

DIVISION OF CHILD CARE &
EARLY CHILDHOOD EDUCATION
EARLY CHILDHOOD EDUCATION BOARD MEETING
PROCEEDINGS HELD
MAY 28, 2021 AT 1:00 P.M.
APPEARANCES

BOARD MEMBERS PRESENT:

Mr. Charles Flynn, Chairman

Ms. Sandy Doherty

Mr. Andy Altom

Ms. Beverly Massey Foti

Mr. David Whatley

Mr. Andrew Watson

ALSO PRESENT:

Mr. Joe West, Attorney for the Board

Ms. Ebony Russ,

Placement and Residential Licensing Manager

Mr. Ezell Breadlove, Licensing Specialist

Ms. Sharra Litzsey, Licensing Specialist Supervisor

Ms. Ashelyn Abney, Assistant Director, Operations and
Program Support

Ms. Michelle Bridges-Bell, Attorney for DCCECE

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EXHIBITS

None marked by, nor provided to, the court reporter.

Tiffanie N. Harrison, CCR

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CAPTION

PROCEEDINGS in the above-styled and numbered cause on the 28th day of May, 2021, before Tiffanie N. Harrison, Arkansas Supreme Court Certified Court Reporter #757, at 1:00 p.m., via Zoom Video Communications, Arkansas, pursuant to the agreement hereinafter set forth.

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PROCEEDINGS

May 28, 2021,

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3 MS. RUSS: Good afternoon, everyone. It is
4 now 1:00 PM. I do want to be respectful of
5 your time. We do have our court reporter,
6 Tiffanie Harrison here. Tiffanie, if you have
7 any special instructions for me, please let me
8 know.

9 COURT REPORTER: (Non-verbal response in the
10 affirmative.)

11 MS. RUSS: Thank you so much for
12 participating in this special board meeting. I
13 am Ebony Russ, the program manager with the
14 Placement and Residential Licensing Unit. The
15 purpose of this meeting was to make the board
16 members aware of several serious incidents that
17 have occurred at Centers for Youth and Families
18 Elizabeth Mitchell Center.

19 With us today, we will have licensing
20 specialist, Ezell Breadlove and his supervisor,
21 Sharra Litzsey, to answer any additional
22 questions, after we hear from the Board. So I
23 do believe Mr. Andy had informed me that he is
24 currently driving, and that Charles will be
25 taking the lead today; is that correct?

1 CHAIRMAN FLYNN: That's correct.

2 MS. RUSS: Okay. So now, I will turn it
3 over to you, Mr. Flynn, and if you could ensure
4 that we do have quorum.

5 CHAIRMAN FLYNN: Yes. I was actually making
6 notes. I believe I see these members present
7 besides myself: Andrew, Andy, Beverly, Sandy,
8 and David. I believe we have six board members
9 present. Does that appear correct?

10 (No audible responses given.)

11 All right. So, I'll call to order this
12 special meeting of the Child Welfare Agency
13 Review Board.

14 MR. WEST: Mr. Chairman, this is Joe West.
15 Can I just interrupt for a second? Ebony, is
16 the recording on? Is this being recorded?

17 MS. RUSS: No, it is not being recorded, but
18 we do have the court reporter.

19 MR. WEST: Well, you need to have -- to
20 comply with FOIA, the recording needs to be
21 going.

22 MS. RUSS: Okay. Not a problem.

23 CHAIRMAN FLYNN: Thanks Joe.

24 MS. RUSS: Okay. We do have recording on.
25 Did you want me to go ahead, Mr. Flynn? I'm

1 sorry.

2 CHAIRMAN FLYNN: Yes, I can once again state
3 that we do have six board members present, and
4 we have a quorum, and we'll call to order.

5 MS. RUSS: Again, thank you for your
6 participation. I would like to introduce, Mr.
7 Ezell Breadlove. He is currently the licensing
8 specialist for Centers for Youth and Families
9 Elizabeth Mitchell Center, and he will discuss
10 the recommendation for letter of reprimand.
11 Ezell, if you can please go ahead.

12 MR. BREADLOVE: Good afternoon, everyone.
13 My name is Ezell Breadlove. I'm the licensing
14 specialist for Centers for Youth and Families.
15 Thank you guys for being here today. I'm here
16 to discuss the documents that you have before
17 you. In those documents, you will see that
18 there have been several incidents that have
19 taken place over the last four to six months.
20 In those incidents, there have been at least
21 four broken bones, and a sprained ankle as a
22 result of different restraints, or safety
23 holds, that the staff have used. We've had 12
24 elopements. We've had six attempted suicides.
25 Four peer to peer sexually acting out with one

1 another and like I said, because of those
2 incidents that we have incurred over the last
3 four to six months, they have currently been
4 placed on a corrective action plan, but we feel
5 that isn't sufficient so we wanted to actually
6 come to you guys and present to you today a
7 recommendation for a letter of reprimand.

8 MR. ALTOM: Charles, can I ask a question?

9 CHAIRMAN FLYNN: Yes, sir.

10 MR. ALTOM: I'm just curious to know...

11 (Technical failure.)

12 CHAIRMAN FLYNN: We lost him.

13 MR. BREADLOVE: Ask him can he type his
14 message.

15 MS. RUSS: I think he's traveling.

16 MR. BREADLOVE: Okay.

17 MS. RUSS: Charles, I'm sorry, I didn't
18 advise that we do have representation from
19 Centers for Youth and Families. I believe it's
20 Melissa Dawson and David Kuchinski. I'm sorry
21 if I said that name wrong.

22 MR. ALTOM: I saw the report that was sent
23 out. I would like to know -- I'll just call
24 in, and let somebody else ask a question.

25 CHAIRMAN FLYNN: We'll give Andy a chance to

1 get back. We can continue, Ebony, though if
2 anyone else has a question or a comment.

3 MS. RUSS: Ms. Dawson, I'm sorry. I think
4 you were saying something and may have been cut
5 off.

6 MS. DAWSON: (Indiscernible.)

7 MS. RUSS: I think you're on mute. We can't
8 hear you.

9 CHAIRMAN FLYNN: Ebony, while we're waiting
10 here for some stuff, can I get a little
11 feedback even from Joe on this. Because the
12 board members do have documentation, I'm
13 assuming that Centers has the same
14 documentation that you mailed us. Is it
15 necessary for us to read all of this for the
16 record, or is these details a part of the
17 record, because there's a printed edition?

18 MR. WEST: I mean, if it was given to the
19 Board, as part of the agenda and the exhibit
20 packet, if you want to just clear things up and
21 introduce it for the record, so it can be
22 attached to the court reporter's record of it
23 going forward, I mean, that would -- if that
24 would satisfy you, that would probably clear up
25 any confusion.

1 CHAIRMAN FLYNN: There's an eight-page
2 document here, and I don't want anyone to think
3 that just for the record, we have to have all
4 of this read to us again, because of the board
5 members have had this for a couple of days, and
6 have had plenty of time to read the details.
7 There may be some particular situation that we
8 need to focus on, but maybe not everything that
9 is on the paper.

10 MR. WEST: Right. And as --

11 MS. BRIDGES-BELL: Mr. Flynn -- if you don't
12 mind, Joe. I'll jump in real quick. Mr.
13 Flynn, I don't think everything needs to be
14 read into the record. We do have a person
15 that's going to present evidence that will talk
16 about everything that's been provided to, but
17 there's no intention on our part to read every
18 single thing. It will be an exhibit that will
19 just be introduced as a whole.

20 CHAIRMAN FLYNN: Thank you. That works.
21 Andy, are you there?

22 MR. ALTOM: Yeah, can you hear me better
23 now?

24 CHAIRMAN FLYNN: That sounds good. Go
25 ahead.

1 MR. ALTOM: Okay. I'm going to pull over
2 here. I have a couple questions to ask. First
3 question is -- you know, I saw some of this
4 stuff. Some of this stuff is obviously
5 concerning. Some of the stuff though, I'm not
6 sure -- I don't understand the concern. For
7 instance, the elopement, are you saying that
8 part of this is an issue, because they had an
9 elopement from a facility, where they had 12
10 individuals? Can you hear me?

11 CHAIRMAN FLYNN: Yes, Andy we heard you.
12 Ebony, who needs to answer that?

13 MS. RUSS: Ezell, did you want to respond?
14 If not, I can go ahead.

15 MR. BREADLOVE: Go ahead. You can go ahead.

16 MS. RUSS: Yes, sure. So, the concern is
17 that there was a continued issue with
18 supervision at the facility, so the amount of
19 elopements in such a short amount of time, that
20 were either directly involved with issues with
21 supervision, lack of supervision, along with
22 other issues that have occurred at that
23 facility, concerning lack of supervision
24 issues, with some suicide attempts. There had
25 been several at one point, some day after day.

1 And then compound that with the issues with the
2 broken bones, and then the peer to peer
3 sexually acting out at the facility, which also
4 is in relation to supervision concerns.

5 MR. ALTOM: Okay. So, what I heard was
6 that, along with the elopement, but the only
7 thing I saw about the elopement, was where a
8 child had pulled a fire alarm. And in any of
9 these facilities, when you pull a fire alarm,
10 that unlocks all of the doors to the facility
11 for a secured facility. So I don't know if
12 that -- I guess that was one of the concerns
13 that I had is that by the large amount of kids
14 that left because of that pull, that you're
15 saying that it was because someone didn't
16 supervise the kids to keep them from pulling
17 the alarm; is that correct?

18 MS. RUSS: No, I wouldn't say that would be
19 an accurate statement; however, there have been
20 so many elopements at that facility, in
21 particular in 2020. So, when we were doing a
22 review of the facility, those are the things
23 that we took note of. So we have a facility
24 where they have several elopements, then we
25 have several broken bones, with these restraint

1 holds, as a result. And then we're moving to
2 there are several youth who are sexually acting
3 out at the facility, that supervision was an
4 issue. That's why it occurred, because no one
5 was watching.

6 MR. ALTOM: I understand that.

7 MS. BRIDGES-BELL: I appreciate that
8 information.

9 CHAIRMAN FLYNN: Michelle, let me just pause
10 a minute. Because Andy is not doing the video,
11 I just want to make sure he knows who's
12 talking, okay? Andy, do you know who Michelle
13 is?

14 MR. ALTOM: No, I don't.

15 MS. BRIDGES-BELL: Michelle Bridges-Bell,
16 attorney for DCCECE.

17 MR. ALTOM: Okay.

18 CHAIRMAN FLYNN: I think it would help Andy
19 to know who's talking. So what were you
20 saying, Michelle?

21 MS. BRIDGES-BELL: I just wanted to
22 intervene really quickly. I apologize. I had
23 two different links, and the first one I used
24 didn't work. So my sincere apologies to the
25 Board. I got on here as quickly as I could.

1 But I would like to, I think, give a broader
2 explanation of what's been going on, and the
3 specific facilities, and Ashelyn, if you don't
4 mind jumping in, I think for my perspective
5 also, and for the Board, I think it would be
6 beneficial to hear everything that we've been
7 seeing on our side, that we felt necessary to
8 bring to the Board. Ashelyn, if you don't
9 mind.

10 MS. ABNEY: I'll be glad to do that. So
11 Andy, I appreciate what you're saying in terms
12 of just the elopement in and of itself, but
13 when we're looking at the center as a whole, we
14 look at the record, and what we're looking for
15 is anything that was not in compliance. So,
16 it's not just the elopement. If it was just
17 the elopement, and just that situation, I think
18 we would have a different conversation.
19 However, it's like Ebony was saying. As you
20 look at the record, and the information in
21 front of you, many of these things can be tied
22 to supervision. And so, it's concerning that
23 you've got the elopement, but it's also
24 additionally concerning that you've got sexual
25 activity, peer on peer activity, when you have

1 staff members that are present, and didn't
2 intervene, for instance, as an example. And
3 again, that's just one example.

4 MR. ALTOM: Okay. I would like to ask a
5 question though. I guess what I'm trying to
6 get my arms around, is when I read through the
7 stuff that was sent, it looked like when they
8 have incidents like that, they have taken
9 corrective action plans, whether to terminate
10 employees, or whatever. And I'm trying to be
11 objective here. I'm just trying to understand.
12 You're saying that their corrective action
13 plan, of terminating employees, and doing those
14 type things aren't adequate? Or are you saying
15 that even after they've done that, they still
16 continue to have problems?

17 MS. ABNEY: That's what were saying, that it
18 appears to be inadequate, because they
19 continued to have the problems. So, what we're
20 looking for, for licensing, is a maintaining of
21 compliance. Not that a situation happens and
22 they didn't correct it, but a situation is
23 happening; they correct it. Another one
24 happens; they correct it. For instance, like
25 the four broken arms, because of the restraint.

1 And so, what we need, in order for us to say
2 that this license is viable, and headed in the
3 right direction, is for there to be a
4 sustainment of the compliance there.

5 MR. ALTOM: Okay. So with a letter of
6 reprimand, what will that do? Will that put
7 them on notice, or are you saying you want to
8 put them on a provisional license basis?
9 That's what I was trying to also understand,
10 was what's the next step, other than sending
11 the letter?

12 MS. ABNEY: What we're hoping to gain Andy,
13 is an understanding between the Board, and the
14 facility, that in order for them to be a
15 healthy license in good standing, that they
16 need to maintain compliance. They need to get
17 there, and then they need to maintain it. So a
18 letter of reprimand is not seen as an action
19 against the license, and we are not at this
20 time recommending a probationary provisional on
21 their license. We're trying to gain, again, an
22 understanding of the severity that the center
23 and the facility cannot continue to operate at
24 this level, that they need to come into
25 maintain and sustain the compliance.

1 To answer your second question, if that
2 should not happen, then the licensing unit
3 would be in a position where we have to come
4 back to the Board. We would let you guys know
5 what the compliance looked like, and then we
6 would make a recommendation for there to be an
7 adverse action against the license, but that is
8 not our hope. Our hope is that doing the
9 letter of reprimand, that we will see a
10 sustainment of the compliance of the
11 regulations at the facility.

12 MR. ALTOM: Okay. The other reason I'm
13 asking this is because I've talked to our folks
14 that run facilities like this, and there's a
15 great concern that the licensing unit is in a
16 gotcha type attitude, headset, when you come
17 into these facilities. And I know I've reached
18 out to Craig and asked him, you know, how have
19 corrective action plans been received, from the
20 licensing unit? Some of the things I've heard
21 are concerning, in the since that he's asking
22 you guys, you know, what else do you want us to
23 do over certain issues, and there's not a lot
24 of feedback, other than, they're out of
25 compliance. And at some point -- you know, at

1 one time, I think the licensing unit had a
2 relationship with providers that was assisting,
3 you know, maybe giving them other ideas and
4 things like that. I'm just wondering is this
5 an education thing that we need to as a unit
6 take on, to try to understand better, or is
7 this just a -- this is just an outlier, that
8 that's not the case?

9 MS. ABNEY: Right, Andy. I would say to
10 you, that we are not in a gotcha mentality. We
11 are absolutely in a coaching mentality. We've
12 been talking about that with our staff. The
13 difference here is when we come and we cite a
14 regulation that there is an expectation by both
15 the agency and us, that we are going to see
16 compliance. And so, when you have repetitive
17 out of compliance, then that causes concern for
18 the licensing unit.

19 And so, I would just disagree respectfully,
20 that we are not adversarial at all with
21 agencies. We are in that mode of trying to
22 help make sure that things are the way they
23 should be. Because we do understand, like you
24 guys understand, the bottom line for us, and my
25 responsibility even, is to make sure that the

1 children are safe.

2 And just to speak a moment, about what
3 you're saying in terms of these types of
4 behaviors, you're right. This is a different
5 group of youth, and we know that these youth
6 have been in very traumatic situations already,
7 which many times, has like caused them to be a
8 situation where they're in a residential
9 facility in the first place. So we want to
10 make sure that we are doing everything we can,
11 in order to provide for their safety. That's
12 my responsibility. And so my responsibility
13 and my teams responsibility is to bring
14 information to you guys, as the Board, the
15 people that have the authority, and to let you
16 guys know, this is what we're seeing at a
17 facility. So I am concerned, and my team is
18 concerned at the level of compliance, based on
19 things that happened, happening most recently
20 at the center.

21 MR. WATSON: Okay. One question I have is
22 -- I understand wanting to do the letter of
23 reprimand, but do you think that that carries
24 it far enough? Because when you look at these
25 instances, I mean you're talking from -- you

1 know, what we got was from 8-10-2020, to 5-5 of
2 '21, so that's a long track record, of having
3 multiple, multiple, issues. So that's one
4 thing, you know, to point out.

5 The other thing that I want to ask is, in
6 your opinion, do you think that we need to
7 reduce the number of children that they can
8 take for a period of time, until they can get
9 their staffing issues settled? Because it
10 sounds to me like they don't have adequate
11 staff to take care of what needs to be done, to
12 ensure the safety of the children.

13 MS. ABNEY: Well, certainly the Board has
14 the authority to do any of those things, and I
15 do not. My job is to bring to you-all the
16 recommendation, and to let you know what I see.
17 I operate, and my team operates, on your
18 behalf. So, if the Board felt that that was
19 necessary, then absolutely, that is within your
20 authority to do. I can say to you, that my
21 hope, again, is that we can get to a level of
22 compliance at Centers, and that we can maintain
23 it. If that doesn't happen, after this letter
24 of reprimand, then I would -- my team would
25 come back with a different recommendation, but

1 that is the point of the letter of reprimand.
2 In that, it gives the opportunity to the
3 agency, to look at the different things that
4 are out of compliance, and to get them in
5 compliance, and then sustain the compliance.
6 So that is why we're making the recommendation
7 for the letter of reprimand at this point, as
8 opposed to anything else.

9 MR. WATSON: Okay.

10 MS. BRIDGES-BELL: And I would also add that
11 the reason that they have brought this to you,
12 is that in one of our last meetings, many Board
13 members said, "We want to know what's going on
14 with this. We want to know if there's failing
15 facilities. We want to know if there's
16 problems." And this is what we're doing, and
17 this is what they have brought to you. This is
18 the evidence that they're bringing to you,
19 based on the requirements that you wanted, in
20 your last meeting. So I think that they're
21 doing the best that they can, to bring you
22 everything that they're investigating, and
23 having substantiated findings, and we want you-
24 all to be aware of these facilities that are
25 not performing at the level that you would hope

1 them to be as board members.

2 CHAIRMAN FLYNN: Ashelyn, I want to carry on
3 a conversation with you, that I had with Ebony,
4 and this is something -- the question that I
5 had -- and then I'd like for us to kind of move
6 on to today's business. You know, Ebony
7 expressed a lot of your licensed staff do not
8 have experience in this type of facility, as
9 far as day-to-day operation, and so, what we
10 talked about, especially Andy and Beverly, with
11 their expertise, maybe doing some training.
12 Nothing to do with what we're talking about
13 today, but to have a better understanding of
14 this type of facility.

15 I've got to tell you, I've been on this
16 licensing board for 20 years, and I still can't
17 speak for what goes on at one of their
18 facilities, in a really knowledgeable way. So
19 I would love to even understand more, but I
20 think especially for a licensing unit, just
21 some really good day to day stuff.

22 The other thing that I've heard Andy
23 volunteer numerous times is for peer support,
24 and that's other agencies that do have a good
25 track record to offer support to some agencies

1 that are having problems, and help them find
2 new ways to address that. So maybe that's for
3 our June meeting. Maybe that's a little thing
4 that we can cover while we're there, because I
5 do know we need to move on with today's meeting
6 and the specifics about that. Does that make
7 sense?

8 MS. ABNEY: It does.

9 MS. DOHERTY: I'd like to say something.
10 This is Sandi. To go back to what Andy was
11 saying about limiting the number. I mean its
12 kind of like we're just going to leave them
13 with this, even though we know they've had
14 struggles with their staffing, and so that's
15 like sacrificing X number of kids, to let them
16 try. So I do think that might be something we
17 need to consider.

18 I do know some letters have been sent to
19 them, from some of the stakeholders in Pulaski
20 County, that at this time they're not going to
21 recommend them for their clients, because of
22 some of these situations that are going on.
23 And so, it might be of assistance to them too,
24 to get back in to good standing, with some of
25 the folks that they are providing services to

1 out there, to have some success instead of,
2 we're going to keep you loaded with the number
3 of children you can have, total, and good luck.
4 You know, whether you've got staff or not. I
5 think it's something to consider.

6 MR. WATSON: I don't think it's a matter of
7 good luck. I think it's a matter of just maybe
8 -- well, what I was talking about was backing
9 that ratio down a little bit, to get them more
10 success, to maybe give people more confidence
11 in them, that they could in fact do their job.
12 The bottom line is, they've got like the
13 maximum amount of kids, right now, I guess, and
14 it's not working. You know, there's been over
15 a year and a half, where there are pretty major
16 issues going on. So that's all I'm saying is,
17 is that maybe we can look at something like
18 that, that could help them to be successful.

19 MS. DOHERTY: You must have misunderstood
20 me. I was being a little sarcastic with the
21 good luck, and I wanted to emphasize so they
22 could have some success. So there can be more
23 confidence again into the entities that are
24 making referrals, private referrals, all kinds
25 of referrals that have stopped at this point.

1 MR. WATSON: Okay.

2 CHAIRMAN FLYNN: I tell you what. Ebony,
3 why don't we hear what else you have to say,
4 and what Centers has to say, and then we can
5 revisit this after that; is that okay?

6 MS. RUSS: Sure. Ezell, did you have
7 anything else to present?

8 MR. BREADLOVE: No, I have nothing else to
9 add. The only other thing I would be able to
10 add was just going into details about the
11 incidents, but I'm sure they don't want to hear
12 that. It's right there in front of them.

13 MS. RUSS: Okay. I would like to just
14 indicate just for the record, that as far as
15 PRLU, although we do have quite a few new
16 staff, we do have senior representation here,
17 that are diligently working with those staff,
18 to ensure that they are following the minimum
19 licensing standards, at these agencies, and so
20 we want to be sure that we hold them to it.

21 Being specific with Centers, Elizabeth
22 Mitchell Centers, we did meet with them prior
23 to implementing a formal corrective action, and
24 just kind of laid it out there with them. We
25 discussed everything for almost two hours, and

1 I let them know that have serious concerns with
2 the broken bones at the facility, the amount of
3 suicide attempts, the number of elopements, and
4 the peer to peer sexual activity. And then,
5 after what I thought was a good meeting, we had
6 another injury with a broken bone. So that's
7 where we really want to put the children at the
8 facility first. So that's where I'm coming
9 from.

10 I'm not sure if a letter of reprimand is
11 enough, but we want to ensure that we're doing
12 as the minimum licensing standard indicates.
13 So the next step, after the formal corrective
14 action, would be to make the recommendation for
15 the letter of reprimand. Hopefully, nothing
16 happens after that. We don't want to sacrifice
17 any children there. The goal is for them to
18 maintain compliance. So I just wanted to say
19 that for the record.

20 MS. BRIDGES-BELL: Thank you, Ebony. Again,
21 this is Michelle Bridges-Bell, attorney for
22 DCCECE. Ashelyn, can you give a little bit of
23 additional information on the FOIA requests
24 that have been received, and what's been going
25 on with that, if you wouldn't mind giving that

1 information.

2 CHAIRMAN FLYNN: Ashelyn, before you do
3 that, I think I heard a board member asking a
4 question. Did I hear that?

5 MR. WHATLEY: Yeah. This is David. I just
6 had a question about the previous compliance
7 years past, prior to 2020. I was just curious
8 about any action that may have been taken
9 against the agency in the past, or if there had
10 been, or if they had been compliant, prior to
11 2020.

12 MS. RUSS: So I'll take on that question.
13 There have not been any formal corrective
14 actions against Centers for Youth and Families,
15 so this would be the first one implemented by
16 PRLU.

17 MR. WHATLEY: All right. Thank you.

18 MS. ABNEY: And I can go ahead and let you
19 guys know that we have had a FOIA on this
20 particular facility, from the media, from the
21 Arkansas Democrat Gazette, and also from
22 Disability Rights of America. There is an
23 interest in what is happening out here at the
24 agency, and whether or not that there has been
25 compliance. And again, I'll go back to this

1 again, the sustained compliance.

2 So, again the licensing specialist are not
3 in a gotcha mentality. These are serious
4 incidents, you guys, with broken bones of
5 children, sexual activity of children, and that
6 is going to be presented out and about, so I
7 just want the Board to know that, and be aware
8 of that, that we are concerned. I'm doing my
9 best to convey to you that I am concerned about
10 this agency and the compliance at the agency.

11 CHAIRMAN FLYNN: And I think I speak for the
12 whole Board to say that we are concerned too
13 about the incidents we've read.

14 BOARD MEMBERS (Collectively): Absolutely.

15 CHAIRMAN FLYNN: I think some of these, may
16 be more general in nature, and I would really
17 like us to come back to that, and deal with the
18 specifics today. So Ebony, what is the plan?
19 Is it to hear from Centers, or are you going to
20 share more information?

21 MR. RUSS: If Centers is -- I couldn't hear
22 you at first Ms. Dawson, but if you're willing
23 to report any information, please go ahead.

24 MS. DAWSON: (Indiscernible.)

25 MS. RUSS: I can't hear her. I'm sorry. Can

1 anyone else hear her?

2 (No audible responses given.)

3 MS. RUSS: Ms. Dawson, we can't hear you.
4 If you're able to call in, if need be, that
5 would be fine.

6 I will say, on our end PRLU, I have no
7 other information to share. Unless Sharra or
8 Ezell, or Ashelyn have anything else they liked
9 to discuss.

10 MS. LITZSEY: This is Sharra Singleton
11 Litzsey, and I just wanted to say there was
12 discussion about limiting the number of
13 children that Centers accepts. I know
14 currently they are not accepting any new
15 clients because they were in the process of
16 getting restrained on a handle with care
17 policy.

18 MS. HUDSON: Can you hear us now?

19 MS. RUSS: Yes, ma'am.

20 MS. HUDSON: All right. Good. Sorry about
21 that. Ashley Hudson, I'm corporate compliance
22 to Centers, and we appreciate having this
23 meeting today, but I did kind of want to back
24 up just a little bit, because we have reviewed
25 the draft recommendation letter, and then in

1 hearing some of the discussion today, I wanted
2 to make sure we're all talking about the same
3 time frame, because today's introduction said
4 that all of these incidents happened in the
5 last six months, but that draft letter went
6 back to August. I went through, just while we
7 were all talking, to look at the incidents that
8 were reported from December to May, which would
9 be the past six months, and I see one suicide
10 attempt, one twisted ankle, one wrist that bent
11 backwards, that was an unsubstantiated issue,
12 the broken arm on 5-2, a 5-7 sexual activity
13 report that it was our understanding was going
14 to be unfounded, because it was reported by
15 someone who wasn't even at Centers, at the date
16 of the allegations, and involved some really
17 outlandish claims about guns and orgies or
18 whatnot.

19 And then the remainder of the issues from
20 12-4 forward involved a plumbing issue in the
21 restroom, misuse of drawstrings and lighting,
22 delays in background checks, paint chipping,
23 and then a review of that suicide attempt from
24 1-8 on 4-5. So, you know, the time frame
25 matters, when we're talking about what the

1 concern is.

2 If you go back to August of 2020, Centers
3 like a lot of the communal living facilities
4 were dealing with COVID outbreaks and dealing
5 with, you know, staffing concerns, for sure,
6 dealing with kids who were restless and didn't
7 have any outlets. And that was the perfect
8 storm that caused a lot of problems.

9 I think it says a lot that Centers hasn't
10 had a corrective action plan in the past,
11 because we were dealing with various unique and
12 difficult situations. With regard to the fact
13 that we had staff out quite often, due to
14 COVID, and we had outbreaks among the kids,
15 too. And then all of the uncertainty on top of
16 that, which as we know, was causing a
17 significant mental health crisis in the state.
18 I'll note, that if you look at that timeline
19 that was in the draft recommendation, that you
20 start to see these issues subside, more and
21 more, and more -- or less, and less, and less,
22 rather, as this year goes on, and then some of
23 these restrictions are lifting and some of the
24 concerns about staffing are going away.

25 The broken arms concerns (indiscernible),

1 which is why Centers voluntarily has seized
2 using the Handle with Care Program. Handle
3 with Care has been used for quite a while at
4 Centers. It's used by other providers in the
5 state, but for whatever reason, it seems to be
6 problematic, so they have been working -- as
7 soon as that last incident happened on May 2nd,
8 Centers immediately suspended use of that
9 program and is using CPI. And has been working
10 very hard to retrain its staff, to make sure
11 that they know exactly what their obligations
12 are, and retraining them on the use of CPI, so
13 that there is no confusion. And so they've
14 been doing that.

15 They have also done things like moved the
16 program from a boys and girls program, to girls
17 only. Discharged all the boys that were in the
18 facility, so that they are a single sex
19 facility now. And also, they have voluntarily
20 reduced their center. Their census is way
21 down, and they are doing that in an effort to
22 voluntarily work on training issues with staff,
23 making sure that CPI and other training issues
24 are in place, making sure that the right staff
25 is in place, and changing some of their

1 compliance policies, some of the incident
2 review policies, and making significant effort
3 with this reduced census. And they've
4 committed to keeping that census down until
5 they have worked with stakeholders and worked
6 with y'all to make sure that they are
7 compliant. I don't know that we would
8 necessarily agree that there needs to be any
9 more formalized action on that, given the fact
10 that Centers has for years been a good partner
11 with the State and has been working to ensure
12 that we continue to be a good partner.

13 You know, this past year was not great, but
14 it wasn't great for a lot of people, for a lot
15 of reasons. And you put a bunch of teenagers
16 into a communal living situation, as sit that
17 stress on top of it, and things happen.
18 Centers, as you know, is one of the only
19 providers in the state who takes on nearly
20 struggling kids, like the ones that they have.
21 I think Methodist, which is represented here,
22 probably the only other one, that takes on kids
23 with the level of trauma and the level of needs
24 that Centers does. So we're seeing kids that
25 have, you know, significant needs. We're

1 seeing kids who are turned away from other
2 facilities and can't be placed, and who come to
3 Centers and Centers is one of the only places
4 that anyone can find placement.

5 Its challenge, and one that Centers has
6 been up for in the past and continues to be,
7 but, you know, recognizes that there is some
8 work to be done, and they've been doing that
9 work. So you know, we're here to answer any
10 questions about specific incidents that any of
11 you have concerns about. I would mention that,
12 you know, as was said, we have worked with
13 y'all and with other stakeholders to make sure
14 that whenever there is an incident, things are
15 handled promptly. We work with y'all on the
16 corrective action and they're working through
17 that plan, but you know, we're just here to try
18 to answer questions, and facilitate this
19 conversation. But also, with the fact that
20 we're dealt with a strange period, and we've
21 come out of that. We've made some significant
22 changes to ensure that there are not ongoing
23 issues. I'm happy to take questions.

24 MR. ALTOM: This is Andy. I have a few
25 questions for Centers. One is around the

1 suicide attempts, I understand that's a medical
2 director's decision whether they would have
3 that child recommended to be taken to an acute
4 or whether to just be put on a watch. Have any
5 of yours ended up -- because they've attempted
6 then ended up going to acute, because of the
7 attempt?

8 MS. HUDSON: Yes. And you're correct. I
9 mean, of course, you know how that operates.
10 And so in certain circumstances
11 (indiscernible). Centers also is pretty overly
12 focused on -- or, you know, probably over
13 reports suicide attempts, because they want to
14 make sure that these kids are getting the help
15 they need at the right level of care, but
16 certainly we think it's needed, after these
17 types of incidents.

18 MR. ALTOM: So when a child attempts --
19 well, let me back up. When a child is admitted
20 to Centers, are they given a -- are they
21 screened for suicide ideation?

22 MS. HUDSON: Correct. David, do you want to
23 walk them through what the screening process
24 is, on admission?

25 MR. KUCHINSKI: (Indiscernible.)

1 CHAIRMAN FLYNN: I'm having difficulty
2 hearing you.

3 MS. RUSS: Can you state your name for the
4 court reporter, as well.

5 MR. KUCHINSKI: David Kuchinski. We have an
6 assessment that we do to see history
7 (indiscernible).

8 MS. BRIDGES-BELL: Could you speak up more,
9 we can't hear you.

10 MR. KUCHINSKI: Then we would develop a
11 treatment plan, for the team to understand the
12 needs of that individual.

13 CHAIRMAN FLYNN: Andy, we're having trouble
14 hearing him. Did you have some other
15 questions?

16 MR. ALTOM: One other question was all the
17 stuff that she just reported that Centers is
18 already doing, is that part of the corrective
19 action plan that they're not achieving?

20 MS. RUSS: So they recently just started the
21 corrective action plan, and that its in
22 progress, so I wouldn't say it's something that
23 they're not doing. I think I'm understanding
24 -- I don't know if I'm understanding the
25 question.

1 MR. ALTOM: But we didn't get a copy of
2 their corrective action plan, correct?

3 MS. RUSS: Correct. It can be made
4 available to you.

5 MR. ALTOM: So that's FOIA-able too, right?

6 MS. RUSS: Yes.

7 MR. ALTOM: So those individuals that are
8 concerned about what's going on in these
9 facilities, that can be provided to them, just
10 as easy as a letter of reprimand, correct?

11 MS. RUSS: Correct.

12 MR. ALTOM: Correct.

13 MS. BRIDGES-BELL: I'm not sure I'm
14 following you. If you can make your question
15 more specific. Are you asking whether the
16 Arkansas Democrat Gazette is making this FOIA-
17 able, or are you asking if the DRA is making
18 this FOIA-able, or are you concerned that
19 there's other entities that are concerned about
20 this facility? What's your question there?

21 MR. ALTOM: My question is, the issue was
22 brought up about FOIA, just in general, that I
23 guess it was --

24 MS. BRIDGES-BELL: Yes, sir.

25 MR. ALTOM: -- in other individuals.

1 MS. BRIDGES-BELL: Yes. Very much so. We
2 are trying to allow you to know and make you
3 very aware of everything that's going on for
4 this facility, that they are getting FOIA'd for
5 everything that we are bringing to your
6 attention today. And we are asking you, the
7 Board, -- DHS is asking you to take into action
8 today. It's not an adverse action. It's
9 asking you to take an action for a letter, and
10 that's where we are today.

11 MR. ALTOM: Okay. But just to be clear, as
12 a Board we were told, that we want to take
13 action on this letter, because they're not
14 following their corrective action plan, but we
15 just heard where it sounds like they are
16 following their corrective action plan. Which
17 is it?

18 MS. ABNEY: Andy, I think I can help a
19 little bit. We're not asking to take action,
20 based on the corrective action plan. We're
21 asking to take action, based on the
22 egregiousness of the things that have happened
23 at the center most recently. And so while I
24 appreciate Centers' response, and the
25 information that they shared, you still have

1 these four broken bones, in a restraint type
2 situation, that's unrelated to COVID. I mean,
3 like we -- I just really want you to read the
4 packet and all the information, because I don't
5 want us to miss what is happening out at the
6 Centers. So for me, you guys, it is the broken
7 bones, and it's the sexual activity, and it is
8 the lack of supervision from the staff. And
9 so, yes, that's a corrective action plan in
10 place. Hopefully, we will gain compliance.
11 And yes, they will work towards that corrective
12 action plan, and yes, it is FOIA-able for
13 everybody to see and make their own
14 determination and judgments on what it is that
15 they're seeing. But from the licensing unit,
16 to the Board, we're saying to you, we are
17 concerned about what we're seeing, and we're
18 concerned about the lack of maintaining the
19 compliance. That's the only issue we need to
20 decide today is, yes, you want to issue the
21 letter of reprimand, or no you don't, and I
22 will do exactly what you tell me to do, and you
23 instruct me to do. But that's where we are.
24 Based on this information in front of you and
25 what is happening, and our recommendation,

1 that's the decision you guys need to make, and
2 then we'll go from there.

3 MR. WATSON: I think one of the things that
4 could help us to make that decision is if we
5 had an idea of what's in that corrective action
6 plan. We don't know what's in that plan.

7 MS. ABNEY: Okay. Ebony, is there a way --
8 and I don't even know -- I'll probably need my
9 attorneys, or maybe the Board's attorney to
10 weigh in here. I'm sure that we can probably
11 email you one, quickly.

12 MS. RUSS: Yes. If I may. If you look at
13 the last page of the recommendation for the
14 letter of reprimand, we do discuss the 5-5-21
15 corrective action plan, just to give you some
16 brief information on there. I mean, I can pull
17 it up on the screen. I don't know how quick we
18 could do it, or if that's even available to do.

19 MR. WATSON: Ebony, is this the plan, or is
20 --

21 MS. RUSS: It's a summary. Just some basic
22 information.

23 MR. WATSON: I can't speak for the rest of
24 the Board, but I would really love to be able
25 to see what else is on that corrective action

1 plan. And by the way, I appreciate what y'all
2 are doing for the Board. It's exactly what we
3 asked and I appreciate y'all bringing this to
4 our attention.

5 MR. ALTOM: I also want to say, I don't want
6 you guys to think I'm trying to be adversarial
7 here. I just feel like that it sounds to me
8 like from what we've heard, that when you're
9 doing the things, what they said they are
10 doing, I'm just wondering, you know -- to me
11 that sounds like a provider that is doing
12 everything they can to try to fix their issue.
13 They know it's an issue. I don't know that if
14 -- have we given them enough time? That's my
15 question. Or is this something that you guys
16 are willing to say, "Let's give it a month and
17 let's see." And then revisit the letter of
18 reprimand then. I would like to see the
19 corrective action plan in the future that comes
20 along with the -- you know, with the other
21 information. And I'd like to know, you know,
22 since they started the plan, how much of that
23 has happened and hasn't been an issue since?

24 MS. RUSS: If I may. So I just want to go
25 back to -- my team did meet with Centers, prior

1 to implementing the formal corrective action
2 plan, and we spent a great deal of time, a
3 couple of hours, discussing all of the concerns,
4 at the facility. And so, again, we were
5 working with the agency. Still undetermined,
6 at that time, if we were going to actually put
7 in the plan, but it was in discussion. And
8 then we had a broken bone, after that meeting.
9 So very concerning for us. So I would
10 definitely like to see that they ensure that
11 they can maintain compliance, have substantial
12 compliance at their facility, because even with
13 our discussion, before the formal corrective
14 actions, I don't want to -- I don't want to say
15 it wasn't taken seriously, but we had another
16 broken bone. We had another injured child. So
17 I would just like that to be known for the
18 record. And I will be emailing the corrective
19 action to y'all as soon as I can.

20 MS. HUDSON: Quickly, just on the incident
21 with the broken bone right after, that happened
22 within a day or two of the meeting, for the
23 corrective action plan, and Centers had not had
24 the time yet, to retrain its staff. It had
25 been a couple of days and so there was still

1 not -- you know, they weren't up to speed on
2 CPI. As I recall, I think that was on a
3 weekend. And we've spent the past month,
4 training and retraining them, and reducing
5 census in order to provide that, and we haven't
6 had an issue since switching to CPI.

7 Now, I don't know if (indiscernible)
8 problematic format, or problematic process, but
9 for whatever reason, it became (indiscernible)
10 and so they corrected that, and they've been
11 doing that retraining, doing that work with
12 their staff and we haven't seen an issue. And
13 I think that that's worth, you know, keeping in
14 mind.

15 CHAIRMAN FLYNN: When you say you haven't
16 had an issue, do you mean you have not needed
17 to administer a restraint since beginning CPI?

18 MS. HUDSON: We haven't had any broken
19 bones, since we have been retraining on CPI.
20 There have been some restraints since using
21 CPI.

22 CHAIRMAN FLYNN: How has that gone?

23 MS. HUDSON: It's gone fine. There's been
24 no injuries. Staff was taken through the
25 retraining and has done well with it. And it

1 seems to be improving significantly.

2 Now, the other thing that's happening too,
3 is the change of some of the review processes,
4 so whenever there's any holds, leadership is
5 directly reviewing the report, DSI report, and
6 video for each hold, and then providing direct
7 and immediate feedback, to the extent that it's
8 necessary for the staff involved.

9 CHAIRMAN FLYNN: I think I heard a question
10 from a board member.

11 MR. WHATLEY: Yeah. Charles, this is David.
12 I would just like to hear a little bit, if we
13 could, from board members Altom, again, and
14 also Foti. I'm not that familiar with psych
15 facilities, certainly when it comes to
16 restraints, and so I'd just kind of like to
17 hear their perspective. You know, I know,
18 obviously we're talking about something
19 serious, looking at broken bones, but when
20 we're dealing with a child or a teenager, 16 or
21 17 years old, who you are trying to restrain,
22 is this something that you encounter from time
23 to time? Certainly, I think it would be
24 unusual to have four bones in a short time.
25 But anyway, I would just like to hear from

1 them, to get maybe a little bit more educated
2 on how this works, with restraints, and how I
3 guess uncommon this is.

4 MS. FOTI: Charles, this is Beverly. I'll
5 be happy to start to try to answer that
6 question, but I do have a question before I go
7 there. Can you guys tell me what the census is
8 today, in your facility?

9 MR. KUCHINSKI: So we are at 14 clients that
10 are residential, which is a little over -- or a
11 little less, than 50 percent of our capacity at
12 the adolescent program. I believe we're at
13 around 19, and that would be (indiscernible).
14 EMAC, the adolescent center has a capacity of
15 30. We're at 16 there and holding, and
16 actually continued to discharge, until like we
17 mentioned earlier, that we want to make sure
18 that clients are stable, staff are in place and
19 stable, we feel like we have mastered CPI, and
20 we're moving forward.

21 MS. FOTI: Thank you. That's helpful. I
22 will just say that Youth Home, a few years ago,
23 we did switch over from another system of care
24 to CPI, and it was a big change for our staff.
25 It took some time for them to understand the

1 changes, and fully implement those changes.
2 There were lots of complaints. They didn't
3 like it initially, but that was about three
4 years ago, and now I would say that it goes
5 pretty smoothly.

6 Any time that there is a restraints
7 procedure, it is a high risk procedure, and it
8 is both dangerous to the child involved, and to
9 the staff involved. We do occasionally have
10 some injuries. For the children, it's usually
11 fairly minor. I would say that the injuries
12 are probably more so for staff. They often get
13 kicked, bitten, punched, those kinds of
14 behaviors in the process of trying to keep
15 someone safe.

16 So I say all of that to say that I think
17 that it is a process, when you change any kind
18 of training for that type -- particularly of
19 high risk behavior. I commend you for
20 retraining your staff, and not having any
21 further serious injuries. I know that CPI is
22 well accepted across the country, and there are
23 many things that they prohibit, that some of
24 the other processes allow. And they are
25 prohibited for safety reasons.

1 Andy, do you want to weigh in?

2 MR. ALTOM: Yeah. We've always used CPI
3 ever since we've had a PRTS, and the same
4 issue, is typically -- you know, it is high
5 risk. We do have child injuries, as well as
6 staff injuries. Typically, the staff injuries
7 are greater than the child injuries. We track
8 that. You know, we report that to a quality
9 improvement measure, which I'm sure everybody
10 else does, to try to reduce those as much as
11 possible.

12 It does require a lot of retraining of
13 staff, because in the heat of the moment, staff
14 don't always do procedures correctly, so
15 there's a lot of pulling up the video, and
16 showing them, and then practicing, and saying,
17 "In the future, you know, you should have never
18 done this." You know, you critique them, to
19 bring them up to speed.

20 I'm a big fan of CPI. I think it's a safe
21 procedure, safest out there, I would say and
22 again, I commend them for taking the steps that
23 it sounds like any good organization would do,
24 whenever they have this situation. The child
25 injuries always are concerning. I don't want

1 anybody to think I'm discounting that, but part
2 of my concern, is that all that you do good, as
3 far as in your interviewing process, and trying
4 to find good actors, and you want the best
5 staff possible, you're at the mercy of those
6 employees that you hire, and sometimes when you
7 get a bad apple, you got to get rid of them.
8 That doesn't necessarily mean that, you know,
9 the entire organization is bad. When you do
10 see a pattern, I understand the concern, and
11 then obviously it looks like there has been a
12 pattern, but then on the other hand, I'm
13 hearing a lot of good things that I'm impressed
14 with that they're doing that if you would've
15 asked me, "If this happened in your facility,
16 what would be the first thing you do?" I would
17 be doing exactly what they said they're doing.

18 So that's my concern, is that -- and if a
19 letter of reprimand is needed, because that's
20 going to do something -- I just struggle with
21 the fact that what I'm hearing them say they're
22 doing, sounds to me like a good organization
23 that's trying to fix their problem.

24 CHAIRMAN FLYNN: Thank you, everyone. Any
25 board members have any more questions, or

1 comments at this time?

2 MR. WHATLEY: One more question for Andy,
3 and/or Beverly. I appreciate the comments that
4 you made. That helps me a lot. But both of
5 you are saying, at least from what I think I
6 heard you say, that while there is high risk,
7 and anytime you're using restraints, that's
8 cause for concern. But the number of incidents
9 that this facility has had, in just the past
10 few months, is concerning to both of you; am I
11 reading that correctly?

12 MS. FOTI: Yes, I would say that it's
13 concerning.

14 MR. ALTOM: Yes, I would say that too.

15 MR. WATSON: Charles, before we vote on
16 this, would there be anything wrong with
17 waiting until we actually got the letter of
18 reprimand to look at, and until we got the
19 plan, that licensing had gone over with them,
20 in detail? Because we haven't had either one
21 of those.

22 CHAIRMAN FLYNN: I think it is difficult to
23 vote on something that we haven't seen. And
24 the question I have for Joe, is -- we're
25 looking at two options. One, we don't do

1 anything. Two, we do a letter of reprimand.
2 Is there another option on the table, that this
3 Board can take, that would be appropriate for
4 this?

5 MR. WEST: I mean -- and Michelle, please
6 interject at any time, if necessary. I mean,
7 today was a special meeting, specifically to
8 deal with a letter of reprimand recommendation
9 from staff. At this point --

10 MS. BRIDGES-BELL: Issue a letter of
11 reprimand, or not.

12 MR. WEST: Yeah, issue it today --

13 MS. BRIDGES-BELL: And remember --

14 MR. WEST: -- table for later, or vote to
15 not do it. I think, Michelle, it sounds like
16 you're agreeing with me on that.

17 CHAIRMAN FLYNN: I want to hear what you
18 said again, Joe. Michelle, let me hear from Joe
19 this time. Say that again.

20 MR. WEST: You can vote to issue the letter.
21 You can table this debate, for a later meeting,
22 or you can say "We're not going to issue a
23 letter." I mean those are your three options,
24 I believe. Michelle, would you concur?

25 MS. BRIDGES-BELL: Mr. Flynn, are you ready

1 to hear from me?

2 CHAIRMAN FLYNN: Yes, I am. I just wanted
3 to let Joe finish what he was saying.

4 MS. BRIDGES-BELL: Yes, sir. Okay. At this
5 point, that is the option. You can issue a
6 letter of reprimand or not. That's what's on
7 the table for today. That's what the special
8 meeting was called for, yes, sir.

9 CHAIRMAN FLYNN: All right. Does the Board
10 have the authority to do anything else, period,
11 a called meeting, not a called meeting, regular
12 meeting? For the Board's authority, is that
13 the authority that we have? Is there any other
14 action that we can take?

15 MS. BRIDGES-BELL: Yes, sir. There is every
16 single thing that you want available to you,
17 that the Board is able to do, that you would
18 want to do. That's not what the special
19 meeting was called for, but if you were
20 inclined to take an adverse action, you are as
21 a Board inclined to do so. That is within your
22 purview. That's within your statutory
23 authority to do, should you want to.

24 CHAIRMAN FLYNN: And I'm not suggesting -- I
25 want to have everything out in the clear. In

1 this meeting, do we have another option,
2 besides this adverse action?

3 MS. BRIDGES-BELL: And I want to be clear
4 that issuing a letter of reprimand, is not an
5 adverse action. I'm sorry if I misspoke. A
6 letter of reprimand is just a notice to put
7 that facility on notice, that the Board is
8 aware of potential deficiencies, and problems,
9 and that's what that letter would be comprised
10 of.

11 MR. ALTOM: I'll make a motion to put the
12 agency on a letter of reprimand, subject to the
13 Board's approval of the wording of the letter,
14 and the understanding that this is not a letter
15 that basically says if it doesn't improve, that
16 the next step is adverse actions, without
17 thoroughly revisiting a corrective action plan
18 and how they're doing on that. Does that make
19 sense?

20 CHAIRMAN FLYNN: I think it is a good
21 request, for us to see the letter that we're
22 voting on. I have a motion. Is there a
23 second?

24 MR. WHATLEY: I'll second. David.

25 CHAIRMAN FLYNN: Would anyone else like to

1 discuss this? What would that process be, Joe
2 or Michelle, if we -- to see that letter, and
3 then have a vote? What does that process look
4 like?

5 MS. DOHERTY: I want to say something. I
6 see on my email, where we all received that
7 letter on May 25, the letter of reprimand. So
8 I'm not sure why no one has it.

9 MR. WATSON: That's not a letter of
10 reprimand. That's just a list of all the
11 citings.

12 CHAIRMAN FLYNN: We just received two
13 emails, an email from Ebony, it's a corrective
14 action agreement.

15 MS. RUSS: So, yes, I just forwarded the
16 formal corrective action, and what you also
17 received on the 25th, is the recommendation for
18 the letter of reprimand.

19 MS. DOHERTY: Gotcha. I'm sorry. I read
20 it, but the title says "letter" so I assumed
21 this was going with a cover to the agency.

22 CHAIRMAN FLYNN: I don't think either of
23 these is the letter that we're voting on,
24 right?

25 MS. ABNEY: That's right. I think I can

1 help here. Our team, my unit, can only make a
2 recommendation to the Board. After the Board
3 decides what the Board is going to do -- so for
4 an example, if you decide to do a letter of
5 reprimand today, then my team can get a letter
6 ready. We can draft up a letter. We can send
7 it to you for approval if you want, or my
8 understanding is, we can send the letter with
9 our authority given to us by you to do. We can
10 do it however you want, but the reason you
11 haven't received a letter, is because we don't
12 know how you all are going to vote, and we did
13 not want to jump ahead of the Board.

14 Also, the reason that we didn't send the
15 corrective action, is because previously we
16 were asked by the Board not to do that. But we
17 will absolutely, moving forward, send you all
18 anything that we are doing, so that you can see
19 it and know what we are doing. So I apologize
20 if I misunderstood the Board's wishes
21 previously.

22 CHAIRMAN FLYNN: Can you restate what we
23 asked you not to do, about corrective action?

24 MS. ABNEY: Right. We asked the Board about
25 what updates, and what information you wanted

1 from us, what you wanted us to give you updates
2 on, and happenings that were during our work
3 here, and what you-all asked us to do is -- you
4 did not want to see everything going on, that
5 you trusted us to do the work that we needed to
6 get done, but that you wanted to see the
7 important things. So we asked about corrective
8 action, and corrective action is something that
9 we do at the facilities, and so I believe,
10 unless I misunderstood, Charles, and maybe I
11 did, was that you did not want to see those
12 types of things. You just wanted an overview
13 of any concerns that we had.

14 CHAIRMAN FLYNN: I think what we want to
15 see, is when someone does not meet their
16 corrective action, over the time -- Andy,
17 Beverly, I know you guys can help me on this.
18 I don't want to just speak for me. We are
19 interested in the corrective action, when the
20 agency did not meet that, during the time limit
21 that you gave them to make that corrective
22 action. Does that make sense? Can somebody
23 tell me if I'm right or wrong on that?

24 MS. ABNEY: It absolutely makes sense,
25 Charles, but in this case, the corrective

1 action is currently in place. We just don't
2 know that it is enough, and that's why we're
3 making the recommendation for the letter. Does
4 that make sense?

5 CHAIRMAN FLYNN: And that does make sense
6 Ashelyn, and we're trying to decide if what
7 we've heard today -- if they are working
8 diligently to meet the corrective action that
9 you've given them, even though the -- you know,
10 that's the bad thing about a lot of the things
11 that maybe we get written up on. Some of them
12 we can correct. We can put a battery in a
13 smoke alarm, but there's some of the things
14 that happen, that you just cannot fix. So what
15 you do, is you change how you address that, so
16 hopefully it doesn't happen again.

17 Andy, do you want to go back to your
18 motion, and restate that?

19 MR. ALTOM: Yeah. I'm okay with
20 recommending the letter of -- letter of
21 reprimand, but my concern is I would like for
22 the board to see the actual letter that goes to
23 them, because I am concerned about how it's
24 worded, and that they understood that this is
25 -- I just want to see how it's worded and go

1 from there.

2 CHAIRMAN FLYNN: So my point then to those
3 who know, what kind of notification do we have
4 to give, to have another meeting, so that we
5 can vote on the letter? What time frame is
6 that?

7 MR. WEST: I mean, it's the same kind of
8 notification as this meeting. In a special
9 meeting, there has to be at least a two-hour
10 notice before the meeting, so that would be --
11 I understand the Board wanting to see what's
12 going out under your authority, before it
13 actually goes out, but if you vote to approve
14 the letter, pending the Board review, that
15 would have to be presented to the Board at
16 another open public meeting. You cannot
17 approve that by email, or anything like that,
18 between meetings, because that would violate
19 the Freedom of Information Act.

20 CHAIRMAN FLYNN: I didn't know the time
21 frame. I will say, in my experience on the
22 Board for 20 years, this is the second time
23 we've asked, so I don't think we have a
24 practice in place of how we did it. I think we
25 do it, Ashelyn -- didn't we last time where we

1 just asked y'all to write the letter? We
2 didn't see the letter. So I think going
3 forward, I'm hearing the Board say, especially
4 if this is going to become more regular, that
5 we really would like to be aware of what's in
6 the letter. Is that right Ashelyn? Is that
7 how we did it last time?

8 MS. ABNEY: You're absolutely right. We
9 appreciate that, so we would be glad to send
10 you a draft of the letter.

11 MR. WATSON: That would be great.

12 CHAIRMAN FLYNN: All right. Do we want to
13 schedule that meeting? It has to be two hours
14 in advance. I hope we're not doing it this
15 afternoon. If we need to, I'm here. I'll find
16 a way to get here, but we have a holiday
17 weekend.

18 What do you recommend, Ashelyn? Do you
19 recommend we get back in two hours, or do you
20 want to try to schedule a day next week to look
21 at that letter?

22 MS. ABNEY: If you don't mind, I would
23 prefer next week and we can even do it on
24 Tuesday of next week. That way, we're not
25 rushing. I hope that you all know, or are

1 learning anyway, about me and my team. We want
2 to make sure that we are very thorough, that we
3 are consistent, and that we are fair. So, I
4 would hate for us to try to scramble to get
5 together a letter, when it's so very, very
6 important.

7 So if you don't mind, I would prefer us
8 waiting until Tuesday. I don't know what your
9 calendars look like on Tuesday, but I know my
10 team and I can make ourselves available to you
11 all whatever days the majority of you have
12 available, I would say as early in the week
13 next week, as possible. I'm sure we would all
14 appreciate that.

15 CHAIRMAN FLYNN: I would prefer Tuesday.
16 That is Tuesday, the 4th, right?

17 MS. DOHERTY: Charles, don't we need to vote
18 on yes or no to the letter?

19 CHAIRMAN FLYNN: Yes. And we can schedule
20 the meeting after that. I agree. So I have a
21 motion and a second. Does everyone understand
22 that motion?

23 (No audible responses given.)

24 CHAIRMAN FLYNN: Are you ready to vote?

25 (No audible responses given.)

1 CHAIRMAN FLYNN: All in favor, say "Aye," or
2 raise your hand, or do something.

3 BOARD MEMBERS (Collectively): Aye.

4 CHAIRMAN FLYNN: Anyone opposed to this, say
5 "No."

6 (No audible responses given.)

7 CHAIRMAN FLYNN: All right. So we have the
8 approval for the letter. I just thought maybe
9 it would be helpful -- thank you for getting us
10 back on track, Sandy. I think maybe it'll be
11 helpful though, while we're all together here,
12 we can look at our Tuesday calendar, and see if
13 that will work. That is the best date for me
14 next week, Ashelyn. Tuesday, June the 4th.

15 MR. WHATLEY: June the 1st.

16 CHAIRMAN FLYNN: Oh, I'm sorry, the 1st.
17 Thank you. But, I would like to have an
18 afternoon meeting, so we would have time for
19 you to get us a letter in the morning, and then
20 maybe we can look at it. Is that okay?

21 MR. WEST: Just do it at 1 o'clock again,
22 like you did today?

23 MS. ABNEY: We can make that happen on our
24 end.

25 CHAIRMAN FLYNN: Can I get at least five

1 board members to be there?

2 BOARD MEMBERS (Collectively): Yes.

3 CHAIRMAN FLYNN: All right. 1 o'clock on
4 Tuesday, then.

5 MS. RUSS: Okay. I'll make sure that I send
6 out another Zoom link.

7 CHAIRMAN FLYNN: Thank you. Any other
8 business?

9 (No audible responses given.)

10 CHAIRMAN FLYNN: all right. Well, thank
11 everyone, and have a good weekend and I'll see
12 you all on Tuesday.

13 (WHEREUPON, the proceedings were concluded
14 in this matter at 2:15 p.m.)

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CERTIFICATE

STATE OF ARKANSAS)
)ss
 COUNTY OF PULASKI)

I, Tiffanie N. Harrison, CCR, Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that the testimony of said witness was taken by me and was thereafter reduced to typewritten form under my supervision; that the deposition is a true and correct record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of this action.

I FURTHER CERTIFY, that I have no contract with the parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 11th day of June, 2021.

TIFFANIE N. HARRISON
 Arkansas State Supreme Court
 Certified Court Reporter #757

Tiffanie N. Harrison, CCR