



**STATE OF NEW MEXICO
COMMISSION FOR DEAF AND HARD OF HEARING PERSONS**

Wednesday, September 18, 2013

Hilton Garden Inn Uptown

6510 Americas Parkway

Albuquerque, NM 87110

4:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Chairman Mark Apodaca called the meeting to order at 4:01 p.m.

Present: Mark Apodaca, Chair Austin Welborn
 John Johnson Dr. Ron Stern
 Deb Hambel James DeBee

Absent: Luis Quinonez

Ten staff members from NMCDHH were present: Interim Director Lisa Dignan, Sam Martinez, Shannon Smith, Jason Siergey, Corina Gutierrez, Nathan Gomme, Deborah Romero, Cheryl Padilla, Lori Neubauer, Joyce Croker, and Roger Robb. Five interpreters were present: Rhiannon Sykes-Chavez, Julayne Feilbach, Risa Roybal, Shaundra Sanders and Monica Sower. Forty-three members of the community were in the audience.

Chair Apodaca began the meeting by clarifying the ground rules. For public comment, he stated that the speakers and audience needed to adhere to the following guidelines: Each person would have three minutes to make their comment. If there are a number of speakers with the same comment, then one speaker should be chosen for that subject. Speakers must be recognized, then go to the podium for their comment. While a person is making their comment, the audience is not to interrupt. No finger pointing or retaliatory comments; the audience should listen and take into consideration what is being said.

Chair Apodaca also stated that at this board meeting there is a long list of action items, and there should be no discussion until the motion is made and seconded. Some board members may feel that an item is a conflict of interest and may decide not to vote, and that decision should be respected.

II. APPROVAL OF AGENDA

Chair Apodaca asked for approval of the agenda.

14.1

Commissioner Ron Stern made a motion to approve the agenda.
Commissioner James DeBee seconded.
Motion passed.

III. PUBLIC COMMENTS

Chair Apodaca recognized Mr. Dom Bonura for his public comment. First, Mr. Bonura wished to commend the board for the list of action items that needed to be taken care of for a long time. Mr. Bonura then asked if Chair Apodaca received the letter from Mrs. Bonura. Chair Apodaca said he had. Mr. Bonura explained the letter was about the inappropriate and ineffective communication access services his wife experienced at the doctor's office.

Mr. Randy Gonzales, a Federal Government Employee with the Forest Service had a comment regarding interpreter licensure. The federal law states an interpreter should be qualified which doesn't mean licensed. Having the same consistent interpreter assures effective communication in the workplace. He felt that licensure should be revisited and changes should be made.

Mr. Arden Coulston said that the service for Deaf people here in New Mexico was nowhere near the service for Deaf people in the East, including interpreters, service providers and agencies. He told the interpreters that they shouldn't need a co-interpreter to support another interpreter to see what a Deaf person is signing, and that licensure doesn't reflect skill. He felt that Deaf people in New Mexico who are looking for services and assistance from agencies only get talk and it is very frustrating.

Mr. Chris Kemp stated he went to a meeting in Santa Fe where COPD and other service agencies were represented. It appeared that there was no teamwork or collaboration there, and in case of an emergency, it seemed as though Deaf people were not getting the services they needed. Mr. Kemp said that there needs to be more collaboration among the agencies and would like to see this under investigation.

Ms. Pamela June introduced herself as the executive director of Horizons, which is a non-profit agency that provides employment opportunities to individuals with disabilities. Ms. June stated she was an individual with multiple disabilities herself and would like to welcome any who are interested in becoming Horizons members. She had her business cards available for contact information.

Mr. Rex Burton spoke about his experience at DVR, where he was told after 5 meetings with DVR that he made too much to get services. He would like CDHH to explore these findings. He would like to go back to school or work and he cannot because of this hurdle.

Mr. Steve Frazier introduced himself as the New Mexico Coordinator for the Hearing Loss Association of America, which has three NM associations in Albuquerque, Santa Fe and Las Cruces. He applauded Shannon Smith for organizing and putting on the Conference on Hearing Loss, the most recent one was exemplary and had a balance of Hard of Hearing and Deaf Issues. Mr. Frazier had heard that there are people who would like to see two conferences, one for Deaf and another for Hard of Hearing. Mr. Frazier said this would be a tremendous burden on the commission staff, advertisers and exhibitors to try to do two conferences. He wanted to encourage the CDHH to keep the Conference on Hearing Loss going and keeping it as a single conference.

Mr. Frazier also wanted to comment on the appointment of the new Executive Director. He stated that the board mostly represents the Deaf Community as there is only one person on the Board

who is Hard-of-Hearing. The Hard-of-Hearing Community was not involved or invited to participate in any way in the selection of the last Executive Director, who did not have a background that was necessary in dealing with hard-of-hearing issues. Therefore he asked the Commission to invite some participation from someone in the Hard-of-Hearing Community as they continue their search.

Ms. Christine "CB" Buchholz was speaking as a member of the Deaf Community and a former Commissioner, and wanted to warn the audience, staff, and board that there was a specific organization trying to take control of everything in the state including the CDHH. Furthermore, there has been a lot of bullying, oppression, manipulation, and unfortunately a lot of confidential leakage of sensitive information regarding the board that is not public information.

Ms. Buchholz commented on the complaints about interpreter licensure. She stated that she was there when they went through the whole process to get licensure enacted. They had gone through the legislature and then Regulation & Licensing to finalize everything. The whole point of licensure was to prevent fraud and abuse.

After Public Comments, Chair Apodaca announced that all comments would be taken into consideration.

IV. EXECUTIVE DIRECTOR REPORT

Lisa Dignan began her report by stating that it was now the 13th week since she has been in the role of Interim Executive Director and the staff of CDHH has faced many challenges together. There was a lot of damage control that had to be taken care of, but in that time there have been significant changes and improvements and Ms. Dignan was very proud of the staff. Consumers of Commission services have not seen a break in service and it was commendable that CDHH didn't stop when the Executive Director resigned. Ms. Dignan mentioned that CDHH staff will be more involved in board meetings and it is exciting to have them participating. Ms. Dignan also wanted to thank the management team who have been working hard and have demonstrated incredible integrity in spite of some of the challenges that they have faced.

Interim Director Dignan also made the following announcements and comments regarding changes, services and accomplishments:

In the future, the board report would be much smaller, and would simply highlight the accomplishments of each department.

A few state agencies had representatives in attendance. CDHH works closely with the Attorney General's office, State Purchasing, the Department of Finance and Administration (DFA), and DVR. Without these state partners, it would be difficult to accomplish the tasks CDHH needs to do. Ms. Dignan requested that the board consider changing the time of the board meetings to coincide with the state government business hours to make it possible for the individuals representing these state agencies to attend.

CDHH has recently created an email announcement system. Over 70 people have already signed up for the email system. Sign up is on the front page of the CDHH website. CDHH will send out regular updates through that system. The goal is not to spam people or fill up their inboxes, but to share information quickly and efficiently.

In response to the community, quarterly reports are posted on the website as are commission meeting minutes.

CDHH staff recently finished an all-day ethics training. The staff learned a great deal about their responsibilities as state agency employees.

CDHH staff also discussed the budget, the process of how the budget was determined, statutory mandates and performance measures. The staff now have a much better understanding of the overall work we do and what are limitations are.

The Commission has completed the MOU with DVR, which was emailed to the Board Members. CDHH staff are very happy with the document and feel it will move us forward with their partnership with DVR.

CDHH is in preparation for the FY13 audit and for the FY13 Annual Report. Both the audit information and the report will be shared with the commissioners when completed. This will need to be done before the budget hearing in late October.

Currently CDHH is in FY14 and Interim Director Dignan gave a handout for the commissioners to give them a better view of what the FY14 Budget looks like. CDHH is in preparation now for FY15, and there was a budget meeting that morning with two analysts from the DFA and Legislative Finance Committee (LFC). CDHH Budget Analyst Deborah Romero submitted all the information on time, and our Commission was asked to make a flat budget request which means no additional funds and no additional positions can be requested. The budget hearing will be October 24th. Anyone wishing to attend is welcome to do so.

Ms. Dignan recently met with Ralph Vigil, the Acting Director for DVR, to discuss a reduction in transfer monies from CDHH to DVR. It is critical that the two agencies work together; otherwise the request to the legislature will be rejected.

Another agency-level project, the Deaf Culture Center (DCC) Capital Outlay Project has been stalled and needs to be discussed. Ms. Dignan has been working with the CDHH's representative from the Attorney General's Office, Sally Malave, who was in the audience. They will get information to the Board as it should have been all along. Working together, they will rectify that situation, and if time permits, Ms. Malave will speak regarding that during the New Business.

The Public Policy and Advocacy Department worked to create a MOU with the job coaches at COPD to work in tandem with employers on their responsibilities to provide communication access. Public Policy and Advocacy are also doing a workshop with the SSP's that work for COPD's Deaf-Blind Program regarding professionalism and confidentiality. Public Policy and Advocacy Director Nathan Gomme has worked with COPD out of their contract funds to purchase iPads for each of the SSP's so they can more effectively keep in contact with each other, the office, and their consumers, which has been extremely effective

Service Coordinator Cheryl Padilla is working with the Sunport to set up video phone access, and then she will work with the Railrunner to get visual alerts for the train stops.

Service Coordinator Corina Gutierrez will be providing youth leadership training in Connecticut based on the deaf advocacy training she's done here.

Public Policy and Advocacy have been working with the Metropolitan Detention Center to make sure inmates have communication access.

In the Telecommunication and Technical Assistance Department, the iPad project is up and running. The first of its kind in the country, the project is being looked at by other states and another country. Of the 50 applications received so far, 45 are from Deaf individuals. The Telephone Equipment Distribution Program (TEDP) has now served more Deaf in the last month than in the last six years; evidence that it was a much needed project. TEDP has served the Hard of Hearing Community very well with amplified phones over the years, but really nothing for the Deaf Community. This is a huge step in the right direction.

The National Association of State Relay Administration (NASRA) and the Telephone Equipment Distribution Program Association (TEDPA) national conferences will be held in Albuquerque next week. Shannon Smith and her staff have been involved in that and it is a wonderful opportunity to showcase New Mexico.

Sam Martinez, CDHH's Outreach Coordinator has been working on Native American lands and is having a very successful outreach there.

Roger Robb, CDHH's Training Coordinator has been busy doing presentations throughout the state.

Ms. Dignan's Communication Access and Development Department has seven mentor-mentee pairs in New Mexico Mentoring, plus 8 rural mentees and five other mentees in four different programs provided through contractors. A collaborative project with NMRID is working on interpreter development and the New Mexico Interpreters' Conference will take place near the end of the month in Albuquerque.

CDHH advertised for the vacant Service Coordinator Position and the two candidates deemed qualified had to decline the interview opportunity. That position will be reposted.

Another handout for the board was a summary of information related to the budget. The front of the handout shows the total legislative budget allocation for CDHH is \$3.7 million. After deducting the transfers made to other agencies, salary, benefits, and other costs the agency doesn't control such as rent and workman's compensation, there is only \$166,000 for discretionary spending. Ms. Dignan wanted to make it clear that CDHH does not have tons of money, but still doing an amazing job to provide a high-level of services with a budget that has been cut. Also on the handout was longitudinal data indicating what the budget has been from 2007-2014 and almost every year it has been reduced. Below that on the handout is the data for the Telecommunication Access Fund revenue which is generated from both landline and wireless telephone bills. Misinformation was previously provided to the Board saying that we don't collect on wireless. The only thing CDHH does not collect on is Voice-over IP, which is a growing market. The revenue from the Telecommunication Access Fund has dropped every year and continues to do so causing much concern.

The FY13 Performance Measures, also on the handout, are low in some areas and way above in other areas. CDHH is aware of where improvement is needed and some issues have been already resolved.

Commissioner DeBee asked Ms. Dignan if the Commission was in compliance with the State Use Act and she responded affirmatively.

V. ACTION ITEMS

a. Approval of Minutes

14.2

Commissioner James DeBee made a motion to accept the minutes of 07/17/13 as written
Commissioner Hambel seconded.
Motion passed.

b. Open Meetings Resolution

Chair Apodaca explained that the Attorney General's office sent him the Open Meetings Resolution to vote and approve. It is the rule changes that Boards need to comply with. An

example is that the Board used to have 24 hours to make changes to the agenda, and now all changes must be made 72 hours prior to the meeting.

14.3

Commissioner Ron Stern made a motion to accept the Open Meetings Resolution. Commissioner Austin Welborn seconded. After brief discussion, the motion passed.

c. Ad Hoc Committee - DVR

After the last Board Meeting, Chair Apodaca said it was discussed to set up an ad hoc committee for DVR for informational purposes. However the Attorney General's office said there needs to be Board approval first. Chair Apodaca asked for a motion.

14.4a

Commissioner James DeBee made a motion to set up an ad hoc committee for information-gathering that would end in December. Commissioner John Johnson seconded the motion. Discussion followed.

Commissioner DeBee explained the reason for the ad hoc committee was to investigate a number of complaints regarding DVR. He stated he would like to set up the committee to gather information as to what can be done to improve services for the Deaf and Hard of Hearing communities. Commissioner Stern expressed concern that there was already an MOU in place between CDHH and DVR. He agreed that services need to get better, but wasn't sure an ad hoc committee would be necessary. Dr. Stern suggested that perhaps an amendment should be made to that motion, because they also should involve the new Executive Director. Mr. DeBee stated that this was about the citizens and their viewpoint and the ad hoc committee needed to be formed. He mentioned a bright Deaf student that was turned down to go to Gallaudet and Rex Burton who had made a public comment about his experience with DVR. Mr. DeBee added that an ad hoc committee should take care of it, not the Board. Commissioner Johnson agreed that an ad hoc committee would be a move in the right direction after hearing some of the complaints and comments, and would be a step in bringing back trust to the CDHH.

Sally Malave, from the Attorney General's Office and counsel for CDHH, clarified that the Commission can appoint an ad hoc committee for any number of reasons including gathering data and reporting to the Commission. The ad hoc committee cannot operate independently from the Commission nor act on behalf of the Commission. The ad hoc committee's only authority would be to report back to the Commission and it is only the Commission that can take action. The committee that is appointed may consist of a mix of commission members and members of the community, and they must clearly understand what kind of information gathering they would be doing.

Acting Director for DVR, Ralph Vigil, commented that he, too, questioned the purpose or intent in this committee. He mentioned that there has been a lot of misinformation circulating with regards to what DVR can or cannot do. And he had not been involved in any sort of dialogue. He did commend Interim Director Dignan for working with him to reduce the amount of transfer, and they had come up with creative solutions for funds. Also, there is an order of selection, but at this time there is no waiting list and that will be true for the remainder of this fiscal year. Mr. Vigil expressed that he would like to work on these solutions collaboratively.

14.4b

Commissioner Ron Stern wished to make an amendment to the motion that the ad hoc committee be made up of a representative from DVR, a member of the Hard of Hearing community, a member of the Deaf community, and a staff person from CDHH, and to terminate in June rather than December.

Chair Apodaca called for a second to the amendment. There was no second.

Chair Apodaca declared the amendment dead and to go back to the initial motion.

Commissioner DeBee stated that they wanted the Deaf and Hard of Hearing citizens to be heard. He wished to formally announce that they would gather information, have people come together and write down their concerns, and provide a summary to the Commission Board. Mr. DeBee said he wanted it to conclude in December before the legislative session starts in February.

Dr. Stern felt that the December deadline was unrealistic, the ad hoc group should be more balanced, and that it was crucial to have the next Executive Director involved in some way.

Commissioner Deb Hambel, speaking in behalf of DVR, concurred with Acting Director Vigil. If the ad hoc committee was to be effective, it would seem fair for DVR to be aware of what the concerns are, what the topic matters will be, etc.

Making it clear that he was stepping out of this role as Commissioner, Austin Welborn made strong statements that the method of going about this ad hoc committee was wrong and he could not support it.

14.4c

Chair Apodaca called for a vote to table the motion.

2 commissioners voted for the motion

2 commissioners were opposed.

Chair Apodaca voted to table it to break the tie.

Motion tabled.

d. Hearing Loss Conference

Chair Apodaca asked for a motion regarding the Conference on Hearing Loss.

14.5a

Commissioner DeBee made a motion to discontinue the Conference on Hearing Loss.

There was no second.

This issue was revisited due to Sally Malave's suggestion that a brief presentation be made by the staff or commission member who is initiating the action. This would give the other members and the audience an idea of what the item on the agenda is about. Commissioner DeBee explained that he felt the biannual conference put on by CDHH was too segregated. He would like to see one collaborative conference where there is education for the Deaf and Hard of Hearing on things they have in common like hearing aids. This would be a way to work in tandem to bring communities together and to have more numbers to go to the Legislature to address issues. He also suggested that members of the community be empowered to do part of the work, not just CDHH staff.

Commissioner Stern wanted to know if a plan was already in process for the Conference on Hearing Loss. Interim Director Dignan clarified that the staff had no intention of doing another conference until 2015, due to the number of conferences going on in Albuquerque this year and next year. CDHH wanted a work group be assembled to discuss any future conferences, and to bring in the stakeholders to come to the table and determine what would be appropriate to include in the conference. Ms. Dignan stated that the conference planning would need to start 18 months out and should involve the next Executive Director.

14.5b

Commissioner DeBee made a motion that the Conference on Hearing Loss come to a halt. Commissioner Johnson seconded the motion. Discussion followed.

Commissioner Johnson liked the idea of supporting a conference with people coming together. Commissioner DeBee added that he wanted HLAA to work with them. Commissioner Welborn asked if CDHH gets a profit from this conference, and Ms. Dignan responded that the Commission does not. Mr. Welborn stated that the NMAD Conference does profit from their conference. That would need to be fixed if it is decided to collaborate together. Commissioner Stern stated that he was in support of the CDHH Conference on Hearing Loss. With inviting stakeholders 18 months into the process it will be more of an inclusive process and better for New Mexicans.

14.5c

Board voted on motion that the Conference on Hearing Loss come to a halt. Two voted in favor. Three voted against. Motion failed.

e. Commissioner Handbook

In regards to the Commissioner Handbook, Chair Apodaca asked if the Board would like to accept it as is or table the motion. Commissioner DeBee asked that it be tabled until they had an opportunity to discuss it in Executive Session. Sally Malave clarified that any discussion regarding policy may not be discussed in Executive Session, and that any decisions regarding the handbook must be done in a public meeting.

Commissioner Hambel also requested that the Chair give the board members the option to abstain. There were two situations in which she would have abstained from voting in this meeting.

14.6

Commissioner DeBee made a motion to table the Commissioner Handbook for a later meeting. Commissioner Stern seconded. Motion passed.

Agenda Items Regarding RFP's

Due to time constraints, Chair Apodaca asked if there were any time sensitive action items. Ms. Dignan responded that the TRS RFP, the RFP for Office Space and the RFP for in-house interpreter/coordinator were time consuming processes and needed approval from the commissioners to move forward.

14.7

Commissioner Deb Hambel made a motion to approve the TRS RFP.
Commissioner Stern seconded.
Motion passed.

Ms. Dignan stated our ten-year lease is up in December 2014 and the Commission was told it takes a good year to get office space.

14.8

Commissioner Stern made a motion to approve the RFP for Office Space.
Commissioner Welborn seconded.
Motion passed.

Ms. Dignan said that CDHH has contracts with in-house interpreters which are a cost savings since we would otherwise need to hire through agencies.

14.9

Commissioner Stern made a motion to approve the RFP for in-house interpreter/coordinator.
Commissioner Hambel seconded.
Motion passed.

14.10

Commissioner DeBee made a motion to table the meeting to a future date, to be determined.
Commissioner Welborn seconded.
Motion passed.

Chair Apodaca asked for a motion to adjourn.

14.11

Commissioner Hambel made a motion to adjourn.
Commissioner Johnson seconded.
Motion passed.

Meeting adjourned at 5:57 p.m.

Respectfully Submitted,



Lori G. Neubauer, Administrative Assistant



Mark Apodaca, Board Chair