



EASTERN LOS ANGELES REGIONAL CENTER
1000 S. Fremont Ave. • P.O. Box 7916 • Alhambra, CA 91802-7916
(626) 299-4700 • FAX (626) 281-0730

**ELARC Board of Directors
Meeting Minutes
January 14, 2020
Approved February 11, 2020**

Board Members Present:

Tony Borrego, President
Richard Helgeson, Vice-Chair
Joe Utar, Secretary
Yougeng Sun
Nestor Nieves
Lida Chavez
Devora Reed
Virgilio Orlina, CAC Representative
Bryan Chacon, VAC Representative

Staff Present:

Gloria Wong, Executive Director
Felipe Hernandez, Chief of Consumer Svcs.
Edith Hernandez, Associate Chief of
Consumer Services
Carmen Vasquez, Manager, Early Start
Noriko Ikoma, Supervisor, Early Start
Rosalie Estrada, Executive Assistant

Absent:

Anthony De La Rosa (excused)
Diane Lasell (excused)

Guests:

Refer to Sign-In Sheet

I Welcome & Roll Call

The meeting was called to order at 6:06 P.M. by Tony Borrego, Board President. A quorum was established in order to conduct necessary business. Mr. Borrego wished all a Happy New Year!

II Board & Community Introductions/Opening Round:

The Board and audience introduced themselves.

III. Community Input (3 minutes)

Ms. Jodi Chen, parent, addressed the Board regarding a purchase of services reimbursement which is pending. She stated it has been two months since her 2019 payment request that she submitted to her service coordinator. Ms. Chen stated she is now vendored but there has been no information as to when she can expect to be reimbursed. She expressed her concern and disappointment to the Board and Ms. Wong and requested the matter be reviewed and receive immediate attention. Ms. Chen stressed the importance of processing reimbursements on a timely manner and how such delays can negatively affect a consumer who has no family support to arrange for services and to front the related costs until reimbursement is processed by the regional center.

Ms. Chen offered further background by stating that in September 2019 she was asked to pay the initial \$1,500 per month rate for customized employment services for her son until her vendorization was finalized. She agreed to fund cost for services on the condition that payment would be processed within 30 days so she could use that payment for subsequent months of service for her son. Ms. Chen expressed frustration in what she stated has become a four month delay and non-responses from staff to her inquiries.

Ms. Wong inquired if Ms. Chen had reached out to the service coordinators' direct supervisor for intervention and resolution. Ms. Chen responded that she discontinued communication because the reimbursement was not processed within the initial 30 days as she requested.

Felipe Hernandez will look into the matter and will get back to Ms. Chen.

Ms. Chala Jitpatima, parent, wished the board a Happy New Year. Ms. Jitpatima indicated her son turned 26 years old last week, she invited him to this evening's board meeting and he said no because it is "too boring". She stated her son, Charles has autism and other health complications one of which she indicates is similar to cerebral palsy which affects his heart. At this time she is very concerned about his health as he is not expected to live long. She stated every day she celebrates his life. She also reported she is experiencing personal health issues.

Ms. Jitpatima indicated she attended a round table meeting with DDS. She reported DDS asked what does regional center do well and not well. She responded the Executive Director follows the rules and regulations and is able to explain what the implications of new regulations means to consumers and their families. She indicated she invited them to come to ELARC board meetings more often.

Ms. Jitpatima asked if the IPP format was going to be changed to reflect Person Centered Practices (PCP). Mr. Hernandez indicated most coordinators have been trained on PCP, that actual experience and approach may vary from service coordinator to service coordinator. Training is focusing on more uniformity on the application of principles of PCP. Ms. Jitpatima stated she realizes ELARC does not have the funding to promote person centered thinking.

Ms. Jitpatima stated she is very happy right now and would like to see the regional center continue to do their best to improve the quality of services.

Nestor Nieves, board member, asked if there are agencies that can assist parents with Self-Determination and the planning process. Mr. Hernandez responded there are independent facilitators who can help parents develop their plans for a fee. Edith Hernandez indicated there is a list of facilitators in the Family Resource Center. She also reported that ELARC does provide Person Centered Planning (PCP) Training for staff, Liz Rogers, Autism Specialist, coordinates PCP training. Israel Ibanez stated that as a provider they are required to have "Stakeholder" meetings with family members which are scheduled monthly. Once everyone is

trained meetings will be scheduled quarterly. Israel stated his agency is doing training so that they can become trainers. In March of 2021 all vendors must be trained in Person Centered Thinking.

Mary Hosokawa, parent, questioned why ELARC has only one Person Centered Certified Specialist when other regional centers have many more such positions. She would like to see a cadre of specialists who could be trained and certified by Liz Rodgers. Approximately 15 service coordinators will be attending "The Gathering", an upcoming training at Tri County Regional Center.

Mr. Hernandez reported Karen Siberian, employee, is currently in the process of also being trained as a Person Centered Thinking specialist. He added that Liz Rodgers has been receiving training on Person Centered Thinking for well over 15 years as funded by ELARC. Mr. Hernandez added Liz Rodgers carries a very small caseload as the agency's "Autism Specialist". Her primary duties are to conduct Person Centered Thinking and offer training to staff and community members. Liz Rodgers will also be training Karen Siberian, Disparity Specialist.

Israel Ibanez stated he attended the November 12th Board Meeting where the results of the Early Start Audit were presented. He expressed concern over the high expectations of meeting standards at 100%. As a provider he feels that we should not be walking on egg shells as providers face the same challenges. He questioned what DDS is doing to adequately fund the regional center system.

Ms. Wong responded by stating that the upcoming budget process will require sustained involvement by the service provider community and family/consumers in order to restore critical funding that has been reduced over previous years due to of budget shortfalls. Ms. Wong encouraged Mr. Ibanez to become actively engaged in the budget process which is currently underway for Fiscal Year 2020-'21.

Ms. Hosokawa, parent, reported her sons received a letter from ELARC dated November 20, 2019 regarding a data breach. She expressed concern over the incident and the content of the correspondence. She would like to know who was impacted by this incident and the number of consumers who had their data breached. She also asked if it affected vendors, and whether they were notified. Overall Ms. Hosokawa wanted to know the agency's follow-up practices for such an incident.

Felipe Hernandez, Chief of Consumer Services, and Edith Hernandez, Associate Chief of Consumer Services, will follow-up on this issue.

IV. Approval of Board of Directors Meeting Minutes of November 12, 2019

M/S/C (Virgil Orlina/Lida Chavez) To approve the BOD Meeting Minutes of November 12, 2019 as recorded. Unanimous.

V. Executive Director's Report

Ms. Wong thanked Felipe Hernandez for covering the November Board Meeting while she was out on medical leave. She extended her appreciation to all staff that assisted in covering projects in her absence. She wished all a very Happy New Year.

A. Medi-Cal Provider Enrollment: Regional Center

Ms. Wong provided background information on the Medi-Cal Provider Enrollment. Correspondence from the Department of Developmental Services (DDS) was received in early December that all regional centers would need to become a Medi-Cal provider. All regional centers were required to complete lengthy application which was due to DDS January 13, 2020.

Ms. Wong reported that back in 2016 we were advised by DDS that the Centers for Medicare and Medicaid Services viewed the regional centers as a direct service provider of Medi-Cal services. DDS disputed this position but unfortunately their argument did not prevail. CMS position is that "service coordination" is a direct service to consumers and as such regional centers must become Medi-Cal providers. Approximately 40% of regional centers budget is federally funded and to not comply would jeopardize this substantial level of funding, which serves to fund direct services to consumers under Purchase of Services (POS).

ELARC submitted its application on January 9, 2020 well in advance of the January 13th deadline. There was a subsequent follow-up call from DDS to review some responses which were quickly resolved.

Ms. Wong thanked the Board of Directors for being so accommodating and providing the necessary confidential information required as part of the application process..

Ms. Wong shared that the application does not have to be completed annually but rather every five years when the federal contract with DDS is renewed.

As part of the Board Meeting packet the following material was shared and reviewed: DDS Notification, Instructions for the Completion of Medi-Cal Provider Application, the Medi-Cal Disclosure Statement and the Medi-Cal Provider Agreement. In order to protect confidential information DDS is assigning one single staff to handle the application and submit to the Department of Health Services for final processing and submittal to CMS..

Ms. Wong stated that as new board members are recruited to fill vacancies they will be advised of this new requirement.

B. Budget Update

1. Fiscal Year 2019-20

✓ PEP (Purchase of Services Expense Report)

Ms. Wong reported a \$7,659,876 deficit in Purchase of Services. The report reflects the A-3 allocation which was received last week. The A-4 allocation should be received prior to the February meeting. DDS and the Legislature has expressed concern over the substantial statewide growth expenditure trends on the Purchase of Services budget.

Also shared with the Board was a graph which depicts New Purchases Comparison – FY 2013/14 to 2019/2020. Also distributed were graphs depicting ELARC’s demographics such as age, ethnicity and diagnosis.

✓ Budget Performance Report – Operations

Ms. Wong reported a projected surplus of \$1,078,406. The last two fiscal years ended in a modest surplus of approximately \$100,000. This significant surplus is largely due to a significant increase for Early Start intake case growth.

Ms. Wong illustrated the substantial increase by comparing previous fiscal years (FY):

- FY 2017-'18 1.7% overall OPS growth
- FY 2018-'19 1.2% overall OPS growth
- FY 2019-'20 6.4% overall OPS growth to date

Ms. Wong reiterated that the primary increase in current fiscal year, 2019-'20, is due to a \$650,000 allocation recognizing the substantial caseload growth in Early Start. As a result the following actions have been taken:

- hiring of an additional supervisor for the unit
- 2 new service coordinator positions have been added
- 2 additional full-time administrative assistant have been added to process the substantial increase in new referrals
- a part-time (.5) assistant who speaks multiple Chinese dialects has been added to the pool to better serve this segment of the Early Start population at the intake referral stage

Among other factors increasing the OPS allocation is the funding for two specialized caseloads at 1:25 caseload ratio. The caseloads will target consumers who are in crisis and are diagnosed with a mental condition. Additionally this will include consumers who are forensically involved, are in crisis and are residing in IMD’s (Institute for Mental Disease), locked facilities. The

individuals they serve have forensic issues, and/or behavioral or mental health illness and may also have chemical dependencies. There is an emphasis on improving living options and services in the least restrictive environment for these individuals. The idea is to concentrate our efforts on these individuals by creating two smaller caseloads and to be able to spend more time and attention on their unique needs. Regional Centers were asked to identify the specific cases that fit this criteria. ELARC identified 75 cases, but were only funded for two positions for the lower caseload.

Foster Care: Edith Hernandez reported AB 2083 identified additional funds to support individuals who are in foster care with DCFS. The County as well as regional center are developing a partnership and hoping to develop a Memorandum of Understanding (MOU). This would involve the regional centers, probation, the Department of Health in a collaborative effort to better serve mutual consumers.

Ms. Hernandez reported a list was received from DCFS with 373 persons identified as regional center clients. Since these individuals move from regional center to another it is difficult to keep track of their circumstances.

✓ Contract Agreement

A copy of the A-2 amendment from DDS was shared with the board.

2. Fiscal Year 2020-'21

✓ Lanterman Coalition Budget Priorities

Ms. Wong reviewed the Lanterman Coalition's priorities for the fiscal year 2020/2021 budget.

(1) Provide a 3 year plan for implementation of the rate study recommendations.

(2) Remove rate increase suspension trigger for the rate increases approved in FY 19-20.

(3) \$400 million general Fund which would be used for:

- ✓ 1/3 of rate increases proposed in finalized rate models , holding harmless any current rates above that level.
- ✓ 3.3% rate increase to adjust for the \$1 increase to minimum wage starting January 1, 2021.
- ✓ Consistent with a recommendation in the rate study, rate augmentation to fund staff fluent in non-English languages.
- ✓ Emergency 8.2% rate increase for early intervention and independent living services.

(4) \$50 million General Fund which would be used for regional center OPS funding for caseload ratio relief.

Ms. Wong indicated the above are the primary issues that will be advanced at the upcoming budget hearings.

✓ Meeting Invitation to Secretary of Health & Human Services

Ms. Wong reported the Southern California Conference of Regional Center Directors invited Dr. Mark Ghaly, Secretary of Health and Human Services, asking to meet with the Directors of Southern California. A copy of the letter was shared with the Board. A rejection was received from Dr. Chaly indicating his calendar would not allow for his participation. The Directors are hopeful to schedule a meeting at a later date. The directors were hoping to have a one-on-one discussion to influence the priorities of the Lanterman Coalition.

3. Developmental Services Task Force: December 9, 2019 Meeting Summary

Ms. Wong indicated the release of the Governor's preliminary budget is still being analyzed. A report on the preliminary budget will be provided at the February board meeting.

As was shared previously the legislature requested that DDS conduct an in-depth analysis on certain subject matters. The legislature requested DDS to conduct an in-depth analysis on the purchase of services growth factor. Additionally, there are a total of eight workgroups. The subjects include:

- Rate Study: The workgroup will be focusing on the rate study, DDS will be part of this meeting. Legislative staff may be part of this group.
- Developmental Closures: There are very few developmental centers open, but the focus will be on how the placements to the community are going.
- HCBS Final Rule: Continue to work with service providers to make sure they will qualify and not jeopardize their Medi-Cal funding.
- Self-Determination: The SD program will open up to anyone who is interested in approximately 1 ½ years. The additional selection of participants was completed in November. There was 2,500 in the initial selection of participants. Since this program is funded by the federal government there are restrictions on what or cannot be purchased.
- Service Access & Equity: Ms. Wong reported she will be part of this workgroup. There is a lot of attention by the legislature on the issue of Purchase of Services (POS) equity among the various ethnic groups served by the system.

- DDS Headquarters Restructure: There will be discussion to ensure through the work group activities and changes by the DDS. Ms. Wong stated in FY 19/20 funded 57 new positions. Correspondence from DDS dated January 7, 2020 references the impact to ELARC in the restructuring plan. The correspondence references the team assigned to ELARC. There are four positions: Mary Hernandez will be the manager of the oversight team; Uvence Martinez, Chief, Jason Francisco, Secondary Regional Center Liaison. There are currently two vacancies, the Primary Regional Center liaison and the Regional Center Analyst.

In the audience were, Uvence Martinez, who introduced herself and indicated she has regional center background and Jason Francisco who is the secondary regional center liaison. She reported they are in the process of hiring for the two vacant positions and their role will be attending board meetings and other public meetings. They will also be part of the upcoming disparity meetings. She noted the Analyst position will be following trends and using all the information to help support ELARC. She reported she will have six regional centers under her supervision. The team is located in Costa Mesa at Fairview.

Ms. Martinez stated she is glad to be assigned to ELARC as she was born and raised in Southeast Los Angeles.

- Safety Net Services and Capacity: The goal of this committee is to allow DC residents to transition to the community and to support those with intensive support needs in the community.

Ms. Wong reported the workgroups will be convened by DDS over the next couple of months. .

4. Senate Bill (SB) 826 Report to DDS

Ms. Wong reported regional centers are required to submit the above report every November to DDS. SB 826 requires regional centers to annually report to DDS the number of staff hired with the additional funds intended to assist in reducing caseload ratios. Regional centers must provide justification for the use of these funds in the hiring of service coordinators.

Ms. Wong reiterated that the funding amount has not changed from the original allocation. Over the years the allocation purchase power has eroded as it does not account for salary increases and benefit increases over the years.

It continues to be a struggle for all the regional centers in meeting the caseload ratio requirements. Efforts continue to educate the legislature through the Association of Regional Centers (ARCA) that changes need to be made to the methodology used to allocate money for

staffing. As an example, the core staffing formula funds service coordinators at \$34,000, the regional centers must augment the difference. The actual average salary for service coordinators is \$59,000. Additionally, core staffing benefits are funded by DDS at 23% when in reality it costs ELARC 29%.

5. 2019 Board Composition Survey DDS Response

Ms. Wong reported the regional center must provide on an annual basis a report to DDS on the board composition. The board composition requirements are based on ethnicity and the population served. Letter from DDS states ELARC met the board composition requirements.

6. Self-Determination

A meeting is scheduled on January 21st in the Board Room.

Edith Hernandez, Associate Chief of Consumer Services provided an update on the Self-Determination Program. She reported the Department of Developmental Services selected additional individuals to fill the slots that were left available due to parents/consumers who opted out of Self-Determination.

Ms. Hernandez reported there is a Self-Determination Information Session scheduled for January 21, 2020 from 9:00 A.M. to 11:00 A.M. Fifteen parents have registered to attend this training. These are the new individuals selected by DDS. The service coordinators continue to recruit parents for SD.

Felipe Hernandez reported Liz Ornelas, who was heading up the Self-Determination Program, reported that of the 110 who were originally selected 76 have completed their orientation, 28 persons opted-out of the program, 3 are still interested but have not completed the orientation, 1 person has passed away, 1 went to an ICF facility (residential placement) and another individual had their case inactivated.

On November 22nd when the new selection was done, ELARC brought in 36 new participants. They have already registered and/or attended orientations. Of the 36, 22 are English-speaking, 10 are Spanish-speaking and 4 are Asian-speaking. In terms of the transition of the individuals in the pilot program, there have been some issues with persons who are purchasing services which are not HCBS qualified, they are basically segregated types of services that are against the philosophy of Self-Determination. They are having problems separating from their programs but regional center continues to look for solutions including more individualized approaches for those already within the program so that it meets HCBS and the Self-Determination requirements.

7. Purchase of Services (POS) Data Report – FY 2018-2019

The Fiscal Year 2018-2019 on Purchase of Services (POS) Data Report was shared with the Board. The report is an analysis of the various ethnic groups and how much is spent on regional center services. Ms. Wong reported within the next quarter this report will be discussed at upcoming board meetings. The public meetings have been scheduled for March 21st at the Chinese Parent Association, March 23rd with Fiesta Educativa, and on March 25th ELARC will host a meeting in Alhambra in the Board Room. Currently ELARC is working on analyzing the report, and preparing a power PowerPoint for the meetings which will be shared with the Board at the March meeting.

8. Association of Regional Center Agencies (ARCA) Statewide Board Training

The Association of Regional Center Agencies (ARCA) is hosting a board training for the 21 regional centers in Sacramento. A copy of the email/invitation was shared with the board. The training is scheduled for Saturday February 22nd. There are four board members who have registered. If anyone else is interested please contact Rosalie Estrada, Executive Secretary.

9. Lanterman Developmental Disabilities Services Act & Related Laws

A copy of the 2019 Lanterman Act was distributed to the Board.

VI Consumer Services Report: Felipe Hernandez, Chief of Consumer Services

Mr. Hernandez reported on a recent tour with two legislators in December, State Senator Susan Rubio and Assembly member Blanca Rubio (sisters), one of whom represents San Gabriel (Blanca R.) and Susan represents Alhambra. They were interested in finding out more about regional centers so they visited the Alhambra Unified School District to learn more about joint employment efforts with the regional center. We have been working together in terms of getting individuals into paid jobs through the school district. One of the places they visited was Charlie's Trio and a flower shop, Frida Pickles in San Gabriel which is operated by parents of a child with a developmental disability. A filming crew (NBC or Telemundo) was also at the flower shop. The three consumers who were working at the flower shop gave some items to the Senator and Assemblywoman to take home with them. Mr. Hernandez stated the visit went well, it was a nice visit and were well informed in terms of asking questions, both have a background in Education. They also visited a headstart program which is located here on campus and enjoyed the visit.

Felipe Hernandez reported to the Board that Edith Hernandez is now the Associate Chief of Consumer Services. She has been with ELARC many years as a consultant working primarily with Mr. Hernandez and other departments on a variety of issues. She is well versed in IT, clinical and community services. This appointment began effective December 2019.

Edith Hernandez reported she has been with the ELARC for 27 years. She began her employment as an in-home service coordinator and then moved on to a residential services coordinator, and was the first information and training specialist. She became a supervisor, took a leave and came back as a contractor. She also reported she oversees the Annual Family Program Fee, the Cost Participation Program and is very involved in the Self-Determination program, the Equity Project, and Risk Management mitigation. She also oversees the implementation of Trailer Bill Language (TBL) if there are any changes to the Lanterman Act. She works closely with the supervisors and provides training to new supervisors. She is involved in employment and the local partnership agreements. She is involved with Consumer Services, the Intake Unit and Specialized Services, and Community Services.

Mr. Hernandez indicated that with Edith's broad background experience she has is a great addition to ELARC. Ms. Hernandez will periodically provide information/presentations on different aspects of her assignments that would be of value to Board members.

Ms. Wong noted that ELARC has approximately 280 employees. Of the 280 staff 215 are under Consumer Services, it is therefore essential to have an associate position to assist Felipe Hernandez with the operation of the Consumer Services division. She stated it is a tremendous responsibility that Felipe carries and it was just essential to offer this level of relief.

VII Committee Reports

A. Consumer Advisory Committee (CAC)

Virgilio Orlina, Chair, CAC Advisory Committee reported as we begin the year 2020 the CAC continues its goal and commitment for advocacy , outreach and to encourage consumers to be more active and consistent in attending the CAC meetings and activities.

The CAC held its last meeting for 2019 on November 19th and was very well attended. The main topic was "The New Way of Voting". ELARC Information and Training Specialist, Roxy Ortiz, presented a PowerPoint entitled "Registering to Vote: A Civic Responsibility". Ms. Ortiz discussed who is eligible to register to vote in California, where to register to vote and how to vote. She also discussed the new voting system "Voting Solutions for All People" (VSAP) that will be used this coming March 2020. During the meeting, Marisol Guerrero, CAC Vice-Chair shared her experience as one of the 25-35 participants with disabilities who tested the accessibility of the new voting device at the Los Angeles County Registrar Office in Norwalk. She also showed a video of her participation in the filming of the Public Service Announcement for the new Voting Solutions. There were also representatives from the Registrar-Recorder/County Clerk Office present during the last CAC meeting where they conducted a demo on the actual Voting Solutions for All People device to the consumers on how to use it by conducting a hands on real mock voting.

Jesse Padilla, Consumer Advocate, updated the consumers on the ACCESS Services meeting he attended recently where ACCESS Services will soon come up with solutions on how to advocate and improve an overly long share rides, missed trips and no show issues.

The next CAC meeting is scheduled for January 21, 2020 from 4:00 P.M. to 6:00 P.M. at the ELARC Board room and via video conference at the Whittier office. The topic will be In-Home Services (IHSS) and the guest speaker will be Yael Hagen, Community Outreach Specialist of Personal Assistance Services Council.

B. Vendor Advisory Committee (VAC)

Bryan Chacon, VAC Chair, reported the last meeting in 2019 was held on November 21st in the Boardroom, with video conference in Whittier. There was a good attendance for the elections. There were three positions to be voted on, Chair, Vice-Chair and Secretary. Shortly before the November election meeting, there were 3 candidates for the positions, unfortunately the candidate that was nominated and accepted the Chair position was no longer with the agency and was not eligible for the Chair position. Mr. Chacon stated he entertained a motion to have a special election on February 27th for the Chair position. This will allow the current nominated Chair to finalize the employment opportunity and have also put a call out to open the nomination for any new candidates. The call for nominations will be open through February 6th. Vendors are urged to send in their nominations for Chair. The motion was passed and Bryan indicated he will continue to support the CAC as interim Chair until the elections on February 27th. The VAC chair and secretary were voted in. Lisa Peterson with Shield Health Care will be the Vice-Chair, Joe Moreno, Maxim Services will be acting secretary. They will begin their roles this month.

Madelyn Morales, Partnership Specialist for the U.S. Census spoke briefly about the importance of participating in the census, what to expect and how to participate.

Maribel Garcia, HCBS Program Evaluator leads the VAC in a training every other month and conducts a HCBS breakout. This breakout was for the 4 + 12 activity. The VAC vendors were split into multiple groups from residential services and community based services. Vendors discussed their perspectives on the HCBS final ruling and how it is changing and impacting their programs.

The next VAC meeting is scheduled for January 23rd, 2020 and the presenter will be from CRP (Crisis Response Project). There will be a presentation on mental illness and hospitalization.

C. Finance Committee Meeting

Richard Helgeson reported both he and Joe Utar met with WINDES, the independent auditors, on January 8, 2020. The auditors reported they found no material weaknesses and the financial statements had no significant deficiencies. The audit was conducted under the latest

financial accounting standards. The auditors called it an Unmodified Audit which means there were no discrepancies found.

Mr. Helgeson also reported the 990 IRS form was completed and will be filed by the auditors.

The financial audit report will be finalized and presented to the full Board at the February meeting.

VIII Miscellaneous Announcements

IX Adjournment

There being no further business to discuss the meeting was adjourned at 7:45 P.M.

M/S/C (Joe Utar/Virgilio Orlina) There being no further business to discuss the meeting was adjourned at 7:45 P.M. Unanimous.

Respectfully submitted by:

Original Signed by: Joe Utar

Joe Utar, Secretary
ELARC Board of Directors

Recorded by: Rosalie Estrada, Executive Assistant

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