

## Governor's Commission on Minority and Women's Business Enterprises

Quarterly Public Commission Meeting  
Indiana Memorial Union, 900 East 7th Street, Bloomington, IN 47405  
Monday, June 9, 2014 | 1:16 p.m.

### Meeting Minutes

#### I. Call to Order

Chairman Jamal Smith called the meeting to order Monday, June 9, 2014 at 1:16 p.m.

#### II. Roll Call

Courtney Edmonds took roll call – those members present were:

Jamal Smith Chairman	Jessica Robertson Indiana Department of Administration Commissioner	Terrie Daniel Minority and Women's Business Enterprises Deputy Commissioner	Heather Kennedy Indiana Department of Transportation Representative
Jesse Moore Northern Representative	Alfonso Vidal Southern Representative	Marcia Duncan Southern Representative	Jean Breaux Senate Representative
Robin Shackelford House Representative			

#### III. Establish quorum

Quorum was not established for the meeting.

#### IV. Adoption of Past Minutes

The December 9, 2013 and March 10, 2014 meeting minutes were not adopted as there was no quorum. The adoption of the December 9, 2013 and March 10, 2014 meeting minutes was tabled until the September 8, 2014 meeting.

#### V. Welcome Remarks and Chairman's Update

- A. Dr. James Wimbush welcomed the commission to the Indiana University Bloomington Campus for its quarterly meeting.
- B. Chairman Jamal Smith discussed appeals that have come before the commission in recent months. Brandon Clifton with IDOA provided a legal update regarding the Platt appeal. Chairman Jamal Smith updated the commission on the securing of independent and separate counsel, Attorney Noell Allen, for the Platt appeal on behalf of the commission.
- C. Chairman Jamal Smith reminded the commission that the members meet quarterly and that members are allowed to miss one of the four commission meetings annually.
- D. Chairman Jamal Smith discussed the panel hearing scheduled to address the Indiana Minority Health Coalition appeal and briefly mentioned the Indiana Disability Determination Consultants (IDDC) appeal. Additional discussion will be held with the commission when a full quorum is achieved.

#### VI. Deputy Commissioner's Report

Terrie Daniel provided the deputy commissioner's report on the Minority and Women's Business Enterprises. Terrie Daniel discussed the transition of the Pay Audit system to the Procurement division of the Indiana Department of Administration. Terrie Daniel distributed the Pay Audit System participation report to the attending commissioners.

Terrie Daniel introduced the division's new Deputy Director of Development & Compliance, Courtney Edmonds. Terrie Daniel also provided a handout for the 2015 Disparity Study and discussed the updated timeline with the RFP and answered commissioners' questions. Finally, Mrs. Daniel gave an update on the division's outreach and business development efforts and reviewed the 2014 commission meeting schedule and the upcoming workshop/conference schedule. The next commission meeting is scheduled for Sept. 8, 2014 in Fort Wayne, Indiana. Mrs. Daniel gave an update on the workshop scheduled for Indiana Black Expo that the department was hosting, "Doing Business with Municipalities Statewide" and the Northwest Indiana Business Conference, scheduled for Aug. 1 in Gary, Indiana, in conjunction with Majestic Star Casino.

Luther Taylor provided the Minority and Women's Business Enterprises certification overview. He covered a three year snap-shot of the MWBE certification and operations for the first half of 2012, 2013 and 2014. He also reviewed incoming applications from Mid States Minority Supplier Development Council, the Women's Business Enterprise Council-Great Lakes and INDOT DBE. Luther Taylor updated the commission on streamlining the certification process efforts, updating standard operating procedures and providing technology-based training options.

#### **VII. INDOT DBE Program Update**

Heather Kennedy presented the Indiana Department of Transportation DBE program update and provided the commission members a summary report handout. Her report included an overview of their certification numbers for the year so far and the progress on the Ohio River Bridges project. Her handout also included a breakdown report of the DBE commitment and awards in a three-month snapshot. Ms. Kennedy also discussed INDOT's recent and planned outreach activities and discussed data tracking.

#### **VIII. New Business**

Chairman Smith announced that three new commission members have been approved and that their information can be released soon.

#### **IX. Public Comments**

- A. Mr. Matt Price, Attorney for Platt Construction, presented comments related to the Platt Construction case.

"Platt Construction is one of the largest minority-owned business enterprises in the State of Wisconsin and has been certified there for over 30 years. And I don't want to belabor the points that have been made through countless pleadings before the Division and through the Superior Court in Marion County, but our position, just to make sure that it's noted in the record today, as we've noted it all along, is that Mr. Platt meets all of the qualifications for certification; that he was wrongfully denied certification. And we had requested that this matter be remanded to the ALJ who originally heard the case, to redetermine the case in accordance with the Court's order and the record that was made at the time that our appeal was initially heard. I, in talking with Mr. Clifton just intermittently during this meeting, think we're going to both try to put our thinking caps on, if you will, and see if there's a way that the parties might be able to stipulate or agree to go back to the ALJ without necessarily the Commission's vote on that issue, just as a way of expediting matters. And so, that's something we're going to look at. I don't think either one of us is necessarily convinced we can do that, but it's worth, I think, looking at, just to kind of keep the case moving along. So, that's kind of where things stand.

I do want to say, while we're disappointed that there's not a quorum, I can say that I feel like throughout the process that the Commission has afforded us various opportunities to be heard, to present our case, and I know my client and I are both very appreciative of that, and we're looking forward to continuing to work with the Commission and hopefully the Division as things move forward. This is, it's

noted that it was somewhat unusual to see this number of pending appeals, and I can't explain the other cases that you may have on your docket, but there's no question that the Platt case is a very unique case. It has presented novel issues that we've all struggled with, and we believe that notwithstanding those issues, that certification is warranted.

Obviously, the Division has so far disagreed with that notion, and we are hopeful that we'll continue to work through these issues and get things worked out correctly. I'll make one last note, because Mr. Platt would want me to say something about this, and given the notion or the issue raised about cost, I can assure you that Mr. Platt knows all about cost, because from his perspective, he's not trying to cause anyone trouble, he's simply vindicating what he believes his rights are, and he's spent a lot of money doing that, money that he doesn't have, money that he would otherwise like to spend in growing his business, a business that has historically mentored other minority-owned businesses and, I think, been a credit to these programs in the Midwest and across the country.

And so, we'll just keep at it. We're going to keep working on this issue. I'll report back to Mr. Platt that we're going to try to explore the joint agreement to go back to the ALJ, and short of that, I guess we'll look forward to perhaps seeing you all in Fort Wayne in September."

- B. Maura Clark, President of Maura B. Clark Consulting, Inc. and subcontractor for IDDC presented comments related to the IDDC case.

"Hello. My name is Maura Clark, and I am a psychologist, and I am also the President of Maura B. Clark Consulting, Incorporated. I am actually a subcontractor for IDDC that there was a discussion about earlier, and I think maybe my understanding of the conversation that you guys had is a little bit different than my understanding of my own personal opinion. I do not believe IDDC has ever been certified as an MWBE; however, some of the subcontractors have been certified, and I am one of the subcontractors who was certified, who did receive notice that my certification was being challenged and is being revoked. I know you discussed this a little bit, but I had a hard time hearing, to be quite frank, and I'm not a hundred percent sure on how the appeal process goes from here.

My understanding is that the concern about whether I should be certified or not has to do with an affiliation issue with IDDC, and I've tried to get some clarification. I offered at the last quarterly meeting to have a phone call with Ms. Daniels to try to understand that a little bit better, and I don't feel like I got clarification, but to the best I can make out it's because my only contract is with IDDC is where the concern is. I have chosen to only work one contract. That contract keeps me busy about 25 to 30 hours a week, and I've got two children at home who I enjoy being able to go to their school parties and be involved with their after-school activities, and I'm fortunate enough that, as a psychologist, having this contract with IDDC, who has the RFP with the state, that I have the flexibility to do that. So, obviously if that certification continues to have problems, that's obviously a concern to me. However, at the same time, one of the benefits of being a psychologist is I'm employable in lots of different areas. So, in terms of the concern that if I weren't able to work for IDDC whether my corporation would be able to continue, I have no doubt that I would be able to find employment in other avenues. And prior to forming my own company, I actually was employed in the counseling centers at Indiana State and at Butler University, so I was an employee. There was no reason for me to have my own corporation. It was when I started having my kiddos that I decided to slow down my pace a little bit and start my own company to give me this flexibility."

- C. Dr. Joelle Larsen, President of IDDC presented comments related to the IDDC case.

"Hello. My name is Dr. Joelle Larsen. I'm a clinical psychologist, and I'm the President of IDDC. I just wanted to just give a little bit more information. As you said, you've not discussed it, and I totally understand that. Just a little bit of background information. We have been working with an attorney, actually for over two years, to make sure we're transparent with the state. We very much appreciate the contract that we have with the state, and we think we serve the citizens of Indiana very well. There's just a combination of 14 psychologists that do all of the disability determinations for the State of Indiana for mental health claims. Seven of those psychologists are subcontractors, and six of those are W or MBE certified, except for the three that were revoked. We have been working with Tim Grogg, who is not present here, but your counterpart, and our attorney met with Felecia Roseburgh, the prior Deputy Commissioner, and Ms. Daniels to talk about these issues and work them through, so we're hoping that this will continue and levels of communication will continue despite the fact that we had three subcontractors revoked, and that with this new panel that's going to be developed, we're hoping to continue on and work through this process. So, thank you very much."

**X. Adjourn**

Chairman Jamal Smith adjourned the June 9, 2014 meeting at 2:48 p.m.