED IT FOR THE REASONS STATED IN MY  
9 ATTACHED MEMO TO THE BOARD OF DIRECTORS, DATED MAY 16,  
10 1988.

11 THE ADVISORY COMMITTEE AND REMAINING BOARD  
12 MEMBERS ARE CONSEQUENTLY FACED WITH THE PROSPECT, AS PER  
13 CHRIS JONES' STATED INTENTION, THAT NO FURTHER DISCUSSION  
14 NOR ACTION WILL BE TAKEN ON THE BYLAW AMENDMENTS UNTIL AT  
15 LEAST SEPTEMBER OF 1988.

16 AT THAT TIME, TWO EXISTING BOARD MEMBERS',  
17 GOVERNOR-APPOINTED GEORGE DE BELL AND BOARD-APPOINTED HALE  
18 ZUKAS, TERMS WILL HAVE EXPIRED. EFFORTS WILL UNDOUBTEDLY  
19 BE TAKEN TO REPLACE THEM WITH NEW APPOINTEES WHO ARE  
20 SYMPATHETIC TO MR. JONES' MISSION, WHICH BY NOW IS  
21 TRANSPARENTLY CLEAR; THAT IS, TO ASSUME FULL CONTROL OVER  
22 THE BOARD AND TO FURTHER ERODE THE LONGSTANDING  
23 INDEPENDENCE AND EFFECTIVENESS OF THE AGENCY.

24 THE PROCESS OF POLITICIZING AND POLARIZING  
25 THE P.A.I. BOARD OF DIRECTORS HAS ACCELERATED IN AN



1 INSIDUOUS MANNER. WITHIN THE PAST YEAR, THE GOVERNOR'S  
2 OFFICE HAS APPOINTED FOUR NEW BOARD MEMBERS IN RELATIVELY  
3 RAPID SUCCESSION AND CONVENIENTLY TIMED TO COINCIDE WITH  
4 MEETINGS WHEREIN ELECTION OF OFFICERS, REAPPOINTMENT OF  
5 BOARD MEMBERS, AND/OR ACTION ON BYLAW MODIFICATIONS WERE  
6 AGENDAED.

7 THIS PATTERN STANDS IN MARKED CONTRAST TO  
8 PREVIOUS YEARS IN WHICH EXPIRED TERMS OF VARIOUS GOVERNOR  
9 APPOINTEES AND UNFILLED VACANCIES WERE NOT ADDRESSED BY  
10 THE GOVERNOR'S OFFICE FOR EXCEPTIONALLY LONG PERIODS OF  
11 TIME.

12 MOREOVER, SIX OUT OF THE LAST SIX  
13 GUBERNATORIAL APPOINTEES ARE REPUBLICAN PARTY MEMBERS WHO  
14 ARE COLLECTIVELY CHARACTERIZED BY EXTENSIVE PAST AND/OR  
15 CURRENT POLITICAL INVOLVEMENT AS LEGISLATIVE AIDES/  
16 CONSULTANTS TO THE ASSEMBLY REPUBLICAN CAUCUS AND WHO  
17 SERVE AS DIRECTORS OR MEMBERS OF AN ASSEMBLY POLITICAL  
18 ACTION COMMITTEE AND THE STATE REPUBLICAN PARTY CENTRAL  
19 COMMITTEE.

20 ASIDE FROM PARTY CREDENTIALS, FEW IF ANY OF  
21 THESE APPOINTEES HAVE SUBSTANTIAL EXPERIENCE IN DIRECTLY  
22 SERVING EITHER THE DEVELOPMENTALLY DISABLED OR MENTALLY  
23 ILL POPULATIONS. DESPITE BOARD RECOMMENDATIONS AND  
24 SIGNIFICANT NEED FOR REPRESENTATION ON THE BOARD, THE  
25 GOVERNOR'S OFFICE HAS FURTHER FAILED TO APPOINT ANY ETHNIC

1 MINORITY CANDIDATES WHO ARE KNOWLEDGEABLE ABOUT ISSUES OR  
2 CONCERNS AFFECTING ETHNIC MINORITY CLIENTS.

3 AGAIN, WITH RESPECT TO THE P.L. 99-319  
4 PRIORITIES, OUR RECOMMENDED CONSTITUENT REPRESENTATIVES  
5 REMAIN LOCKED OUT OF ANY OPPORTUNITIES TO FORMALLY  
6 PARTICIPATE ON THE P.A.I. BOARD OF DIRECTORS. IN THE  
7 MEANTIME, MORE THAN HALF OF THE OTHER STATE P & A'S IN THE  
8 COUNTRY HAVE ALREADY APPOINTED SUCH REPRESENTATIVES TO  
9 THEIR RESPECTIVE GOVERNING BOARDS.

10 YET, MORE ALARMING IS THE FACT THAT THE  
11 EXECUTIVE DIRECTOR OF P.A.I. RECENTLY ISSUED A MEMO TO THE  
12 BOARD OF DIRECTORS, IN WHICH HE STATED:

13 "THE FAILURE OF THE BOARD TO EFFECTIVELY  
14 COMPLETE THE BUSINESS OF THE ORGANIZATION HAS  
15 REACHED A POINT WHERE IT IS DISRUPTING THE  
16 OPERATIONS OF P.A.I., INVOKING ESCALATING ANGER  
17 AMONG DISABILITY GROUPS, AND RESULTING IN A  
18 DEMORALIZING EFFECT ON THE P.A.I. STAFF."

19 SIMILAR CONCERNS HAVE BEEN EXPRESSED IN A  
20 RECENT LETTER FROM THE PROJECT DIRECTOR OF THE N.I.M.H.  
21 PROTECTION AND ADVOCACY PROGRAM, WHICH I HAVE ATTACHED.  
22 FROM THE FEDERAL PERSPECTIVE, SHE IS ALSO DISTRESSED ABOUT  
23 THE POTENTIAL INABILITY OF P.A.I. TO CONTINUE EFFECTIVELY  
24 IMPLEMENTING P.L. 99-319 MANDATES.

25 THESE CONCERNS WERE DRAMATICALLY VALIDATED AS

1 OF THE LAST BOARD MEETING ON MAY 21ST, 1988, WHEREIN THE  
2 PRESIDENT AND TWO OTHER BOARD MEMBERS ENGAGED IN A  
3 PLANNED WALKOUT BEFORE SIGNIFICANT ACTION ITEMS COULD BE  
4 ADDRESSED. CONSEQUENTLY, AMONG OTHER ESSENTIAL BUSINESS,  
5 RECOMMENDED P.L. 99-319 CONTRACT RENEWALS (INVOLVING SIX  
6 AGENCIES, AT LEAST TWENTY STAFF, POTENTIALLY HUNDREDS OF  
7 CLIENTS, AND OVER \$400,000 IN FUNDS) WERE NOT OFFICIALLY  
8 APPROVED, DESPITE INTENSIVE PREPARATION AND REVIEW BY  
9 STAFF AND MEMBERS OF THE ADVISORY COMMITTEE.

10 THESE CONTINUING TRENDS OBVIOUSLY DEFY  
11 MR. JONES' CLAIM THAT, QUOTE, "ACCOUNTABILITY IS ENHANCED  
12 BY GOVERNOR APPOINTEES." ACCOUNTABILITY TO WHOM? BY  
13 THEIR LACK OF RELEVANT EXPERIENCE AND HOSTILE ACTIONS AS  
14 BOARD MEMBERS, THE MOST RECENT GUBERNATORIAL APPOINTEES  
15 HAVE CONSISTENTLY FAILED TO DEMONSTRATE A GENUINE  
16 COMMITMENT TO PROMOTING THE WELFARE OF THE POPULATION  
17 P.A.I. IS MANDATED TO SERVE.

18 THIS YEAR OF UNPRECEDENTED STRIFE AND TURMOIL  
19 FOR THE AGENCY ALSO MARKS THE TENTH ANNIVERSARY OF P.A.I.  
20 WHILE WE REFLECT ON OUR ACCOMPLISHMENTS WITH TREMENDOUS  
21 PRIDE, WE ARE NOW FACED WITH A MAJOR CRISIS IN RELATION TO  
22 BOARD LEADERSHIP.

23 AMONG THE VALUES THAT SERVE AS GUIDING  
24 PRINCIPLES FOR THE CALIFORNIA P.L. 99-319 ADVOCACY SYSTEM  
25 ARE INDEPENDENCE AND A HIGH LEVEL OF CONSUMER INVOLVEMENT.

1 EACH OF THESE VALUES HAS BEEN SERIOUSLY UNDERMINED. THE  
2 INTEGRITY OF OUR MISSION AND ABILITY TO ACHIEVE STATED  
3 ORGANIZATIONAL GOALS IS THREATENED BY DESTRUCTIVE  
4 POLITICAL FORCES THAT MUST BE CHALLENGED.

5 WE SEEK YOUR HELP AND GUIDANCE IN OUR EFFORTS  
6 TO ENSURE THAT BOTH THE SPIRIT AND LETTER OF THE LAWS  
7 WHICH GOVERN OUR BOARD APPOINTMENTS AND ACTIONS ARE MET.

8 I WANTED TO JUST CONCLUDE WITH A FOLLOW-UP ON  
9 SOME OF THE RECOMMENDATIONS THAT HAVE PREVIOUSLY BEEN PUT  
10 FORWARD BY OTHER BOARD MEMBERS REGARDING APPOINTMENT  
11 AUTHORITY OVER THE BOARD AND AUTHORIZATION FOR THE AGENCY.

12 IN THE REAUTHORIZATION OF THE DEVELOPMENTAL  
13 DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1978,  
14 WHICH WAS AMENDED IN LEGISLATION ENTITLED P.L. 95-602, THE  
15 RULES AND REGULATIONS, WHEN COMMENT WAS INVITED IN  
16 RELATION TO THE PARTICULAR SECTION ON THE DESIGNATED STATE  
17 PROTECTION AND ADVOCACY OFFICE, THE ACCOUNTABLE STATE  
18 OFFICIAL, IT WAS NOTED THAT THE GOVERNOR DESIGNATE THE  
19 STATE OFFICIAL OR PUBLIC OR PRIVATE AGENCY ACCOUNTABLE FOR  
20 THE PROPER USE OF FUNDS AND CONDUCT OF THE STATE  
21 PROTECTION ADVOCACY SYSTEM. ONE RESPONDENT POINTED OUT  
22 THAT REQUIRING GOVERNORS TO DESIGNATE STATE PROTECTION AND  
23 ADVOCACY AGENCIES IMPOSES RESTRICTIONS ON THE STATES NOT  
24 INTENDED BY THE CONGRESS.

25 IN SOME STATES, FOR EXAMPLE, THE LEGISLATURE

1 MAY WISH TO ASSUME RESPONSIBILITY FOR DESIGNATING THE  
2 PROTECTION AND ADVOCACY AGENCY OR MAY WISH TO PLACE THE  
3 RESPONSIBILITY ON AN OFFICER OF THE LEGISLATURE OR ON THE  
4 CHIEF JUSTICE OF THE STATE SUPREME COURT.

5 THE DEPARTMENT CONCURS THAT STATES SHOULD BE  
6 GIVEN THE MAXIMUM FLEXIBILITY FOR DESIGNATION OF THE STATE  
7 PROTECTION AND ADVOCACY SYSTEM, AND HAVING ADDED THE  
8 PHRASE, "OR OTHER STATE OFFICIAL OR ENTITY" FOLLOWING THE  
9 WORD "GOVERNOR."

10 SO I THINK IN THE RULES AND REGULATIONS  
11 AND ENACTED LEGISLATION, THERE IS ALLOWANCE FOR A  
12 BROADER INTERPRETATION OF THE APPOINTING AUTHORITY OF  
13 THIS BODY, INCLUDING THE STATE OF CALIFORNIA, AND IT  
14 IS ONLY BY HISTORICAL PRACTICE AND TRADITION THAT THE  
15 ENTIRE VESTED AUTHORITY HAS RELIED (SIC) WITHIN THE  
16 GOVERNOR'S OFFICE.

17 SENATOR MC CORQUODALE: SENATOR MARKS?  
18

19 EXAMINATION

20 BY SENATOR MARKS:

21 Q IT'S DONE BY THE FEDERAL GOVERNMENT, THOUGH.

22 A PARDON?

23 Q THE WHOLE ACT IS THE FEDERAL ACT; RIGHT?

24 A YES.

25 Q SO HOW CAN WE IN THE STATE OF CALIFORNIA

1 CHANGE THE APPOINTING AUTHORITY? HOW DO WE DO THAT?

2 A I THINK WHAT WE ARE TALKING ABOUT, THEN, IS  
3 THROUGH A PROCESS OF EXAMINING PRACTICES THAT HAVE  
4 OCCURRED IN OTHER STATES AS WELL. EACH HAS SOMEWHAT OF A  
5 DIFFERENT SYSTEM FOR THEIR GOVERNING BOARDS AND THE WAY IN  
6 WHICH THE DEPARTMENT OF DEVELOPMENTAL SERVICES OR THEIR  
7 EQUIVALENTS OPERATE.

8 I THINK AMONG STAFF AND SOME OF THE COUNCILS  
9 THAT INTERPRET THESE PARTICULAR REGULATIONS, WE WILL  
10 PROBABLY SEE SOME WINDOWS FOR SOME WAYS THAT WE MIGHT  
11 INTERPRET THIS PARTICULAR REGULATION TO BROADEN THE  
12 CURRENT AUTHORITY OF THE GOVERNOR TO APPOINT.

13 SO THE "HOW," I THINK, IS COMPLEX, BUT AT  
14 LEAST THE GUIDELINES ALLOW FOR SOME LATITUDE TO EXPLORE  
15 THAT.

16 Q THE FEDERAL STATUTE SAYS THAT THE GOVERNOR  
17 HAS A NUMBER OF APPOINTMENTS. IS THAT --

18 A NOT SPECIFIC APPOINTMENTS TO THE BOARD.

19 Q WELL, I'M READING THE THING HERE ISSUED BY  
20 THE P.A.I. IT SAYS, "ELEVEN-MEMBER BOARD OF DIRECTORS,  
21 SEVEN OF WHOM ARE APPOINTED BY THE GOVERNOR."

22 A THAT'S CORRECT.

23 Q WHO GAVE THE GOVERNOR THE AUTHORITY TO  
24 APPOINT ANYBODY?

25 A I THINK HISTORICALLY THAT WAS DESIGNED -- OR

1 THAT PARTICULAR STIPULATION WAS CREATED WHEN THE BYLAWS  
2 WERE PREPARED, AND I THINK SOME OF THE FORMER MEMBERS OF  
3 THE ORIGINAL GROUP --

4 Q THE GOVERNOR HAS THE AUTHORITY BY FEDERAL  
5 LAW?

6 UNIDENTIFIED SPEAKER: NO. IT WAS A NEGOTIATION  
7 REACHED --

8 SENATOR MARKS: WHAT I'M TRYING TO FIND OUT IS, I'M  
9 TRYING TO FIND A WAY, IF I CAN, OF STOPPING SOME OF THE  
10 GOVERNOR'S APPOINTMENTS.

11 SENATOR MC CORQUODALE: I THINK THE PROBLEM THAT WE  
12 ARE FACED WITH IS THAT THE ACT DOES IDENTIFY FAIRLY  
13 BROADLY WHO CAN MAKE THE APPOINTMENT. I THINK THAT THE  
14 TERMINOLOGY THAT'S USED, "THE GOVERNOR," HAS BEEN  
15 INTERPRETED IN SOME STATES, AS HE POINTED OUT, AS THE  
16 SUPREME COURT OR THE LEGISLATURE, VARIOUS WAYS THAT THE  
17 APPOINTMENTS ARE MADE.

18 THE CURRENT SYSTEM IS A RESULT OF A SERIES OF  
19 NEGOTIATIONS WHICH TOOK PLACE BACK SOME YEARS AGO WHEN THE  
20 ACT WAS FIRST PASSED, WITH, I SUPPOSE, ADVOCATES, THE  
21 LEGISLATURE, THE GOVERNOR'S OFFICE, VARIOUS OTHERS, AND IT  
22 WAS DETERMINED THAT THIS WAS THE WAY IT WOULD BE IN  
23 CALIFORNIA.

24 IT DOESN'T NECESSARILY MEAN THAT IT'S THAT  
25 WAY FOREVER IN CALIFORNIA, BUT IT WILL NOT BE EASY TO

1 CHANGE UNLESS THE GOVERNOR IS SUPPORTIVE OF THE CHANGE,  
2 BECAUSE I THINK THAT WE HAVE TO RECOGNIZE THAT IT'S NOT AN  
3 EASY THING, THAT IT WOULD BE AN ONGOING EFFORT THAT WOULD  
4 HAVE TO BE MADE TO MAKE A CHANGE.

5 SENATOR MARKS: WELL, YEAH. BUT WHAT I'M REALLY  
6 TRYING TO FIND OUT IS, THE GOVERNOR WAS GIVEN THE  
7 AUTHORITY TO MAKE THESE APPOINTMENTS BY WHOM? SOMEBODY  
8 MUST HAVE GIVEN HIM -- EITHER HE HAS AUTHORITY OR HE  
9 DOESN'T HAVE AUTHORITY.

10 UNIDENTIFIED SPEAKER: MR. ZUKAS HAS A COMMENT ON  
11 THAT.

12 THE WITNESS: AND ALSO I WANT TO RECOGNIZE AL. I'M  
13 SORRY. I DON'T WANT TO RECOGNIZE; I'D LIKE TO INVITE.

14 SENATOR MC CORQUODALE: OKAY. LET'S STAY WITH THE  
15 ISSUES THAT SAM HAS COMMENTED ON AND LET'S TRY TO KEEP --

16 MR. ZUKAS: P.A.I. IS A NONPROFIT CORPORATION. AS  
17 SUCH, ITS STRUCTURE IS DETERMINED BY THE BYLAWS. SO, IN  
18 THEORY, THE BOARD OF DIRECTORS COULD AMEND THE BYLAWS.

19 SENATOR MC CORQUODALE: OKAY. AL, DID YOU WANT TO  
20 MAKE SOME OTHER COMMENTS?

21 MR. ZONCA: I'LL TRY TO RESPOND TO YOUR TECHNICAL  
22 QUESTION.

23 THE FEDERAL STATUTE GIVES THE GOVERNOR, WHICH  
24 THEY DEFINE AS THE CHIEF EXECUTIVE OFFICER, THE  
25 LEGISLATURE, THE SUPREME COURT, OR OTHER DULY RECOGNIZED



1 OFFICIAL, I THINK IS THE LANGUAGE, THE AUTHORITY TO  
2 DESIGNATE THE AGENCY INITIALLY. IT DOES NOT GIVE THE  
3 AUTHORITY TO ANYBODY TO APPOINT BY LAW (SIC).

4 WHAT WAS DONE IN CALIFORNIA WAS THAT THE  
5 STATE COUNCIL AT THE TIME, IN ITS WISDOM, RECOMMENDED  
6 THERE BE 20-SOME MEMBERS ON THE BOARD OF DIRECTORS.  
7 GOVERNOR BROWN WAS VIOLENTLY OPPOSED TO THAT AND WANTED  
8 THREE MEMBERS ON THE BOARD OF DIRECTORS.

9 AFTER A YEAR-LONG DISCUSSION WITH THAT  
10 ADMINISTRATION, THERE WAS A COMPROMISE REACHED WHERE THE  
11 GOVERNOR WOULD APPOINT SEVEN AND ULTIMATELY THE BOARD  
12 WOULD APPOINT FOUR MORE, AND THAT WAS THE COMPROMISE IN  
13 THIS STATE.

14 IN SOME STATES THE DESIGNATION IS BY STATUTE  
15 THROUGH THE LEGISLATURE, AND APPOINTMENTS COME FROM THE  
16 LEGISLATURE.

17 IN NEW HAMPSHIRE IT'S THE STATE SUPREME COURT  
18 THAT DESIGNATES THE P & A AND ITS MEMBERS. IN OTHER  
19 STATES, IN FACT, IT'S A BOARD THAT HAS REPRESENTATIVES,  
20 FOR EXAMPLE, FROM THE A.R.C. AND FROM DESIGNATED  
21 DISABILITY GROUPS.

22 SO IT WAS UP TO THE STATES TO DEVELOP A PLAN  
23 THAT WOULD BE SUBMITTED TO THE FEDERAL GOVERNMENT, AND THE  
24 FEDERAL GOVERNMENT WOULD THEN APPROVE THAT PLAN.

25 CALIFORNIA SUBMITTED THREE PLANS TO THE

1 FEDERAL GOVERNMENT UNDER THE BROWN ADMINISTRATION, AND THE  
2 FIRST TWO FAILED BECAUSE THEY FELT THE AGENCY WAS NOT  
3 SUFFICIENTLY INDEPENDENT, AND BROWN IN PARTICULAR WANTED  
4 MUCH MORE CONTROL OVER THE AGENCY THAN EITHER THE  
5 CONSTITUENCY GROUPS OR THE FEDERAL GOVERNMENT WOULD  
6 ACCEPT.

7 SO THE SHORT ANSWER TO YOUR QUESTION IS: IT  
8 WAS SIMPLY THE COMPROMISE WORKED OUT IN CALIFORNIA AT THAT  
9 TIME AND APPROVED OFFICIALLY BY THE FEDERAL GOVERNMENT ON  
10 ITS THIRD TRY.

11 DOES THAT ANSWER IT?

12 SENATOR MARKS: IT DOES.

13 SENATOR MC CORQUODALE: WHICH PROVES THAT THE ISSUE  
14 REALLY IS A BIPARTISAN ISSUE. AND FOR PEOPLE WHO MIGHT BE  
15 INTERESTED, I WAS ON THE SIDE OF THE STATE COUNCIL FOR THE  
16 PRESENT ARRANGEMENT IN OPPOSITION TO THEN GOVERNOR BROWN.

17 SENATOR MARKS: WHICH GOVERNOR BROWN WAS THIS?

18 SENATOR MC CORQUODALE: THE SECOND GOVERNOR BROWN.

19 AL, WHILE YOU ARE THERE --

20 MR. ZONCA: WE HAVE NOT BEEN POPULAR WITH GOVERNORS  
21 FOR SOME TIME.

22 SENATOR MC CORQUODALE: -- LET ME ASK YOU ANOTHER  
23 QUESTION RELATED TO THE APPOINTMENTS. IT MAY BE A  
24 DIFFICULT ONE FOR YOU, AGAIN, BUT SINCE YOU ARE THERE I'LL  
25 TAKE ANOTHER SHOT AT YOU.

1 DID CHRIS JONES EVER MAKE ANY COMMENTS  
2 RELATED TO THE LEGISLATIVE APPOINTMENTS TO THE P.A.I.  
3 BOARD?

4 MR. ZONCA: I'M NOT SURE I UNDERSTAND YOUR  
5 QUESTION. THERE ARE NOT ANY LEGISLATIVE APPOINTMENTS.

6 SENATOR MC CORQUODALE: WELL, IT'S MY UNDERSTANDING  
7 THAT THERE HAVE BEEN SOME DISCUSSIONS ABOUT CHANGING WHO  
8 MAKES THE APPOINTMENTS TO THE BOARD, AND THAT ONE  
9 POSSIBILITY, WHICH WAS ARTICULATED THIS MORNING, WAS THAT  
10 THE APPOINTMENTS SHOULD COME MAYBE FROM THE -- A THIRD  
11 FROM THE LEGISLATURE, A THIRD FROM THE GOVERNOR, AND A  
12 THIRD FROM THE BOARD ITSELF.

13 ABOUT THOSE APPOINTED BY THE LEGISLATURE, WAS  
14 THERE ANY -- DO YOU RECALL ANY SPECIFIC DISCUSSION?  
15 CONSIDERING THAT THERE ARE WOMEN PRESENT, I KNOW THAT YOU  
16 ARE LIMITED.

17 MR. ZONCA: I WOULD PREFER, AGAIN, NOT TO ANSWER  
18 THAT QUESTION. I THINK THERE ARE OTHERS THAT MIGHT BE  
19 ABLE TO DO THAT MORE EASILY THAN I.

20 SENATOR MC CORQUODALE: ALL RIGHT. VERY GOOD.

21 SAM, ARE YOU ABLE TO RESPOND TO THAT  
22 QUESTION?

23 THE WITNESS: NO. I WOULD LIKE TO DEFER AGAIN TO  
24 OTHER MEMBERS WHO WERE PRESENT AT THAT BOARD MEETING WHO  
25 MIGHT BE ABLE TO RESPOND TO THAT QUESTION.

1           SENATOR MC CORQUODALE: ALL RIGHT. LET'S SEE IF  
2 THERE ARE ANY OTHER QUESTIONS FOR SAM.

3           ALL RIGHT. GEORGE, MAYBE IF YOU ARE IN A  
4 POSITION, YOU COULD COME AND RESPOND TO THAT.

5           MR. DE BELL: I BELIEVE I CAN ANSWER THE QUESTION,  
6 AND I BELIEVE THE WORDS ARE OFFICIALLY CONTAINED IN THE  
7 TAPE-RECORDED MINUTES OF THE COUNCIL MEETING -- EXCUSE  
8 ME -- THE P.A.I. MEETING. AND I'LL REPEAT THEM AS CLOSELY  
9 AS I CAN REMEMBER THEM.

10           IT WAS SEVERAL MEMBERS' SUGGESTION THAT, AS A  
11 COMPROMISE, THE GOVERNOR APPOINT, I BELIEVE, SEVEN, THE  
12 BOARD APPOINT PROBABLY TWO, AND THAT THE LEGISLATURE  
13 APPOINT FOUR.

14           THIS WAS CHALLENGED BY MR. JONES, WHO SAID,  
15 QUOTE, TO THE BEST OF MY RECOLLECTION, "THE LEGISLATORS DO  
16 NOT REPRESENT THE PEOPLE." NOW, I WAS SHOCKED. I'M A  
17 LIFE-LONG REPUBLICAN, SENATOR MARKS, AND THE ONLY THING  
18 I'M SERIOUSLY NONPARTISAN ABOUT IS THIS PARTICULAR ISSUE.

19           HOWEVER, HE WENT ON TO EXPLAIN THAT THE  
20 PROCESS USED IN THE LEGISLATURE EVENTUALLY ENDED UP ON  
21 WILLY BROWN'S DESK OR SENATOR ROBERTI'S DESK, AND  
22 CONSEQUENTLY THESE PEOPLE WERE NOT ELECTED BY THE PEOPLE;  
23 THEY WERE ELECTED BY THE PARTY IN POWER.

24           I CAN SEE AN ARGUMENT ON THAT SIDE, SO I  
25 THOUGHT WHY NOT HAVE THE PEOPLE WHO ARE DIRECTLY

1 RESPONSIBLE FOR THIS FUNCTION IN BOTH THE SENATE AND THE  
2 LEGISLATURE MAKE THE APPOINTMENTS, SPECIFICALLY THE HEALTH  
3 AND WELFARE'S COMMITTEES IN THE ASSEMBLY AND SENATE.

4 NOW, THIS AGAIN GOT BACK TO, THESE PEOPLE DO  
5 NOT REALLY REPRESENT THE PEOPLE. THE MAJORITY OF THE  
6 PEOPLE ELECT THE GOVERNOR AND HE REPRESENTS THE PEOPLE.  
7 AND I BELIEVE THAT THE SENSE OF WHAT I'M SAYING IS THE  
8 IDEOLOGY THAT MR. JONES FOLLOWS, THAT THE ONLY PERSON THAT  
9 IS RESPONSIVE TO THE PUBLIC IN CALIFORNIA IS THE GOVERNOR.

10 SENATOR MC CORQUODALE: ALL RIGHT. VERY GOOD.  
11 THANK YOU.

12 LET'S SEE IF THERE ARE ANY OTHER -- SENATOR  
13 MARKS, DO YOU HAVE ANY OTHER QUESTIONS FOR SAM?

14 SENATOR MARKS: NO. I'M TOO BUSY SPILLING COFFEE.

15 SENATOR MC CORQUODALE: OKAY. WE APPRECIATE YOUR  
16 PROVIDING US WITH SOME VERY THOROUGH INFORMATION AND  
17 BACKGROUND MATERIAL.

18 THE WITNESS: THANK YOU FOR INVITING ME.

19 SENATOR MC CORQUODALE: GREG SANDIN, S-A-N-D-I-N.  
20 NOW IS YOUR CHANCE, BRENDAN. DO YOU KNOW IF GREG IS HERE  
21 TODAY?

22 MR. KELLY: I HAVEN'T SEEN HIM, SIR.

23 SENATOR MC CORQUODALE: HE WAS ONE OF THOSE THAT IT  
24 WAS AGREED TO BY MR. ALLENBY WOULD BE HERE.

25 MS. HOOKER: DID YOU SPECIFICALLY ASK MR. ALLENBY

1 TO HAVE GREG SANDIN HERE?

2 SENATOR MC CORQUODALE: HE WAS ON THE LIST FOR  
3 SUBPOENA AND WE TOOK HIS NAME OFF BECAUSE MR. ALLENBY HAD  
4 AGREED THAT HE WOULD COME.

5 MS. HOOKER: HE DID NOT RECEIVE A LETTER FROM  
6 YOU, THOUGH? HAVE ALL THE COUNCIL MEMBERS OR THE P.A.I.  
7 RECEIVED A LETTER FROM YOU INVITING US TO  
8 ATTEND?

9 SENATOR MC CORQUODALE: AS FAR AS I KNOW, HE  
10 RECEIVED A LETTER. I CAN CHECK WHEN I GO BACK TO THE  
11 OFFICE TO SEE IF HE RECEIVED ONE.

12 MS. HOOKER: OKAY.

13 SENATOR MC CORQUODALE: CAROLYN MICHAELS IS  
14 NEXT. I -- OH, I'M SORRY. NEXT I WANT TO CALL  
15 JAMES BELLOTTI.

16

17 JAMES BELLOTTI,

18 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
19 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

20 THE WITNESS: I DO SO SWEAR.

21

22 EXAMINATION

23 BY SENATOR MC CORQUODALE:

24 Q WOULD YOU GIVE US YOUR NAME AND YOUR CURRENT  
25 POSITION AND HOW LONG YOU HAVE HELD THAT POSITION?

1           A       MY NAME IS JAMES BELLOTTI, B-E-L-L-O-T-T-I.  
2           I'M THE EXECUTIVE DIRECTOR FOR THE CALIFORNIA STATE  
3           COUNCIL ON DEVELOPMENTAL DISABILITIES, A POSITION THAT  
4           I'VE HELD SINCE APRIL OF 1986.

5                       I WORK FOR A 17-MEMBER GUBERNATORIALLY-  
6           APPOINTED BOARD OF DIRECTORS CALLED THE STATE COUNCIL. MY  
7           RESPONSIBILITY IS GENERAL MANAGEMENT OF THE AGENCY, AND I  
8           HAVE WITHIN THE AGENCY 12 OTHER INDIVIDUAL STAFF MEMBERS  
9           WHO WORK FOR ME.

10           Q       TELL US ABOUT YOUR BACKGROUND AND  
11           PROFESSIONAL EXPERIENCE IN THE DEVELOPMENTAL SERVICES  
12           FIELD IN CALIFORNIA.

13           A       I HAVE 18 YEARS OF EXPERIENCE IN SOCIAL AND  
14           HEALTH ISSUES, SPECIFICALLY 16 YEARS WORKING IN THE  
15           DEVELOPMENTAL DISABILITIES FIELD AND MENTAL HEALTH FIELD,  
16           BOTH AS A DIRECT PROVIDER OF SERVICES, AS A THERAPIST, AND  
17           ALSO AS AN ADMINISTRATOR.

18           Q       DESCRIBE FOR US THE PROCESS, AS YOU KNOW IT,  
19           THAT LED TO YOUR APPOINTMENT.

20           A       EXCUSE ME, SENATOR. COULD YOU REPEAT THAT  
21           QUESTION?

22           Q       THE PROCESS THAT LEAD TO YOUR APPOINTMENT.  
23           WAS THE POSITION ADVERTISED? WERE THERE INTERVIEWS AND SO  
24           FORTH?

25           A       THERE WAS AN ANNOUNCEMENT THAT I SAW IN THE

1 SACRAMENTO BEE. I APPLIED FOR THAT POSITION BY RESPONDING  
2 TO THAT ANNOUNCEMENT AND FELT THAT I MET THE  
3 QUALIFICATIONS, SUBMITTED MY RESUME WITH A LETTER OF  
4 INTEREST. I WAS CONTACTED TO APPEAR BEFORE A SELECTION  
5 COMMITTEE MADE UP OF MEMBERS OF THE COUNCIL. THIS WAS IN  
6 JANUARY OF 1986. I WENT THROUGH THAT INTERVIEW PROCESS.

7 SOMETIME THEREAFTER, TWO OR THREE WEEKS  
8 THEREAFTER, I RECEIVED ANOTHER NOTIFICATION THAT I WAS TO  
9 APPEAR BEFORE THE FULL COUNCIL -- I BELIEVE IT WAS IN  
10 FEBRUARY OF 1986 -- TO CONTINUE THE SELECTION PROCESS.

11 AT THE CONCLUSION OF THAT MEETING, I WAS  
12 NOTIFIED THAT I HAD BEEN SELECTED FOR THE POSITION OF  
13 EXECUTIVE DIRECTOR.

14 Q DESCRIBE YOUR OR YOUR STAFF'S ROLE IN  
15 PROVIDING INFORMATION AND RECOMMENDATION ON APPOINTMENTS  
16 TO THE STATE COUNCIL BY THE GOVERNOR'S APPOINTMENT STAFF?

17 A WE PROVIDE NO INPUT WITH RESPECT TO THE  
18 SELECTION PROCESS, OTHER THAN NOTIFYING THE GOVERNOR'S  
19 OFFICE WHEN A VACANCY HAS OCCURRED WITHIN OUR GOVERNING  
20 STRUCTURE. I BELIEVE I SENT TO YOUR OFFICE, SENATOR, A  
21 SAMPLE LETTER THAT WE HAVE NOTIFIED THE GOVERNOR'S OFFICE  
22 THAT THERE WERE CERTAIN VACANCIES.

23 OFTENTIMES INDIVIDUALS WILL CONTACT OUR  
24 OFFICE EXPRESSING INTEREST IN A SEAT ON THE STATE COUNCIL,  
25 AND THEY ARE EITHER DIRECTED TO THE GOVERNOR'S OFFICE OR,



1 IF WE UNDERSTAND THAT THAT POSITION IS A NOMINEE FROM THE  
2 ASSEMBLY, SPEAKER OF THE ASSEMBLY, OR THE CHAIRPERSON OF  
3 THE SENATE RULES COMMITTEE, TO THAT PARTICULAR OFFICE.

4 Q SO YOU HAVE NEVER PERSONALLY MADE A  
5 RECOMMENDATION TO THE GOVERNOR'S APPOINTMENT STAFF FOR A  
6 SPECIFIC PERSON?

7 A NO, SENATOR.

8 Q DESCRIBE YOUR RELATIONSHIP WITH GARY  
9 MACOMBER, ROBIN BRETT, GREG SANDIN, OR OTHER MEMBERS OF  
10 THE DEPARTMENT OF DEVELOPMENTAL SERVICES.

11 A GARY MACOMBER IS A STATUTORY MEMBER OF THE  
12 STATE COUNCIL ON DEVELOPMENTAL DISABILITIES. AS SUCH, AS  
13 A MEMBER OF 117, I REPORT TO THAT PERSON, BUT IN THE  
14 AREA (SIC). WE WORK SPECIFICALLY WITH THE DEPARTMENT OF  
15 DEVELOPMENTAL SERVICES ON SOME PROJECTS; STATE PLANNING,  
16 COORDINATION, DEVELOPMENT FUNDS (SIC), ET CETERA.

17 I REALLY HAVE NO ONGOING RELATIONSHIP WITH  
18 ROBIN BRETT OR GREG SANDIN OR THE OTHER PERSON, I BELIEVE,  
19 THAT YOU MENTIONED.

20 Q DO YOU SUBMIT YOUR BUDGET PROPOSAL OR ANY  
21 STAFFING PROPOSAL TO THE DEPARTMENT OF DEVELOPMENTAL  
22 SERVICES?

23 A NO, WE DON'T. WE RECEIVE A FORMAL BUDGET  
24 FROM THE ADMINISTRATION ON DEVELOPMENTAL DISABILITIES.  
25 IN TURN, WE GO THROUGH THE STATE BUDGETARY PROCESS AS A

1 SINGLE STATE AGENCY, AND ANY ADJUSTMENTS THAT WE WISH TO  
2 MAKE TO OUR BUDGET, WE SUBMIT BUDGET CHANGE PROPOSALS.

3 IT GOES TO THE CALIFORNIA STATE DEPARTMENT OF  
4 FINANCE. THEY ACTUALLY ARE THE AGENCY WHICH REVIEW THOSE  
5 PROPOSALS, WHICH THEN, IN TURN, ANY APPROVALS THAT THEY  
6 MAY MAKE FIND THEMSELVES IN THE GOVERNOR'S BUDGET WHICH IS  
7 PUBLISHED IN JANUARY OF EACH YEAR.

8 Q IN YOUR LETTER TO ME THAT YOU MENTIONED  
9 REGARDING THE PROCESS FOR APPOINTMENT TO THE COUNCIL, YOU  
10 STATED THAT YOU MOST OFTEN LEARN OF COUNCIL APPOINTMENTS  
11 THROUGH THE DEPARTMENT OF DEVELOPMENTAL SERVICES; IS THAT  
12 CORRECT?

13 A THAT'S CORRECT, SENATOR. THAT IS THE MOST  
14 COMMON METHOD. MUCH LIKE MR. ZONCA MENTIONED, THERE IS  
15 NO UNIFORM METHOD THAT WE WOULD GENERALLY EXPERIENCE  
16 IN RECEIVING NOTIFICATION THAT PEOPLE HAVE BEEN APPOINTED  
17 TO THE COUNCIL, BUT MOST OFTEN IT IS EITHER FROM  
18 MR. MACOMBER OR ANOTHER PERSON IN THE DEPARTMENT OF  
19 DEVELOPMENTAL SERVICES.

20 Q WERE YOU EVER ASKED TO RETRACT THAT STATEMENT  
21 IN YOUR LETTER BY ANYONE?

22 A NOT THAT I CAN REMEMBER.

23 Q MR. MACOMBER DIDN'T ASK YOU TO RETRACT IT?

24 A NO, SIR.

25 Q DID ANYONE ON THE GOVERNOR'S STAFF OR D.D.S.

1 COMMUNICATE THEIR CONCERNS REGARDING THE COUNCIL'S  
2 DECISION TO SUE THE GOVERNOR OVER THE ELIMINATION OF AREA  
3 BOARDS?

4 A CERTAINLY, ALL ALONG THROUGH THE PROCESS,  
5 THIS WAS A VERY SIGNIFICANT ISSUE, AS WE ALL REMEMBER, AND  
6 WE HAVE A COMMITTEE STRUCTURE. IT WENT THROUGH OUR  
7 COMMITTEE STRUCTURE. AND IN OUR JUNE, 1987 COUNCIL  
8 MEETING, THAT'S THE POINT IN TIME WHEN THE COUNCIL VOTED  
9 THAT IF, IN CASE THE GOVERNOR DID GO THROUGH WITH HIS  
10 BUDGET CHANGE -- WITH HIS PROPOSAL TO ELIMINATE AREA BOARD  
11 FUNDING, WE WOULD ASK THAT THE PROTECTION AND ADVOCACY  
12 AGENCY LITIGATE ON OUR BEHALF AND ON THE AREA BOARDS'  
13 BEHALF.

14 DURING THOSE DISCUSSIONS, CERTAINLY  
15 REPRESENTATIVES FROM THE DEPARTMENT OF DEVELOPMENTAL  
16 SERVICES SUGGESTED AND RECOMMENDED THAT WE NOT PURSUE THAT  
17 OPTION.

18 Q SOME TESTIMONY WAS GIVEN, PLUS WE HAVE HEARD  
19 FROM OTHER INDIVIDUALS THAT WE HAVE SPOKEN WITH EARLIER,  
20 THAT THE THREAT OF A LAWSUIT BY THE STATE COUNCIL THROUGH  
21 P.A.I. PREVENTED THE GOVERNOR FROM BLUE PENCILING THE AREA  
22 BOARD MONEY FROM THE 1987-88 BUDGET. DO YOU BELIEVE THAT?

23 A I HAVE NO DIRECT KNOWLEDGE OF THAT.

24 Q NO ONE IN A POSITION HIGHER THAN YOU TOLD YOU  
25 THAT WAS THE CASE?

1           A       NO.

2           Q       WHAT ABOUT THE PROCESS WHICH LED TO THE  
3 APPOINTMENT OF SANDRA MONAGAN AS DEPUTY DIRECTOR OF THE  
4 COUNCIL? DO YOU KNOW WHY THE GOVERNOR IGNORED THE COUNCIL  
5 RECOMMENDATIONS ON THIS APPOINTMENT?

6           A       QUITE FRANKLY, THE COUNCIL AND MYSELF DID  
7 MAKE A RECOMMENDATION THAT SHE BE APPOINTED. I UNDERSTAND  
8 THAT, THROUGH THE SUBPOENA, YOU ASKED FOR SPECIFIC  
9 INFORMATION WITH RESPECT TO PERSONNEL FILES AND --

10           MS. COLLINS: DID YOU SAY THAT THE COUNCIL AND  
11 YOURSELF RECOMMENDED THAT SHE BE APPOINTED OR THAT SHE NOT  
12 BE APPOINTED?

13           THE WITNESS: YES. I SENT A LETTER TO THE  
14 GOVERNOR'S OFFICE IN NOVEMBER THAT INCLUDED HER NAME, THAT  
15 SHE BE CONSIDERED FOR APPOINTMENT TO THE POSITION THAT SHE  
16 CURRENTLY HOLDS.

17           I JUST WANTED TO SAY THAT WITH RESPECT TO  
18 THE RECRUITMENT PROCESS, THE SELECTION PROCESS, ON THE  
19 ADVICE OF REPRESENTATIVES FROM THE DEPARTMENT OF PERSONNEL  
20 ADMINISTRATION AND OUR ATTORNEY GENERAL'S OFFICE, THAT  
21 UNLESS THE EMPLOYEE GRANTS SUCH APPROVAL, I AM NOT ABLE TO  
22 SHARE ANY PERSONNEL OR RECRUITMENT INFORMATION WITH YOU,  
23 AND THIS IS ACCORDING TO SECTION 1798.24 OF THE  
24 INFORMATION PRACTICE ACT OF 1977.

25

1 BY SENATOR MC CORQUODALE:

2 Q DID YOU EVER EXPRESS YOUR CONCERN TO THE  
3 GOVERNOR OR HIS STAFF REGARDING THIS APPOINTMENT EITHER  
4 BEFORE OR AFTER YOU SENT THE LETTER?

5 A I THINK THAT, SENATOR, DELVES INTO AN AREA  
6 WHICH I'M KIND OF UNCOMFORTABLE IN MENTIONING BASED ON THE  
7 COUNSEL THAT I RECEIVED FROM THE DEPARTMENT OF PERSONNEL  
8 ADMINISTRATION AND THE ATTORNEY GENERAL'S OFFICE.

9 UNLESS THE EMPLOYEE, YOU KNOW, GRANTS OR  
10 AUTHORIZES RELEASE OF SUCH INFORMATION, I AM --

11 Q I'M NOT ASKING YOU TO SAY WHAT THAT CONCERN  
12 WAS -- YET, AT LEAST -- BUT I'M JUST ASKING, DID YOU HAVE  
13 ANY CONCERN? DID YOU EXPRESS ANY CONCERN?

14 A I WOULD PREFER NOT TO ANSWER THAT QUESTION.

15 Q IF SANDRA MONAGAN GRANTS APPROVAL, WOULD YOU  
16 BE WILLING TO ANSWER IT AT THAT POINT?

17 A YES, I WOULD.

18 Q WOULD YOU SAY THAT MS. MONAGAN REPORTS  
19 DIRECTLY TO YOU OR TO THE GOVERNOR, OR TO HIS STAFF?

20 A MS. MONAGAN REPORTS TO ME. SHE SERVES AT MY  
21 PLEASURE.

22 Q YOU FEEL COMFORTABLE THAT SHE SERVES AT YOUR  
23 PLEASURE?

24 A YES, I DO.

25 Q THERE'S NOTHING -- I WANT TO REMIND YOU AGAIN

1 THAT YOU DID TAKE AN OATH.

2 A YES, I DID.

3 Q AND THERE'S NOTHING THAT YOU FEEL THAT WOULD  
4 LEAVE A TRAIL THAT WOULD LEAD TO DISSATISFACTION ON YOUR  
5 PART WITH EITHER THE PROCESS OR QUALIFICATIONS OR THE  
6 RELATIONSHIP THAT SHE HAS WITH YOU OR THE GOVERNOR'S  
7 STAFF?

8 A AGAIN, I THINK THAT SOME OF THIS IS  
9 PRIVILEGED INFORMATION, AND I AM UNCOMFORTABLE IN  
10 REPORTING ALL THIS.

11 I WILL SAY THIS: THAT, AGAIN, I DID  
12 RECOMMEND HER, CONSISTENT WITH SECTION 4551 OF THE WELFARE  
13 AND INSTITUTIONS CODE, TO BE CONSIDERED FOR APPOINTMENT TO  
14 THE DEPUTY DIRECTOR POSITION.

15 SENATOR MARKS: MAY I ASK A QUESTION?

16 SENATOR MC CORQUODALE: YES, SENATOR MARKS.

17

18 EXAMINATION

19 BY SENATOR MARKS:

20 Q WHEN YOU MADE A RECOMMENDATION -- YOU CAN  
21 CERTAINLY TELL US, SINCE YOU MADE THE RECOMMENDATION,  
22 WHAT WERE THE QUALITIES YOU SAW THAT LED YOU TO RECOMMEND  
23 HER?

24 A CERTAINLY.

25 Q OTHER THAN THE FACT THAT SHE WAS THE DAUGHTER

1 OF A REPUBLICAN SPEAKER OF THE ASSEMBLY.

2 A CERTAINLY. I FELT THAT SHE HAD AND HAS A  
3 COMMITMENT TO PEOPLE WITH DEVELOPMENTAL DISABILITIES. SHE  
4 HAS EMPATHY, AND I FELT THAT SHE WOULD BE A GOOD TEAM  
5 MEMBER FOR OUR ORGANIZATION, AND I BELIEVE THAT IS, IN  
6 FACT, THE CASE.

7 Q WELL, WHAT WAS HER BACKGROUND AS FAR AS YOUR  
8 RECOMMENDING HER?

9 A WELL, MS. MONAGAN IS HERE WITH HER RESUME.

10 Q SHE'S HERE IN THIS ROOM?

11 A YES.

12

13 FURTHER EXAMINATION

14 BY SENATOR MC CORQUODALE:

15 Q DO YOU HAVE A COPY OF THE JOB DESCRIPTION FOR  
16 THE POSITION EVENTUALLY FILLED BY MS. MONAGAN?

17 A YES, I DO, SENATOR. WOULD YOU LIKE IT?

18 Q YES, PLEASE.

19 PAUSE IN THE PROCEEDINGS)

20 BY SENATOR MC CORQUODALE:

21 Q NOW THAT I HAVE RE-REMINDING YOU ABOUT THE  
22 OATH, CAN WE GO BACK TO THE DISCUSSION ABOUT MR. MACOMBER  
23 AND HOW HE FELT ABOUT THE LETTER THAT YOU HAD SENT TO ME?  
24 DID HE EVER COMMENT ON THAT LETTER?

25 A YES, HE DID. HE DID COMMENT ON THE LETTER.

1 Q THAT IT WAS A GOOD LETTER?

2 A HE FELT THAT I MAYBE SHOULD HAVE  
3 UNQUALIFIEDLY STATED THAT ALL MEMBERS OF THE COUNCIL MEET  
4 THE APPOINTMENT CRITERIA IN LAW, WHICH IN FACT THEY DO. I  
5 DIDN'T MENTION THAT BECAUSE THAT WASN'T WHAT WAS ASKED OF  
6 ME.

7 Q ARE THE MEMBERS OF THE COUNCIL SWORN IN?

8 A YES, THEY ARE, SENATOR.

9 Q WHO DOES THAT, IF YOU KNOW?

10 A ACTUALLY, IT'S A VARIETY OF WAYS. IT'S  
11 EITHER THROUGH A NOTARY PUBLIC OR THROUGH A GUBERNATORIAL  
12 APPOINTEE.

13 Q DO YOU GET THE PRESS RELEASES THAT GO OUT  
14 ABOUT THOSE INDIVIDUALS?

15 A UPON REQUEST.

16 Q OH, YOU DON'T ALWAYS GET THEM?

17 A WE GET THEM UPON REQUEST. WE ALWAYS GET  
18 THEM. WE ARE NOT AUTOMATICALLY ON THE MAILING LIST.  
19 AGAIN, WE RECEIVE THOSE ALSO THROUGH A VARIETY OF  
20 SOURCES.

21 Q YOU ARE PROBABLY THE ONLY PERSON IN THE STATE  
22 THAT'S NOT ON THAT MAILING LIST.

23 A PROBABLY.

24 SENATOR MC CORQUODALE: PEGGY?

25



EXAMINATION

1  
2 BY MS. COLLINS:

3 Q THE PIECE OF PAPER THAT YOU JUST GAVE TO THE  
4 COMMITTEE LISTS THE JOB DUTIES OF THAT POSITION. DO YOU  
5 HAVE ANYTHING THAT LISTS THE JOB REQUIREMENTS FOR THAT  
6 POSITION? WHEN YOU MAKE NOTIFICATION OF THAT OPENING, DO  
7 YOU PROVIDE APPLICANTS WITH THE JOB REQUIREMENTS?

8 A YES, WE DO. WE HAVE A JOB ANNOUNCEMENT.  
9 WE DO. I DID NOT BRING THAT JOB ANNOUNCEMENT. I BROUGHT  
10 THE SPECIFICATIONS FOR THE POSITION.

11 Q CAN YOU GET US A COPY OF THAT?

12 A CERTAINLY.

13 Q DO YOU KNOW WHAT IS INCLUDED IN THAT?

14 A NOT OFFHAND. I'D HAVE TO GO BACK AND GET IT.  
15 I'M SURE YOU ARE TALKING ABOUT IN TERMS OF EDUCATION AND  
16 EXPERIENCE, THINGS OF THAT TYPE.

17 Q DO YOU KNOW WHAT'S REQUIRED IN TERMS OF  
18 PROFESSIONAL BACKGROUND?

19 A TO BE SPECIFIC, I'D HAVE TO GO BACK AND PICK  
20 UP THAT JOB ANNOUNCEMENT.

21 MS. COLLINS: OKAY.

FURTHER EXAMINATION

22  
23  
24 BY SENATOR MC CORQUODALE:

25 Q SO YOU DON'T RECALL ANYTHING WITHIN THAT

1 LETTER THAT YOU SENT TO ME THAT GARY MACOMBER MIGHT HAVE  
2 BEEN DISSATISFIED WITH?

3 A THIS IS THE FIRST LETTER? BECAUSE I SENT YOU  
4 TWO LETTERS, SENATOR.

5 Q EITHER ONE.

6 A WELL, AS TO THE FIRST LETTER, THERE WAS ONLY  
7 ONE COMMENT, AS I MENTIONED BEFORE, IN TERMS OF NOT  
8 STATING THAT ALL THE COUNCIL MEMBERS ARE QUALIFIED FOR  
9 THEIR POSITION, WHICH IS TRUE. THEY MEET THE INTENT OF  
10 SECTION 4521 OF THE WELFARE AND INSTITUTIONS CODE AND ALSO  
11 THE FEDERAL LAW.

12 Q DO YOU HAVE KNOWLEDGE AT THIS POINT THAT YOU  
13 MIGHT NOT HAVE HAD BEFORE ABOUT WHETHER MS. MONAGAN DOES  
14 MEET ALL THE REQUIREMENTS AS STATED IN THE STATEMENT OF  
15 QUALIFICATIONS, THAT YOU MIGHT NOT HAVE HAD BEFORE?

16 HAS ANYTHING COME TO LIGHT SINCE SHE WAS  
17 APPOINTED?

18 A CONSISTENT WITH WHAT I JUST HANDED OUT, NO.  
19 YOU KNOW, ONE THING I DO WANT TO SAY THAT I  
20 THINK I CAN SAY TO SHED A LITTLE LIGHT ON THIS, I WASN'T  
21 SURE ABOUT THE PROCESS IN THE RECRUITMENT FOR THIS  
22 POSITION. THE LAW MERELY SAYS, A RECOMMENDATION TO THE  
23 GOVERNOR'S OFFICE.

24 THERE WAS A CHANGEOVER AT THE GOVERNOR'S  
25 OFFICE IN WHICH THIS PROCESS HAPPENED, AND I WAS

1 INSTRUCTED THAT IT IS A GOVERNOR'S APPOINTMENT AND IT IS  
2 NOT A CIVIL SERVICE POSITION.

3 SO, BEING THAT WAS WHAT WAS TOLD TO ME, I  
4 THINK, FROM WHAT I UNDERSTAND FROM THE GOVERNOR'S OFFICE,  
5 THERE SHOULD BE NO CLEAR-CUT CRITERIA WITH RESPECT TO  
6 RIGID QUALIFICATIONS. THAT'S THE UNDERSTANDING THAT I  
7 HAVE.

8 MS. COLLINS: BUT A JOB ANNOUNCEMENT WENT OUT WITH  
9 CRITERIA LISTED?

10 THE WITNESS: THAT'S RIGHT. AND, AGAIN, I WANT TO  
11 REMIND THE COMMITTEES THAT THAT WAS DURING THE TIME IN  
12 WHICH THERE WAS A CHANGEOVER AT THE GOVERNOR'S OFFICE IN  
13 TERMS OF DEPUTY APPOINTMENTS SECRETARIES. AND MY FIRST  
14 CONTACT WITH ONE INDIVIDUAL, THAT PERSON HAD LEFT, IN  
15 TERMS OF WHAT PROCESS SHOULD BE UTILIZED, AND THEN ANOTHER  
16 PERSON CAME ON BOARD IN THE MIDDLE OF THE PROCESS.

17 SENATOR MARKS: MAY I ASK A QUESTION?

18 SENATOR MC CORQUODALE: SENATOR MARKS.

19 SENATOR MARKS: YOU ARE TELLING ME THAT THERE ARE  
20 QUALIFICATIONS LISTED THAT YOU NOW BELIEVE ARE NOT LISTED?

21 THE WITNESS: NO. WHAT I'M SAYING IS THAT THE  
22 INITIAL JOB ANNOUNCEMENT THAT WENT OUT, IT WAS WITH THE  
23 KNOWLEDGE OF THE FORMER DEPUTY APPOINTMENTS SECRETARY OF  
24 THE GOVERNOR'S OFFICE.

25 DURING THE PROCESS, THAT PERSON LEFT HIS POST

1 AND ANOTHER PERSON CAME ON BOARD, AND DURING THAT  
2 RECRUITMENT PROCESS I WAS TOLD THAT IT IS NOT A CIVIL  
3 SERVICE POSITION. SO I WAS LED TO BELIEVE WHAT  
4 INFORMATION THAT WAS PREVIOUSLY SENT OUT WAS NOT  
5 NECESSARILY BINDING IN THE VIEW OF THE GOVERNOR'S  
6 APPOINTMENTS OFFICE.

7 SENATOR MARKS: ARE THE QUALIFICATIONS OF  
8 MS. MONAGAN DIFFERENT FROM THE QUALIFICATIONS THAT ARE  
9 SET FORTH IN THIS THING THAT YOU HAVE SAID WAS  
10 LATER --

11 THE WITNESS: AGAIN, I THINK THAT GETS INTO THE  
12 APPOINTMENT PROCESS, AND I'M NOT REAL COMFORTABLE, BASED  
13 ON THE INFORMATION THAT I'VE RECEIVED FROM PERSONNEL  
14 ADMINISTRATION AND THE ATTORNEY GENERAL'S OFFICE, TO  
15 COMMENT ON THAT.

16 SENATOR MARKS: LET ME JUST SAY THAT I SERVED AS A  
17 MEMBER OF HER FATHER'S ADMINISTRATION, SO I'M NOT TOTALLY  
18 DISINTERESTED IN THIS. I WAS A MEMBER OF THE REPUBLICAN  
19 STAFF OF THE ASSEMBLY.

20  
21 FURTHER EXAMINATION

22 BY SENATOR MC CORQUODALE:

23 Q IS THIS DUTY STATEMENT THE SAME AS IT WAS  
24 WHEN MS. MONAGAN WAS HIRED, OR IS IT DIFFERENT NOW?

25 A YES, SENATOR, IT IS.

1 Q IT'S THE SAME ONE?

2 A YES.

3 Q WHEN WAS SHE HIRED?

4 A SHE WAS HIRED, I BELIEVE, IN NOVEMBER OF  
5 1987, AND I THINK THERE'S A DATE DOWN THERE AT THE BOTTOM  
6 THAT'S PRIOR TO THAT.

7 Q IF YOU HAD TO NARROW IT DOWN TO THE MOST  
8 SPECIFIC THING THAT YOU CAN THINK OF, WHAT IS  
9 MS. MONAGAN'S RESPONSIBILITY AT THE COUNCIL?

10 A SHE IS RESPONSIBLE FOR THE MONITORING AND  
11 REVIEW FUNCTION; THAT IS, FOLLOWING PERTINENT PIECES OF  
12 LEGISLATION THAT AFFECT PEOPLE'S LIVES WHO HAVE  
13 DEVELOPMENTAL DISABILITIES.

14 SHE IS ALSO RESPONSIBLE FOR THE MONITORING  
15 AND REVIEW OF THOSE STATE AGENCIES THAT PROVIDE SERVICES  
16 TO PEOPLE WITH DEVELOPMENTAL DISABILITIES AND INFORMING  
17 THE LEGISLATURE, AS REQUIRED BY LAW, WITH RESPECT TO THE  
18 IMPLEMENTATION OF THE LANTERMAN ACT.

19 Q AND DO YOU HAVE FREQUENT CONTACT WITH THE  
20 GOVERNOR'S OFFICE?

21 A NO, SENATOR.

22 Q DOES MS. MONAGAN HAVE FREQUENT CONTACT WITH  
23 THE GOVERNOR'S OFFICE?

24 A I CAN'T ANSWER THAT.

25 SENATOR MC CORQUODALE: ALL RIGHT. ANY OTHER

1 QUESTIONS?

2 MS. COLLINS: DID YOU MAKE A STATEMENT AT A BOARD  
3 MEETING OR AT ANOTHER PLACE THAT THE GOVERNOR'S OFFICE OR  
4 THE APPOINTMENTS OFFICE HAD REMARKED TO YOU THAT YOU MIGHT  
5 BE PUNISHED FOR THE STATE COUNCIL VOTE ON THE AREA BOARD  
6 ISSUE?

7 THE WITNESS: I DON'T RECOLLECT THAT.

8 SENATOR MC CORQUODALE: ALL RIGHT. DO YOU HAVE ANY  
9 OTHER COMMENTS YOU'D LIKE TO MAKE?

10 THE WITNESS: NO, SENATOR.

11 SENATOR MC CORQUODALE: OKAY. IF YOU COULD JUST  
12 STAY AROUND UNTIL THE MEETING IS OVER IN CASE WE WANT TO  
13 ASK YOU ANY MORE QUESTIONS.

14 THE WITNESS: THANK YOU.

15 SENATOR MC CORQUODALE: ALL RIGHT. NOW, SANDRA  
16 MONAGAN.

17  
18 SANDRA MONAGAN,

19 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
20 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

21 THE WITNESS: I DO SWEAR.

22

23 EXAMINATION

24 BY SENATOR MC CORQUODALE:

25 Q WOULD YOU GIVE US YOUR NAME AND YOUR CURRENT

1 POSITION AND HOW LONG YOU HAVE BEEN IN THAT POSITION?

2 A YES. MY NAME IS SANDRA MONAGAN,  
3 M-O-N-A-G-A-N. I'M A DEPUTY DIRECTOR OF THE MONITORING  
4 SYSTEMS REVIEW OF THE STATE COUNCIL ON DEVELOPMENTAL  
5 DISABILITIES.

6 SENATOR, I WOULD LIKE TO SAY ONE THING BEFORE  
7 WE BEGIN.

8 Q YES.

9 A I DID HAVE AN APPOINTMENT TO MEET WITH YOU ON  
10 MAY 25TH AT 9:00 A.M., ON WEDNESDAY, AND THAT WAS  
11 CANCELLED ON MONDAY OF THAT WEEK. I WAS GOING TO PRESENT  
12 MY RESUME IN PERSON TO YOU AND DISCUSS ANY CONCERNS YOU  
13 MIGHT HAVE ABOUT MY APPOINTMENT PERSONALLY.

14 Q YES, AND I APPRECIATE YOUR WILLINGNESS TO  
15 MEET.

16 LET'S SEE, WE HAVE YOUR DUTIES AND WE HAVE  
17 YOUR RESUME?

18 A YES, SIR.

19 Q FIRST OF ALL, WHY DON'T YOU START BY JUST  
20 DESCRIBING WHAT YOUR FUNCTION IS WITHIN THE COUNCIL.

21 A WELL, SIR, MY FUNCTION -- I HAVE A FOUR-  
22 MEMBER STAFF AND WE ARE CHARGED BY LAW TO REVIEW AND  
23 COMMENT ON PERTINENT PLANS AND PROPOSALS AND BUDGETS OF  
24 ALL STATE AGENCIES FROM THE BEGINNING, AND TO MONITOR THE  
25 IMPLEMENTATION OF DIVISION 4.1 OF THE CALIFORNIA WELFARE

1 AND INSTITUTIONS CODE, AND THE DEVELOPMENTAL DISABILITIES  
2 ASSISTANCE BILL OF RIGHTS ACT.

3 WE ALSO PROVIDE TESTIMONY AND RECOMMENDATIONS  
4 TO THE LEGISLATURE WITH REGARD TO FISCAL AND POLICY  
5 MATTERS, AND WE REVIEW AND REPORT TO THE COUNCIL REGARDING  
6 ALLEGED SYSTEMIC VIOLATIONS OF CLIENTS' RIGHTS

7 WE ALSO COORDINATE THE COUNCIL'S  
8 LITIGATED (SIC) ACTIVITIES AS NEEDED TO MAKE  
9 RECOMMENDATIONS TO THE FULL COUNCIL. I AM PRESENT AT  
10 EVERY COUNCIL MEETING AND I'M ALSO PRESENT IN THE  
11 EXECUTIVE SESSIONS.

12 Q OKAY. AND RELATED TO THE QUALIFICATIONS,  
13 ON YOUR RESUME WAS THE BRENTWOOD SCHOOL FOR THE  
14 DEVELOPMENTALLY DISABLED, WHERE YOU EXECUTED EXISTING  
15 CURRICULUM FOR THE AUTISTIC CHILDREN.

16 WAS THAT A PAID POSITION?

17 A NO, SIR, IT WAS NOT A PAID POSITION. IT WAS  
18 FOR CREDITS, CREDITS TOWARD MY BACHELOR OF ARTS DEGREE.

19 Q AND THE CALIFORNIA STATE UNIVERSITY OF  
20 NORTHRIDGE PRESCHOOL, WAS THAT A PAID POSITION?

21 A NO, SIR.

22 Q AND THE U.C.L.A. NEUROPSYCHIATRIC INSTITUTE  
23 WOULD BE THE SAME?

24 A SIR, THAT WAS FOR CREDITS TOWARD MY MASTER'S  
25 DEGREE IN SPECIAL EDUCATION, LEARNING AND READING



1 DISORDERS.

2 Q AND THE WORK YOU DID ON YOUR GRADUATE COURSE  
3 WORK WAS RELATED TO DISORDERS?

4 A YES, SIR. PRIMARILY PHYSICAL -- PRESCHOOL  
5 AUTISTIC CHILDREN, AGES FOUR THROUGH EIGHT.

6 Q HAVE YOU HELD A PREVIOUS PAID POSITION BEFORE  
7 THIS POSITION?

8 A YES, SIR. I WAS A FLIGHT ATTENDANT FOR TEN  
9 YEARS, FIVE YEARS AGO.

10 Q I CAN'T REMEMBER THE NUMBER OF EMPLOYEES THAT  
11 YOUR DIRECTOR SAID THAT HE OVERSEES.

12 A TWELVE, SIR.

13 Q TWELVE EMPLOYEES?

14 A YES.

15 Q IN LOOKING AT THE DUTY STATEMENT, IT'S ALMOST  
16 ALL RELATED TO ADMINISTRATION --

17 A YES, SIR.

18 Q -- AND SUPERVISION. FOR EXAMPLE, THE  
19 "SUPERVISION RECEIVED" SAYS THAT YOU WORK UNDER THE  
20 GENERAL SUPERVISION AND DIRECTION OF THE EXECUTIVE  
21 DIRECTOR. SUPERVISION EXERCISED GIVES YOU THE  
22 RESPONSIBILITY FOR OVERSEEING SPECIFICALLY SEVERAL PEOPLE.

23 DOES YOUR TRAINING OR BACKGROUND PROVIDE FOR  
24 THAT?

25 A SIR, I FEEL THAT MY TRAINING AND BACKGROUND

1       TRANSCENDS THE SCOPE OF PAID EMPLOYMENT. I DON'T KNOW IF  
2       I COULD ADEQUATELY PUT A DOLLAR AMOUNT ON THE HOURS OF  
3       VOLUNTEER WORK AND UNPAID PROFESSIONAL WORK THAT I HAVE  
4       DONE IN THE FIELD OF DEVELOPMENTAL DISABILITIES.

5               WHEN I WAS ASKED TO INTERVIEW FOR THIS JOB,  
6       I FELT THAT I WAS QUALIFIED FOR IT. I HAVE A GENUINE  
7       INTEREST IN THE FIELD. MY BACKGROUND AS BEING A MEMBER OF  
8       DEVELOPMENTAL DISABILITIES AREA BOARD THREE, THE  
9       ORGANIZATION OF AREA BOARDS, THE CALIFORNIA ADVISORY  
10       COMMITTEE FOR THE HANDICAPPED, I THINK ALL OF THOSE THINGS  
11       SAY THAT I AM A COMMITTED PERSON TO THIS FIELD.

12              Q       I DON'T THINK THERE'S ANY QUESTION THAT WE  
13       ARE RAISING IN THAT REGARD. IN FACT, I THINK THAT YOUR  
14       BACKGROUND CERTAINLY PROVIDES WELL FOR AN AWARENESS OF THE  
15       ISSUES THAT ARE INVOLVED.

16               THE QUESTION IS THE ADMINISTRATION, THE  
17       ABILITY TO CARRY THOSE OUT IN AN ADMINISTRATIVE CAPACITY.  
18       WHO ASKED YOU TO INTERVIEW FOR THE JOB?

19              A       SIR, I THINK I'M NOT GOING TO ANSWER THAT  
20       QUESTION. I WAS ASKED BY THE APPOINTMENTS OFFICE TO  
21       INTERVIEW FOR THE POSITION.

22              Q       IF I GUESS, WOULD YOU TELL ME?

23              A       WELL, BELLA MEESE ASKED ME SINCE SHE'S IN  
24       CHARGE OF THE COUNCIL APPOINTMENTS.

25              Q       AND WERE YOU AWARE OF OTHER PEOPLE BEING

1           CONSIDERED AT THAT POINT OR --

2           A           NO, SIR, I WAS NOT. I DIDN'T KNOW ABOUT THE  
3           CURRENT -- THE STATUS OF THE APPOINTMENTS WHEN I WENT TO  
4           INTERVIEW WITH JIM.

5           Q           AND DID YOU INTERVIEW WITH MR. BELLOTTI --

6           A           YES, SIR.

7           Q           -- AFTER YOU HAD INTERVIEWED WITH BELLA  
8           MEESE?

9           A           I NEVER INTERVIEWED WITH BELLA MEESE. I JUST  
10          GAVE HER MY RESUME AND THAT WAS ALL. I HAD ALREADY  
11          INTERVIEWED WITH BELLA THROUGH THE APPOINTMENTS PROCESS ON  
12          AREA BOARDS, AND SHE HAD MY CURRENT STATUS AS TO --

13          Q           BELLA INTERVIEWED YOU RELATED TO THE AREA  
14          BOARDS?

15          A           YES, SIR.

16          Q           LET ME READ YOU SOME TESTIMONY THAT CAME FROM  
17          A MEETING THIS PAST WEEK WITH BELLA MEESE AND OTHER  
18          REPRESENTATIVES FROM THE GOVERNOR'S OFFICE.

19                    I ASKED HER IN RELATIONSHIP TO THREE SPECIFIC  
20          BOARDS THAT I HAD AN INTEREST IN.

21          A           YOU KNOW, YOU DON'T HAVE TO. I'M WRONG.  
22          DEBBIE BECK WAS IN THE APPOINTMENTS -- BELLA WASN'T EVEN  
23          IN THE APPOINTMENTS OFFICE WHEN I WAS INTERVIEWED FOR AREA  
24          BOARD THREE. I'M SORRY. THAT WAS TWO AND A HALF YEARS  
25          AGO AND I THINK BELLA HAD BEEN IN THAT POSITION FOR TWO

1 YEARS.

2 I'M SORRY. I'M JUST NERVOUS AND I DIDN'T  
3 REMEMBER. BUT I DID GO TO THE GOVERNOR'S OFFICE AND I DID  
4 DROP OFF A RESUME, AND YOU CAN CONFIRM THAT WITH WHOMEVER  
5 SIGNED THE DOCUMENTATION, BUT IT WAS NOT BELLA. I'M  
6 SORRY. IT IS MY MISTAKE AND I STAND CORRECTED.

7 Q WHAT ABOUT CLAYTON FAWN?

8 A HE'S BRAND NEW. I'VE NEVER HAD ANY DEALINGS  
9 WITH MR. FAWN.

10 Q I'M STILL TRYING TO FIGURE OUT WHETHER YOU  
11 DID INTERVIEW WITH SOMEONE IN THE GOVERNOR'S OFFICE OR YOU  
12 DIDN'T?

13 A FOR THIS POSITION?

14 Q YES.

15 A FOR THIS POSITION IT WAS BELLA, BUT FOR THE  
16 AREA BOARD POSITION IT WAS DEBRA BECK. I DELIVERED MY  
17 RESUME TO BELLA MEESE AND THAT'S THE INTERVIEW PROCESS.  
18 THAT WAS ALL.

19 Q NOW, SHE INDICATED -- IF YOU WERE HERE THIS  
20 MORNING YOU HEARD ME SAY THAT SHE SAID THAT DISCUSSION OF  
21 THE GOVERNOR'S PHILOSOPHY WAS A PART OF THE APPOINTMENT  
22 PROCESS.

23 DID SHE TALK TO YOU ABOUT THE GOVERNOR'S  
24 PHILOSOPHY?

25 A ABSOLUTELY NOT. I KNOW THE GOVERNOR'S

1 PHILOSOPHY.

2 Q TELL US. CAN YOU TELL US?

3 A I THINK THE GOVERNOR -- WELL, I CAN IN MY OWN  
4 INTERPRETATION. I DON'T THINK HE'S SO FAR REMOVED FROM  
5 OUR OWN PHILOSOPHY, SIR. BUT AGAIN, I CAN ONLY SPEAK FOR  
6 MYSELF.

7 Q OKAY. SO AS IT RELATES TO THE ADVOCACY ROLE  
8 FOR DEVELOPMENTALLY DISABLED, NARROW IT TO THAT POINT.  
9 WHAT DO YOU THINK THE GOVERNOR'S PHILOSOPHY WOULD BE?

10 A AGAIN, I CAN'T SPEAK FOR THE GOVERNOR.

11 Q WELL, TELL US YOURS.

12 A I WOULD LIKE TO THINK, AND I DO BELIEVE THIS,  
13 THAT THE INDIVIDUAL HAS A CARING AND A RESPECT FOR THE  
14 FIELD AND FOR THE RIGHTS OF PERSONS WITH DEVELOPMENTAL  
15 DISABILITIES. I CAN'T IMAGINE ANYONE WHO WOULDN'T. AND  
16 THAT'S A TRUE STATEMENT. I HONESTLY CAN'T; NOT AS SERVING  
17 AS A CHIEF EXECUTIVE OFFICER OF THE STATE OF CALIFORNIA,  
18 NO, I CAN'T.

19 Q LET ME DIVERT A LITTLE BIT. I MAY COME BACK  
20 TO THAT, BUT LET ME ASK YOU ANOTHER QUESTION, WHICH  
21 PROBABLY REQUIRES YOU TO GUESS BECAUSE YOU ARE NOT AN  
22 ATTORNEY; RIGHT?

23 A NO.

24 Q THEN YOU PROBABLY AREN'T AN EXPERT IN THIS  
25 AREA. BUT LET ME JUST ASK, IF YOU SAW TWO ATTORNEYS THAT

1 WERE GENERALLY EQUALLY MATCHED, EXPERIENCE AND AGE AND  
2 EVERYTHING ELSE, KNOWLEDGE IN THE FIELD, AND GENERALLY  
3 PRETTY CLOSELY MATCHED, AND ONE ATTORNEY WAS ALWAYS SUING  
4 THE CLIENT OF THE OTHER ATTORNEY, AND THIS ONE ATTORNEY  
5 WAS ALWAYS WINNING; WOULD YOU SEE HIS WIN AS BEING GOOD OR  
6 BAD?

7 A I CAN'T ANSWER THAT. THAT'S A JUDGMENT CALL  
8 AND I'M NOT HERE TO JUDGE ANYONE.

9 Q WELL, BASED ON THE LAW. THE LAW IS IN  
10 EXISTENCE AND SOMEBODY'S RIGHTS HAVE BEEN ABRIDGED. IT  
11 COULD BE CIVILLY OR CRIMINALLY OR IN ANY OTHER WAY THAT  
12 YOU MIGHT WANT TO GUESS, BUT THE PERSON BRINGS A SUIT AND  
13 SAYS, "THIS PERSON DID SOMETHING WRONG." AND OVER AND  
14 OVER THEY SAY THAT THIS PERSON DID SOMETHING WRONG, AND  
15 THE PERSON WHO IS SAYING THAT THE WRONG WAS DONE WINS.

16 THE FACT THAT THAT HAPPENED, YOU DON'T HAVE A  
17 FEELING WHETHER THAT'S GOOD OR BAD?

18 A I CAN'T COMMENT.

19 Q SUPPOSE YOU MAKE A SPEECH AND SOMEBODY SAYS  
20 SOMETHING NEGATIVE TO YOU AND PUTS YOU IN JAIL FOR MAKING  
21 A SPEECH. YOU GET OUT OF JAIL A WEEK LATER AND YOU MAKE  
22 ANOTHER SPEECH, AND SOMEBODY PUTS YOU IN JAIL FOR A WEEK,  
23 PUTS YOU IN JAIL FOR TWO WEEKS, A MONTH, OR A YEAR, AND  
24 YOU ARE NOT ABLE TO GET OUT AND DO THE THINGS THAT YOU  
25 MIGHT WANT TO DO.

1                   AND THEN SOMEBODY BRINGS A LAWSUIT AND SAYS,  
2                   "GOVERNMENT, YOU ARE DOING WRONG TO THIS PERSON," AND THAT  
3                   PERSON WINS. YOU HAVE NEVER SEEN THEM, BUT THEY WIN AND  
4                   YOU ARE FREE TO GO. WOULD THAT BE GOOD OR BAD?

5                   A           AGAIN, THAT'S A JUDGMENT CALL I'M NOT AT  
6                   LIBERTY TO MAKE.

7                   Q           YOU WOULDN'T THINK THAT THE FACT THEY GOT YOU  
8                   OUT OF JAIL WOULD BE GOOD? YOU HAVEN'T SEEN THE JAILS IN  
9                   MY COUNTY.

10                   I'M NOT TRYING TO -- I DON'T WANT YOU TO FEEL  
11                   LIKE I'M PRESSING YOU ON THIS. I MEAN, I WANT YOU TO FEEL  
12                   FREE TO SAY THAT YOU REALLY -- JUST LIKE YOU HAVE DONE,  
13                   THAT YOU CAN'T -- I'M JUST TRYING TO GET SOME IDEA OF THE  
14                   PHILOSOPHY BEHIND THE PEOPLE WHO ARE BEING APPOINTED.

15                   IF THE CONSTITUTION OF THE UNITED STATES SAYS  
16                   THAT A PERSON HAS CERTAIN RIGHTS, OR THE CONSTITUTION OF  
17                   THE STATE OF CALIFORNIA SAYS THAT A PERSON HAS CERTAIN  
18                   RIGHTS, OR THE LEGISLATURE HAS ADOPTED LAWS THAT SAY  
19                   PEOPLE HAVE CERTAIN RIGHTS, AND THEN THERE'S SOME ENTITY  
20                   THAT TRIES TO INFRINGE ON THAT; AND SOME OTHER GROUP,  
21                   WHOSE ONLY RESPONSIBILITY IS TO MAKE SURE THAT THEIR  
22                   RIGHTS ARE PROTECTED, BRINGS A LAWSUIT AND WINS AN  
23                   INORDINATE AMOUNT OF THE CASES, AND THEY HAVE A FEELING  
24                   THAT THAT'S THE RIGHT THING TO DO AND THAT'S THE WAY IT  
25                   SHOULD BEEN -- IT'S ALWAYS HARD TO THINK ABOUT IT IN TERMS

1 OF OTHER PEOPLE SO I'M TRYING TO PHRASE IT IN YOUR TERMS,  
2 OF A PERSON WHO I KNOW MUST HAVE BEEN RAISED IN A  
3 HOUSEHOLD WITH THE RIGHT TO SAY WHAT THEY THOUGHT WAS OF  
4 NUMBER ONE IMPORTANCE, SO THE IDEA THAT IF SOMEBODY  
5 INFRINGES UPON THAT IN THE LEAST AND SOMEBODY ELSE  
6 PROTECTS THAT RIGHT, IF THAT'S NOT VIEWED AS BEING GOOD.

7 ANOTHER AREA MIGHT BE IN YOUR ROLE WITH THE  
8 AREA BOARDS. I'M SURE YOU MUST HAVE, DURING THE YEARS  
9 YOU'VE SERVED ON THE AREA BOARDS, RAILED AT WHY THE  
10 ADMINISTRATION DOESN'T CARRY OUT THE PRIORITIES WHEN  
11 SUBMIT THE YEAR-END PLAN. FINALLY WE GOT RID OF THAT. WE  
12 SAID, "EVERYBODY IGNORES IT SO WHY GO THROUGH THAT  
13 PROCESS? WE ARE JUST GOING TO PICK OUT A COUPLE OF  
14 PRIORITIES TO PUT IN."

15 IT MUST HAVE BEEN FRUSTRATING TO YOU DURING  
16 THE TIME YOU SERVED ON THE AREA BOARD. BUT DIDN'T YOU  
17 VIEW PART OF YOUR ROLE THERE AS BEING AN ADVOCATE FOR THE  
18 DEVELOPMENTALLY DISABLED TO INSURE THAT SOMEBODY DIDN'T DO  
19 BAD TO THEM?

20 A WITHOUT A DOUBT; AND I VIEW MY ROLE EXACTLY  
21 THE SAME WAY AS DEPUTY DIRECTOR OF THE STATE COUNCIL.  
22 THAT'S A PERFECT ANALOGY, BECAUSE I FEEL THE SAME WAY AS I  
23 FELT WHEN I WAS ON THE AREA BOARD.

24 Q SUPPOSE THE REGIONAL CENTER HAD SAID, "WE  
25 ARE SORRY. WE DON'T HAVE ENOUGH MONEY. THEREFORE, WE ARE



1 GOING TO CUT OUT SOME SERVICE TOWARD THE DEVELOPMENTALLY  
2 DISABLED. WE ARE NOT GOING TO ALLOW THIS PERSON TO GAIN  
3 ACCESS TO A SERVICE THEY HAVE A RIGHT TO," AND IT WAS  
4 CLEAR THAT THEY WERE NOT CARRYING OUT THEIR  
5 RESPONSIBILITY.

6 WOULD YOU HAVE VOTED, AS AN AREA BOARD  
7 MEMBER, TO BRING A LAWSUIT AGAINST THE REGIONAL  
8 CENTER?

9 A IF I FELT THERE WAS A MALFEASANCE, YES, I  
10 WOULD, WITHOUT A DOUBT.

11 Q HAVE YOU DISAGREED WITH THE DIRECTOR OR WITH  
12 THE COUNCIL ON AN ISSUE -- OR IF YOU DISAGREED, WOULD YOU  
13 EVER DISCUSS THIS WITH THE GOVERNOR?

14 A WHAT HAPPENS BETWEEN JIM BELLOTTI AND I --  
15 AGAIN, JIM SAID I SERVE AT HIS PLEASURE, AND I DO. THAT'S  
16 THE BOTTOM LINE. THAT'S WHAT MY OATH OF OFFICE SAYS. I  
17 WAS APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF  
18 THE EXECUTIVE DIRECTOR.

19 SENATOR MC CORQUODALE: JANE, DID YOU WANT TO ASK A  
20 QUESTION?

21 MS. UITTI: YES.

22

23

EXAMINATION

24 BY MS. UITTI:

25 Q I'M JANE UITTI. LET'S GO BACK TO THE

1 SENATOR'S EXAMPLE. IF YOU FELT THAT SOMEBODY'S RIGHTS  
2 WERE BEING VIOLATED AND YOU FELT IT WAS A GOOD IDEA TO  
3 SUE, OR IT WOULD BE A SUPPORTABLE THING TO DO BECAUSE YOU  
4 FELT THERE WAS A CLEAR VIOLATION, WHAT WOULD YOU DO, THEN,  
5 IF THE GOVERNOR'S OFFICE CALLED AND SAID -- OR D.D.S.  
6 CALLED AND SAID, "DON'T DO IT. IT'S GOING TO EMBARRASS  
7 US." WHAT WOULD YOU DO THEN?

8 A WELL, FIRST OF ALL, I WOULD TRY TO BREAK  
9 OUT THE INFORMATION AS BEST AS I COULD AS FAR AS GIVING  
10 THE INFORMATION AS CLEARLY AND CORRECTLY AS I COULD TO THE  
11 DEPARTMENTS AND TO THE ADMINISTRATION.

12 Q NO. PRESUMING YOU HAD ALREADY FIGURED IN  
13 YOUR OWN MIND, "HEY, THIS IS CLEAR-CUT. THERE'S A  
14 VIOLATION. I'M GOING TO GO AHEAD." YOU HAVE ALREADY MADE  
15 UP YOUR MIND THERE. YOU HAVE ALREADY DONE THAT PROCESS OF  
16 ASSESSING.

17 NOW THE GOVERNOR'S OFFICE OR D.D.S. CALLS YOU  
18 UP. THEN WHAT WOULD YOU DO? WHERE WOULD YOUR LOYALTIES  
19 BE?

20 A WELL, I HAVE TO SPEAK FROM MY HEART ON THIS  
21 ONE. I WOULD THINK THAT IF THERE WAS A CLEAR VIOLATION OF  
22 SOMEONE'S RIGHTS AND I HAD VOTED TO SUE EITHER THE  
23 ADMINISTRATION OR THE DEPARTMENT OF DEVELOPMENTAL  
24 SERVICES, THAT THE ADMINISTRATION AND THE DEPARTMENT OF  
25 DEVELOPMENTAL SERVICES WOULD UNDERSTAND THAT.

1 Q WELL, WHAT IF THEY DIDN'T AND CALLED YOU  
2 UP AND SAID, "DON'T DO IT," LIKE THE AREA BOARD  
3 ORGANIZATIONS?

4 A THEN I WOULD HAVE TO SAY, IF I BELIEVED AS  
5 STRONGLY IN THIS ISSUE AS I DO, THEY WOULD HAVE TO RESPECT  
6 THAT. AND I TRULY BELIEVE THAT THIS ADMINISTRATION  
7 RESPECTS THE RIGHTS OF ITS APPOINTEES. I CAN'T IMAGINE  
8 THE GOVERNOR SAYING TO ANYONE, "YOU DO EXACTLY WHAT I TELL  
9 YOU TO DO OR YOU'RE NOT SERVING UNDER MY ADMINISTRATION  
10 ANYMORE."

11 Q WELL, SOME PREVIOUS PEOPLE WHO HAVE  
12 ALREADY TESTIFIED SAID THAT THE DEPARTMENT, AT LEAST,  
13 HAD CALLED THEM UP AND SAID, "DON'T PURSUE THIS  
14 LITIGATION."

15 A WELL, THESE ARE PREVIOUS PEOPLE. THAT'S  
16 THAT'S NOT ME, JANE. AND I KNOW THAT GOVERNOR DEUKMAJIAN  
17 WOULD NOT ASK ME TO DO SOMETHING THAT WAS UNCONSCIONABLE  
18 AND UNJUST. I JUST DON'T THINK HE WOULD ASK ME TO DO IT.  
19 AND IF HE DID, I WOULD PROBABLY DISAPPOINT HIM.

20 Q WOULD GARY MACOMBER?

21 A I DON'T KNOW. I CAN'T SPEAK FOR  
22 GARY MACOMBER, BUT I KNOW THAT GOVERNOR GEORGE DEUKMAJIAN  
23 WOULDN'T.

24 MS. UITTI: OKAY.

25

1 QUALIFICATIONS IN YOUR APPOINTMENT. I MEAN, I MAY NOT  
2 ASK HIM. I JUST WANTED TO KNOW IF YOU WOULD FEEL  
3 UNCOMFORTABLE IN HIM DISCUSSING THAT, BECAUSE I COME BACK  
4 TO THE ISSUE THAT THE JOB DUTIES, WHICH HE INDICATES WERE  
5 WRITTEN PRIOR TO YOUR BEING APPOINTED, STRESS SO HEAVILY  
6 ON ADMINISTRATION.

7 YET IN LOOKING AT YOUR RESUME, I CAN'T FIND  
8 ANYTHING THAT INDICATES THAT YOU HAVE HAD ANY EXPERIENCE  
9 IN ADMINISTRATION AND OVERSEEING THE STAFF AND DEVELOPMENT  
10 AND THAT TYPE OF THING.

11 A WELL, I CAN ONLY SPEAK -- I'VE BEEN WITH THE  
12 COUNCIL NOW SINCE NOVEMBER 6TH, AND AGAIN I HAVE A STAFF  
13 OF FOUR INDIVIDUALS, AND I THINK WE HAVE GOTTEN THE WORK  
14 DONE. I DON'T THINK THAT THERE HAS BEEN ANY QUESTION AS  
15 TO WHETHER OR NOT MY AGENDA IS ANY DIFFERENT FROM JIM  
16 BELLOTTI'S OR FROM MARILYN EVANS' OR FROM THE ENTIRE  
17 COUNCIL PLATFORM.

18 I HAVE DONE NOTHING TO HAVE -- IF THERE WAS A  
19 QUESTION AS FAR AS MY QUALIFICATIONS, SIR, I THINK I'VE  
20 PROVEN THAT THERE SHOULD NOT BE A QUESTION.

21 Q AND I'M NOT RAISING THE QUESTION OF WHETHER  
22 THE GOVERNOR DIDN'T HAVE THE RIGHT TO APPOINT ANYONE THAT  
23 HE MIGHT HAVE WANTED TO APPOINT IN THAT POSITION. I'M  
24 JUST EXAMINING, AGAIN, IF THERE'S ANY PATTERN ACROSS THE  
25 BOARD OF ADVOCACY OF THE DEVELOPMENTALLY DISABLED OF AN

1 ADHERENCE TO SOMETHING OTHER THAN AGGRESSIVENESS IN  
2 DEFENDING THE RIGHTS OF THE DEVELOPMENTALLY DISABLED.

3 A NO. AGAIN, WHEN I RECEIVED A PHONE CALL FROM  
4 PEGGY COLLINS FROM YOUR STAFF, THAT WAS THE FIRST  
5 COMMUNICATION I HAD FROM YOUR OFFICE. I NEVER RECEIVED A  
6 LETTER REQUESTING ANY DOCUMENTATION.

7 WE WERE NEVER MENTIONED IN ANY OF YOUR  
8 CORRESPONDENCE, THE TWO DEPUTY DIRECTORS WHO WERE DIRECT  
9 APPOINTMENTS FROM THE GOVERNOR'S OFFICE, AND I WAS RATHER  
10 TAKEN ABACK AS TO WHY WE WERE CLUMPED TOGETHER WITH THE  
11 COUNCIL APPOINTMENT PROCESS BECAUSE WE ARE REALLY HANDLED  
12 A LITTLE DIFFERENTLY, I THINK.

13 Q EXPLAIN THAT DIFFERENCE TO US.

14 A WELL, I JUST THINK THAT AS FAR AS THE TIMING;  
15 I THINK AS FAR AS QUALIFICATIONS; I THINK AS FAR AS  
16 SCRUTINY. I JUST THINK THAT WE ARE NOT IN THE SAME  
17 CATEGORY AS THE BOARD OR COUNCIL APPOINTMENTS.

18 WE ARE EXEMPT POSITIONS, PAID STATE  
19 EMPLOYEES. I THINK THAT IS HANDLED PROBABLY A LITTLE  
20 DIFFERENTLY. AND THE DISTINCTIONS I CAN'T SAY BECAUSE I  
21 DON'T WORK IN THE APPOINTMENTS OFFICE, BUT I DO THINK THEY  
22 ARE VERY CLEAR.

23 AGAIN, MY AGENDA, AND IT'S A SOLE AGENDA, IS  
24 TO ADVOCATE FOR SYSTEM CHANGE, AND I DO THAT EVERY DAY I'M  
25 AT WORK. AND I DON'T ADVOCATE FOR THE GOVERNOR'S AGENDA,

1           AND I DON'T ADVOCATE FOR GARY MACOMBER'S AGENDA; I  
2           ADVOCATE FOR THE RIGHTS OF PERSONS WITH DEVELOPMENTAL  
3           DISABILITIES. AND GARY MACOMBER KNOWS THAT AND GOVERNOR  
4           GEORGE DEUKMEJIAN KNOWS THAT.

5           Q           WERE YOU THERE WHEN THE COUNCIL MADE THE  
6           DECISION TO PURSUE BY LITIGATION THE AREA BOARD --

7           A           NO, SIR.

8           Q           TRY TO IMAGINE THAT YOU WOULD HAVE BEEN  
9           THERE. WHAT DO YOU THINK YOU WOULD HAVE DONE AT THAT  
10          POINT?

11          A           I DON'T KNOW. I CAN'T -- I DON'T EVEN KNOW.

12          Q           WOULD THAT HAVE BEEN A SYSTEM CHANGE THAT YOU  
13          MIGHT HAVE WELCOMED OR ONE THAT YOU MIGHT HAVE OPPOSED?

14          A           AGAIN, I WASN'T THERE SO I DON'T KNOW ALL OF  
15          THE FACTS. I WASN'T PART OF THE STAFF RECOMMENDATION; I  
16          WASN'T PART OF THE STAFF INTERPLAY. AND, QUITE FRANKLY, I  
17          DON'T REMEMBER ALL OF THE FACTS THAT WERE SURROUNDING THAT  
18          ISSUE.

19          Q           WERE YOU ON THE AREA BOARD AT THAT TIME?

20          A           YES, I WAS.

21          Q           YOU DIDN'T FORM AN OPINION ABOUT WHETHER THE  
22          AREA BOARDS SHOULD HAVE BEEN CONTINUED OR NOT?

23          A           WELL, I DEFINITELY FEEL THEY SHOULD CONTINUE.  
24          I NEVER HAD A QUESTION IN MY MIND THAT THEY SHOULD  
25          CONTINUE.

1           Q       WHAT WOULD MAKE YOU A DIFFERENT PERSON AS A  
2 MEMBER OF THE AREA BOARD AND A MEMBER OF THE STAFF OF THE  
3 COUNCIL THAT YOU MIGHT THINK DIFFERENTLY?

4           A       PROBABLY NOT VERY MUCH. AS FAR AS MY  
5 PERSPECTIVE ON THE SYSTEM, IT WASN'T TO CHANGE  
6 DRAMATICALLY WHEN I WAS APPOINTED TO THIS POSITION.

7           Q       BUT YOU WERE INDICATING THAT IT WOULD BE HARD  
8 FOR YOU TO -- WHEN I ASKED YOU ABOUT WHAT YOU THINK YOUR  
9 POSITION WOULD BE IF THAT PROPOSAL WERE MADE, IF YOU WERE  
10 A SYSTEMS ADVOCATE, AN ADVOCATE FOR A CHANGE IN THE  
11 SYSTEM, THEN SO IS CHRIS JONES.

12           A       AND WHILE I PROBABLY WOULD AGREE WITH YOU  
13 THAT THERE ARE SOME THINGS THAT YOU OUGHT TO ADVOCATE FOR  
14 AS A CHANGE IN THE SYSTEM, I DON'T WANT TO SAY THAT ALL OF  
15 THE SYSTEM NEEDS CHANGING.

16           A       NO. BUT THAT'S --

17           Q       IN OTHER WORDS, I'M TRYING TO FIGURE OUT WHO  
18 MAKES THAT DECISION FOR THAT SYSTEM CHANGE. DO YOU HAVE  
19 THE AUTONOMOUS POSITION TO DECIDE OR WOULD SOMEBODY TELL  
20 YOU THAT YOU OUGHT TO ADVOCATE FOR THAT CHANGE?

21           A       WELL, AGAIN, THE STRUCTURE OF THE COUNCIL --  
22 I'M STAFFED IN THE COUNCIL AND THE COUNCIL DICTATES WHAT  
23 MY WORK IS TO BE DONE. AND, OF COURSE, BY LAW WE ARE  
24 CHARGED TO DO CERTAIN THINGS, ESPECIALLY UNDER THE  
25 MONITORING SYSTEMS REVIEW, THE PLANNING AND EVALUATION

1 UNIT. THEY ARE TWO UNITS IN THE STATE COUNCIL, AS YOU  
2 KNOW.

3 WE CARRY ON DAILY ACTIVITIES OUTSIDE OF THE  
4 COUNCIL'S INPUT, BUT WE DON'T DO MUCH OF ANYTHING OUTSIDE  
5 OF THAT. THE COUNCIL BASICALLY SETS UP THE AGENDA FOR THE  
6 YEAR AND WE FOLLOW THAT AGENDA TO THE BEST OF OUR ABILITY.

7 Q IS THERE STAFF INPUT TO THE AGENDA?

8 A ABSOLUTELY.

9 Q AND IT'S POSSIBLE THAT THE STAFF MIGHT PUT  
10 INTO THAT AGENDA THE ABOLITION OF THE AREA BOARDS; WOULD  
11 IT NOT BE?

12 A NO, SIR. I DON'T THINK THAT WOULD EVER  
13 HAPPEN. MY JOB WOULD BE VERY HARD WITHOUT THE AREA BOARD  
14 SYSTEM, SIR. IN FACT, IT WOULD BE IMPOSSIBLE.

15 Q BUT WE WENT THROUGH AT LEAST WITHIN A FEW  
16 MONTHS OF BEING WITHOUT THE AREA BOARDS.

17 A WE CERTAINLY DID, AND I WAS VERY FRIGHTENED  
18 OVER THAT.

19 Q AND WE HAVE SOME AREA BOARDS THAT HAVEN'T HAD  
20 APPOINTMENTS ON THEM, WE ARE TOLD, FOR SIX OR SEVEN YEARS.

21 A I DON'T KNOW THAT, SIR. I CAN'T SPEAK TO  
22 THAT.

23 Q SO IN SOME CASES WE ARE DOING LESS THAN WITH  
24 THE WHOLE AREA BOARD ALREADY?

25 A NO. I THINK THE AREA BOARD SYSTEM -- AND



1 THAT IS PART OF MY JOB, TO EVALUATE AND REVIEW CERTAIN  
2 AREA BOARDS AS IT FALLS UNDER THE MONITORING SYSTEM'S  
3 AGENDA, AND I FIND THAT THE AREA BOARDS ARE WORKING IN  
4 THEIR COMMUNITIES. THEY ARE DOING AN EXEMPLARY JOB.

5 AND I DO FEEL THAT, AGAIN, THE STATE COUNCIL  
6 WORKS HAND IN HAND WITH THE AREA BOARDS, PROBABLY ON A  
7 DAILY BASIS.

8 Q AND I DON'T RECALL WHETHER YOU SAID "YES" OR  
9 "NO," THAT MR. BELLOTTI COULD DISCUSS YOUR QUALIFICATIONS?

10 A I WOULD PREFER NOT.

11 Q NOT. OKAY.

12  
13 EXAMINATION

14 BY MS. COLLINS:

15 Q SANDRA, YOU SAID THAT PART OF YOUR JOB WAS TO  
16 MONITOR THE AREA BOARDS; IS THAT CORRECT?

17 A THAT'S JUST ONE TINY PART, YEAH.

18 Q AND AS PART OF THOSE DUTIES, ARE YOU AWARE  
19 WHEN THERE ARE VACANCIES ON THE AREA BOARDS?

20 A NO. WE HAVE NOTHING DO WITH THE APPOINTMENTS  
21 PROCESS AT ALL.

22 Q AND IN TERMS OF MONITORING THEIR  
23 EFFECTIVENESS, YOU DON'T LOOK AT WHETHER OR NOT THAT MIGHT  
24 BE AN ISSUE?

25 A NO. AND I BELIEVE THE AREA BOARD ITSELF IS

1 SET UP SO THAT THEY HAVE COMMUNICATION WITH THE GOVERNOR'S  
2 OFFICE AS FAR AS THEIR OWN APPOINTMENT PROCESS. WE HAVE  
3 NOTHING TO DO WITH HOW THEIR BOARDS ARE SET UP.

4 I THINK THAT THE ADVOCACY ROLE OF THE AREA  
5 BOARD IS MY MAJOR -- IS THE COUNCIL'S MAJOR CONCERN.

6

7

FURTHER EXAMINATION

8

BY SENATOR MC CORQUODALE:

9

10

11

Q HAVE YOU EVER DISCUSSED AN APPOINTMENT THAT'S  
BEING MADE TO THE COUNCIL WITH THAT PERSON PRIOR TO THE  
APPOINTMENT BEING MADE?

12

A UNEQUIVOCALLY NOT.

13

14

15

Q SUPPOSE I WAS CONSIDERING BEING APPOINTED.  
WHO WOULD I DISCUSS WHAT THE COUNCIL DOES WITH? WHO WOULD  
BE THE RIGHT PERSON TO GO TO?

16

17

A I THINK YOU COULD PROBABLY GO TO THE  
GOVERNOR'S OFFICE.

18

Q MS. BELLA MEESE?

19

20

21

A BELLA MEESE OR TERRY FLANNIGAN OR MARV  
BAXTER. ANY ONE OF THOSE INDIVIDUALS WOULD HELP YOU WITH  
THAT, I'M SURE.

22

23

Q WHAT'S YOUR RELATIONSHIP WITH THOSE  
INDIVIDUALS?

24

25

A I DON'T HAVE A RELATIONSHIP WITH THEM. I  
KNOW THEM TO SAY "HELLO" IN THE HALL AND THAT'S ABOUT IT.

1 Q I'LL PROBABLY HAVE TROUBLE FINDING THIS  
2 QUICKLY ENOUGH TO DO IT.

3 OKAY. BELLA MEESE INDICATED TO US THAT SHE  
4 DIDN'T HAVE A LOT OF INFORMATION AS TO WHAT THE DIFFERENT  
5 BOARDS AND COMMISSIONS THAT SHE HAS THE RESPONSIBILITY FOR  
6 APPOINTING WOULD DO. SHE SAYS THAT SHE FOLLOWS THE  
7 SPECIFIC THING THAT'S WRITTEN OUT, BUT THE DESCRIPTION OF  
8 WHAT YOU WOULD DO AS A COUNCILMEMBER LEAVES A LOT TO BE  
9 DESIRED.

10 A THE DESCRIPTION AS A COUNCILMEMBER?

11 Q YES. IT SEEMS THAT THERE MUST BE SOMEBODY  
12 WHO IS AVAILABLE TO TALK TO. I WAS WONDERING IF THERE IS  
13 NEVER ANYBODY --

14 A WELL, YOU KNOW, WE HAVE HANDOUTS AND ALL  
15 SORTS OF INFORMATIONAL ITEMS AT THE OFFICE, AND SOMEBODY  
16 COULD STOP BY TO GET A BRIEF OVERVIEW AS TO WHAT THE STATE  
17 COUNCIL DOES, HOW IT'S FUNDED, WHO IT TOUCHES, WHAT ITS  
18 ROLES ARE, PER LAW.

19 Q FOR EXAMPLE, I SERVED ON THE NAPA STATE  
20 HOSPITAL ADVISORY BOARD AT ONE TIME, AND I TALKED TO A  
21 PERSON IN THE GOVERNOR'S OFFICE AND I TALKED WITH THE  
22 DEPARTMENT. I WENT AND HAD A FAIRLY LONG MEETING WITH THE  
23 HOSPITAL ADMINISTRATOR AND WITH THE CHAIRPERSON OF THE  
24 ADVISORY BOARD BEFORE I MADE A DECISION ON WHETHER I  
25 REALLY WANTED TO SPEND MY TIME DOING THAT. AND IN EACH

1 CASE I NEVER HAD ANY TROUBLE FINDING THE PERSON THAT I  
2 SHOULD TALK TO ABOUT IT.

3 I MEAN, IF I CALLED THE NAPA -- NAPA, AT THE  
4 TIME, WAS A SPLIT ADVISORY BOARD, SO IF I HAD CALLED THE  
5 WRONG DIRECTOR, HE WOULD HAVE TOLD ME THAT I SHOULD TALK  
6 TO THE OTHER DIRECTOR. SO IT WAS NOT ANY PROBLEM IN  
7 GETTING -- THERE'S NOT SOMETHING LIKE THAT FOR THE  
8 COUNCIL? IT'S NOT POSSIBLE TO EASILY TALK TO PEOPLE ABOUT  
9 EXACTLY WHAT THE COUNCIL DOES?

10 A OH, I'M SORRY. NO. YOU CERTAINLY -- AND  
11 ANYONE WHO IS INTERESTED IN SEEKING A POSITION ON THE  
12 COUNCIL AS A COUNCILMEMBER, TO MY KNOWLEDGE -- AGAIN, I'VE  
13 ONLY BEEN ON THE COUNCIL SINCE NOVEMBER -- COULD COME INTO  
14 THE OFFICE AND WE WOULD PROBABLY SIT DOWN AND TALK WITH  
15 THEM.

16 A FEW OF OUR NEWER BOARD MEMBERS HAVE, MUCH  
17 TO OUR DELIGHT, BECAUSE IT'S BEEN A GOOD EXPERIENCE FOR US  
18 ALL.

19 MS. COLLINS: WHICH BOARD MEMBERS?

20 THE WITNESS: WELL, DAVID ANDERSON, WHO HAS A YOUNG  
21 ADULT AT STOCKTON DEVELOPMENTAL CENTER, CAME IN AND SPOKE  
22 TO US.

23 JOE FERIOUS (PHONETIC), WHO IS THE  
24 CHAIRPERSON OF THE MONITORING SYSTEMS REVIEW, CAME IN AND  
25 SPOKE WITH US. AND THAT'S --

1 SENATOR MARKS: MR. CHAIRMAN?

2 SENATOR MC CORQUODALE: SENATOR MARKS.

3 SENATOR MARKS: I HAVE TO LEAVE IN ABOUT FIVE  
4 MINUTES. I WANT TO COMMEND YOU. I MIGHT NOT AGREE WITH  
5 EVERYTHING, BUT I APPRECIATE YOUR GUTS TO STAND UP AND SAY  
6 THE THINGS THAT HAVE HAPPENED, AND THAT IF YOU DID NOT  
7 AGREE WITH WHAT THE GOVERNOR DID, YOU WOULD OPPOSE HIM. I  
8 APPRECIATE THAT.

9 THE WITNESS: THANK YOU, SENATOR. AND I TRULY  
10 BELIEVE THAT.

11 SENATOR MARKS: I APPRECIATE THAT VERY, VERY MUCH.

12 THE WITNESS: THANK YOU, SIR.

13 SENATOR MC CORQUODALE: ALL RIGHT. IF THERE ARE NO  
14 OTHER QUESTIONS, I THINK THAT PROBABLY COMPLETES OUR  
15 QUESTIONS.

16 SENATOR MC CORQUODALE: OKAY. HARVEY BUSH?

17 SENATOR MARKS: I'LL HAVE TO LEAVE NOW.

18 SENATOR MC CORQUODALE: OKAY. THANK YOU.

19 (WHEREUPON SENATOR MARKS LEFT  
20 THE PROCEEDINGS.)

21  
22  
23 HARVEY BUSH,

24 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
25 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

1 THE WITNESS: I DO.

2

3

EXAMINATION

4

BY SENATOR MC CORQUODALE:

5

Q WOULD YOU GIVE YOUR NAME AND YOUR PRESENT

6

POSITION?

7

A MY NAME IS HARVEY BUSH, B-U-S-H, AND I'M A

8

PARENT. I'VE HELD THAT POSITION FOR 30 YEARS, WHICH IS

9

THE AGE OF MY SON WHO HAS A DEVELOPMENTAL DISABILITY.

10

I THINK BECAUSE OF THE STRONG ADVOCACY THAT

11

I'VE BEEN INVOLVED IN OVER THE YEARS, I'VE SERVED ON THE

12

STATE COUNCIL SINCE 1985. I'M CURRENTLY THE CHAIRPERSON

13

OF THE COUNCIL.

14

Q ARE THERE CATEGORIES THERE -- YOU ARE FILLING

15

A PARENT POSITION OR IS IT A FAMILY POSITION?

16

A SECONDARY CONSUMER.

17

Q OKAY. HAVE YOU EVER MADE A RECOMMENDATION TO

18

THE GOVERNOR'S APPOINTMENT STAFF FOR A SPECIFIC PERSON TO

19

BE APPOINTED TO THE STATE COUNCIL?

20

A I HAVE NEVER DONE THAT.

21

Q I HAVEN'T HAD A LOT OF EXPERIENCE WITH ALL OF

22

THE DIFFERENT BOARDS AND COMMISSIONS, BUT I HAVE SERVED ON

23

SEVERAL STATE BOARDS AND I AM AMAZED THAT NO ONE EVER

24

MAKES ANY RECOMMENDATIONS TO THE GOVERNOR'S OFFICE.

25

WHEN I SERVED ON THEM, WE NOT ONLY MADE

1 RECOMMENDATIONS; I MEAN, WE REALLY TRIED TO GET THE PEOPLE  
2 APPOINTED WE WANTED APPOINTED. BUT THAT'S ALL CHANGED  
3 NOW?

4 A WELL, I THINK IT'S A PERSONAL THING.  
5 PERSONALLY, I'VE NEVER DONE IT. I'M INTERESTED IN SEEING  
6 THAT GOOD PEOPLE ARE PUT ON STATE BOARDS, AND PERHAPS  
7 THAT'S SOMETHING I SHOULD BE DOING MORE OF.

8 ACTUALLY, IF I WEREN'T HERE TODAY, I'D BE  
9 TALKING TO REGIONAL CENTER PERSONNEL ABOUT MY SON. I'D BE  
10 TALKING TO THEM ABOUT MY PRESENT CONCERN THAT THEY ARE  
11 USING MEDICATION INSTEAD OF PROPER BEHAVIOR PROGRAMS. I'M  
12 CONCERNED ABOUT THE QUALITY OF CARE AND PROGRAMS THAT HE  
13 IS RECEIVING IN HIS GROUP HOME FOR SIX IN CHULA VISTA.

14 I'M VERY, VERY MUCH INVOLVED WITH THAT ON A  
15 DAILY BASIS, AND MY CONCERN, AS I GET OLDER AND MY WIFE  
16 GETS OLDER, IS WHO IS GOING TO TAKE CARE OF JEFF WHILE WE  
17 ARE GONE.

18 I KNOW IT'S AN IMPORTANT HEARING, AND THE  
19 INFORMATION THAT WE ARE GETTING IS IMPORTANT, BUT I JUST  
20 WISH THAT WE WERE SPENDING THIS PERIOD OF TIME IN  
21 IMPROVING QUALITY PROGRAMS IN THE COMMUNITIES.

22 I'M SO WRAPPED UP IN WHAT MY SON IS NOT  
23 RECEIVING AND WHERE THE MONEY IS BEING SPENT, PLUS THE  
24 STATE COUNCIL WHERE -- MAYBE I FORGOT TO MAKE  
25 RECOMMENDATIONS. CERTAINLY I WOULD LIKE TO, AND MAYBE I

1 WILL DO THAT IN THE FUTURE.

2 Q I AGREE WITH YOU THAT IT WOULD BE BETTER IF  
3 WE DIDN'T HAVE TO DO THESE THINGS, BUT STILL, ALL IN ALL,  
4 THERE'S SOME NECESSITY FOR US TO DEAL WITH THE PROCESS AND  
5 WHO IS DOING WHAT WITHIN THAT PROCESS, THAT OFTEN WE HAVE  
6 TO -- WE DO GET DIVERTED, BUT CERTAINLY FROM MY STAFF  
7 TIME, PROBABLY I HAVE LOST A COUPLE OF BILLS THIS YEAR.  
8 AFTER I'VE HELD THIS HEARING I WILL PROBABLY GET A LOT OF  
9 BILLS VETOED THAT I WOULDN'T GET VETOED OTHERWISE.

10 BUT STILL IT SEEMS THAT IT'S NECESSARY FOR US  
11 TO DEAL WITH IT.

12 A I AGREE.

13 Q HOW DOES THE COUNCIL LEARN OF THE  
14 APPOINTMENTS? HOW DO YOU KNOW IF THERE'S A VACANCY?  
15 SAY YOU BEEN THERE FOR A MONTH OR TWO AND SOMEBODY IS  
16 APPOINTED. HOW WOULD YOU LIKELY FIND OUT ABOUT IT?

17 A WELL, MY PERSONAL SITUATION, I WAS  
18 REAPPOINTED IN FEBRUARY. AT THE END OF 1987, I COMPLETED  
19 MY FIRST TERM. I WROTE A LETTER INDICATING I WISHED TO BE  
20 CONSIDERED FOR REAPPOINTMENT.

21 I HEARD FIRST FROM THE STATE COUNCIL OFFICE.  
22 JIM BELLOTTI CALLED ME AND SAID THT HE UNDERSTOOD I HAD  
23 BEEN APPOINTED. I DID RECEIVE A LETTER THE 1ST OF  
24 FEBRUARY INDICATING THAT I HAD BEEN APPOINTED, AND THEN I  
25 HAVE SEEN THE PRESS RELEASE.



1 Q NOW, THE COUNCIL SWEARS PEOPLE IN. WERE YOU  
2 SWORN IN?

3 A YES. WELL, THE COUNCIL MEMBERS ARE SWORN IN.  
4 THE COUNCIL DOESN'T SWEAR THEM IN.

5 Q BUT MEMBERSHIP ON THE COUNCIL ENTAILS  
6 SWEARING IN?

7 A THAT'S RIGHT.

8 Q DID ANYONE ON THE GOVERNOR'S STAFF OR D.D.S.  
9 COMMUNICATE THEIR CONCERNS TO YOU REGARDING THE COUNCIL'S  
10 DECISION TO SUE THE GOVERNOR OVER THE ELIMINATION OF THE  
11 AREA BOARDS? DID YOU HEAR FROM THEM ON THAT?

12 A DIRECTLY?

13 Q YES.

14 A NO.

15 Q INDIRECTLY?

16 A WELL, THERE WERE DISCUSSIONS THAT THE  
17 GOVERNOR'S OFFICE WAS CONCERNED ABOUT THE ACTIONS THAT THE  
18 COUNCIL TOOK, BUT NOBODY CAME TO ME AND SAID THAT.

19 Q WERE YOU CHAIR AT THAT TIME?

20 A NO, I WAS NOT; VICE-CHAIR.

21 Q WE HAVE HEARD TESTIMONY AND SOME INDICATION  
22 OF THE LACK OF KNOWLEDGE, WHETHER IT WOULD REALLY BE TRUE  
23 OR NOT. DO YOU THINK THE THREAT OF THE LAWSUIT PREVENTED  
24 THE GOVERNOR FROM BLUE PENCILING THE AREA BOARDS FROM THAT  
25 BUDGET?

1           A       WELL, I THINK THAT, BUT I THINK THE  
2 GROUND-SWELL ADVOCACY AND SO FORTH, AND ALL THE LETTERS  
3 THAT WERE WRITTEN, I THINK THAT HAD PROBABLY A LOT TO DO  
4 WITH IT.

5           Q       WERE YOU CHAIR WHEN SANDRA MONAGAN WAS  
6 APPOINTED AS DEPUTY DIRECTOR TO THE COUNCIL?

7           A       NO.

8           Q       WERE YOU INVOLVED ENOUGH IN THAT PROCESS THAT  
9 YOU WOULD HAVE BEEN AWARE OF THE PROCESS OF APPOINTING  
10 HER? DID YOU FOLLOW THAT?

11          A       I KNEW THAT THE VACANCY EXISTED AND THAT  
12 THERE WAS A PROCESS OF FINDING A REPLACEMENT, BUT I  
13 PERSONALLY WAS NOT INVOLVED IN THE SELECTION OF ANYONE.

14          Q       DID THE COUNCIL MAKE ANOTHER RECOMMENDATION  
15 OTHER THAN HER FOR THAT POSITION?

16          A       I BELIEVE THERE WAS MORE THAN ONE  
17 RECOMMENDATION. AT LEAST I KNEW THERE WAS MORE THAN ONE  
18 CANDIDATE BEING CONSIDERED.

19          Q       DID YOU EVER EXPRESS YOUR CONCERN TO THE  
20 GOVERNOR OR HIS STAFF REGARDING THIS APPOINTMENT?

21          A       NO, I DID NOT.

22          Q       DID THE COUNCIL AS A GROUP, AS A BODY -- DO  
23 YOU RECALL IF THEY SENT A LETTER TO THE GOVERNOR OR  
24 ANYBODY --

25          A       NOT TO MY KNOWLEDGE. I THINK THE COUNCIL, AS

1 I READ THEM, FEELS THAT THIS IS THE RESPONSIBILITY OF THE  
2 STAFF. THE STAFF CERTAINLY KNOWS WE WANT CAPABLE PEOPLE  
3 IN STAFF POSITIONS. I DON'T THINK IT GOES ANY FURTHER  
4 THAN THAT.

5 Q DO YOU THINK THAT THIS POSITION WOULD REQUIRE  
6 SIGNIFICANT ADMINISTRATIVE EXPERIENCE?

7 A I BELIEVE IT REQUIRES ADMINISTRATIVE  
8 EXPERIENCE. SIGNIFICANT, I DON'T KNOW WHAT --

9 Q NO. THAT'S NOT A CLEAR TERM. DO YOU HAVE  
10 ANY KNOWLEDGE THAT MS. MONAGAN DOES OR DOES NOT MEET THE  
11 REQUIREMENTS AS STATED IN THE JOB DESCRIPTION?

12 A I'VE NEVER SEEN HER RESUME. YOU KNOW, I'VE  
13 JUST -- WHAT I'VE HEARD ABOUT HER AS FAR AS QUALIFICATIONS  
14 IS WHAT I'VE HEARD TODAY.

15 Q DID ANYONE EVER DISCUSS WITH YOU OR DID YOU  
16 EVER HEAR ANY DISCUSSION ON GEORGE DE BELL'S REMOVAL FROM  
17 THE STATE COUNCIL OR NOT BEING REAPPOINTED?

18 A YOU MEAN AFTER THE FACT?

19 Q YES.

20 A I THINK THERE WAS SOME DISCUSSION THAT, YOU  
21 KNOW, THERE WAS DISAPPOINTMENT. GEORGE WAS ELECTED AS  
22 VICE CHAIRPERSON TO SERVE WITH ME THIS YEAR IN JANUARY.  
23 IT MEANT THAT HE WOULDN'T BE ABLE TO SERVE WITH US IN THAT  
24 CAPACITY. WE HAD TO HAVE ANOTHER ELECTION.

25 I THINK THAT WE WERE DISAPPOINTED THAT THE

1 PERSONS WHO WERE NOT REAPPOINTED WERE EXPERIENCED PEOPLE  
2 AND -- THERE'S ALWAYS THAT. BUT IT'S A THREE-YEAR TERM,  
3 AND I THINK THAT ALL OF US HAVE TO EXPECT AT SOME TIME  
4 THAT THAT COULD HAPPEN.

5 Q DOES THE COUNCIL HAVE ANY OFFICIAL VIEW OF  
6 THE P.A.I. CONTROVERSY?

7 A WELL, THE COUNCIL HAS NEVER AS A BODY  
8 DISCUSSED IT, AND I THINK WE -- THERE ARE 17 OF US ON THE  
9 COUNCIL. I THINK WE ALL HAVE OUR OPINIONS. I THINK WE --  
10 IT'S DISTURBING TO US, FROM WHAT I'VE HEARD. I HAVE ONLY  
11 ATTENDED ONE OF THE MEETINGS IN THE PAST FOUR OR FIVE  
12 MONTHS. IT HAPPENED TO COINCIDE WITH THE COUNCIL MEETING  
13 IN THE SAME CITY.

14 BUT I THINK WE ARE CONCERNED THAT THERE IS  
15 THIS CONTROVERSY AT A TIME WHEN THEY COULD BE DOING THINGS  
16 THEY ARE SUPPOSED TO BE DOING AND THAT, UH, WE ARE  
17 CONCERNED.

18 Q DID YOU LIVE IN CHULA VISTA IN 1964?

19 A NO. I LIVED IN VISTA. MY SON LIVES THERE.

20 Q OKAY. I WONDERED IF YOU VOTED FOR ME AS  
21 MAYOR.

22 A ACTUALLY, I MOVED TO CALIFORNIA IN 1956.

23 Q I SEE. THAT WAS BEFORE I WAS THERE.

24 A I WOULD HAVE VOTED FOR YOU.

25 Q THANK YOU. YOU ARE A FANTASTIC WITNESS. I

1 APPRECIATE THAT.

2 DO YOU HAVE ANY QUESTIONS?

3 A JUST IN CLOSING, YOU ASKED THREE QUESTIONS,  
4 AND I'D JUST LIKE TO GIVE YOU MY ANSWERS.

5 NUMBER ONE, I KNOW I'M QUALIFIED FOR THE  
6 STATE COUNCIL. I AM NOT SAYING THAT I KNOW THAT EVERYBODY  
7 ELSE IS QUALIFIED, BUT I WILL SAY THAT THE WAY I OPERATE,  
8 NOT ONLY AS A COUNCILMEMBER BUT AS THE PRESENT  
9 CHAIRPERSON, I LOOK TO SEE WHAT THE PEOPLE ARE DOING ON  
10 THE COUNCIL AND THEN I MAKE MY JUDGMENT AS TO WHETHER OR  
11 NOT THEY'RE QUALIFIED.

12 I ALSO FEEL THAT THE PRESENT STATE COUNCIL --  
13 WE HAVE OUR FULL COMPLEMENT NOW. I FEEL THAT WE ARE TRULY  
14 SERVING THE D.D. POPULATION IN CALIFORNIA. IF WE WERE  
15 NOT, I WOULD NOT BE INVOLVED.

16 AND I HAVE EXPRESSED MY OPINION TO  
17 COUNCILMEMBERS AND OTHERS THAT WHEN IT REACHES THE POINT  
18 WHERE I THINK THAT I'M WASTING MY TIME AND I COULD BE  
19 SPENDING IT IN OTHER AREAS OF THE D.D. POPULATION, I WILL  
20 QUIT.

21 THANK YOU.

22 SENATOR MC CORQUODALE: THANK YOU, SIR.

23 LET'S SEE. MICHAEL MORGAN. WHILE HE'S  
24 COMING UP, AND I THINK IN ANSWER TO MR. BUSH AND OTHERS,  
25 JUST BECAUSE YOU GOT A SUBPOENA IS NOT AN INDICATION THAT

1 WE HAVE ANY CONCERN OR THAT WE ARE QUESTIONING YOUR  
2 DEDICATION TO DEALING WITH THE ISSUES RELATED TO THE  
3 DEVELOPMENTALLY DISABLED.

4 WE SIMPLY HAVE -- AS IN YOUR CASE, WE PICKED  
5 YOU OUT BECAUSE YOU ARE THE CHAIR SO YOU OPERATE AS A  
6 REPRESENTATIVE, AND NOW WE WILL SEE WHY WE PICKED  
7 MR. MORGAN OUT.

8 MICHAEL MORGAN,  
9 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
10 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

11 THE WITNESS: I DO.

12

13

EXAMINATION

14 BY SENATOR MC CORQUODALE:

15 Q WOULD YOU GIVE US YOUR NAME AND CURRENT  
16 POSITION?

17 A MICHAEL MORGAN, M-O-R-G-A-N.

18 Q AND YOUR POSITION AT THIS TIME RELATED TO THE  
19 COUNCIL?

20 A I'M THE VICE CHAIRPERSON OF THE STATE COUNCIL  
21 ON DEVELOPMENTAL DISABILITY.

22 Q HOW LONG HAVE YOU BEEN ON THE STATE COUNCIL?

23 A SINCE FEBRUARY OF 1988.

24 Q HOW DID YOU BECOME INVOLVED IN APPLYING FOR  
25 THAT?

1           A       I PETITIONED THE COUNCIL IN THE FALL OF 1987.  
2       I WAS INFORMED ABOUT THE VACANCIES THROUGH MY BROTHER, AND  
3       INASMUCH AS I'M A MEMBER OF THE DEVELOPMENTALLY DISABLED  
4       COMMUNITY, I DECIDED TO TAKE IT TO TASK AND SEE WHAT I  
5       COULD DO FOR THE REST OF US.

6           Q       ALL RIGHT. WHAT IS YOUR OPINION OF THE  
7       EFFECTIVENESS OF THE STATE COUNCIL FROM THE TIME YOU HAVE  
8       BEEN ON IT?

9           A       FOR THE BRIEF TIME THAT I'VE BEEN ON IT, I  
10      THINK IT'S BEEN VERY, VERY EFFECTIVE.

11          Q       WHAT CRITERIA WOULD YOU USE TO JUDGE THAT  
12      EFFECTIVENESS?

13          A       I THINK FIRST OF ALL GETTING THE -- ONE OF  
14      THE BIGGEST THINGS WAS GETTING THE FULL COMPLEMENT OF  
15      MEMBERS. THAT WAS SOMETHING THAT COUNCIL PUSHED FOR.

16                   I THINK THAT THE ACTION ON LEGISLATION THAT  
17      WE HAVE GONE THROUGH HAS BEEN VERY EFFECTIVE, TO MY MIND.  
18      I THINK SCRUTINIZATION OF THE GOVERNOR'S BUDGETS THAT WE  
19      WENT TO TASK WITH LONG AND ARDUOUSLY WAS, TO MY MIND, A  
20      GREAT EFFORT.

21                   I MUST PREFACE THIS ALL BY SAYING THAT, AS  
22      SOMEBODY ELSE SAID THIS MORNING, I NEED TO EXPRESS MY OWN  
23      NAIVETE, I GUESS. THE ONLY OFFICE I'VE EVER HELD WAS AS A  
24      MEMBER OF THE EPILEPSY SUPPORT PROGRAM IN SAN FRANCISCO.  
25      I WAS THE VICE-PRESIDENT OF THAT AND PUBLICIST IN 1980,

1 AND I SERVED THERE FOR ABOUT ONE YEAR.

2 SO IT'S BEEN AWHILE, AND I'VE BEEN  
3 SEMI-DISABLED SO I DON'T GET AROUND MUCH.

4 Q WOULD A CHAIR BE MORE COMFORTABLE?

5 A NO. THIS WILL BE FINE.

6 Q HAVE YOU EVER MADE RECOMMENDATIONS TO THE  
7 GOVERNOR'S APPOINTMENT STAFF FOR A SPECIFIC PERSON TO BE  
8 APPOINTED TO THE STATE COUNCIL?

9 A NO, BUT I WILL.

10 Q ARE YOU RELATED TO JIM MORGAN?

11 A YES, I AM. I'M HIS BROTHER.

12 Q DOES HE DEAL WITH ANY AREA RELATED TO THE  
13 DEVELOPMENTALLY DISABLED?

14 A I DON'T KNOW WHAT HE DOES SPECIFICALLY IN HIS  
15 JOB. HE MERELY INFORMED ME OF THE APPOINTMENT -- OR HE  
16 MERELY INFORMED ME OF THE VACANCY.

17 Q DID YOU TALK TO BELLA MEESE IN THE PROCESS?

18 A NO.

19 Q DID YOU DISCUSS WITH ANYONE THE APPOINTMENT  
20 PRIOR TO YOUR APPOINTMENT?

21 A I JUST PETITIONED BELLA MEESE'S OFFICE, AND  
22 THE ONLY PERSON I REALLY DISCUSSED IT WITH WAS, UH, MY  
23 BROTHER AND MY EMPLOYER.

24 Q HAVE YOU DISCUSSED WITH YOUR BROTHER ISSUES  
25 THAT ARE PENDING BEFORE THE COUNCIL?



1 A NO.

2 Q HAVE YOU FOLLOWED THAT ON, OR WAS THAT  
3 GENERALLY A ONE-TIME THING?

4 A NO.

5 Q WHAT ABOUT THE AREA BOARDS? DO YOU FEEL THAT  
6 THEY'RE EFFECTIVE?

7 A WELL, AGAIN, I HAVE JUST STARTED INTRODUCING  
8 MYSELF TO AREA BOARD FIVE, OF WHICH I -- THAT'S THE AREA  
9 THAT I LIVE IN, IN THE SAN FRANCISCO BAY AREA. AND WERE  
10 IT NOT FOR THIS MEETING TODAY, MY ENERGY MIGHT BE ENOUGH  
11 TO GO TO A MEETING WHICH HAPPENS NEXT THURSDAY, BUT I  
12 DON'T BELIEVE I'LL BE ABLE TO MAKE THAT.

13 Q DID YOU FEEL THAT YOU WERE BEING APPOINTED TO  
14 A SPECIFIC CATEGORY WHEN YOU WERE APPOINTED TO THE  
15 COUNCIL?

16 A (NO AUDIBLE RESPONSE)

17 Q WHEN YOU WERE APPOINTED TO THE COUNCIL, DID  
18 YOU FEEL THAT YOU WERE APPOINTED TO A SPECIFIC CATEGORY?

19 A YES.

20 Q WAS THERE A CRITERIA THAT THEY WERE USING TO  
21 APPOINT YOU TO THE COUNCIL? IN OTHER WORDS, ARE YOU A  
22 CONSUMER REPRESENTATIVE?

23 A I'M A PRIMARY REPRESENTATIVE -- I'M A PRIMARY  
24 CONSUMER.

25 Q AND DOES THAT CREATE WITHIN YOU THE FEELING

1 THAT YOU HAVE A SPECIFIC CLIENTELE OUT THERE THAT YOU ARE  
2 REPRESENTING ON THE COUNCIL?

3 A HAVING LIVED WITH A DEVELOPMENT DISABILITY  
4 FOR 46 YEARS, YOU BETCHA.

5 Q AND BACK TO THE QUESTIONS THAT I ASKED BEFORE  
6 OF MS. MONAGAN, IF YOU CAN RECALL THAT, I WON'T GO THROUGH  
7 THE WHOLE THING.

8 A ALL RIGHT, SIR.

9 Q THE ISSUE OF SOMEONE BRINGING A LAWSUIT ON  
10 BEHALF OF A SERIES OF PEOPLE AND WINNING A GREAT NUMBER OF  
11 THOSE, DO YOU VIEW THAT AS GOOD OR BAD?

12 A WELL, I THINK IT'S ONE-SIDED; THAT'S FOR  
13 SURE.

14 Q WELL, IF ALL OTHER THINGS WERE EQUAL; IF THE  
15 OTHER SIDE IS NOT GETTING GOOD REPRESENTATIVES, IF THE  
16 ATTORNEY GENERAL DOESN'T ADEQUATELY --

17 A YES. IF THE OTHER SIDE IS NOT GETTING  
18 REPRESENTED, THEN WE HAVE A PROBLEM, A VERY DEFINITE  
19 PROBLEM.

20 Q BUT IF THERE ARE SPECIFIC RIGHTS -- YOU ARE  
21 LOOKING AT THE RIGHT OF ASSEMBLY, RIGHT OF FREE SPEECH,  
22 RIGHT OF OUR MANDATE THAT THERE IS ADEQUATE FOOD, ADEQUATE  
23 PROTECTION. IF SOMEBODY SUES AND THE COURT FINDS THAT  
24 THAT'S RIGHT, THAT THIS PERSON DOESN'T HAVE ALL OF THEIR  
25 RIGHTS OR ISN'T BEING PROTECTED AND SO, IN EFFECT, THAT

1 SIDE WINS, WOULD YOU VIEW THAT AS A GOOD OR A BAD?

2 A WELL, I THINK THAT'S A CROCK. NO. EXCUSE  
3 ME.

4 Q I'M PROBABLY NOT ADEQUATELY COMMUNICATING  
5 MY --

6 A I THINK IT'S UNFAIR, SENATOR.

7 Q UNFAIR TO THE GOVERNMENT OR TO THE PERSON OR  
8 TO THE --

9 A I DON'T THINK IT'S FAIR TO THE CONSUMER OR  
10 THE PEOPLE WHO ARE BEING AFFECTED BY THIS ADVERSE  
11 CONDITION, AND I WOULD CONSIDER THAT TO BE ADVERSE.

12 Q YEAH. IT WOULD BE ADVERSE TO THEM?

13 A YES.

14 Q BUT THE FACT THAT THEY WIN IN COURT AND THAT  
15 DOESN'T HAPPEN TO THEM ANYMORE, THAT'S A GOOD, THEN; WOULD  
16 THAT BE YOUR POSITION?

17 A NO. I THOUGHT YOUR HYPOTHETICAL SITUATION  
18 WAS THAT WE HAVE THE VICTIMS AND THEN WE HAVE PEOPLE WHO  
19 SAY, "NO, YOU ARE NOT BEING VICTIMIZED," RIGHT?

20 Q YES.

21 A AND THE PEOPLE WHO SAY, "YOU ARE NOT BEING  
22 VICTIMIZED," WIN?

23 Q NO. THE PEOPLE THAT SAY, "YOU ARE BEING  
24 VICTIMIZED," WIN.

25 A WIN?

1 Q YES.

2 A THEN THEY'RE RIGHT.

3 Q THEN THEY'RE RIGHT. SO IF THE FACT THAT  
4 PROTECTION AND ADVOCACY --

5 A SEE, WE HAVE A PROBLEM SITTING IN THAT  
6 CORNER. I CAN'T HEAR VERY WELL, AND I TALKED TO ONE OF  
7 THE DEPUTIES OVER THERE AND TOLD HIM I COULDN'T HEAR.

8 Q OKAY. I'LL MAKE SURE THAT I TALK LOUDER.

9 A OKAY.

10 Q BUT ONE OF THE ISSUES THAT HAS BEEN RAISED IS  
11 THAT PROTECTION AND ADVOCACY HAS WON ABOUT 80 PERCENT OF  
12 THEIR LAWSUITS, AND THEY KEEP BRINGING THESE LAWSUITS  
13 AGAINST THE STATE AND THE COUNTY OR VARIOUS OTHER  
14 GOVERNMENTAL AGENCIES AND THEY WIN.

15 A UH-HUH.

16 Q AND AS TAXPAYERS, WE HAVE TO PAY MORE MONEY  
17 BECAUSE THEY FOUND THAT YOU CAN'T CUT OUT RESPITE CARE  
18 ARBITRARILY, OR YOU CAN'T CUT OUT WORKSHOP TRAINING  
19 ARBITRARILY, AND SO SOME PEOPLE SAY THAT'S BAD BECAUSE IT  
20 COSTS US MORE MONEY AND SO WE SHOULD CUT BACK ON THE  
21 ADVOCACY ROLE AND THE PROTECTION ROLE SO THEY'LL BRING  
22 FEWER LAWSUITS.

23 I'M JUST TRYING TO DETERMINE WHETHER, IN YOUR  
24 VIEW AS A REPRESENTATIVE ON THE STATE COUNCIL, IF YOU SAW  
25 THAT SOME GROUP WAS WINNING 80 PERCENT OF THEIR LAWSUITS,

1 WOULD THAT BE A CAUSE OF CONCERN?

2 A ON BEHALF OF WHOM?

3 Q ON BEHALF OF THE DEVELOPMENTALLY DISABLED.

4 A IF THEY'RE WINNING ON BEHALF OF THE  
5 DEVELOPMENTALLY DISABLED, THEN I'M ALL FOR IT.

6 Q ALL RIGHT. GOOD. I'M JUST WANTING TO KNOW  
7 WHERE YOUR HEART WOULD LIE IF YOU --

8 A OH.

9 Q BECAUSE WE DON'T HEAR THAT FROM EVERYONE.  
10 UNFORTUNATELY, WE DON'T HAVE CHRIS JONES HERE. WE DO HAVE  
11 STATEMENTS FROM HIM, THOUGH, THAT INDICATE THAT PROTECTION  
12 AND ADVOCACY ARE BRINGING TOO MANY LAWSUITS, EVEN THOUGH  
13 THEY'RE WINNING AND EVEN THOUGH A COURT WHO IS INDEPENDENT  
14 OF THIS PROCESS SAYS THAT THIS PERSON'S RIGHTS ARE BEING  
15 VIOLATED.

16 SO I JUST WANTED TO TRY AND FIGURE OUT  
17 WHERE --

18 A REGARDING MR. JONES, I WON'T MAKE ANY  
19 COMMENT.

20 Q NO. I DON'T WANT YOU TO COMMENT ON HIM. I  
21 JUST WANTED TO FIND OUT WHAT YOUR ROLE IS AS MAYBE THE  
22 NEXT PRESIDENT AT SOME POINT OF THE COUNCIL.

23 A WITH DILIGENCE AND HARD WORK, MAYBE, YES.

24 Q OKAY. LET'S SEE IF THERE ARE ANY OTHER  
25 QUESTIONS.

1 MS. COLLINS: JANE HAD SOME.

2 SENATOR MC CORQUODALE: OKAY.

3

4

EXAMINATION

5 BY MS. UITTI:

6 Q YES, MR. MORGAN. I WANTED TO KNOW, WHAT IS  
7 YOUR DEVELOPMENTAL DISABILITY?

8 A YOU KNOW, THAT'S ALWAYS BEEN A HARD QUESTION  
9 FOR ME TO ANSWER. THE COUNCIL FINALLY GAVE ME A RAISON  
10 DETRA FOR IT. I HAVE EPILEPSY.

11 Q IS THAT AN EMBARRASSING QUESTION TO YOU?

12 A IT IS EMBARRASSING, YES, AND TO PEOPLE WHO  
13 HAVE IT.

14 Q WELL, I MEAN IT'S A LEGITIMATE QUESTION  
15 BECAUSE YOU ARE SERVING A PRIMARY CONSUMER SLOT. IT'S NOT  
16 MEANT TO EXPOSE YOUR DISABILITY OR ANYTHING LIKE THAT.

17 BUT YOU DO FEEL, THEN, THAT YOU MEET THE  
18 FEDERAL DEFINITION OF DEVELOPMENTAL DISABILITY?

19 A OH, YES. I KNOW I DO.

20 SENATOR MC CORQUODALE: OKAY. ANY OTHER QUESTIONS?

21 WELL, I'LL JUST SAY THAT THERE'S A  
22 CONGRESSMAN THAT I HAVE A VERY GOOD AND CLOSE RELATIONSHIP  
23 WITH WHO HAS DONE A TREMENDOUS AMOUNT, I THINK, FOR PEOPLE  
24 WITH EPILEPSY, TONY CORELLO (PHONETIC), WHO IS NOW --

25 THE WITNESS: WELL, WE HAVE PROBLEMS IN E.S.P. WITH

1 THE DEPARTMENT OF MOTOR VEHICLES AND THAT TYPE OF THING,  
2 SO IT'S NOT SOMETHING THAT WE LIKE TO ADVERTISE.

3 SENATOR MC CORQUODALE: YES. I'M VERY FAMILIAR  
4 WITH THAT, AND WE HAVE TRIED TO MAKE SOME SMALL ADVANCES.  
5 BUT I DO AGREE WITH YOU, IT'S HARD TO DEAL WITH D.M.V.  
6 MAYBE AT SOME POINT WE WILL MAKE YOU HEAD OF D.M.V. AND WE  
7 WON'T HAVE ANY FURTHER PROBLEM WITH THEM.

8 THANK YOU VERY MUCH. WE APPRECIATE YOUR  
9 COMING.

10 THE WITNESS: THANK YOU.

11 SENATOR MC CORQUODALE: OKAY. BARBARA, YOU'RE ON.

12  
13 BARBARA HOOKER,

14 PRODUCED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY THE  
15 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

16 THE WITNESS: I DO.

17  
18 EXAMINATION

19 BY SENATOR MC CORQUODALE:

20 Q WOULD YOU STATE YOUR NAME AND PRESENT  
21 POSITION WITH THE STATE?

22 A MY NAME IS BARBARA HOOKER, H-O-O-K-E-R. I'M  
23 ASSISTANT SECRETARY OF THE POLICY AND FISCAL AFFAIRS UNIT,  
24 HEALTH AND WELFARE AGENCY, AND I'M A MEMBER OF THE STATE  
25 COUNCIL ON DEVELOPMENTAL DISABILITIES. I HAVE BEEN FOR

1 THREE YEARS.

2 Q HOW LONG HAVE YOU BEEN OFFICIALLY APPOINTED  
3 BY THE GOVERNOR TO THE STATE COUNCIL AS OPPOSED TO JUST  
4 SERVING ON IT BECAUSE YOUR DEPARTMENT IS MENTIONED IN THE  
5 LAW?

6 A I'M NOT SURE HOW TO ANSWER THAT QUESTION. I  
7 DON'T KNOW THAT IT HAS BEEN, QUOTE, AN "OFFICIAL  
8 APPOINTMENT." I HAVE ALWAYS REPRESENTED THE HEALTH AND  
9 WELFARE AGENCY SINCE MY EMPLOY WITH THAT AGENCY. I HAVE  
10 REPRESENTED THREE DIFFERENT SECRETARIES.

11 Q THIS IS AN ISSUE BECAUSE IT RELATES TO THE  
12 THE CHAIR OF THE ORGANIZATION OF AREA BOARDS NOT BEING  
13 TREATED THE SAME ON THIS POINT AS THE OTHER AGENCIES  
14 BECAUSE THE GOVERNMENT HASN'T GIVEN THE COMMISSION TO THAT  
15 PERSON AT THAT POINT.

16 ARE YOU FAMILIAR WITH THAT ISSUE?

17 A I'M NOT FAMILIAR THAT IT'S A MAJOR ISSUE. I  
18 BELIEVE THAT THE REPRESENTATIVE IS OFFICIAL AT THIS POINT  
19 IN TIME.

20 Q WHAT IS YOUR OPINION OF THE EFFECTIVENESS OF  
21 THE STATE COUNCIL DURING THE TIME YOU HAVE BEEN ON IT?

22 A I THINK IT COULD BE MORE EFFECTIVE.

23 Q DO YOU HAVE SOME GENERAL CRITERIA YOU WOULD  
24 USE TO DETERMINE ITS --

25 A WELL, I THINK, SIR, THAT OVER THE LAST YEAR



1 OR SO WE HAVE MOVED ON A COURSE TOWARDS ACCOMPLISHING MORE  
2 AS A COUNCIL. LAST YEAR, ABOUT A YEAR AGO, WE HAD AN  
3 OFF-SITE AND DETERMINED BY KIND OF A CONSENSUS VOTE OF THE  
4 COUNCIL MEMBERS WHAT WE WANTED TO ACCOMPLISH IN THE COMING  
5 YEAR.

6 A WEEK AGO, OR MAYBE TWO WEEKS AGO, WE AGAIN  
7 MET TO DETERMINE HOW EFFECTIVE WE HAD BEEN, HOW MANY OF  
8 OUR GOALS WE HAD ACCOMPLISHED, AND TO SET NEW GOALS FOR  
9 THE COMING YEAR.

10 I BELIEVE THERE IS MORE HARMONY ON THE  
11 COUNCIL NOW THAN THERE HAS BEEN IN THE PAST, AND I BELIEVE  
12 IN ANOTHER YEAR YOU WILL SEE THAT WE HAVE ACCOMPLISHED  
13 MORE THAN WE HAVE IN PAST YEARS. I FEEL OPTIMISTIC ABOUT  
14 IT.

15 Q IF YOU LOOK AT THE PERIOD UP UNTIL THE FIRST  
16 OF THIS YEAR, DO YOU RECALL WHETHER YOU GENERALLY VOTED IN  
17 THE MINORITY, OR WERE YOU IN THE MAJORITY ON MOST OF THE  
18 VOTES?

19 A THAT'S DIFFICULT TO SAY. THAT'S DIFFICULT TO  
20 SAY THAT -- THERE'S NO QUESTION THAT THERE WAS A MINORITY  
21 AS FAR AS THE ADMINISTRATION IS CONCERNED, THAT FREQUENTLY  
22 THERE WERE THREE OR FOUR VOTES, BUT WHETHER PERCENTAGEWISE  
23 WHAT IS A PART OF ALL OF THOSE -- I MEAN, WE VOTE "YES"  
24 SOMETIMES, TOO.

25 Q DO YOU MAKE RECOMMENDATIONS ON WHO SHOULD BE

1 APPOINTED TO THE COUNCIL?

2 A I DO NOT.

3 Q DOES ANYBODY THAT YOU ARE FAMILIAR WITH IN  
4 THE HEALTH DEPARTMENT ROUTINELY MAKE --

5 A IN THE HEALTH DEPARTMENT --

6 Q YES.

7 A -- OR THE HEALTH AND WELFARE AGENCY?

8 Q WELL, I THINK I'D BE MORE SPECIFICALLY  
9 INTERESTED IN THE DEPARTMENT IF YOU KNEW ANYTHING ABOUT  
10 THAT, BUT I'D TAKE THE AGENCY IF YOU ARE MORE FAMILIAR  
11 THERE.

12 A OKAY. I AM NOT THAT FAMILIAR WITH THE  
13 APPOINTMENTS PROCESS. THE RELATIONSHIP BETWEEN THE  
14 GOVERNOR'S OFFICE AND THE ACTUAL APPOINTMENTS PROCESS AND  
15 HOW IT OCCURS. THAT IS NOT DONE WITHIN MY UNIT OF THE  
16 AGENCY.

17 Q HOW OFTEN DOES THE COUNCIL MEET?

18 A IT MEETS MONTHLY.

19 Q AND HOW MUCH TIME DO THEY SPEND EACH MONTH?

20 A I HAVE TO CORRECT THAT. WE MEET GENERALLY  
21 MONTHLY, BUT I THINK MAYBE 10 OR 11 TIMES A YEAR.

22 Q RIGHT. OKAY. IS IT GENERALLY A DAY MEETING?

23 A IT IS, YES, GENERALLY ONE DAY. I SERVE ON  
24 THE EXECUTIVE COMMITTEE AND HAVE FOR SOME TIME, SO THAT'S  
25 THE EVENING BEFORE.

1 Q SO A 20TH OF YOUR WORKING TIME A YEAR IS  
2 SPENT THERE?

3 A YES, SIR.

4 Q AND YOU DON'T VIEW IT AS BEING AS EFFECTIVE  
5 AS IT COULD BE, AND YOU OFTEN VOTE IN THE MINORITY -- OR  
6 THAT'S OUR UNDERSTANDING, AND YOU SORT OF CONFIRMED THAT.  
7 WHY WOULDN'T --

8 A WHY DO I GO?

9 Q WHY WOULDN'T YOU WANT TO GET PEOPLE  
10 APPOINTED?

11 A PARDON ME?

12 Q WHY DON'T YOU MAKE RECOMMENDATIONS ON WHO  
13 SHOULD BE APPOINTED AND WHO SHOULD BE ON THE COUNCIL?

14 A WELL, I GUESS, YOU KNOW, AS HARVEY MENTIONED,  
15 PERHAPS IN THE FUTURE I WILL BECOME MORE INVOLVED IN THAT.  
16 I JUST HAVE NOT TO THIS POINT IN TIME.

17 Q IT SORT OF SEEMS JUST A NATURAL THING TO DO,  
18 AND WHILE ON THE ONE HAND I THINK WE DON'T WANT THAT TO GO  
19 OVERBOARD, WE ARE JUST CURIOUS THAT NOBODY DOES MAKE ANY  
20 RECOMMENDATIONS.

21 A WELL, SOMEBODY DOES.

22 Q WELL, ACTUALLY, IT DOESN'T SEEM LIKE ANYBODY  
23 DOES BECAUSE BELLA MEESE TOLD US THAT WHEN THERE'S A  
24 LETTER OF RESIGNATION THAT'S SUBMITTED TO EITHER THE BOARD  
25 OR THE OFFICE, "WE BECOME AWARE OF THAT BECAUSE THEY HAVE

1 TO COME ACROSS THE DEPUTY'S DESK THAT'S HANDLING THAT  
2 PARTICULAR BOARD. WE ARE ALSO AWARE OF VACANCIES BY THE  
3 NATURE OF THE TERM EXPIRING."

4 SO IN ASKING HER, "WELL, HOW DO YOU FIND  
5 PEOPLE," SHE SAYS, "WELL, WE PUBLISH A VACANCY LIST,"  
6 WHICH SHE THINKS IS FOUR TIMES A YEAR, AND THAT'S SENT OUT  
7 TO THE GENERAL PUBLIC, AND THEN THEY GET PEOPLE AND PUT  
8 THEM ON THE COMPUTER.

9 BUT I'M STILL TRYING TO FIGURE OUT --

10 A THAT'S MORE THAN I DO.

11 Q YOU DON'T EVEN PUT THEM ON THE COMPUTER?

12 A (WITNESS SHAKES HEAD)

13 Q BUT IT SEEMS LIKE SUCH A NATURAL THING, IF  
14 THERE'S AN AREA THAT YOU HAVE A PARTICULAR INTEREST IN,  
15 THAT THERE BE AN EFFORT MADE AT TRYING TO DEVELOP  
16 SOMETHING THAT MAKES THAT 20TH OF YOUR TIME PRODUCTIVE.

17 A UH-HUH.

18 Q DID YOU EVER TALK TO ANYONE ON THE GOVERNOR'S  
19 STAFF OR DID ANYONE COMMUNICATE WITH YOU OR THE AGENCY ON  
20 THE COUNCIL'S DECISION TO SUE THE GOVERNOR OVER THE  
21 ELIMINATION OF THE AREA BOARDS?

22 A WOULD YOU REPEAT THAT QUESTION, PLEASE.

23 Q DID ANYONE ON THE GOVERNOR'S STAFF OR IN  
24 THE DEPARTMENT OF DEVELOPMENTAL SERVICES COMMUNICATE THEIR  
25 CONCERNS TO YOU OR TO ANYONE IN THE AGENCY ABOUT THE

1 COUNCIL'S DECISION TO SUE THE GOVERNOR OVER THE  
2 ELIMINATION OF THE AREA BOARDS?

3 A DID ANYONE IN THE DEPARTMENT OR IN THE  
4 GOVERNOR'S OFFICE RELATE TO ME THEIR CONCERN ABOUT THE  
5 COUNCIL'S -- UH, YES.

6 Q HOW DID YOU VOTE ON THAT ISSUE?

7 A I WAS NOT PRESENT.

8 Q DID THEY WONDER WHY YOU WEREN'T THERE OR WERE  
9 THEY GLAD YOU WEREN'T -- OR WERE YOU GLAD YOU WEREN'T  
10 THERE?

11 A NO. I THINK I WISH I WOULD HAVE BEEN THERE.

12 Q IS IT A FAIR QUESTION TO ASK YOU HOW YOU  
13 WOULD HAVE VOTED IF YOU HAD BEEN THERE?

14 A I WOULD NOT HAVE VOTED TO SUE THE GOVERNOR.  
15 THAT'S A FAIR QUESTION.

16 Q COULD THE GOVERNOR HAVE REMOVED YOU FROM THE  
17 COUNCIL AT THAT POINT? DO YOU SERVE AT THE PLEASURE OF  
18 THE GOVERNOR OR --

19 A REALLY, I SERVE AT THE PLEASURE OF THE HEALTH  
20 AND WELFARE AGENCY SECRETARY, CLIFF ALLENBY.

21 Q AND IF THEY FIRED YOU, YOU WOULDN'T FILL THAT  
22 SLOT ANYMORE?

23 A THAT'S CORRECT.

24 Q THAT WOULD BE THE MOST EXPEDIENT WAY.

25 SUPPOSE SOMEBODY TOLD YOU THAT YOU HAD TO

1 VOTE A CERTAIN WAY ON THE COUNCIL AND YOU FELT REALLY  
2 STRONGLY THAT WAS WRONG, WOULD YOU GIVE UP YOUR JOB UP FOR  
3 THAT POSITION?

4 A WELL, YOU HAVE TO UNDERSTAND THAT IT IS MY  
5 JOB TO -- I AM A CAREER EXECUTIVE ASSIGNED BY APPOINTMENT.  
6 I DO REPRESENT THIS ADMINISTRATION. I GO TO COUNCIL  
7 MEETINGS AND I ATTEMPT TO EXPLAIN THE ADMINISTRATION'S  
8 POSITION AND I VOTE WITH THE ADMINISTRATION.

9 I SUPPOSE IF THERE WAS AN ISSUE THAT I FELT  
10 PERSONALLY THAT STRONGLY ABOUT, IT'S CONCEIVABLE I WOULD  
11 RESIGN MY JOB.

12 Q THE CAREER EXECUTIVE POSITION THAT YOU ARE  
13 IN, I SUPPOSE -- I'M NOT SURE THAT THAT'S EXACTLY THE  
14 SAME, BUT I GUESS IT'S SIMILAR TO THE POSITION THAT  
15 MS. MONAGAN HOLDS?

16 A IT IS DIFFERENT. I AM A CAREER CIVIL SERVANT  
17 AND HAVE BEEN FOR 20 YEARS. FOR THE LAST THREE YEARS I'VE  
18 BEEN IN AN APPOINTED POSITION, BUT I WOULD REVERT TO CIVIL  
19 SERVICE. EXEMPT POSITIONS DO NOT HAVE THAT -- DO NOT  
20 ENJOY THAT.

21 Q SHE SERVES, I SUPPOSE, STRICTLY AT THE  
22 PLEASURE, AND YOU HAVE A PLACE TO GO IF YOU ARE CHANGED.

23 BUT ONE OF THE ISSUES THAT MOST OF THE PEOPLE  
24 IN THE CAREER EXECUTIVE POSITIONS HAVE GUARDED STRONGEST,  
25 IF THERE'S ANY COMMON POSITION, IS THAT THE PEOPLE WHO ARE

1 APPOINTED BE OUTSTANDING PEOPLE IN THE POSITIONS THAT THEY  
2 ARE IN AND THAT THEY AREN'T JUST POLITICAL APPOINTMENTS.  
3 WE HAD A FAIRLY LONG HEARING LAST WEEK OVER THAT ISSUE.

4 A YES.

5 Q AND NO ONE WANTS THAT POSITION TO BECOME  
6 POLITICIZED.

7 A THAT'S CORRECT.

8 Q DID YOU HAVE A CHANCE TO SEE MS. MONAGAN'S  
9 QUALIFICATIONS PRIOR TO HER APPOINTMENT?

10 A I DID NOT.

11 Q HAVE YOU HAD A CHANCE TO SEE THEM SINCE?

12 A NO. ARE YOU SPEAKING OF HER RESUME?

13 Q YES.

14 A NO. I HAVE NOT SEEN THEM.

15 Q THE COUNCIL MADE A DIFFERENT RECOMMENDATION  
16 ON THAT APPOINTMENT. WERE YOU INVOLVED IN THAT  
17 RECOMMENDATION?

18 A I'M NOT SURE I UNDERSTAND YOUR QUESTION.  
19 COUNCIL MADE A DIFFERENT RECOMMENDATION?

20 Q A RECOMMENDATION THAT A DIFFERENT PERSON BE  
21 APPOINTED.

22 A OKAY. I BELIEVE IT WAS NOT THE COUNCIL. I  
23 BELIEVE IT WAS THE EXECUTIVE DIRECTOR.

24 Q THE EXECUTIVE DIRECTOR. OKAY.

25 DID YOU EVER EXPRESS ANY CONCERN TO THE

1 GOVERNOR OR ANYONE ON HIS STAFF REGARDING THAT  
2 APPOINTMENT?

3 A DID I EVER EXPRESS ANY CONCERN?

4 Q YES. OR QUESTION IT.

5 A I DON'T THINK IT'S ACCURATE TO CHARACTERIZE  
6 IT AS QUESTIONING. I DID HAVE A CONVERSATION WITH THE  
7 GOVERNOR'S OFFICE ABOUT THAT APPOINTMENT.

8 Q I SUPPOSE, TECHNICALLY, THAT'S NOT A MEMBER  
9 OF THE COUNCIL, SO MAYBE IT WAS THE OTHER WAY AROUND. BUT  
10 AM I TO ASSUME THAT IT WAS NOT AS AN ADVOCATE FOR HER TO  
11 GET THE POSITION, SINCE YOU HADN'T ADVOCATED -- I ASKED  
12 YOU ONLY ABOUT THE COUNCIL. HAD YOU ADVOCATED FOR ANY  
13 STAFF APPOINTMENTS?

14 A I WAS NOT ADVOCATING FOR ANY PARTICULAR  
15 PERSON. I WAS TRYING TO CLARIFY A SITUATION.

16 Q OKAY. DID YOU KNOW BEFORE IT HAPPENED THAT  
17 GEORGE DE BELL WOULD BE REMOVED FROM THE STATE COUNCIL?

18 A BEFORE IT HAPPENED?

19 Q BEFORE HIS APPOINTMENT RAN OUT AND HE WAS  
20 REPLACED, DID YOU KNOW THAT HE WOULD BE REPLACED?

21 A NO.

22 Q DO YOU GET ANY ADVANCE INFORMATION ON WHO IS  
23 BEING APPOINTED WHEN THEY ARE APPOINTED. AFTER THE FACT,  
24 WHEN THE GOVERNOR MAKES THE APPOINTMENT, DOES HE NOTIFY  
25 YOUR AGENCY?



1 A OR DOES SOMEONE IN HIS OFFICE NOTIFY US?

2 UH -- NO.

3 MS. COLLINS: COULD YOU ELABORATE JUST A LITTLE BIT  
4 MORE ABOUT WHAT YOUR CONVERSATION WAS WITH THE GOVERNOR'S  
5 OFFICE REGARDING SANDRA'S APPOINTMENT?

6 THE WITNESS: I WOULD PREFER NOT TO.

7 MS. COLLINS: BASED ON PRIVILEGE?

8 THE WITNESS: YES.

9 BY SENATOR MC CORQUODALE:

10 Q THAT PRIVILEGE COMES FROM THE APPOINTMENT OR  
11 YOUR JOB POSITION IN THE STATE?

12 A IT DOESN'T HAVE TO DO WITH -- IT HAS TO DO  
13 WITH THE FACT THAT IT IS A PERSONNEL ACTION, AND I WOULD  
14 ASSUME UNDER THE SAME STATUTES THAT JIM BELLOTTI -- YOU  
15 KNOW, THE GOVERNOR HAS THE AUTHORITY TO APPOINT PERSONS  
16 INTO EXEMPT POSITIONS.

17 Q IF YOU ARE REPRESENTING THE ADMINISTRATION ON  
18 THIS, IS THERE AN OFFICIAL ADMINISTRATION POSITION ON HOW  
19 THEY VIEW PROTECTION AND ADVOCACY WINNING THE LAWSUITS,  
20 THE NUMBER OF LAWSUITS THAT THEY DO?

21 A I DON'T KNOW AN OFFICIAL ADMINISTRATIVE  
22 POSITION ON THAT, NO.

23 Q IS THIS A MATTER OF CONCERN WITHIN THE AGENCY  
24 THAT THEY DO WIN AS MANY AS THEY DO?

25 A NOT THAT I'M AWARE OF.

1           Q       SOMEBODY TOLD ME THE OTHER DAY, WHICH I  
2       HAVEN'T HAD A CHANCE TO CHECK OUT, THAT GARY MACOMBER HAS  
3       LOST MORE LAWSUITS THAN ANY OTHER DEPARTMENT IN THE STATE.

4           A       I WOULD DOUBT THAT. IT SEEMS STRANGE. I  
5       THINK THAT HEALTH SERVICES MIGHT, OR POSSIBLY SOCIAL  
6       SERVICES.

7           Q       BUT PROBABLY THE MORE PUBLICIZED ONES AND THE  
8       ONES THAT RECEIVE THE GREATEST -- OR HAVE THE GREATEST  
9       POLICY IN EFFECT PROBABLY ARE --

10          A       NO, SIR, THAT IS NOT MY VIEW.

11          Q       THAT'S NOT YOUR VIEW?

12          A       NO. NOT WHEN YOU LOOK AT THE MAJOR LAWSUITS  
13       THAT AFFECT THE DEPARTMENT OF SOCIAL SERVICES, THE  
14       MEDI-CAL PROGRAM, AND HEALTH SERVICES.

15                 SENATOR MC CORQUODALE: ALL RIGHT. DOES ANYONE  
16       ELSE HAVE ANY QUESTIONS?

17                 DO YOU HAVE ANYTHING ELSE YOU WOULD LIKE TO  
18       ADD?

19                 THE WITNESS: NO, SIR.

20                 SENATOR MC CORQUODALE: THANK YOU. I APPRECIATE  
21       YOUR COMING.

22                 MS. MONAGAN, I WONDER IF WE COULD ASK YOU  
23       A COUPLE OF MORE QUESTIONS. I THINK THEY WILL BE FAIRLY  
24       QUICK.

25



1 Q HOW ABOUT THE GOVERNOR'S OFFICE?

2 A NO.

3 Q THE DEPARTMENT OF DEVELOPMENTAL SERVICES?

4 A NO.

5 Q YOU ONCE HELD A POSITION WITH O.A.B.?

6 A YES. I WAS A LEGISLATIVE REPRESENTATIVE FROM  
7 AREA BOARD THREE.

8 Q AND DID YOU LEAVE THAT POSITION?

9 A NO. IT WAS A CONFLICT OF INTEREST WHEN I WAS  
10 APPOINTED TO THE DEPUTY DIRECTOR POSITION. I HAD TO  
11 RELINQUISH THAT POSITION.

12 Q YOU STAYED THERE UNTIL YOU WERE APPOINTED  
13 TO --

14 A YES, SIR.

15 Q HOW ABOUT THE COUNCIL? DID YOU TALK TO THE  
16 COUNCIL OR ANY STAFF OR MEMBERS OF THE COUNCIL REGARDING  
17 THE ORGANIZATION OF AREA BOARDS?

18 A I KNEW NO ONE ON THE COUNCIL.

19 Q I MEAN, HAVE YOU DONE IT SINCE YOU HAVE BEEN  
20 THERE, ABOUT CHANGING THE ORGANIZATION OF AREA BOARDS?

21 A NO. I WOULD HAVE NO AGENDA TO DO THAT.  
22 WHY -- NO.

23 SENATOR MC CORQUODALE: OKAY. VERY GOOD. THANK  
24 YOU.

25 CAROLYN MICHAELS. OKAY. WE HAD DISCUSSED

1 WITH CAROLYN THE FACT THAT SHE WAS UNDER A DOCTOR'S ADVICE  
2 NOT TO TRAVEL. HOWEVER, WE WERE IN CONTACT WITH HER ON  
3 THE 27TH AND DID NOT KNOW AT THAT POINT WHETHER SHE WOULD  
4 BE ABLE TO COME OR NOT, BUT WE WERE ADVISED OF HER  
5 SITUATION.

6 RILEY MC CRAY. IS RILEY HERE? HE'S THE  
7 DIRECTOR OF ADMINISTRATION ON DEVELOPMENTAL DISABILITIES  
8 AT THE FEDERAL LEVEL. HE SAID HE WOULD ATTEMPT TO BE HERE  
9 FOR THE FULL DAY, BUT EVIDENTLY HE IS NOT HERE.

10 DOES THAT COMPLETE ALL OF THE --

11 (DISCUSSION OFF THE RECORD)

12 SENATOR MC CORQUODALE: NOW, I HAVE A NUMBER OF  
13 CARDS THAT PEOPLE HAVE PUT IN THAT WANT TO TESTIFY. I'M  
14 NOT GOING TO SWEAR THOSE PEOPLE IN. I DON'T THINK IT'S  
15 NECESSARY. THEY'RE VOLUNTARILY HERE. WHAT THEY SAY WE  
16 WILL ACCEPT, AND ANY INFORMATION THEY HAVE WE WILL BE GLAD  
17 TO RECEIVE.

18 I WOULD ASK THAT THEY KEEP THEIR COMMENTS  
19 FAIRLY SHORT. WE HAVE PROBABLY 20 TO 30 CARDS. WE HAVE  
20 FLIGHTS RANGING FROM 5:00 O'CLOCK TO 6:00 O'CLOCK, SO WE  
21 WOULD LIKE TO BE OUT OF HERE IN TIME TO MAKE THOSE. SO  
22 I'M GOING TO ASK THAT YOU BE VERY BRIEF.

23 IF YOU WANT TO PUT MORE INFORMATION IN  
24 WRITING, YOU CAN DO THAT FOR US AND IT WILL RECEIVE THE  
25 SAME CONSIDERATION AS IF YOU STAND HERE AND SAY IT. IN

1 FACT, DEPENDING ON HOW LONG IT TAKES TO TRANSCRIBE IT, IT  
2 MAY GET TO US SOONER BECAUSE WE WILL NOT ACT ON ANYTHING  
3 UNLESS THERE'S SOME LIFE-THREATENING EMERGENCY. WE WON'T  
4 ACT ON ANYTHING THAT'S GIVEN TO US IN TESTIMONY UNTIL WE  
5 RECEIVE THE TRANSCRIPT, AND THEN WE WILL FOLLOW UP ON  
6 THAT.

7 SO IF YOU WANT TO PUT SOMETHING IN WRITING,  
8 THAT'S PERFECTLY ALL RIGHT AND WE WILL ACT ON IT AT THE  
9 TIME THAT WE GET IT. IF YOU WOULD LIKE TO JUST INDICATE  
10 HOW YOU FEEL ABOUT THE TOTAL ISSUE, THAT'S PERFECTLY  
11 ACCEPTABLE, BUT WE WOULD ASK THAT YOU TRY TO KEEP YOUR  
12 COMMENTS TO ONE OR TWO MINUTES SO THAT WE CAN GET  
13 EVERYBODY IN THAT WE CAN.

14 OUR FIRST WITNESS IS CHRISTINA KEEFFER?

15 MS. KEEFFER: I AM CHRISTINA KEEFFER,  
16 K-E-E-F-F-E-R. I AM PRESIDENT OF WESTSIDE SELF-ADVOCATES.  
17 WE ARE A GROUP OF 25 PEOPLE WITH VARIOUS DISABILITIES,  
18 SOME OF THEM DEVELOPMENTAL, SOME OF THEM NOT, AND WE WORK  
19 TOGETHER TO IMPROVE THE QUALITY OF OUR LIVES.

20 I AM ALSO A FORMER CONSUMER MEMBER OF AREA  
21 BOARD TEN, DEVELOPMENTAL DISABILITIES BOARD, AND I HAVE A  
22 DEVELOPMENTAL DISABILITY, CEREBRAL PALSY.

23 I JUST WANTED TO COMMENT BEFORE I START MY  
24 MAIN TESTIMONY ON SOME OF THE THINGS YOU WERE TALKING  
25 ABOUT WITH PROTECTION AND ADVOCACY. I FEEL THAT IT'S VERY

1        IMPORTANT THAT IN PROTECTION AND ADVOCACY BOTH THE BOARD  
2        AND THE AGENCY HAVE THE FREEDOM TO DO WHAT THEY THINK IS  
3        BEST, AND I VIEW IT AS A PLUS THAT LAWSUITS CAN SOMETIMES  
4        BE FILED THAT PROTECT CONSUMERS BECAUSE I'M IN MY 40'S AND  
5        I REMEMBER A TIME WHEN THERE WAS NO AREA BOARD, NO  
6        PROTECTION AND ADVOCACY.

7                    I THINK THERE HAS TO BE SOME KIND OF  
8        MEDIATING BALANCE TO MAKE SURE THAT OUR DEVELOPMENTALLY  
9        DISABLED, THOSE OF US, AND NOW THE MENTALLY DISABLED DO  
10       NOT SUFFER FROM ABUSE.

11                    SENATOR MC CORQUODALE, I WANT TO THANK YOU  
12        FOR HAVING THIS HEARING TODAY. I'M HERE BECAUSE I'M VERY  
13        CONCERNED ABOUT THE FACT THAT THE PROTECTION AND ADVOCACY  
14        BOARD IS NOT FUNCTIONING AT ALL, AND THIS UPSETS ME AND IT  
15        ANGERS ME BECAUSE OF THE ACTIONS OF A FEW OF THE MEMBERS,  
16        NAMELY CHRIS JONES, LORI ROOS, AND MARGARET HEAGNEY.

17                    WE MUST FIND A WAY TO GET THIS BOARD  
18        FUNCTIONING WELL, AND VERY SOON, BECAUSE WE DEVELOP-  
19        MENTALLY DISABLED AND MENTALLY DISABLED NEED THIS HELP AND  
20        PROTECTION.

21                    ALSO, I HOPE THAT THE REPRESENTATIVES OF  
22        MENTALLY DISABLED CAN COME ON THE BOARD, AND I BELIEVE  
23        THAT CHRIS JONES AND LORI ROOS AND MARGARET HEAGNEY SHOULD  
24        BE ASKED TO RESIGN AS QUICKLY AS POSSIBLE.

25                    I WOULD LIKE TO SEE NEW PEOPLE APPOINTED,

1 PEOPLE THAT HAVE THE BEST INTERESTS OF US CONSUMERS,  
2 PEOPLE THAT HAVE A POSITIVE ATTITUDE ABOUT US. AND I  
3 WONDER, IS THERE ANY WAY -- I KNOW THAT YOU ARE  
4 SUBPOENAING THOSE PEOPLE AGAIN -- IS THERE ANY WAY THAT  
5 THEY CAN BE TAKEN OFF THE BOARD AND NEW PEOPLE APPOINTED  
6 SO THAT WE DON'T HAVE TO WAIT UNTIL LIKE TWO OR THREE  
7 MONTHS?

8 I HOPE THAT SOMETHING CAN BE DONE QUICKLY  
9 BECAUSE, AS YOU HEARD IN EARLIER TESTIMONY, THE INACTION  
10 OR THE INABILITY TO FUNCTION OF THE P & A BOARD IS  
11 AFFECTING PROTECTION AND ADVOCACY.

12 AND I ASK YOU, PLEASE, TO REMEMBER THAT THESE  
13 SERVICES ARE VERY IMPORTANT TO US, AND I THANK YOU FOR THE  
14 OPPORTUNITY TO TESTIFY TODAY.

15 SENATOR MC CORQUODALE: ALL RIGHT. THANK YOU.

16 LET ME JUST CHECK NOW AGAIN FOR THE RECORD  
17 TO SEE IF GARY MACOMBER, CHRIS JONES, JOHN KELLOGG,  
18 MARGARET HEAGNEY, OR LORI ROOS ARE IN THE AUDIENCE.

19 WOULD YOU NOTE ON THE RECORD THAT AT  
20 4:00 O'CLOCK WE ASKED AGAIN AND THAT THEY DID NOT RESPOND?

21 THE REPORTER: YES.

22 SENATOR MC CORQUODALE: JOHN JACOBS.

23 MR. JACOBS: GOOD AFTERNOON. THANK YOU FOR  
24 ALLOWING ME TO SPEAK. MY NAME IS JOHN P. JACOBS,  
25 J-A-C-O-B-S.



1 I JUST WANTED TO ADDRESS THE ISSUE ON THE  
2 GOVERNOR'S APPOINTMENT PROCESS. I REPRESENT THE STATE  
3 COUNCIL ALSO AS A PRIMARY CONSUMER, AND IT'S COME TO MY  
4 ATTENTION THAT SOMETHING OVERALL NEEDS TO BE RESTRUCTURED  
5 IN THE APPOINTMENT PROCESS.

6 I'LL GIVE YOU AN EXAMPLE. I WENT INTO  
7 SENATOR ROBERTI'S OFFICE IN JULY OF 1986 TO APPLY FOR A  
8 POSITION ON THE STATE COUNCIL, WHICH ON DECEMBER 3RD OF  
9 THAT SAME YEAR I WAS NOTIFIED THAT I HAD BEEN NOMINATED BY  
10 THE SENATE RULES COMMITTEE TO SIT ON THE STATE COUNCIL ON  
11 DEVELOPMENTAL DISABILITIES.

12 BY THE TIME OF MAY OF '87, I HAD BEEN  
13 NOTIFIED BY PHONE THAT I HAD BEEN APPOINTED TO SIT ON THE  
14 STATE COUNCIL.

15 AND I WAS JUST WONDERING, IS THERE ANY WAY OF  
16 RESTRUCTURING THIS WHOLE SYSTEM OF APPOINTMENTS, AND CAN  
17 IT BE EXPEDITED IN A TIMELY MANNER? BECAUSE THE NEXT  
18 PERSON WHO IS GOING TO APPLY FOR THE SAME POSITION WILL  
19 HAVE TO WAIT THE SAME LENGTH OF TIME, AND I DON'T THINK  
20 THAT'S CORRECT, IN MY OPINION.

21 SO, IN CONCLUSION, I THANK YOU FOR ALLOWING  
22 ME TO SPEAK TO YOU, SENATOR MC CORQUODALE. THANK YOU.

23 SENATOR MC CORQUODALE: THANK YOU. THE RULES  
24 COMMITTEE DOES MAKE RECOMMENDATIONS, BUT I THINK THEY ARE  
25 ALSO LIMITED TO -- THE APPOINTMENTS ARE LIMITED TO THE

1 ONES THE GOVERNOR MAKES. BUT YOUR POINT ABOUT IT BEING  
2 RESTRUCTURED IS ONE THAT IS CERTAINLY BEFORE US AS A  
3 POSSIBILITY. THANK YOU.

4 LINDA, ARE YOU STILL HERE? OH, THERE SHE IS.

5

6 LINDA KOWALKA.

7 RECALLED AS A WITNESS, HAVING BEEN PREVIOUSLY SWORN BY THE  
8 CHAIR, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

9

10 EXAMINATION

11 BY SENATOR MC CORQUODALE:

12 Q I WANTED TO ASK YOU ABOUT THE -- I HAD ASKED  
13 SOMEONE ELSE ABOUT THE APPOINTMENTS AFTER THE AREA BOARD'S  
14 LAWSUIT.

15 DO YOU RECALL THE QUESTION THAT I ASKED? ARE  
16 YOU FAMILIAR WITH THAT?

17 A YES. IN JUNE OF 1987, DURING  
18 THE BOARD MEETING IN WHICH THE P.A.I. BOARD WENT INTO  
19 EXECUTIVE SESSION TO VOTE ON THE AREA BOARD SITUATION,  
20 PRIOR TO THAT SESSION THERE WAS A DISCUSSION OF THE P.A.I.  
21 REPRESENTATIVE TO THE STATE COUNCIL BECAUSE THAT POSITION  
22 HAD BEEN VACATED BY THE DEATH OF HAL SOBEL.

23 I WAS NOMINATED BY GEORGE DE BELL TO FILL  
24 THAT POSITION BY A MAJORITY OF THE BOARD VOTE. MY NAME  
25 WAS SUBMITTED BY LETTER TO THE GOVERNOR'S OFFICE. CHRIS

1 JONES OFFERED HIS NAME AND SO DID HALE ZUKAS. SO THERE  
2 WERE THREE NAMES THAT WENT BY LETTER TO THE APPOINTMENT  
3 SECRETARY.

4 AFTER THAT TIME, I DID SERVE FROM SEPTEMBER  
5 THROUGH JANUARY WITHOUT OFFICIAL APPOINTMENT AS P.A.I.  
6 REPRESENTATIVE TO THE COUNCIL. DURING THAT PERIOD OF TIME  
7 IT WAS SAID TO ME ON MORE THAN ONE OCCASION THAT THERE WAS  
8 A COMMENT MADE THAT THEY WERE DELIBERATING ON THE  
9 APPOINTMENT BUT THAT THERE WAS A QUESTION ABOUT PUNISHMENT  
10 FOR OUR ACTIONS IN VOTING TO SUE THE GOVERNOR.

11 Q WHO MADE THAT STATEMENT; DO YOU RECALL?

12 A ONE PERSON THAT MADE THAT STATEMENT TO ME  
13 DIRECTLY WAS JIM BELLOTTI.

14 Q WERE THERE OTHERS THAT YOU RECALL?

15 A NO. I DON'T RECALL.

16 SENATOR MC CORQUODALE: ALL RIGHT. ANY OTHER  
17 QUESTIONS?

18 FINE. THANK YOU. WE APPRECIATE YOUR COMING  
19 BACK.

20 RICHARD ROBERTSON?

21 MR. ROBERTSON: YES. HERE ARE COPIES OF MY  
22 PRESENTATION. (INDICATING)

23 I'M RICHARD ROBERTSON, CHAIRPERSON OF THE  
24 ORGANIZATION OF AREA BOARDS. I'M ALSO THE CHAIRPERSON OF  
25 AREA BOARD TWO AND THE ORGANIZATION OF AREA BOARDS'

1 REPRESENTATIVE TO THE STATE COUNCIL.

2 AS MANDATED IN SECTION 4598 OF THE WELFARE  
3 AND INSTITUTIONS CODE, THE ORGANIZATION OF AREA BOARDS  
4 CONSISTS OF RESPECTIVE CHAIRPERSONS OF THIRTEEN AREA  
5 BOARDS ON DEVELOPMENTAL DISABILITIES AND IS DESIGNED TO  
6 RESOLVE COMMON PROBLEMS, IMPROVE COORDINATION, EXCHANGE  
7 INFORMATION BETWEEN AREAS, AND PROVIDE ADVICE AND  
8 RECOMMENDATIONS TO THE STATE AGENCIES, THE LEGISLATURE,  
9 AND THE STATE COUNCIL.

10 IT IS WITHIN THIS MANDATE THAT I APPEAR  
11 BEFORE YOU TODAY TO RESPOND TO ISSUES RELATED TO THE  
12 APPOINTMENT OF MEMBERS TO AREA BOARDS AND THE ORGANIZATION  
13 OF AREA BOARDS REPRESENTATIVE ON THE STATE COUNCIL.

14 PREVIOUSLY SUBMITTED TO YOU WAS A WRITTEN  
15 RESPONSE TO QUESTIONS, WHICH YOU HAD ASKED FOR, WITH SOME  
16 BACKUP MATERIALS FOR YOUR REVIEW; THEREFORE, MY TESTIMONY  
17 WILL SUMMARIZE THOSE MATERIALS.

18 SINCE IT IS IMPORTANT TO UNDERSTAND THE LEGAL  
19 REQUIREMENTS REGARDING APPOINTMENTS TO AREA BOARDS, I WISH  
20 TO BRIEFLY REVIEW THOSE FOR YOU. STATE LAW GOVERNING  
21 APPOINTMENTS TO AREA BOARDS ESTABLISHES A NUMBER OF  
22 MEMBERS ON EACH AREA BOARD ACCORDING TO THE NUMBER OF  
23 COUNTIES WITHIN EACH BOARD'S CATCHMENT AREA.

24 WHILE THE NUMBER OF MEMBERS APPOINTED BY  
25 COUNTY BOARDS OF SUPERVISORS RANGE FROM NINE TO FOURTEEN,

1 EVERY BOARD HAS FIVE MEMBERS APPOINTED BY THE GOVERNOR.  
2 SECTION 4576 REQUIRES THAT APPOINTMENTS BY BOARDS OF  
3 SUPERVISORS ARE DESIGNED TO MAINTAIN A MEMBERSHIP  
4 PROPORTION OF 50 PERCENT OF PERSONS WITH DEVELOPMENTAL  
5 DISABILITIES OR THE PARENTS OR GUARDIANS OR CONSERVATORS  
6 OF SUCH PERSONS, AND 50 PERCENT REPRESENTATIVES OF THE  
7 GENERAL PUBLIC.

8 SECTION 4577 REQUIRES THAT PRIOR TO MAKING  
9 APPOINTMENTS, THE GOVERNOR AND COUNTY BOARDS OF  
10 SUPERVISORS SHALL REQUEST RECOMMENDATIONS FROM  
11 PROFESSIONAL ORGANIZATIONS, FROM ORGANIZATIONS WITHIN  
12 THE AREA REPRESENTING THE PERSONS WITH DEVELOPMENTAL  
13 DISABILITIES, AND FROM ORGANIZATIONS AND AGENCIES WITHIN  
14 THE AREA THAT DELIVER SERVICES TO SUCH PERSONS.

15 IN ADDITION, BOTH APPOINTING AUTHORITIES  
16 SHALL APPOINT PERSONS WHO HAVE DEMONSTRATED INTEREST AND  
17 LEADERSHIP IN HUMAN SERVICE ACTIVITIES.

18 SECTION 4578 REQUIRES THAT NO MEMBER OF AN  
19 AREA BOARD BE EMPLOYED AS PROVIDERS OF SERVICE TO PERSONS  
20 WITH DEVELOPMENTAL DISABILITIES, OR BE MEMBERS OF THE  
21 GOVERNING BOARD OF ANY ENTITY PROVIDING SUCH SERVICE.

22 FINALLY, SECTION 4579 MANDATES THAT THE  
23 GOVERNOR SHALL GIVE CONSIDERATION TO THE RELATIVE  
24 POPULATIONS OF THE COUNTIES WITHIN EACH AREA IN SELECTING  
25 HIS APPOINTEES TO THE AREA BOARDS.

1                    WITH REGARDS TO HOW APPOINTING BODIES ARE  
2 NOTIFIED OF VACANCIES, AREA BOARDS INDICATE THAT THEY  
3 ASSUME RESPONSIBILITY FOR INFORMING OR CONFIRMING  
4 VACANCIES WITH BOTH THE BOARDS OF SUPERVISORS AND THE  
5 GOVERNOR. THIS PROCESS VARIES FROM THE PROVISION OF  
6 WRITTEN INFORMATION TO TELEPHONE CONVERSATIONS. LETTERS  
7 OF RESIGNATION DURING THE TERM OF OFFICE ARE SUBMITTED TO  
8 THE APPOINTING AUTHORITY AND, AT LEAST AT THE COUNTY  
9 LEVEL, MOST BOARDS FOLLOW UP WITH THE COUNTY CLERK TOWARD  
10 ASSURING THE REPLACEMENT OF THE APPOINTEE.

11                    BASED UPON RECENT CONVERSATIONS WITH THE  
12 GOVERNOR'S APPOINTMENTS OFFICE REGARDING VACANCIES, THE  
13 O.A.B. FOUND THAT DISCREPANCIES BETWEEN THE BOARDS AND  
14 THAT OFFICE EXIST IN INFORMATION ABOUT THE GOVERNOR'S  
15 APPOINTEES. THIS APPEARS TO BE A CONTINUING PROBLEM.

16                    THE LENGTH OF TIME FOR A POSITION TO REMAIN  
17 VACANT VARIES; HOWEVER, IN MANY CASES, THIS LENGTH OF TIME  
18 IS HISTORICALLY LONGER IF THE POSITION IS A GOVERNOR'S  
19 APPOINTMENT. SUPERVISORIAL APPOINTMENTS ARE USUALLY MADE  
20 WITHIN A FEW WEEKS IF A POTENTIAL MEMBER IS AVAILABLE AND  
21 KNOWN TO THE SUPERVISORS.

22                    SOME BOARDS INDICATE THAT THEY MAKE  
23 RECOMMENDATIONS FOR APPOINTMENTS BOTH TO THE SUPERVISORS  
24 AND THE GOVERNOR, WHILE OTHERS DO NOT; HOWEVER, MOST  
25 INDICATED THAT THEY FOLLOW UP WITH THE SUPERVISORS TO

1 ENCOURAGE APPOINTMENTS TO THE BOARD.

2 WITH REGARD TO THE LENGTH OF TIME FOR  
3 VACANCIES IN GOVERNOR'S APPOINTMENTS, RESPONDING BOARDS  
4 REPORTED VARYING SITUATIONS RANGING FROM THE LACK OF ANY  
5 APPOINTMENTS UNTIL RECENTLY, AND THE LACK OF APPOINTMENTS  
6 FROM THE MORE POPULATED AREAS. ONE AREA BOARD REPORTED  
7 THAT OUT OF TWO GOVERNOR APPOINTEES, ONE RESIGNED AFTER  
8 SIX MONTHS AND THE ANOTHER RESIGNED AFTER THREE MONTHS.

9 RECENTLY THE GOVERNOR'S OFFICE ISSUED A  
10 REQUEST FOR NOMINATIONS FOR GOVERNOR'S APPOINTMENTS TO  
11 AREA BOARDS, AND SEVERAL APPOINTMENTS HAD BEEN ANNOUNCED.

12 AS A MATTER OF POLICY, AREA BOARDS USUALLY DO  
13 NOT MAKE A RECOMMENDATION FOR APPOINTMENTS AS THIS IS  
14 VIEWED AS INAPPROPRIATE ACTIVITY WHICH PROMOTES SELF-  
15 PERPETUATING BOARDS.

16 HOWEVER, BOARDS DO FORWARD THE NAMES OF  
17 PERSONS EXPRESSING AN INTEREST IN SERVING ON THE BOARD TO  
18 COUNTIES AND THE GOVERNOR WITHOUT RECOMMENDATION.

19 IN SOME CASES, WHEN A CURRENT BOARD MEMBER  
20 IS SEEKING REAPPOINTMENT, THE BOARD WILL SUBMIT THEIR  
21 APPLICATION TO THE APPOINTING AUTHORITY.

22 IN 1985, THE DEPARTMENT OF DEVELOPMENTAL  
23 SERVICES CONTACTED THE O.A.B. REGARDING APPOINTMENTS TO  
24 AREA BOARDS, INDICATING THAT THE GOVERNOR'S OFFICE HAD  
25 CHOSEN TO DELEGATE A SUBSTANTIAL AMOUNT OF RESPONSIBILITY

1 TO ITS DEPARTMENTS.

2 IN THE BOARDS, THIS MEANS THAT D.D.S. REVIEWS  
3 AND MAKES RECOMMENDATIONS ON EACH APPLICANT FOR  
4 APPOINTMENT TO AN AREA BOARD. THE D.D.S. STAFF REVIEWS  
5 THE APPLICATIONS AND SUBMITS COMMENTS AND RECOMMENDATIONS  
6 TO THE DIRECTOR OF D.D.S., WHO THEN FORWARDS  
7 RECOMMENDATIONS TO THE -- COMMENTS OR RECOMMENDATIONS TO  
8 THE GOVERNOR'S OFFICE.

9 MORE RECENTLY, AT LEAST ONE AREA BOARD  
10 REPORTS THAT DR. JAMES GRANGER, PUBLIC AFFAIRS OFFICE OF  
11 D.D.S., REQUESTED THAT A PERSON BECOME A MEMBER EVEN  
12 THOUGH THE EXISTING MEMBER, WHOSE TERM HAD EXPIRED,  
13 DESIRED REAPPOINTMENT. DR. GRANGER INDICATED TO THE NEW  
14 APPOINTEE THAT NO OTHER PERSONS WERE WILLING TO SERVE ON  
15 THE AREA BOARD.

16 WITH THE EXCEPTION OF THE ASSOCIATION FOR  
17 RETARDED CITIZENS-CALIFORNIA, BOARDS APPEAR TO BE UNAWARE  
18 OF PERSONS OR OTHER ORGANIZATIONS MAKING RECOMMENDATIONS  
19 FOR APPOINTMENTS BY THE GOVERNOR.

20 AREA BOARDS INDICATE THAT WRITTEN  
21 NOTIFICATION OF APPOINTMENTS IS RECEIVED FROM THE COUNTY  
22 FOR SUPERVISORIAL APPOINTMENTS, WHILE NOTIFICATION FROM  
23 THE GOVERNOR'S OFFICE IS BY TELEPHONE OR FROM THE  
24 DEPARTMENT OF DEVELOPMENTAL SERVICES. NO WRITTEN  
25 CONFIRMATION OF GOVERNOR'S APPOINTEES IS PROVIDED, AND AT



1       TIMES THIS INFORMATION HAS BEEN PROVIDED TO THE O.A.B.  
2       WHICH INFORMS THE AREA BOARDS.

3                 WITH REGARD TO THE O.A.B. APPOINTMENT TO THE  
4       STATE COUNCIL, IN MAY OF 1987 THE O.A.B. ELECTED A NEW  
5       CHAIRPERSON, AND ON JULY 10TH, 1987, A LETTER WAS  
6       FORWARDED TO THE GOVERNOR'S OFFICE REQUESTING THAT THIS  
7       PERSON BE APPOINTED TO THE STATE COUNCIL IN ACCORDANCE  
8       WITH SECTION 4521 OF THE W.I. CODE. WHILE AWAITING THIS  
9       APPOINTMENT, BY INVITATION OF THE STATE COUNCIL, THE  
10      O.A.B. CHAIRPERSON PARTICIPATED IN COUNCIL ACTIVITY AS A  
11      NON-VOTING MEMBER.

12                ON OCTOBER 1, 1987, THE O.A.B. CHAIRPERSON,  
13      WHO HAD YET TO BE APPOINTED TO THE COUNCIL, RESIGNED TO  
14      ACCEPT A PROFESSIONAL POSITION IN THE FIELD, AND ON  
15      NOVEMBER 19, 1987, I WAS ELECTED CHAIRPERSON OF THE O.A.B.

16                ON NOVEMBER 24TH, THE O.A.B. SUBMITTED MY  
17      NAME FOR APPOINTMENT BY THE GOVERNOR. AT THAT TIME I  
18      ACTUALLY WENT TO THE GOVERNOR'S OFFICE, PICKED UP AN  
19      APPLICATION FROM MRS. MEESE'S OFFICE, AND THE FOLLOWING  
20      WEEK SUBMITTED IT TO THE GOVERNOR'S OFFICE FOR ACCEPTANCE.  
21      AGAIN, BY INVITATION OF THE COUNCIL, I HAVE BEEN  
22      PARTICIPATING ON THE COUNCIL IN A NON-VOTING CAPACITY.

23                FOLLOWING A SERIES OF CORRESPONDENCE AND  
24      ATTEMPTED TELEPHONE CONVERSATION WITH THE GOVERNOR'S  
25      OFFICE, I WAS APPOINTED TO THE COUNCIL ON MAY 4TH, 1988.

1 SOME SIX MONTHS AFTER BEING ELIGIBLE FOR THIS STATUTORY  
2 APPOINTMENT. NOTABLY, AT LEAST FIVE OTHER APPOINTMENTS  
3 WERE MADE TO THE COUNCIL DURING THIS SIX-MONTH TENURE,  
4 WITH MY APPOINTMENT BEING THE LAST IN A SERIES OF EIGHT  
5 APPOINTMENTS.

6 IN CLOSING, THE AREA BOARDS ARE COMMITTED  
7 TO FULFILLING THEIR MANDATES UNDER STATE LAW AND THE  
8 MEMORANDUM OF UNDERSTANDING WITH THE STATE COUNCIL ON  
9 DEVELOPMENTAL DISABILITIES. THIS COMMITMENT AND  
10 ACTIVITIES TOWARD ITS FULFILLMENT CONTINUES WHETHER THE  
11 MEMBERSHIP IS AT FULL STRENGTH OR NOT. THEREFORE,  
12 APPOINTMENT DELAYS DO NOT KEEP BOARDS FROM MEETING THEIR  
13 MANDATES; HOWEVER, SUCH DELAYS DO HAVE A NEGATIVE EFFECT  
14 WITH REGARD TO THE EASE OF MEETING THE MANDATES.

15 OPERATIONALLY, BOARDS DEPEND HEAVILY ON THEIR  
16 MEMBERSHIP TO CARRY OUT THEIR ACTIVITIES. HOWEVER, DELAYS  
17 IN APPOINTMENTS REDUCE THE AVAILABLE VOLUNTEERS TO  
18 PARTICIPATE, THUS SLOW THE DELIBERATION OF THE ISSUES  
19 PROCESS. THIS, IN TURN, CAN DELAY THE BOARD'S  
20 RESPONSIVENESS TO CONSUMERS' CONCERNS.

21 IN ADDITION, DELAYS IN APPOINTMENTS SERVE TO  
22 PLACE GREATER BURDENS ON EXISTING MEMBERSHIP AND DENY  
23 REPRESENTATION TO SOME PARTS OF THE AREA.

24 AND FINALLY, WE EXPRESSED CONCERN ABOUT THE  
25 QUALITY (SUCH AS BACKGROUND, EXPERIENCE, AND A PRIMARY

1 INTEREST IN SERVING PERSONS WITH DEVELOPMENTAL  
2 DISABILITIES) AND COMMITMENT (SUCH AS HAVING THE TIME TO  
3 ASSIST WITH THE WORK OF THE BOARD) OF THE APPOINTEES, THAT  
4 ALL APPOINTEES BE WITHOUT ANY ACTUAL OR PERCEIVED CONFLICT  
5 OF INTEREST.

6 THANK YOU FOR THE OPPORTUNITY OF BEING ABLE  
7 TO TALK WITH YOU TODAY. IF YOU HAVE ANY QUESTIONS, MYSELF  
8 OR MY STAFF WILL BE AVAILABLE.

9 SENATOR MC CORQUODALE: MS. MEESE INDICATED THAT  
10 ONCE SHE HAD BEEN CONTACTED AND ALL THE ISSUES HAD BEEN  
11 RESOLVED REGARDING THE APPOINTMENT, IT PROBABLY JUST TOOK  
12 A FEW WEEKS, AND YOU ARE INDICATING THAT IT WAS PROBABLY A  
13 LITTLE LONGER THAN THAT?

14 MR. ROBERTSON: IN ACTUALITY?

15 SENATOR MC CORQUODALE: YES.

16 MR. ROBERTSON: YES. INTERESTINGLY ENOUGH, IN  
17 JANUARY, I WAS INFORMED THAT THEY HAD LOST MY APPLICATION.  
18 WHEN I OFFERED TO SEND THEM ANOTHER APPLICATION, THEY  
19 SAID, "NO," AND SUBSEQUENTLY FOUND IT.

20 SENATOR MC CORQUODALE: ALL RIGHT.

21 MR. ROBERTSON: THANK YOU.

22 SENATOR MC CORQUODALE: VERY GOOD.

23 LONNIE NOLTA?

24 MS. SCHNEIDER: SOMEONE STANDING IN FOR LONNIE.

25 ALL RIGHT. I'M GOING TO START URGING MORE

1 AND MORE THAT PEOPLE TRY TO DO IT WITHIN A MINUTE OR TWO  
2 BECAUSE I HAVE BEEN ADVISED BY THE SERGEANT THAT I HAVE TO  
3 GET OUT OF HERE BY A CERTAIN TIME OR I CAN'T MAKE MY  
4 PLANE.

5 I LOVE LOS ANGELES BUT I'M NOT SURE I WANT TO  
6 STAY OVERNIGHT AGAIN IN LOS ANGELES. I WOULD LIKE TO GET  
7 BACK TO SACRAMENTO THIS EVENING, SO I'M GOING TO URGE  
8 PEOPLE TO MAKE THEIR COMMENTS AS SHORT AND TO THE POINT AS  
9 POSSIBLE.

10 MS. SCHNEIDER: THANK YOU. I'M AZALEE SCHNEIDER  
11 AND I'M CHAIRPERSON OF THE STATE OF CALIFORNIA AND ALSO  
12 THE NATIONAL ASSOCIATION FOR UNITED CEREBRAL PALSY.

13 FOR OVER 25 YEARS, I HAVE BEEN EITHER A PAID  
14 PROFESSIONAL OR A COMMUNITY ACTIVIST IN THE AREA OF  
15 DEVELOPMENTAL DISABILITIES, AND PRESENTLY I AM AN ACTIVE  
16 VOLUNTEER IN SECURING THE BEST LEGISLATION WE CAN SECURE,  
17 PLUS THE RESOURCES, TO PROVIDE SERVICES IN ORDER TO  
18 ENHANCE THE LIVES OF PERSONS WITH CEREBRAL PALSY AND OTHER  
19 DEVELOPMENTAL DISABILITIES, AND ALSO THEIR FAMILIES.

20 IN MY WRITTEN COMMENTS I TALK ABOUT OUR  
21 CONCERNS REGARDING THE APPOINTMENT PROCESS, THE DELAYS IN  
22 APPOINTMENTS, THE QUALIFICATIONS OF MEMBERS, THE ACTIONS  
23 TAKEN BY SOME OF THE ADVOCACY BODIES WHICH WE FEEL WEAKEN  
24 THE CONSUMER PARTICIPATION.

25 I DID ATTEND THE PROTECTION AND ADVOCACY

1 BOARD MEETING REGARDING THE ISSUE OF THE STATE COUNCIL  
2 SUING THE GOVERNOR OVER THE DELETION OF THE MONIES TO  
3 SUPPORT THE AREA BOARDS.

4 I SPOKE IN BEHALF OF THAT REQUEST. THAT WAS  
5 OVER, I GUESS, ABOUT A YEAR AGO, AND I AM APPALLED TO HEAR  
6 AND LEARN THAT IMMATURE ACTIONS, AND ACTIONS WHICH I FELT  
7 DID NOT REPRESENT THE PEOPLE THAT THEY WERE SELECTED TO  
8 REPRESENT, HAVE INCREASED AND CONTINUED.

9 ALSO, IT CONCERNS ME THAT WITH THE FEDERAL  
10 LEGISLATION WE WORK VERY HARD ON AND THE REGULATIONS AND  
11 THE MANDATE FOR PROTECTION AND ADVOCACY TO REPRESENT  
12 PERSONS WITH MENTAL ILLNESS, THEY WERE GIVEN APPROXIMATELY  
13 \$800,000, WHICH IS APPROXIMATELY ONE-THIRD OF THEIR  
14 BUDGET, AND TO DATE THERE ARE NO MEMBERS OF PROTECTION AND  
15 ADVOCACY THAT REPRESENT THAT POPULATION, WHICH AWARDS THAT  
16 AGENCY ONE-THIRD OF THE BUDGET. I TALK ABOUT THE PROBLEMS  
17 WITHIN MY WRITTEN TESTIMONY.

18 AND IN CONCLUSION, I WOULD LIKE TO SAY THAT  
19 I'VE HEARD MANY PEOPLE TODAY SAY THAT THEY DO NOT SUGGEST  
20 TO OTHERS THAT THEY SUBMIT THEIR NAME FOR APPOINTMENT  
21 EITHER TO STATE COUNCIL OR THE AREA BOARDS OR PROTECTION  
22 AND ADVOCACY. BUT UNITED CEREBRAL PALSY OF CALIFORNIA  
23 ENCOURAGES AND ALSO OFFERS TO ASSIST YOU IN FILLING OUT  
24 THE FORM IF YOU WOULD BE A MEMBER OF THOSE BODIES.

25 THANK YOU VERY MUCH.

1           SENATOR MC CORQUODALE: THANK YOU. DO WE HAVE A  
2 REPRESENTATIVE FROM A.R.C.? I HAVE A CARD AND I'M NOT  
3 SURE WHO WOULD BE TESTIFYING.

4                   LET'S SEE. STELLA MARCH?

5           MS. MARCH: SENATOR MC CORQUODALE, THANK YOU FOR  
6 HAVING THIS HEARING.

7                   I AM STELLA MARCH, M-A-R-C-H, FIRST  
8 VICE-PRESIDENT OF THE CALIFORNIA ALLIANCE FOR THE MENTALLY  
9 ILL, AND THE FIRST ONE TODAY TO SPEAK FOR THE MENTALLY  
10 ILL. I ALWAYS WANTED TO DEMAND EQUAL TIME BUT I KNOW TIME  
11 IS OF THE ESSENCE AND I WILL KEEP MY REMARKS VERY SHORT,  
12 BRIEF.

13                   I CAME WITH A FEW CONCERNS, AND SEVERAL MORE  
14 HAVE BEEN ADDED SINCE I HAVE BEEN SITTING HEAR THIS  
15 AFTERNOON, TO SAY THE LEAST.

16                   I AM VERY CONCERNED IN LEARNING ABOUT THE  
17 ADDITIONAL CASES THAT I DID NOT KNOW ABOUT THAT HAVE BEEN  
18 BROUGHT AGAINST THE GOVERNOR FOR MEDI-CAL AND SOCIAL  
19 SERVICES, ET CETERA, ET CETERA, WHICH IN ITSELF SHOULD  
20 SEND A MESSAGE. AND IF THOSE THINGS WERE PROPERLY  
21 FUNCTIONING, WE WOULD NOT HAVE TO BE IN THIS BUSINESS.

22                   I ALSO WANT TO SAY THAT THE ALLIANCE IS VERY  
23 INTERESTED -- WE WERE PART OF THE GROUP THAT GAVE INPUT TO  
24 SENATOR WEIKER (PHONETIC) TO GET THE MENTALLY ILL INCLUDED  
25 IN THIS LEGISLATION.

1           ALSO, I TESTIFIED BEFORE CONGRESSMAN WAXMAN'S  
2           COMMITTEE TO REAUTHORIZE THE BILL JUST ABOUT A MONTH AGO,  
3           AND THERE ARE CHANGES THAT ARE BEING MADE. AND I THINK  
4           THIS IS ALL THE MORE IMPORTANT TO HAVE THE BOARD BE A  
5           COOPERATIVE ONE BECAUSE THE NEW POLICY IS THAT THE  
6           ADVISORY BOARD IS TO WORK WITH THE GOVERNING BOARD IN  
7           POLICY, GOALS, PROPOSALS, AND ET CETERA. AND WHATEVER  
8           THEY PROPOSE, IF THE GOVERNING BOARD VETOES IT, IT GOES  
9           BACK TO THE ADVISORY BOARD. THAT'S GOING TO BE IN THE NEW  
10          REAUTHORIZATION.

11           SO IT'S OF THE UTMOST IMPORTANCE THAT THESE  
12          PEOPLE ON THIS BOARD BE COOPERATIVE, CONCERNED, EMPATHETIC  
13          AND CARING ABOUT THIS POPULATION. I AM REALLY CONCERNED  
14          ABOUT NOT HAVING GRIDLOCK ON THOSE TWO COMMITTEES WHEN  
15          THIS NEW LAW COMES INTO EFFECT, THE NEW STATUTE.

16           I ATTENDED THE MARCH MEETING AND, BELIEVE ME,  
17          I WAS VERY SHOCKED, APPALLED, AT CHRIS JONES' BEHAVIOR.  
18          HE HAD APOLOGIZED FOR IT. I THINK IT IS SOMETHING THAT  
19          NEEDS TO BE DEALT WITH AND I'M VERY APPRECIATIVE OF THESE  
20          HEARINGS. I HOPE YOU WILL BE ABLE TO DEAL WITH THIS  
21          PROBLEM.

22           IF THE CALIFORNIA ALLIANCE FOR THE MENTALLY  
23          ILL CAN BE OF ANY SERVICE, PLEASE LET US KNOW. WE ARE IN  
24          SACRAMENTO AND READY TO HELP YOU AT ANY TIME.

25           THANK YOU.

1           SENATOR MC CORQUODALE:  THANK YOU.

2                   EILEEN CASSIDY.

3           MS. CASSIDY:  GOOD AFTERNOON, SENATOR MC CORQUODALE  
4   AND MEMBERS OF THE COMMITTEE.  I'M EILEEN CASSIDY,  
5   EXECUTIVE DIRECTOR OF DEVELOPMENTAL DISABILITIES AREA  
6   BOARD TEN.

7                   TWO OF THE ESSENTIAL COMPONENTS OF DEMOCRACY  
8   ARE KNOWLEDGE OF THE ISSUES AND REPRESENTATION.  I AM HERE  
9   TODAY TO DISCUSS THE LATTER COMPONENT, REPRESENTATION.

10                   THE AREA BOARDS, THE STATE COUNCIL ON  
11   DEVELOPMENTAL DISABILITIES, AND PROTECTION AND ADVOCACY,  
12   INC. ARE AGENCIES MANDATED TO REPRESENT INDIVIDUALS WHO  
13   ARE DEVELOPMENTALLY DISABLED.  THIS REPRESENTATION IS  
14   ESSENTIAL, AS TRADITIONALLY DEVELOPMENTALLY DISABLED  
15   PERSONS HAVE BEEN UNDERVALUED AND UNDERREPRESENTED IN OUR  
16   SOCIETY.

17                   THE STATE AND FEDERAL LEGISLATORS WHO  
18   AUTHORED AND PASSED THESE AGENCY-ENABLING STATUTES WERE  
19   VERY SPECIFIC AS TO THE INTENT OF THE LAW:  TO PROTECT  
20   PERSONS WHO ARE DEVELOPMENTALLY DISABLED, PERSONS WHO MAY  
21   NOT HAVE ANYONE ELSE TO PROTECT THEIR RIGHTS OR ADVOCATE  
22   ON THEIR BEHALF.

23                   IN THE LANTERMAN ACT, ARTICLE TWO, SECTION  
24   477, DEALING WITH THE AREA BOARDS, THE LAW STATES THAT  
25   APPOINTEES ARE TO HAVE DEMONSTRATED INTEREST IN LEADERSHIP



1 AND HUMAN SERVICE ACTIVITIES, AND THAT THE GOVERNOR SHALL  
2 GIVE CONSIDERATION TO THE RELATIVE POPULATIONS OF THE  
3 COUNTIES WITHIN THE AREA IN SELECTING HIS APPOINTEES TO  
4 THE AREA BOARDS.

5 FURTHER, THE LANTERMAN ACT ESTABLISHES THAT A  
6 STATE COUNCIL ON DEVELOPMENTAL DISABILITIES WITH AUTHORITY  
7 BE INDEPENDENT OF ANY SINGLE STATE SERVICE AGENCY.

8 THE ACT ALSO REQUIRES THAT THE GOVERNOR TAKE  
9 INTO ACCOUNT SOCIOECONOMIC, ETHNIC, AND GEOGRAPHIC  
10 CONSIDERATIONS OF THE STATE WHEN MAKING APPOINTMENTS.

11 THE ROLE OF PERSONS SERVING ON THE STATE  
12 COUNCIL IS TO SERVE AS ADVOCATES FOR ALL PERSONS WITH  
13 DEVELOPMENTAL DISABILITIES.

14 THE LEGISLATURE, IN ALL ITS WISDOM, CLEARLY  
15 INTENDED, THROUGH THE SPECIFICITY OF THESE LAWS, THAT THE  
16 COMPOSITION BE REPRESENTATIVE OF THE STATE AND COMMUNITY  
17 AND THAT THE MEMBERS SERVE AS ADVOCATES ON BEHALF OF  
18 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

19 WITHIN THE STATE OF CALIFORNIA, ETHNIC  
20 MINORITIES CURRENTLY COMPRISE WELL OVER ONE-THIRD OF THE  
21 POPULATION. IT IS ESTIMATED THAT BY THE YEAR 2,000, WE  
22 WILL COLLECTIVELY REPRESENT A MAJORITY OF THE STATE'S  
23 CITIZENS. YET, FREQUENTLY APPOINTMENTS TO THESE BOARDS  
24 DO NOT TAKE INTO ACCOUNT THE CONSUMER OR MINORITY  
25 REPRESENTATION OF THE STATE OR THE COMMUNITIES WHICH THEY

1 ARE MANDATED TO REPRESENT.

2 PROTECTION AND ADVOCACY, INC. IS REQUIRED  
3 THROUGH THE FEDERAL DEVELOPMENTAL DISABILITIES ASSISTANCE  
4 ACT BILL OF RIGHTS, PROTECTION AND ADVOCACY FOR THE  
5 MENTALLY ILL ACT, TO BE INDEPENDENT, TO BE INDEPENDENT OF  
6 ANY AGENCY THAT PROVIDES TREATMENT, SERVICES, OR  
7 HABILITATION TO PERSONS WITH DEVELOPMENTAL DISABILITIES.

8 IN ADDITION, THE PROTECTION AND ADVOCACY FOR  
9 THE MENTALLY ILL ACT REQUIRES REPRESENTATION OF THE  
10 MENTALLY ILL. AT THIS POINT AN ADVISORY COMMITTEE IS IN  
11 PLACE AND THERE HAS BEEN EXPRESSED A DESIRE ON THE PART OF  
12 THE BOARD TO INCLUDE THIS REPRESENTATION ON THE BOARD.  
13 UNFORTUNATELY, POLITICS HAVE KEPT THESE POSITIONS FROM  
14 BEING FILLED, AND AT THE LAST P.A.I. BOARD MEETING, IT'S  
15 MY UNDERSTANDING THAT THOSE POSITIONS HAVE BEEN FILLED.

16 I ASK YOU TODAY TO INVESTIGATE THE  
17 IMPLEMENTATION OF BOTH THE LETTER AND THE SPIRIT OF THE  
18 LAWS WHICH OUR STATE AND FEDERAL LEGISLATORS PROMULGATED,  
19 SEEKING TO PROTECT AND ADVOCATE FOR THE RIGHTS OF PERSONS  
20 WITH DEVELOPMENTAL DISABILITIES AND MENTAL ILLNESS.

21 THOUSANDS OF CALIFORNIANS, CITIZENS WITH  
22 DEVELOPMENTAL DISABILITIES, LOOK TO OUR LAWS AND THEIR  
23 IMPLEMENTATION AND YOUR OVERSIGHT TO PROTECT THEIR RIGHTS  
24 AND PRESERVE INDEPENDENT ADVOCACY ON THEIR BEHALF.

25 THANK YOU.

1           SENATOR MC CORQUODALE: THANK YOU. WE APPRECIATE  
2 YOUR COMMENTS.

3           LORI SHEPHERD?

4           MS. SHEPHERD: MY NAME IS LORI SHEPHERD,  
5 S-H-E-P-H-E-R-D. I'M THE PUBLIC POLICY COORDINATOR FOR  
6 THE CALIFORNIA NETWORK OF MENTAL HEALTH CLIENTS. WE ARE A  
7 STATEWIDE ORGANIZATION COMPRISED OF MENTAL HEALTH CLIENTS,  
8 WHICH ARE COVERED BY PUBLIC LAW 99-319 IN CALIFORNIA.

9           WE HAVE SOME REAL CONCERNS ABOUT WHAT IS  
10 HAPPENING AROUND MENTAL HEALTH REPRESENTATION ON THE  
11 P.A.I. BOARD. WE ARE ESPECIALLY CONCERNED BECAUSE  
12 WHENEVER ANYONE, WHETHER IT'S AN INDIVIDUAL OR AN  
13 ORGANIZATION, CLAIMS TO BE AN ADVOCATE AND WANTS TO  
14 ADVOCATE ON OUR BEHALF, WE BECOME IMMEDIATELY LEERY.

15           IT WAS IN JULY OF 1986 THAT WE ATTENDED THEIR  
16 FIRST BOARD MEETING, IN WHICH WE INTRODUCED SOME OF OUR  
17 CONCERNS AND OUR NEEDS AS MENTAL HEALTH CLIENTS, AND WE  
18 CAME AWAY FROM THAT MEETING WITH TWO THOUGHTS: ONE, THAT  
19 THE CURRENT BOARD MEMBERS HAD A LIMITED KNOWLEDGE OF THE  
20 NEEDS AND CONCERNS OF THE MENTAL HEALTH POPULATION; AND,  
21 TWO, THAT THERE WAS A REAL WILLINGNESS AND COMMITMENT ON  
22 THEIR PART TO LEARN WHAT THOSE NEEDS WERE AND TO PROVIDE  
23 US WITH ADEQUATE SERVICES.

24           ONE OF THE THINGS THAT WE ASKED FOR FROM THE  
25 OUTSET WAS FOR REPRESENTATION ON THEIR BOARD, AND WE WERE

1           ASSURED THAT THAT WOULD HAPPEN.

2                       LAST SUMMER WE WERE NOTIFIED THAT THEY WERE  
3           MAKING PLANS TO AMEND THEIR BYLAWS TO PROVIDE US WITH  
4           REPRESENTATION, AND WE WERE ALSO NOTIFIED THAT TWO OF THE  
5           ADVISORY COMMITTEE MEMBERS, MR. TONY HOFFMAN AND MS. LANI  
6           PLASTER, WERE BEING NOMINATED FOR THEIR BOARD, AND WE WERE  
7           ASKED IF WE WOULD SUPPORT THOSE TWO INDIVIDUALS. WE SAID  
8           WE WOULD, AS DID THE CALIFORNIA ALLIANCE FOR THE MENTALLY  
9           ILL.

10                      WE ALSO HAD APPROACHED DR. MICHAEL O'CONNOR  
11           ABOUT SUPPORTING THESE TWO NOMINATIONS, AND IN JANUARY OF  
12           1988, HE ADDRESSED MENTAL HEALTH CLIENTS AT A STATEWIDE  
13           MEETING IN WHICH HE ASSURED US OF THREE THINGS: ONE, WE  
14           WOULD HAVE REPRESENTATION ON THE P.A.I. BOARD, AND ALSO  
15           THAT THE REPRESENTATION WOULD BE TRUE REPRESENTATION OF  
16           OUR NEEDS, NOT PEOPLE WHO WERE SIMPLY TOKENS OR PEOPLE WHO  
17           WERE SIMPLY APPOINTED FOR POLITICAL REASONS.

18                      TO DATE THAT HASN'T HAPPENED. AND AT EACH  
19           BOARD MEETING, IN JANUARY, IN MARCH, AND IN MAY, WE WERE  
20           TOLD THAT THEY WERE WORKING TOWARDS RESOLUTION OF THAT.

21                      WE ATTENDED THE MAY MEETING, WHERE AT THAT  
22           TIME THE PRESIDENT, CHRIS JONES, ANNOUNCED THAT IT WOULD  
23           BE SEPTEMBER, MAYBE NOVEMBER, OR MAYBE EVEN JANUARY OF '89  
24           BEFORE THERE WOULD BE MENTAL HEALTH REPRESENTATION ON THAT  
25           BOARD. AND TO THE MENTAL HEALTH CLIENTS IN CALIFORNIA.

1 THAT'S NOT ACCEPTABLE.

2 WE HAVE WAITED IN GOOD FAITH SINCE LAST  
3 SEPTEMBER FOR OUR REPRESENTATION AND WE HAVE NOT CREATED  
4 ANY WAVES NOR HAVE WE RAISED ANY OPPOSITION BECAUSE WE  
5 HAVE RESPECT FOR THE PROCESS AND WE KNEW THAT THE P.A.I.  
6 BOARD MEMBERS WERE GOING THROUGH A PROCESS CHANGE TO  
7 EXPAND THE ORGANIZATION TO START PROVIDING US WITH  
8 SERVICES, BUT WE ARE TIRED OF WAITING.

9 IT BECAME REAL APPARENT AT THE MAY MEETING  
10 THAT THERE WERE SOME BOARD MEMBERS WHO HAD NO RESPECT FOR  
11 THOSE OF US WITH DISABILITIES. IT WAS AFTER LUNCH THAT  
12 THE ITEMS DEALING WITH MENTAL HEALTH CONTRACTS THAT WOULD  
13 PROVIDE US WITH PROGRAMS WERE PUT ON THE AGENDA, AND WE  
14 HAD MADE ARRANGEMENTS FOR MENTAL HEALTH CLIENTS TO COME AT  
15 NOON TO BE PRESENT FOR THE AFTERNOON DISCUSSION.

16 WHEN WE CAME BACK FROM LUNCH, WE FOUND THAT  
17 MEMBERS HAD WALKED OUT OF THE MEETING. ONE OF THOSE  
18 INDIVIDUALS HAD ANNOUNCED EARLIER IN THE DAY THAT HE COULD  
19 ONLY STAY UNTIL 5:00 O'CLOCK BECAUSE HE HAD A PLANE TO  
20 CATCH, BUT YET FOR SOME UNKNOWN REASON HE LEFT RIGHT AFTER  
21 LUNCH.

22 IT WAS JUST AN INCREDIBLE SLAP IN THE FACE TO  
23 CLIENTS THAT THESE MEMBERS WOULD LEAVE A MEETING BEFORE  
24 DEALING WITH SOME REAL CRUCIAL ACTION ITEMS, ESPECIALLY  
25 THOSE DEALING WITH MENTAL HEALTH.

1 WE IN THE AUDIENCE WERE ALSO AT ONE POINT  
2 REFERRED TO AS A "PEANUT GALLERY," WHICH AGAIN IS REALLY  
3 DISRESPECTFUL FOR PEOPLE WHO HAVE BEEN APPOINTED TO ACT ON  
4 OUR BEHALF.

5 WE HAVE A COUPLE OF RECOMMENDATIONS. ONE,  
6 BECAUSE IN THE FEDERAL STATUTES IT DOES NOT REQUIRE THAT  
7 THE GOVERNOR MAKE UP THE APPOINTMENTS TO THIS BOARD, WE  
8 WOULD PREFER THAT THE MENTAL HEALTH REPRESENTATION ON THE  
9 P.A.I. BOARD NOT BE GOVERNOR APPOINTEES. WE WOULD PREFER  
10 THAT OUR REPRESENTATION COME FROM THE RECOMMENDATIONS OF  
11 THE MAJOR CONSTITUENCY ORGANIZATIONS RATHER THAN POLITICAL  
12 APPOINTEES.

13 AND, IF AT ALL POSSIBLE, WE WOULD LIKE  
14 SOMETHING DONE ABOUT SOME OF THE CURRENT APPOINTEES TO THE  
15 BOARD WHO HAVE SO LITTLE RESPECT FOR US.

16 THANK YOU.

17 SENATOR MC CORQUODALE: THANK YOU.

18 IS THERE ANYONE HERE WHO IS REMAINING BECAUSE  
19 OF THE SUBPOENAS WHO HAS TO CATCH A PLANE, TRAIN, BOAT,  
20 BEAT THE TRAFFIC? TOO LATE NOW.

21 MS. HOOKER: I'M NOT REMAINING BECAUSE -- I DID NOT  
22 RECEIVE A SUBPOENA, BUT I'M JUST WONDERING IF I'M FREE TO  
23 GO AS WELL.

24 SENATOR MC CORQUODALE: YES; THAT'S TRUE.

25 MS. HOOKER: I WOULD LIKE TO MAKE JUST ONE REMARK.

1 SENATOR MC CORQUODALE: FEEL FREE.

2 MS. HOOKER: AS I UNDERSTAND IT, YOU HAVE CITED  
3 GARY MACOMBER IN CONTEMPT OF PLAN TWO?

4 SENATOR MC CORQUODALE: YES.

5 MS. HOOKER: OKAY. MY CONCERN WITH THAT -- YOU DID  
6 NOT ISSUE A SUBPOENA TO HIM; IS THAT CORRECT?

7 SENATOR MC CORQUODALE: WE DID.

8 MS. HOOKER: YOU DID?

9 SENATOR MC CORQUODALE: IT WAS SERVED ON HIM  
10 SUNDAY, AND BASED ON HIS REFUSAL TO BE HERE, WE INTEND TO  
11 NOTIFY THE STATE PERSONNEL BOARD AND STATE CONTROLLER  
12 TOMORROW OF HIS REFUSAL TO BE HERE.

13 MS. HOOKER: OKAY. I THOUGHT PERHAPS YOU WERE  
14 DOING IT BECAUSE SECRETARY ALLENBY PROMISED YOU THAT STATE  
15 EMPLOYEES WOULD BE HERE OR SOMETHING LIKE THAT.

16 SENATOR MC CORQUODALE: NO. WE DID NOT TAKE THAT  
17 ONE BECAUSE WE RECEIVED A LETTER FROM MR. MACOMBER SAYING  
18 HE WOULD NOT COME.

19 MS. HOOKER: THAT'S CORRECT. AND, AS YOU KNOW, HE  
20 IS IN WASHINGTON RECEIVING AN AWARD AND IS ATTENDING -- I  
21 BELIEVE HE HAS RECEIVED AN AWARD BECAUSE OF HIS ACTIVITIES  
22 ON PREVENTION OF DROWNING HERE IN CALIFORNIA. ALSO, HE IS  
23 ATTENDING, I BELIEVE IT'S THE NATIONAL DIRECTORS'  
24 ASSOCIATION.

25 SENATOR MC CORQUODALE: YES. HE HAD INDICATED

1 THAT. HE WROTE ME A LETTER THAT -- HE DIDN'T CALL OR  
2 ANYTHING SO I DIDN'T HAVE A CHANCE TO TALK TO HIM ABOUT  
3 IT, AND HE WROTE ME A LETTER AND SAID THAT.

4 AND THEN WHEN MR. ALLENBY ASSURED ME THAT  
5 THEY WOULD COME, WE RECHECKED TO SEE WHAT HIS SCHEDULE WAS  
6 AND WERE TOLD THAT HE DID NOT INTEND TO BE HERE, SO WE  
7 SERVED HIM IN WASHINGTON ON SUNDAY.

8 MS. HOOKER: OKAY.

9 SENATOR MC CORQUODALE: AL MARSELLA.

10 MR. ELLIS: MR. MARSELLA WAS UNABLE TO STAY BECAUSE  
11 HE HAD TO GO AND MEET HIS SON, HIS DISABLED SON WHO IS  
12 COMING HOME FROM SCHOOL, AND HE ASKED ME TO READ A SHORT  
13 STATEMENT.

14 SENATOR MC CORQUODALE: ALL RIGHT.

15 MR. ELLIS: MY NAME IS LEON ELLIS AND I'M A MEMBER  
16 OF THE BOARD OF DIRECTORS OF THE JAY NOLAN CENTER.  
17 MR. MARSELLA IS A SELF-EMPLOYED CERTIFIED PUBLIC  
18 ACCOUNTANT AND THESE ARE HIS STATEMENTS:

19 "I HAVE BEEN A BOARD MEMBER OF THE  
20 LOS ANGELES CHAPTER AUTISM SOCIETY OF AMERICA  
21 FOR THE PAST 17 YEARS. I'M ALSO A BOARD MEMBER  
22 OF THE JAY NOLAN CENTER FOR THE PAST TWO YEARS.  
23 I HAVE SERVED FOR NINE YEARS ON THE BOARD OF  
24 FRANK D. LANTERMAN REGIONAL CENTER AND ITS  
25 PREDECESSOR PROGRAM POLICY COMMITTEE OF



1 CHILDREN'S HOSPITAL AND CONTINUE TO SERVE ON  
2 COMMITTEES AT THE REGIONAL CENTER.

3 "AS A PARENT OF A DEVELOPMENTALLY  
4 DISABLED SON WHO IS 23 YEAR OLD WITH THE  
5 DISABILITY OF AUTISM, AND ALSO AS A PARENT OF  
6 A DEVELOPMENTALLY DISABLED DAUGHTER WHO IS  
7 22 YEARS OLD WITH THE SAME DISABILITY OF  
8 AUTISM, I AM VERY CONCERNED WITH THE RECENT  
9 APPOINTMENTS TO THE PROTECTION AND ADVOCACY  
10 BOARD IN TERMS OF THE PRESENT AND FUTURE  
11 QUALITY LEVEL OF SERVICES FOR THE DISABLED.

12 "OVER THE YEARS I HAVE HAD PERSONAL  
13 EXPERIENCES WITH PROTECTION AND ADVOCACY  
14 WITH RESPECT TO SERVICE WHICH WERE ALWAYS  
15 POSITIVE AND HELPFUL. I HAVE ALSO REFERRED  
16 DEVELOPMENTALLY DISABLED PEOPLE AND THEIR  
17 PARENTS TO PROTECTION AND ADVOCACY IN MY ROLE  
18 AS A VOLUNTARY ADVOCATE.

19 "IN SUMMARY, I WANT PROTECTION AND  
20 ADVOCACY, AS OUR INDEPENDENT ADVOCACY ORGANI-  
21 ZATION, TO BE OPERATED BY BOARD MEMBERS WHO  
22 UNDERSTAND THE NEEDS OF THOSE FOR WHOM PROTECTION  
23 AND ADVOCACY WAS CREATED. WE NEED MEMBERS FOR  
24 PROTECTION AND ADVOCACY WHO HAVE A REAL FEEL  
25 FOR THE DEVELOPMENTALLY DISABLED. WE NEED MORE

1 PARENTS OR SERVICE PROVIDERS RATHER THAN LEGAL  
2 AIDES.

3 "THANK YOU FOR HOLDING THESE HEARINGS ON  
4 BEHALF OF PERSONS WITH DEVELOPMENTAL DISABILITIES  
5 AND MENTAL ILLNESS."

6 "P.S. CONNIE LAPIN IS ONE OF THE MOST  
7 DEDICATED AND EFFECTIVE ADVOCATES I HAVE HAD  
8 THE PRIVILEGE TO KNOW AND WORK WITH SINCE 1971."

9 IF I MAY MAKE A STATEMENT ON MY OWN, VERY  
10 SHORT. I THINK ANY SOCIETY, PERSON, OR ADMINISTRATION CAN  
11 BE JUDGED BY ITS ATTITUDE TOWARD AND ITS SERVICES TOWARD  
12 THOSE MEMBERS OF SOCIETY WHO ARE THE MOST HELPLESS AND WHO  
13 NEED SOMEONE TO SPEAK IN THEIR BEHALF.

14 THOSE ADMINISTRATIONS AND PEOPLE AND THEIR  
15 SOCIETIES NEED A CONSCIENCE TO SPEAK TO THEM REGARDING  
16 THEIR OBLIGATION TOWARD THESE MEMBERS OF SOCIETY, AND I  
17 THINK THAT THE BOARD SHOULD BE THERE FOR THOSE PEOPLE WHO  
18 ARE CAPABLE AND NOT BEHOLDEN TO ANYONE EXCEPT THEIR  
19 CONSCIENCE IN GOD AND THE PEOPLE WHO THEY ARE THERE TO  
20 SERVE, SO THAT THEY CAN SPEAK TO THOSE ADMINISTRATIONS OR  
21 PEOPLE OR ORGANIZATIONS TO DO WHAT IS IN THE BEST  
22 INTERESTS OF THE HELPLESS.

23 ANY SOCIETY THAT DOES NOT LOOK AFTER THE  
24 PEOPLE IN ITS SOCIETY WHO CANNOT HELP THEMSELVES IS NOT  
25 WORTH THE POWER TO BLOW THEM TO HELL. EXCUSE THE

1       EXPRESSION.  BUT I THINK THAT WHAT WE NEED ARE PEOPLE WITH  
2       POSITIVE ATTITUDES AND A COMMITMENT TO SERVE PEOPLE WHO  
3       NEED IT, AND THAT SHOULD BE NUMBER ONE.  AND ALL THE  
4       ENERGY AND TIME AND MONEY THAT IS NECESSARY SHOULD BE  
5       GIVEN TO THOSE FIRST AND NOT TO THOSE WHO CAN HELP  
6       THEMSELVES FIRST.

7                ANY PERSON WHO HAS AN ELECTIVE OFFICE WHO  
8       SPEAKS ABOUT COMMITMENT AND RESPONSIBILITY HAD BETTER  
9       FIRST OF ALL BE RESPONSIBLE AND COMMITTED THEMSELVES TO  
10      THOSE PEOPLE WHO NEED THE MOST.

11               THAT'S ALL I HAVE TO SAY.  THANK YOU.

12               SENATOR MC CORQUODALE:  ALL RIGHT.  THANK YOU.

13               NOW THAT ALL OF THE ADMINISTRATION  
14      APPOINTMENTS AND FOLKS ARE GONE, I THINK THAT WE ARE ALL  
15      PREACHING TO THE CONVERTED AT THIS POINT, SO I WOULD ASK  
16      THAT -- I HAVE 16 CARDS LEFT.  IF EVERYBODY TOOK A MINUTE,  
17      WE COULD MAKE IT.

18               I HAVE TO BE OUT OF HERE AT 5:00 O'CLOCK, SO  
19      IF WE COULD MAKE COMMENTS RELATED JUST TO THE APPOINTMENT  
20      PROCESS RELATED TO PROTECTION AND ADVOCACY AND THE STATE  
21      COUNCIL, I THINK THAT WOULD BE MOST PRODUCTIVE.  AND IF  
22      YOU DON'T HAVE ANYTHING TO SAY REGARDING THAT, THAT'S  
23      FINE.  THERE WILL BE OTHER HEARINGS WHERE YOU CAN TALK  
24      ABOUT OTHER THINGS AT OTHER TIMES, BUT I WANT TO TRY TO  
25      KEEP EVERYBODY MOVING ALONG.

1                   BONNIE CLEMENS.   IS BONNIE STILL HERE?

2                   OKAY.   MONTE SMITH.   I'LL TAKE MONTE FIRST.

3                   UNIDENTIFIED SPEAKER:   BONNIE IS RIGHT HERE.

4                   SENATOR MC CORQUODALE:   OKAY.

5                   MS. CLEMENS:   ONE MOMENT.   I'M QUICK.   I JUST  
6                   WANTED TO THANK YOU FOR BEING HERE AND HOLDING THIS  
7                   HEARING, AND I'LL RELINQUISH MY TIME TO EVERYBODY GETTING  
8                   HOME EARLY.   I THINK YOU HAVE HAD MORE INFORMATION THAN  
9                   YOU CAN REALLY ASSIMILATE TODAY.

10                   I'M NOT FROM A PARENT GROUP.   I'M JUST A  
11                   PARENT OF A 12-YEAR-OLD DISABLED CHILD.   IT WAS LAST YEAR  
12                   THAT I WAS HERE FIGHTING FOR THE AREA BOARDS AND NOW I'M  
13                   HAVING TO FIGHT FOR THE WHOLE SYSTEM.   SO PLEASE HELP US.  
14                   THANK YOU.

15                   SENATOR MC CORQUODALE:   THANK YOU.   MURIEL COHEN.

16                   MS. COHEN:   I'M MURIEL COHEN, C-O-H-E-N.   I'M THE  
17                   PARENT OF A MAN WHO IS MENTALLY RETARDED AND MENTALLY ILL.  
18                   I WHOLEHEARTEDLY SUPPORT THESE THREE AGENCIES.

19                   I THINK YOU NEED TO LOOK INTO THE  
20                   APPLICATION, THE APPLICATION ITSELF, THAT ONE RECEIVES,  
21                   FOR EXAMPLE, TO BE ON THE AREA BOARD.   I FOUND IT  
22                   EXTREMELY INTIMIDATING AS TO ITS LENGTH AND AS TO THE  
23                   QUESTIONS THAT IT ASKS AND TO THE PARTICULAR SLANTS THAT  
24                   IT TAKES.

25                   TWO QUESTIONS IN PARTICULAR.   ONE, YOUR

1 RELIGION. IN PARENTHESES IT SAYS, "OPTIONAL." WELL, IF  
2 IT'S NOT IMPORTANT, WHY ASK IT?

3 LATER ON IT SAYS, "HAVE YOU EVER CONTACTED  
4 THE MEDIA ABOUT ANY OF THE ISSUES INVOLVED?" NOW, THAT IS  
5 COMPLETELY UNACCEPTABLE.

6 I WOULD ALSO LIKE TO SUGGEST VERY SERIOUSLY  
7 THAT THE CONSTITUENCY ON THESE BOARDS AND COUNCILS HAVE  
8 PARENTS, OR A PARENT AT LEAST, WHO HAS A SON OR DAUGHTER  
9 OR A CHILD WHO IS BOTH MENTALLY RETARDED AND MENTALLY ILL.

10 IT IS NO LONGER ACCEPTABLE JUST TO HAVE THE  
11 REQUIRED NUMBER OF PARENTS UNDER THE HEADING OF  
12 "DEVELOPMENTALLY DISABLED."

13 THE DUALY-DIAGNOSED CLIENT IS FALLING VERY  
14 FAR INTO THE CRACKS. THIS WOULD BE A TREMENDOUS HELP TO  
15 HAVE THIS KIND OF REPRESENTATION.

16 THANK YOU VERY MUCH.

17 SENATOR MC CORQUODALE: THANK YOU.

18 KAREN DUNCANWOOD. IS KAREN STILL HERE?

19 OAKY. ARLENE PASTER. IS SHE HERE?

20 UNIDENTIFIED SPEAKER: I HAVE HER WRITTEN STATEMENT  
21 HERE. (INDICATING)

22 SENATOR MC CORQUODALE: VERY GOOD. THANK YOU.

23 CAROL INMAN?

24 UNIDENTIFIED SPEAKER: SHE'S GONE.

25 SENATOR MC CORQUODALE: DR. ROSENBERG, RICHARD

1 ROSENBERG.

2 DR. ROSENBERG: I AM RICHARD ROSENBERG,  
3 R-O-S-E-N-B-E-R-G. I AM REPRESENTING AND SPEAKING FOR  
4 CAL TASH AS A BOARD MEMBER, AS A MEMBER. I'M ALSO  
5 SPEAKING FOR TASH, THE ASSOCIATION FOR INDIVIDUALS WITH  
6 SEVERE HANDICAPS. I'M ALSO THE EXECUTIVE DIRECTOR OF THE  
7 JAY NOLAN CENTER, SERVING INDIVIDUALS WITH DEVELOPMENTAL  
8 DISABILITIES, PRIMARILY AUTISM.

9 WE ARE EXTREMELY CONCERNED AND ALARMED. I  
10 DO NOT NEED TO REEMPHASIZE WHAT WE HAVE HEARD TODAY.

11 ESSENTIALLY, OUR FEELING IS THAT THE BOARD  
12 SHOULD BE COMPRISED OF INDIVIDUALS WHO ARE COMMITTED TO  
13 THOSE THAT THEY ARE SERVING, PROTECTION AND ADVOCACY.

14 WE WOULD RECOMMEND THAT, ONE, IT BE A  
15 CONSUMER WITH A SEVERE DISABILITY; TWO, A FAMILY MEMBER  
16 WHO HAS FOR MANY YEARS BEEN WITH AN INDIVIDUAL WITH A  
17 SEVERE DISABILITY; AND, THREE, A PERSON WHO HAS RECENTLY  
18 BEEN INSTRUMENTAL IN DEVELOPING AND IMPLEMENTING QUALITY  
19 PROGRAMS FOR INDIVIDUALS WITH SEVERE HANDICAPS.

20 OUR CONCERN IS THAT THE NEW MEMBERS DO NOT  
21 REPRESENT ANY OF THE ABOVE THREE, AND THEY LACK THE  
22 KNOWLEDGE AND THE EXPERIENCE OF STATE OF THE ART PROGRAMS,  
23 TRENDS, QUALITY SERVICES.

24 I'M NOT GOING TO REPEAT WHAT HAS BEEN SAID,  
25 BUT I JUST WOULD LIKE TO SUPPORT THE SENATORS FOR PULLING

1 OFF THIS HEARING, AND WHATEVER WE CAN DO AS AN  
2 ORGANIZATION OF 900-PLUS MEMBERS IN CAL TASH, BEING  
3 PARENTS, EDUCATORS, ADMINISTRATORS, AND CONSUMERS, WE ARE  
4 HERE FOR YOU AND WORKING WITH YOU ON THE SITUATION.

5 THANK YOU.

6 SENATOR MC CORQUODALE: THANK YOU, DOCTOR. THAT  
7 WAS LESS THAN FOUR MINUTES.

8 SENATOR MC CORQUODALE: JOAN BOBELE?

9 OKAY. ASENATH YOUNG?

10 MS. YOUNG: MY NAME IS ASENATH YOUNG. THAT'S  
11 A-S-E-N-A-T-H, AND "YOUNG" IS THE ENGLISH VERSION OF IT.

12 I HAVE WRITTEN A STATEMENT WHICH I WOULD  
13 REALLY LIKE TO READ, ALTHOUGH IT WILL TAKE A FEW MINUTES;  
14 I MEAN, JUST A FEW SHORT MINUTES.

15 I AM A MOTHER OF A DEVELOPMENTALLY DISABLED  
16 ADULT. I WAS APPOINTED IN 1976 TO THE COMMITTEE TO WRITE  
17 THE ORIGINAL LAW FOR THE STATE OF CALIFORNIA TO COMPLY  
18 WITH SECTION 113, PUBLIC LAW 94-103.

19 IT WAS NECESSARY FOR THE STATE TO COMPLY WITH  
20 THE LAW IN ORDER TO RECEIVE FEDERAL MONEY FOR THE D.D.  
21 COUNCIL AND THE UNIVERSALLY AFFILIATED PROGRAM AND OTHER  
22 CONNECTED PROGRAMS.

23 THE INSTRUCTIONS WERE TO HAVE AN INDEPENDENT,  
24 FREE-STANDING ENTITY THAT WOULD SEE THAT THE RIGHTS OF  
25 D.D. PEOPLE WERE OBSERVED THROUGHOUT THE STATE. IT NEEDED

1 TO BE A SEPARATE ORGANIZATION WITHOUT TIES THAT WOULD HAVE  
2 ANY CONFLICT OF INTEREST.

3 A NUMBER OF EXISTING ORGANIZATIONS AND  
4 GOVERNMENT DEPARTMENTS AND AGENCIES WANTED THE JOB AND  
5 LOBBIED FOR IT. THE COMMITTEE TOOK THE POSITION THAT THE  
6 ORGANIZATION MUST BE SEPARATE AND HAVE LOYALTIES ONLY TO  
7 SERVING DEVELOPMENTALLY DISABLED PEOPLE AS THE VOICE FOR  
8 ADVOCATING AND PROTECTING THEIR BASIC RIGHTS AS HUMAN  
9 BEINGS.

10 THAT IS WHY ITS PURPOSE MUST NOT BE HAMPERED  
11 OR DILUTED. WE MUST ALWAYS REALIZE, AS THE FIRST  
12 COMMITTEE DID, THAT THE DEVELOPMENTALLY DISABLED DO NOT  
13 HAPPEN TO ANY ONE GROUP OF PEOPLE. THEY ARE FOUND IN  
14 PEOPLE OF ALL RACES, ALL RELIGIONS, ALL ETHNIC GROUPS, THE  
15 RICH, THE POOR, THE DEMOCRATS, THE REPUBLICANS. NO ONE  
16 GROUP HOLDS ALL OF THE EXPERIENCES OR ALL THE ANSWERS.

17 I HAD THE GOOD FORTUNE OF WORKING AND  
18 LEARNING FROM FRANK LANTERMAN. AS YOU KNOW, HE WAS  
19 MR. REPUBLICAN WHILE HE SERVED FOR OVER 20 YEARS IN THE  
20 ASSEMBLY. I AM A DEMOCRAT IN HIS DISTRICT, AND I QUICKLY  
21 LEARNED FROM HIM THAT POLITICS AND WINNING POLITICAL  
22 BATTLES IS NOT THE ISSUE. WE WERE BOTH DEVOTED TO MAKING  
23 A BETTER LIFE FOR THE DEVELOPMENTALLY DISABLED PEOPLE. IF  
24 WE SQUABBLED, WE LOST OUR STRENGTH, AND THE PEOPLE WE WERE  
25 DEVOTED TO SERVE SUFFERED.



1                   THE PROBLEMS OF D.D. PEOPLE MUST NEVER GET  
2 LOST IN POLITICAL BATTLES. IN A PLAN SUCH AS THIS ONE OF  
3 PROTECTION AND ADVOCACY, THE GOAL IS TO SEE THAT THE  
4 RIGHTS OF CITIZENS ARE UPHELD. IF IT BECOMES A POLITICAL  
5 SUPREMACY BATTLE, THEN THE PURPOSE IS LOST.

6                   IF YOU READ THE ORIGINAL 1979 BYLAWS, YOU CAN  
7 SEE HOW CAREFUL WE WERE TO MAKE SURE THAT THE BOARD  
8 CONSISTED OF PEOPLE WITH HANDICAPS OR THEIR CLOSEST  
9 RELATIVES (PARENTS). ALSO, WE DESIGNATED THAT THE FIVE  
10 FEDERALLY-DEFINED D.D. CATEGORIES WERE REPRESENTED.

11                   THIS WAS IMPORTANT IN ORDER TO HAVE A VOICE  
12 FROM ALL THE CONSTITUENTS WE WISHED TO SERVE. IT WAS A  
13 GOOD EXPERIENCE TO SEE THE DIFFERENT REPRESENTATIVES WORK  
14 TOGETHER FOR THE COMMUNAL GOOD.

15                   I WAS NOT ON THE FIRST BOARD. I WAS  
16 CHAIRPERSON OF THE REVIEW COMMITTEE AND, AS SUCH, ATTENDED  
17 BOARD MEETINGS AT THE VERY BEGINNING TO GIVE REPORTS. IN  
18 THIS WAY I WAS ABLE TO WATCH ITS PROGRESS AND PARTICIPATE.

19                   MY COMMITTEE OF ABOUT 15 PEOPLE WAS ONE-THIRD  
20 TO ONE-HALF DISABLED PEOPLE. MOST OF THE REST OF US  
21 WERE PARENTS, WITH A FEW PEOPLE AT LARGE. WE WERE  
22 REPRESENTATIVE OF A WIDE CROSS-SECTION OF THE STATE  
23 BECAUSE IT HAD BEEN WORKED OUT THAT WE CAME FROM WIDELY  
24 DIFFERENT AREAS: SUBURBAN, RURAL, NORTH, AND SOUTH. THIS  
25 WAS ALSO IMPORTANT.

1 WE DID REPRESENT PEOPLE IN THE WHOLE STATE.  
2 IT WAS A GOOD WORKING COMMITTEE. OUR GOAL, OUR PURPOSE,  
3 WAS TO PUT ASIDE THE THINGS THAT DIVIDE PEOPLE AND  
4 CONCENTRATE ON THE FACT THAT WORKING TOGETHER WE COULD  
5 PRODUCE A GOOD SYSTEM FOR THOSE PEOPLE WHO HAD NO VOICE,  
6 WHERE NOW THEY COULD ASK AND RECEIVE THE RIGHTS THAT ARE  
7 THEIRS.

8 THE THINGS THAT I LEARNED FROM THIS  
9 EXPERIENCE, AND I WANT TO EMPHASIZE TODAY, ARE THAT  
10 PROTECTION AND ADVOCACY, INC. MUST BE INDEPENDENT OF ALL  
11 OTHER ORGANIZATIONS. IT MUST NOT BE A POLITICAL FOOTBALL.  
12 IT MUST NOT BE WEAKENED BY POLITICAL GAMES. IT MUST ASK  
13 ALL OF US, INCLUDING OUR LEGISLATORS AND THE GOVERNOR, TO  
14 PROTECT THE INTENT OF THIS ORGANIZATION AND STRENGTHEN ITS  
15 ORIGINAL PURPOSE.

16 IT HAS SHOWN THAT AN EXCELLENT JOB CAN BE  
17 DONE, BUT IT NEEDS A WIDE REPRESENTATIVE BASE IN WHICH  
18 PEOPLE ARE ABLE TO CONTRIBUTE FOR A CAUSE IN WHICH THEY  
19 BELIEVE.

20 SENATOR MC CORQUODALE: ALL RIGHT. ANNETTE BURNS.  
21 IS ANNETTE STILL HERE?

22 JUDY MC KINLEY.

23 MS. MC KINLEY: FIRST OF ALL, I WOULD LIKE TO THANK  
24 YOU VERY MUCH FOR HAVING THESE HEARINGS. WE APPRECIATE SO  
25 MUCH WHAT YOU ARE DOING.

1 I AM CURRENTLY PRESIDENT OF THE LOS ANGELES  
2 CHAPTER OF C.A.C.A.L.D. (SIC), WHICH IS THE CALIFORNIA  
3 AFFILIATE OF THE ASSOCIATION FOR CHILDREN AND ADULTS WITH  
4 LEARNING DISABILITIES.

5 WE ARE GRAVELY CONCERNED ABOUT THE POLITICAL  
6 APPOINTMENTS TO THE PROTECTION AND ADVOCACY BOARD AND TO  
7 THE STATE DEVELOPMENTAL DISABILITIES BOARD.

8 EVERY CHILD WITH A DISABILITY IN L.A. COUNTY  
9 IS DEPENDENT, EITHER DIRECTLY OR INDIRECTLY, UPON  
10 PROTECTION AND ADVOCACY FUNCTIONING AT ITS OPTIMUM. THERE  
11 MUST BE A STOP PUT TO THE GOVERNOR'S ABILITY TO RAISE  
12 HAVOC WITH THE BOARDS IN EXISTENCE.

13 LEARNING-DISABLED KIDS CURRENTLY DO NOT  
14 QUALIFY FOR D.D. SERVICES BECAUSE WE ARE NOT FOLLOWING THE  
15 FEDERAL DEFINITION. WE WOULD LIKE FOR YOU TO THINK ABOUT  
16 THAT, TOO.

17 AND I THINK ONE OTHER THING THAT NEEDS TO BE  
18 LOOKED AT IS THE O.S.E.R.'S REPORT FROM THE -- WHAT DOES  
19 O.S.E.R. STAND FOR -- WHICH IS FEDERAL, AND THEIR REPORT  
20 CAME OUT ON APRIL 20TH. THEY REVIEWED THE STATE OF  
21 CALIFORNIA TWO AND A HALF, THREE YEARS AGO. THERE  
22 ARE GRAVE CONCERNS IN THIS REPORT IN REGARDS TO THE  
23 INTERAGENCY AGREEMENTS WITH ALL THE AGENCIES IN THE STATE  
24 OF CALIFORNIA AND HOW THEY ARE NOT FUNCTIONING IN THE BEST  
25 INTERESTS OF OUR CHILDREN. AND WE REALLY WISH THAT YOU

1 WOULD CONSIDER THAT IN LOOKING AT THE MATERIALS THAT HAVE  
2 BEEN PROVIDED TO YOU.

3 THANK YOU.

4 SENATOR MC CORQUODALE: ALL RIGHT. THANK YOU.

5 MARK KARMATS?

6 MR. KARMATS: I BELIEVE, SIR, THAT WE NEED TO HAVE  
7 MORE PEOPLE WHO ARE INTERESTED IN THE MENTAL HEALTH  
8 CLIENTS ON THE MENTAL HEALTH ADVISORY BOARD.

9 SENATOR MC CORQUODALE: OKAY. WE ARE ONLY TALKING  
10 ABOUT THE PROTECTION AND ADVOCACY ORGANIZATION AND THE  
11 STATE COUNCIL.

12 MR. KARMATS: I THOUGHT YOU WERE GOING TO -- THE  
13 PEOPLE (SIC) SAID "MENTAL HEALTH AND PROTECTION ADVOCACY,  
14 INC."

15 SENATOR MC CORQUODALE: WELL, PROTECTION AND  
16 ADVOCACY, INC., BUT NOT THE MENTAL HEALTH ADVISORY BOARD.

17 MR. KARMATS: OKAY. WELL, THEN, I'LL GIVE MY TIME  
18 UP TO SOMEBODY ELSE WHO NEEDS IT BECAUSE MY EXPERTISE IS  
19 IN --

20 SENATOR MC CORQUODALE: NOW, FEEL FREE TO WRITE TO  
21 US BECAUSE WE WOULD BE WILLING TO FOLLOW UP ON AND  
22 CONSIDER WHATEVER YOU WANT TO PUT IN. IN THIS HEARING,  
23 THOUGH, WE ARE ONLY DEALING WITH --

24 MR. KARMATS: OKAY. WILL THERE BE ANOTHER ONE IN  
25 LOS ANGELES REGARDING MENTAL HEALTH AT ALL? WELL, I DO

1 WANT TO MAKE A COMPLAINT, THOUGH.

2 THE REPORTER: WILL YOU STATE YOUR NAME, PLEASE.

3 MR. KARMATS: MARK KARMATS. -- AND THAT IS, I  
4 FIRST HEARD ABOUT THE HEARING TODAY FROM THIS LADY IN  
5 FRONT. I'VE FORGOTTEN YOUR NAME.

6 MS. LAPIN: CONNIE LAPIN.

7 MR. KARMATS: CONNIE, FROM PROTECTION AND ADVOCACY,  
8 BECAUSE I HAPPENED TO GO TO THE HEARING ON THE HANDICAPPED  
9 LAST WEEK. IF I HAD NOT BEEN THERE, THE PEOPLE FROM THE  
10 DEPARTMENT OF MENTAL HEALTH IN LOS ANGELES WOULD NOT HAVE  
11 KNOWN ABOUT THAT. AND, AS FAR AS I KNOW, THERE WAS NO  
12 ADVERTISING OF THIS WITHIN THE LOS ANGELES COUNTY MENTAL  
13 HEALTH COMMUNITY.

14 SENATOR MC CORQUODALE: WELL, I CAN GET THE  
15 LOS ANGELES TIMES TO QUOTE ME AS IT DEALS WITH BANANA  
16 SLUGS BUT NOT AS IT DEALS WITH DEVELOPMENTALLY DISABLED OR  
17 MENTALLY ILL PERSONS. BUT I'LL KEEP TRYING.

18 MR. KARMATS: OKAY. THANK YOU.

19 SENATOR MC CORQUODALE: DR. HARVEY LAPIN.

20 DR. LAPIN: I GUESS I'M THE OTHER HALF.

21 I'VE HELD MANY OFFICES BUT I'M NOT HERE AS  
22 THAT. I'M HERE AS A PARENT WITH A 20-YEAR-OLD SON WITH  
23 AUTISM AND THE CHALLENGE OF AUTISM.

24 FIRST OF ALL, I APPLAUD YOU, AND I MEAN THIS  
25 FROM THE BOTTOM OF EVERYONE'S HEART IN THIS ROOM. YOU CAN

1 TELL WHERE THE AUDIENCE IS COMING FROM. WE LOOK TO YOU  
2 PEOPLE TO HELP US PROTECT OUR RIGHTS. WE ARE NOT GOING TO  
3 GO AWAY, AND THAT IS A COMMITMENT AND A PROMISE, AND I  
4 HOPE THAT THIS HEARING CONTINUES ON.

5 I PERSONALLY FIND IT A TERRIBLE AFFRONT THAT  
6 THE FIVE MEMBERS -- I'VE BEEN ON THE LAST THREE BOARD  
7 MEETINGS OF P.A.I. -- KNEW ABOUT THIS WELL AHEAD OF TIME  
8 AND DID NOT COME HERE. IT'S AN INSULT TO OUR CHILDREN AND  
9 IT'S AN INSULT TO THE LEGISLATURE AND THE STATE OF  
10 CALIFORNIA.

11 THESE PEOPLE KNOW BETTER. TWO OF THEM HAVE  
12 LEGAL BACKGROUNDS; ONE WORKS FOR THE LEGISLATURE; ONE HAS  
13 WORKED FOR A STATE AGENCY; AND THE FIFTH ONE -- I'M NOT  
14 SURE. CHRIS WORKS FOR THE REPUBLICAN PARTY UP THERE. I  
15 MEAN, IT'S APPALLING.

16 I ALSO WOULD LIKE TO TAKE THE POSTURE, I KNOW  
17 WHAT IT WAS LIKE BEING EXCLUDED WHEN MY SON COULDN'T GET  
18 INTO A PUBLIC SCHOOL PROGRAM BECAUSE HE WAS LEGALLY  
19 EXCLUDED. AS FAR AS I'M CONCERNED -- AND I WAS AT THOSE  
20 MEETINGS -- MENTAL HEALTH IS ON THAT BOARD NOW AND THEY  
21 ARE MEMBERS OF THAT BOARD UNTIL THEY ARE REMOVED, AND I  
22 DON'T THINK THEY'RE THAT DUMB TO DO THAT ONE. I HOPE NOT.

23 BUT I WANT TO THANK YOU. I WANT TO SAY ALSO  
24 THAT RIGHT NOW IN WASHINGTON D.C., CONGRESSMAN WAXMAN IS  
25 WORKING ON LANGUAGE FOR APPOINTMENTS. I WOULD HOPE THAT

1 THIS COMMITTEE WOULD SUBMIT SOME REMARKS TO THAT LEVEL  
2 BECAUSE IT IS FEDERAL MONEY. AND I HOPE THIS HEARING  
3 COMES AGAIN IN AUGUST.

4 AND, AGAIN, THANKS A MILLION, REALLY.

5 SENATOR MC CORQUODALE: THANK YOU.

6 THAT CONCLUDES THE PEOPLE WHO I HAVE A LIST  
7 ON, AND ALSO OUR TIME. I WOULD SAY, FIRST OF ALL, THAT IF  
8 YOU HAVE NOT BEEN RECEIVING ANY MAILING --

9 MS. MOISE: I HAVE SOMETHING IMPORTANT.

10 SENATOR MC CORQUODALE: I'M SORRY. YES. THERE WAS  
11 A CARD ON -- SOMEONE GAVE ME A CARD.

12 MS. MOISE: I SIGNED A CARD THIS MORNING AND I  
13 HANDED IN MY STATEMENT, AND MY RESUME IS THERE. WHAT I  
14 HAVE TO SAY WILL TAKE ABOUT 30 SECONDS.

15 SENATOR MC CORQUODALE: OKAY, IF YOU CAN DO IT IN  
16 THAT TIME.

17 MS. MOISE: EVERYBODY HAS SAID IT BETTER THAN I  
18 COULD HAVE SAID IT, SO THIS IS JUST THE END OF MY VERY  
19 SHORT PRESENTATION.

20 MY DAUGHTER IS 34 YEARS OLD. I'VE BEEN ON  
21 THE PROTECTION AND ADVOCACY BOARD AND THE REVIEW COMMITTEE  
22 ALONG WITH THESE OTHER WHITE-HAIRED PEOPLE.

23 THE REPORTER: WOULD YOU GIVE US YOUR NAME, PLEASE.

24 MS. MOISE: LOTTE, L-O-T-T-E; LAST NAME MOISE,  
25 M-O-I-S-E.

1                   OVER THE LAST TEN YEARS, THERE IS NOTHING  
2                   THAT HAS GIVEN ME GREATER SATISFACTION THAN SERVING ON THE  
3                   BOARD OF P.A.I. I LOOK FORWARD TO THE MEETINGS, AND ALL  
4                   OF THAT HAS GONE COMPLETELY TO POT SINCE THE INFUSION OF  
5                   GOVERNMENT-APPOINTED MEMBERS WHO HAVE MANIPULATED OUR  
6                   PROCESSES AND HAVE JUST RUN EVERYTHING INTO THE GROUND.

7                   TWO YEARS AGO IN THAT EVALUATION OF OUR  
8                   AGENCY, THE BEST THING THEY SAID WAS THAT, "P.A.I. IS A  
9                   CLEAN ADVOCACY ORGANIZATION. IT HAS NO VESTED INTEREST.  
10                  THEIR ONLY IDEALOGY IS ADVOCACY." AND THIS IS WHERE I  
11                  DIGRESS: "BUT IDEALOGIES CAN CHANGE."

12                  AND I KNOW THIS FROM PERSONAL EXPERIENCE  
13                  BECAUSE I CAME HERE TO THIS COUNTY AS A REFUGEE FROM NAZI  
14                  GERMANY 50 YEARS AGO, AND SYSTEMS AND GOVERNMENTS DON'T  
15                  CHANGE WITH A SUDDEN OVERTURN OF LAWS. THEY HAPPEN FROM  
16                  INNOCUOUS CHANGES IN RULES AND REGULATIONS AND BYLAWS,  
17                  LIKE WE ARE EXPERIENCING IN P.A.I. RIGHT NOW, AND AS A  
18                  RESULT OF SORT OF A SLOW TAKEOVER FROM PEOPLE WHO HAVE  
19                  DIFFERENT IDEALOGIES.

20                  AND AS A PARENT AND AS A MEMBER OF P.A.I. FOR  
21                  TEN YEARS, AND NOW AS AN ACTIVE MEMBER OF THE P.L. 99-319  
22                  COMMITTEE, I WANT TO FIGHT AGAINST THIS EROSION OF THE  
23                  IDEALOGY WHICH IS INHERENT IN BOTH OF OUR LAWS, THE BASIC  
24                  P & A LAW AND THE P.L. 99-319 LAW. AND I THANK YOU FOR  
25                  HELPING US WITH THIS FIGHT.



1 SENATOR MC CORQUODALE: THANK YOU.

2 NOW, IS THERE ANYONE ELSE THAT I HAVE  
3 OVERLOOKED?

4 IF YOU DID NOT RECEIVE A NOTICE OF THIS  
5 MEETING OR YOU DON'T GET PERIODIC MAILINGS FROM ME, IF YOU  
6 WOULD MAKE SURE THAT YOU GET YOUR NAME AND ADDRESS TO ME,  
7 I DO PUT OUT A NEW LETTER PERIODICALLY RELATED TO MENTAL  
8 HEALTH AND DEVELOPMENTAL DISABILITY ISSUES.

9 I ALSO PUT OUT PERIODIC MAILINGS RELATED TO  
10 THE COMMITTEE ON CITIZENS PARTICIPATION IN GOVERNMENT, SO  
11 IF YOU WOULD RATHER BE ON THAT TYPE OF MAILING DEALING  
12 WITH HOW PEOPLE CAN GET ACCESS TO GOVERNMENTAL ACTIVITY,  
13 FEEL FREE TO GIVE ME YOUR NAME AND ADDRESS ALSO THERE.

14 WE WILL PURSUE THE CASE OF THE PEOPLE WHO DID  
15 NOT SHOW UP. I INTEND TO NOTIFY THE CONTROLLER'S OFFICE  
16 TOMORROW AS IT RELATES TO THE STATE EMPLOYEES WHO DID NOT  
17 APPEAR. WHAT FINALLY COMES OUT OF THAT WILL PROBABLY  
18 DEPEND UPON THE REACTION OF THE ADMINISTRATION AND WHAT WE  
19 DO ABOUT A SECOND HEARING.

20 IT IS MY INTENTION TO HAVE A SECOND HEARING.  
21 IT WILL PROBABLY BE IN NORTHERN CALIFORNIA, AND I WILL  
22 MAKE SURE THAT WE PUBLICIZE THAT. WE WILL HAVE A LITTLE  
23 BIT MORE TIME TO DO THAT THAN WE DID WITH THIS ONE.

24 WE NEEDED TO HOLD THIS BEFORE THE BUDGET  
25 PROCESS STARTS, SO NEXT MONTH WE WILL BE SORT OF

1 INCOMMUNICADO AS WE DEAL WITH ISSUES RELATED TO THE  
2 BUDGET, SO WE GOT THIS OUT OF THE WAY BEFORE THAT HAPPENS.

3 WE WILL TAKE UP THE OTHER HEARING PROBABLY IN  
4 AUGUST, AND AS A LITTLE VINDICTIVENESS, SINCE THESE FOLKS  
5 ARE ALSO POLITICALLY INVOLVED, I WOULD LIKE TO HOLD IT IN  
6 THE EVENING DURING THE REPUBLICAN CONVENTION SO THEY WON'T  
7 BE ABLE TO HEAR THE SPEECHES. BUT I DON'T KNOW IF I'M  
8 THAT VINDICTIVE OR NOT, SO I'LL SEE.

9 MS. MOISE: IN THE MEANTIME, DO WE GO ON WITH OUR  
10 REGULAR P & A ACTIVITY?

11 SENATOR MC CORQUODALE: I THINK THAT YOU SHOULD  
12 CERTAINLY KEEP COMMUNICATING TO YOUR LEGISLATORS YOUR  
13 CONCERN ABOUT THIS. I THINK THAT WE HAVE FINALLY BEEN  
14 ABLE TO SURFACE SOME LEVEL OF INTEREST.

15 WE DID HAVE SEVERAL REPUBLICAN LEGISLATORS  
16 WHO JUST WITHIN THE LAST WEEK HAVE BECOME AWARE OF THE  
17 ISSUE, AND THEY HAVE INDICATED THAT THEY WANTED TO COME  
18 BUT HAD CONFLICTS OR PROBLEMS THAT THEY COULDN'T GET OUT  
19 OF. BUT THEY HAVE KNOWN ABOUT THE ISSUE OF THE HEARING  
20 FOR WELL OVER A MONTH, BUT THEY JUST STARTED HEARING FROM  
21 THEIR CONSTITUENTS.

22 BUT I THINK YOU HAVE TO KEEP WORKING ON YOUR  
23 REPRESENTATIVES AND YOU HAVE TO KEEP AN EFFORT AND A  
24 VISABILITY GOING FOR THE NEXT THREE MONTHS.

25 THE MAIN WAY WE HAVE OF TURNING THIS THING

1 AROUND IS NOT LEGISLATIVE, ALTHOUGH WE DO INTEND TO PURSUE  
2 THE SUGGESTION OF A RESOLUTION TO CONGRESS AND TO THE  
3 GOVERNOR FROM THE LEGISLATURE; BUT THE MAIN WAY IS TO  
4 CHANGE THE GOVERNOR AND TO ALERT THE GOVERNOR THAT THERE  
5 IS AN ISSUE THAT HE'D BETTER DEAL WITH. OTHERWISE, IT  
6 WILL BECOME A VERY NEGATIVE THING FOR HIM.

7 SENATOR MC CORQUODALE: SO TELL YOUR REPRESENTEN-  
8 TATIVES THAT THERE WILL BE A RESOLUTION AND YOU HOPE THAT  
9 THEY WILL BE CO-AUTHORS ON THAT RESOLUTION.

10 UNIDENTIFIED SPEAKER: (INAUDIBLE)

11 SENATOR MC CORQUODALE: SENATOR KEEN HAS BEEN VERY  
12 SUPPORTIVE OF THIS AND HELPED TO EXPEDITE THE SUBPOENAS  
13 THROUGH THE RULES COMMITTEE. BUT LET HIM KNOW THAT YOU  
14 WERE HERE AND YOU STILL HAVE AN INTEREST.

15 OKAY. THANK YOU. WE APPRECIATE YOUR BEING  
16 HERE TODAY.

17 (HEARING ADJOURNED AT 5:00 P.M.)  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

I, BILLIE HANSON, CSR NO.4986, A  
NOTARY PUBLIC IN AND FOR THE COUNTY OF ORANGE AND  
THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT OF PROCEEDINGS WAS  
TAKEN BEFORE ME ON TUESDAY, MAY 31, 1988,  
AT THE TIME AND PLACE THEREIN SET FORTH, AND WAS TAKEN DOWN BY  
ME IN SHORTHAND, AND THEREAFTER TRANSCRIBED INTO TYPEWRITING  
UNDER MY DIRECTION AND SUPERVISION;

AND I HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT  
OF PROCEEDINGS IS A FULL, TRUE AND CORRECT TRANSCRIPT OF MY  
SHORTHAND NOTES SO TAKEN.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR  
RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE INTERESTED  
IN THE OUTCOME THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY  
NAME AND AFFIXED MY SEAL THIS 29TH DAY OF JUNE,

1988.

*Billie Hanson Dargending*

NOTARY PUBLIC IN AND FOR  
THE STATE OF CALIFORNIA  
AND THE COUNTY OF ORANGE

