

Transcript of the Testimony of

CWARB,

Date: March 16, 2021

Case: CWARB

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STATE OF ARKANSAS
CHILD WELFARE AGENCY REVIEW
BOARD MEETING

DEPARTMENT OF HUMAN SERVICES
700 WEST MAIN STREET
LITTLE ROCK, ARKANSAS

February 25, 2021 at 1:30 p.m.

BOARD MEMBERS PRESENT:

Charles Flynn, Chairman, Emergency Shelters Unit
Beverly Massey Foti, Psychiatric Residential Care Unit
David Whatley, Residential Care Unit
Andrew Watson
Andy Altom, Foster Care Unit

ALSO PRESENT:

Michelle Bridges-Bell, OCC
Joe West, DCFS Designee Attorney for the Board (VIA VIDEO
CONFERENCE)
Ebony Russ, OCC/ECE Program Manager
Ashelyn Abney, OCC/ECE (VIA VIDEO CONFERENCE)
Rebecca Mitchell, OCC/ECE (VIA VIDEO CONFERENCE)

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I N D E X

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PROCEEDINGS

(THEREUPON, the meeting began at 1:30 p.m. on February 25, 2021.)

MS. EBONY RUSS: Good afternoon, everyone. Welcome to the Child Welfare Agency Review Board Meeting, held on February the 25th, at 1:30 p.m.

We will follow the Agenda, as it is shown. When you're talking, please, ensure that the court reporter can hear you well. Those of you who are on Zoom, if you could please remain muted until you are requested to speak.

Unless anything else, we will go ahead and get started. Thank you.

CHAIR CHARLES FLYNN: Are any board members on the Zoom today?

MS. EBONY RUSS: On Zoom, do we have Sandi Doherty?

(NO RESPONSE)

MS. EBONY RUSS: Mandy, are you able to see Sandi Doherty by Zoom, for DCFS?

(NO RESPONSE)

MS. EBONY RUSS: Are there any additional board members that are participating by Zoom?

(NO RESPONSE)

MS. EBONY RUSS: We can't hear you, if you're

1 talking. I'm sorry.

2 (NO RESPONSE)

3 MS. EBONY RUSS: Good afternoon. Can you hear
4 me via Zoom?

5 (CHORUS OF AFFIRMATIONS)

6 MS. EBONY RUSS: Thank you. So, I'll start
7 over. Welcome to the Child Welfare Agency Review
8 Board Meeting held on February 25th, 2021, at 1:30
9 p.m.

10 We would like to know if there are any board
11 members that are participating by Zoom.

12 (NO RESPONSE)

13 MS. EBONY RUSS: Joe West, are you available by
14 Zoom?

15 MR. JOE WEST: Yes, ma'am. Good afternoon.

16 CHAIR CHARLES FLYNN: Hey, Joe.

17 MS. EBONY RUSS: Sandi did not confirm with me.
18 Does she need to present. I haven't heard from her.

19 CHAIR CHARLES FLYNN: Okay. No, I don't need
20 to. I just wanted to know, in case we're having
21 interaction, who was there and who was not. So I
22 don't have a need for her, no.

23 MS. EBONY RUSS: Okay.

24 CHAIR CHARLES FLYNN: I don't know if you do,
25 but I don't.

1 MS. EBONY RUSS: Okay. We'll continue. We'll
2 follow the agenda as it is shown. Those of you, when
3 you come up to the mic, there is a sanitizing wipe
4 for you to wipe the mic. Please ensure that the
5 court reporter can hear you with your face mask over
6 your mouth. Those of you participating by Zoom,
7 please remain muted until you are requested to speak.
8 And I will turn it over to Mr. Flynn.

9 COURT REPORTER: And identify themselves when they
10 speak, via Zoom.

11 MS. EBONY RUSS: Also, when you are speaking by
12 Zoom, if you could please identify yourself.

13 CALL TO ORDER:

14 CHAIR CHARLES FLYNN: Okay. I will call to
15 order the February 25th, 2021 meeting of the Child
16 Welfare Agency Review Board. You should have
17 received some minutes by email. Does anyone have any
18 corrections or additions to the minutes.

19 (NO RESPONSE)

20 APPROVAL OF MEETING MINUTES:

21 CHAIR CHARLES FLYNN: If not, a motion to
22 approve the minutes.

23 BOARD MEMBER ANDY ALTOM: I'll make a motion to
24 approve the December 8 Minutes.

25 BOARD MEMBER BEVERLY MASSEY FOTI: I'll second.

1 CHAIR CHARLES FLYNN: Thank you. All in favor
2 say aye.

3 (CHORUS OF AYES)

4 CHAIR CHARLES FLYNN: And anyone opposed, the
5 like sign.

6 (NO RESPONSE)

7 CHAIR CHARLES FLYNN: Okay. Minutes are
8 approved, so moving right along here to Special
9 Considerations/Permissions.

10 ITEM 1. SPECIAL CONSIDERATIONS/Permissions:

11 a. DCFS (100) (Angela B.):

12 MS. EBONY RUSS: First we have DCFS, Lindsey
13 Patrick, Anissa Ballew, with Ms. [REDACTED] B.

14 CHAIR CHARLES FLYNN: You can kinda give a
15 little introduction of why you're here and we'll be
16 looking at this for the first time today. So it's
17 going to take us a minute to glance through it.

18 MS. BRITTANY (UNKNOWN): Hi. I'm Brittany
19 (INAUDIBLE), Resource Worker for (INAUDIBLE) and
20 we're asking for permission --

21 CHAIR CHARLES FLYNN: Can the reporter --

22 COURT REPORTER: Huh-uh.

23 CHAIR CHARLES FLYNN: She cannot hear you.

24 MS. BRITTANY (UNKNOWN): Oh, I'm sorry.

25 Brittany (INAUDIBLE), Resource Worker, Area 7, --

1 CHAIR CHARLES FLYNN: Are you okay over there?

2 COURT REPORTER: (NONVERBAL RESPONSE).

3 CHAIR CHARLES FLYNN: Does she need to move --
4 can you -- is it okay to move her mask down?

5 COURT REPORTER: It's okay with me; it's up to
6 y'all.

7 CHAIR CHARLES FLYNN: If you're comfortable,
8 okay.

9 COURT REPORTER: Thank you.

10 MS. BRITTANY (UNKNOWN): Okay. Brittany
11 (INAUDIBLE).

12 CHAIR CHARLES FLYNN: Much better.

13 MS. BRITTANY (UNKNOWN): Resource Worker, Area
14 7. And we're asking for permission --

15 COURT REPORTER: You still need to speak up,
16 though.

17 MS. BRITTANY (UNKNOWN): -- asking for
18 permission for Ms. [REDACTED] B. She's a provisional
19 placement for her two nephews, [REDACTED] and [REDACTED].
20 She has a misdemeanor charge --

21 CHAIR CHARLES FLYNN: We'll just glance at this
22 just a minute and then we may have a question or two.

23 (BOARD REVIEWS INFORMATION)

24 CHAIR CHARLES FLYNN: What can you tell us about
25 these nephews? Just grab a microphone there.

1 MS. ANGELA B.: Well, they just turned [REDACTED] in
2 [REDACTED].

3 CHAIR CHARLES FLYNN: Okay. That says a lot
4 right there.

5 MS. [REDACTED] B.: But they're doing really well.
6 That's what I was telling her earlier, both of them
7 have probably grown two inches and gained twenty
8 pounds. They're doing great in school. Their grades
9 have considerably improved. One of them was put on
10 medication at Pinnacle Pointe and I think, since he's
11 gotten bigger and gained weight -- he was on, like,
12 one milligram -- and trying to get him in and get him
13 reevaluated for maybe upping the dosage.

14 MS. EBONY RUSS: She can't hear you.

15 MS. [REDACTED] B.: Maybe upping the dosage on his
16 medication. His grades have dropped the past few
17 weeks. So we're in the process of doing that.

18 CHAIR CHARLES FLYNN: Now you've known -- have
19 they been around you and your husband for a long
20 time; y'all know them well?

21 MS. [REDACTED] B.: Oh, yes.

22 CHAIR CHARLES FLYNN: Yeah.

23 MS. [REDACTED] B.: Oh, yes.

24 CHAIR CHARLES FLYNN: Yeah.

25 MS. [REDACTED] B.: They know my house, my mom's

1 house, my whole family. Their brother -- their older
2 brother, [REDACTED], is down the street with my
3 cousin, [REDACTED]. So they're not separated from
4 their older brother either.

5 CHAIR CHARLES FLYNN: That's good. Anyone have
6 any questions?

7 BOARD MEMBER ANDY ALTOM: I'll make a motion to
8 approve the request.

9 BOARD MEMBER DAVID WHATLEY: And I'll second.

10 CHAIR CHARLES FLYNN: Okay. We have a motion
11 and a second. Any other questions.

12 (NO RESPONSE)

13 CHAIR CHARLES FLYNN: We do not swear anybody
14 in.

15 COURT REPORTER: You do not. Okay.

16 CHAIR CHARLES FLYNN: No, we do not. No.

17 COURT REPORTER: I'm sorry.

18 CHAIR CHARLES FLYNN: Okay. We have a motion
19 and a second. All in favor say aye.

20 (CHORUS OF AYES)

21 CHAIR CHARLES FLYNN: And opposed, by like sign.

22 (NO RESPONSE)

23 CHAIR CHARLES FLYNN: No one is opposed. Thank
24 you for coming in today and enjoy those boys.

25 MS. [REDACTED] B.: Thank you.

1 b. DCFS (100) (Verlene M.):

2 MS. EBONY RUSS: Next on the agenda, we have
3 DCFS Lindy Eichelberger and Cyndi Rowlett, with Ms.
4 [REDACTED] M.

5 CHAIR CHARLES FLYNN: Nice to see you, Ms.
6 Rowlett. How are you doing?

7 MS. CYNDI ROWLETT: I'm good. How are you?

8 CHAIR CHARLES FLYNN: Good to see you.

9 MS. JENNIFER WATKINS: Hi. I'm Jennifer Watkins
10 from DCFS, Area 9, Resource Worker. We are asking
11 for a special consideration for Ms. [REDACTED], to open
12 as a provisional placement for her granddaughter.

13 CHAIR CHARLES FLYNN: Okay. Give us just a
14 second to read all this. This is the first time
15 we've seen it. So don't get nervous about that. We
16 haven't looked at it.

17 (BOARD REVIEWS INFORMATION)

18 CHAIR CHARLES FLYNN: Does anyone have any
19 questions?

20 BOARD MEMBER DAVID WHATLEY: I'll make a motion
21 to approve the request.

22 BOARD MEMBER BEVERLY MASSEY FOTI: I'll second.

23 CHAIR CHARLES FLYNN: Motion and second; all in
24 favor say aye.

25 (CHORUS OF AYES)

1 CHAIR CHARLES FLYNN: Opposed, like sign.

2 (NO RESPONSE)

3 CHAIR CHARLES FLYNN: Request approved. Thank
4 you.

5 MS. CYNDI ROWLETT: Thank you.

6 MS. [REDACTED] M.: Thank you.

7 ITEM 2. Quapaw House Adolescent Residential Treatment
8 Center (205) Change of Status (License Closure):

9 MS. EBONY RUSS: Next on the agenda is Item
10 Number 2: Quapaw House Adolescent Residential
11 Treatment Center-Change of Status, presented by
12 Charlotte Galusha with PRLU.

13 MS. CHARLOTTE GALUSHA: Yes, again, Charlotte
14 Galusha, with Placement and Residential Licensing.

15 COURT REPORTER: Speak up.

16 MS. EBONY RUSS: Charlotte, can you please speak
17 up for the court reporter.

18 MS. CHARLOTTE GALUSHA: Yes. Can you hear me
19 okay.

20 CHAIR CHARLES FLYNN: That's better.

21 MS. EBONY RUSS: Yes.

22 MS. CHARLOTTE GALUSHA: Let me see if I can --
23 I'm trying to see if I can adjust my volume here any
24 at all.

25 CHAIR CHARLES FLYNN: You're good.

1 MS. CHARLOTTE GALUSHA: Okay. Again, we are --
2 have this item requested for the closure of Quapaw
3 House -- a closure of their license. I know we
4 normally do not bring these items to Board, however
5 in this situation Quapaw has ceased all services. We
6 have reached out to them; we have reached out to
7 their board members; we have received no reply. So
8 the PRLU is recommending that their license be
9 closed.

10 CHAIR CHARLES FLYNN: Anyone have any questions
11 or a motion.

12 BOARD MEMBER DAVID WHATLEY: I make a motion --

13 BOARD MEMBER ANDY ALTOM: I --

14 BOARD MEMBER DAVID WHATLEY: Go ahead.

15 BOARD MEMBER ANDY ALTOM: I --

16 CHAIR CHARLES FLYNN: Go ahead.

17 BOARD MEMBER ANDY ALTOM: Is this -- do we know
18 if this is something that gets transferred in the new
19 ownership? This is not, like, a POA, right, their
20 license doesn't work -- do you know (INAUDIBLE) is?

21 MS. CHARLOTTE GALUSHA: I don't believe so. And
22 I did want to add that, according to a report in the
23 Sentinel Record news publication, Division of
24 Provider Services and Quality Assurance had stated
25 that Quapaw had violated licensure standards and

1 terminated their license, that they hold with them,
2 on May 13th. Again, we've reached out, but with no
3 success, to receive any reply back from Quapaw.

4 CHAIR CHARLES FLYNN: Other questions?

5 (NO RESPONSE)

6 CHAIR CHARLES FLYNN: David, you have a motion?

7 BOARD MEMBER DAVID WHATLEY: Yeah.

8 BOARD MEMBER ANDY ALTOM: I'll second.

9 CHAIR CHARLES FLYNN: All right. All in favor,
10 say aye.

11 (CHORUS OF AYES)

12 CHAIR CHARLES FLYNN: Opposed, by like sign.

13 (NO RESPONSE)

14 CHAIR CHARLES FLYNN: That request is approved.

15 MS. CHARLOTTE GALUSHA: Thank you.

16 ITEM 3. Curt, Cliff, and Opal Young Children's Home (244):

17 MS. EBONY RUSS: Third on the agenda is Curt,
18 Cliff, and Opal Young Children's Home. Change in
19 status, presented by Fatima Stepps, PRLU Supervisor.

20 MS. FATIMA STEPPS: Good afternoon. This is
21 Fatima Stepps, with the Placement and Residential
22 Licensing Unit. This request comes from the Curt,
23 Cliff, and Opal Young Children's Home. They're
24 requesting a change of status to reduce the capacity,
25 of their current residential license, from 37 to 12

1 children. The building meets the minimum licensing
2 standards for this number of children and the
3 Placement and Residential Licensing Unit does support
4 the Agency's request for this reduction. I have
5 Buddy Stone online if you have any questions.

6 CHAIR CHARLES FLYNN: Any question from the
7 other -- three other panel members?

8 (NO RESPONSE)

9 CHAIR CHARLES FLYNN: I believe some of the -- a
10 couple of these homes have been converted to foster
11 homes, so that would be the reason, I believe, for
12 the reduction in capacity for the ranch.

13 BOARD MEMBER DAVID WHATLEY: I make a motion to
14 approve.

15 CHAIR CHARLES FLYNN: Motion; is there a second?

16 BOARD MEMBER BEVERLY MASSEY FOTI: I'll second.

17 CHAIR CHARLES FLYNN: Second by Beverly. All in
18 favor, say aye.

19 (CHORUS OF AYES)

20 CHAIR CHARLES FLYNN: And opposed, by like sign.

21 (NO RESPONSE)

22 CHAIR CHARLES FLYNN: Request is approved.

23 Thank you, Fatima.

24 MS. FATIMA STEPPS: Thank you.

25 ITEM 4. Soaring Wings (207):

1 MS. EBONY RUSS: Four, we had, on the agenda,
2 Soaring Wings, however, we received notification
3 today that they would like to be pulled from today's
4 agenda.

5 ITEM 5. Exhibit "A" - Approval of Special
6 Considerations/Temporary Approvals:

7 MS. EBONY RUSS: Fifth, on the agenda is the
8 bundle that was received by the board members,
9 Exhibit "A".

10 CHAIR CHARLES FLYNN: All right. Does anybody
11 have any questions about Exhibit "A".

12 (NO RESPONSE)

13 CHAIR CHARLES FLYNN: All right. I'd appreciate
14 a motion to approve the request to approve all of
15 these. In fact, I'll make that motion to approve
16 Exhibit "A" and all the pieces added to this section.

17 BOARD MEMBER DAVID WHATLEY: Second.

18 CHAIR CHARLES FLYNN: Second by David. All in
19 favor, say aye.

20 (CHORUS OF AYES)

21 CHAIR CHARLES FLYNN: Opposed, by like sign.

22 (NO RESPONSE)

23 CHAIR CHARLES FLYNN: All right. Exhibit "A" is
24 approved.

25 (THEREUPON, Exhibit "A" was marked for

1 identification and attached hereto.)

2 ITEM 6. Omitted from previous Bundle: DCFS (100)

3 [Timothy and Christy P.] 209.2, 209.7:

4 MS. EBONY RUSS: Number six, on the agenda,
5 omitted from the previous bundle is DCFS requests for
6 space and sleeping arrangements. Should have
7 Supervisor Janet Norris, and Resource Worker Marilyn
8 Hood available by Zoom to answer any questions.

9 MS. SHARRA LITZEY: This is Sharra Litzey,
10 Program Coordinator with the Placement and
11 Residential Licensing Unit. DCFS is requesting a
12 special consideration for regulation 209.2, "Each
13 bedroom shall have at least 50 square feet of
14 personal space per occupant." DCFS is asking that
15 three foster children be allowed to share a bedroom,
16 with a relative, that is 110 square feet short of
17 meeting the amount of space needed. Ms. P is the
18 maternal grandmother of the foster children and is
19 willing to provide a home for the children and keep
20 them together. This temporary request was approved
21 on 12/28 to allow the children to be -- to share a
22 room, in a bedroom, in Ms. P's foster home. The
23 placement is specific to these children and the
24 Licensing Unit supports this request. Marilyn Hood,
25 with DCFS, is available via phone to answer any

1 questions.

2 CHAIR CHARLES FLYNN: Any questions from the
3 board?

4 BOARD MEMBER ANDY ALTOM: How many kids are in
5 this home; how many children?

6 MS. MARILYN HOOD: There are a total of six
7 children. One of the children is Ms. P's own child.

8 BOARD MEMBER ANDY ALTOM: And there's not any
9 concern, by Licensing, about the size of -- what
10 we're putting two children into?

11 MS. MARILYN HOOD: No, sir.

12 BOARD MEMBER ANDY ALTOM: I make a motion to
13 approve the request.

14 CHAIR CHARLES FLYNN: Motion made, Andy; and the
15 second?

16 MR. ANDREW WATSON: (RAISES HAND).

17 CHAIR CHARLES FLYNN: Andrew has the second.
18 All in favor, vote by saying aye.

19 (CHORUS OF AYES)

20 CHAIR CHARLES FLYNN: Everyone opposed, by like
21 sign.

22 (NO RESPONSE)

23 CHAIR CHARLES FLYNN: All right. Is there a
24 partnering motion that goes along with this then?

25 MS. EBONY RUSS: Sir?

1 MS. SHARRA LITZEY: Yes, there is. This is
2 Sharra Litzey, Program Coordinator with the Placement
3 and Residential Licensing Unit. DCFS is requesting a
4 special consideration for regulation 209.7, "Children
5 of opposite sex shall not share the same bedroom if
6 either child is four years or older, except for a
7 parent in foster care with her child." DCFS is
8 asking that a one-year-old male share a bedroom with
9 his four-year-old sister. The bedroom measures 103
10 square feet. Ms. P is the maternal grandmother of
11 the foster children and is willing to provide a home
12 for her grandchildren and to keep them together. We
13 have Marilyn Howard, with DCFS, to answer any
14 questions.

15 BOARD MEMBER ANDY ALTOM: This is child specific
16 also?

17 MS. SHARRA LITZEY: Yes, to the children placed
18 in the home.

19 BOARD MEMBER ANDY ALTOM: I make a motion to
20 approve.

21 BOARD MEMBER DAVID WHATLEY: I'll second.

22 CHAIR CHARLES FLYNN: Motion by Andy, second by
23 David. All in favor, say aye.

24 (CHORUS OF AYES)

25 CHAIR CHARLES FLYNN: Opposed, by like sign.

1 (NO RESPONSE)

2 CHAIR CHARLES FLYNN: Request is approved.

3 Thank you, Sharra.

4 ITEM 7. Recommendation of Letter of Reprimand, Piney Ridge
5 Treatment Center:

6 MS. EBONY RUSS: Item number seven, on the
7 agenda, is a recommendation of letter of reprimand,
8 Piney Ridge Treatment Center, presented by myself,
9 Ebony Russ. We also have available, via zoom,
10 Assistant Director, Ashelyn Abney.

11 The Placement and Residential Licensing Unit
12 recommends a letter of reprimand for continued
13 failure to maintain substantial compliance with the
14 residential minimum license standards in the
15 essential areas of buildings, grounds, and behavior
16 guidance. Continued noncompliance may result in the
17 Child Welfare Agency Review Board issuing a
18 probationary license. This license may be issued for
19 up to one year, at the discretion of the board. The
20 Placement and Residential Licensing Unit recommends
21 that, if the board votes to convert the agency's
22 license, it is for a period no shorter than six
23 months. The complaint -- the compliance issuable
24 (INAUDIBLE) states excessive citations and lack of
25 sustained compliance at Piney Ridge Treatment Center

1 resulted in youths not receiving the required care as
2 intended by the residential minimum licensing
3 standards.

4 I'm not sure if the CEO, Matt Wiltshire, is
5 available by Zoom. If you are, could you please
6 identify yourself.

7 MR. MATT WILTSHIRE: Yes, I'm here. This is
8 Matt Wiltshire.

9 CHAIR CHARLES FLYNN: So, you know, back in the
10 fall I know there was a couple of corrective actions.
11 They were coming near to completion in, I think,
12 October. How did -- did those end successfully?

13 MS. EBONY RUSS: Correct.

14 CHAIR CHARLES FLYNN: Okay.

15 MS. EBONY RUSS: The last corrective action plan
16 for Piney Ridge was settled October 31st, 2020.

17 BOARD MEMBER ANDY ALTOM: Matt, what's your
18 position on this?

19 MR. MATT WILTSHIRE: Well, I mean, I can tell
20 you I came -- we had a CEO that just wasn't cutting
21 it. He's no longer there. We also had a Clinical
22 Director and a Director of Nursing that were not
23 cutting it. What we've done is all three of those
24 have been removed. And I came in as the CEO and we
25 hired a new Director of Nursing and a new Clinical

1 Director. And I can tell you our incidents have gone
2 down 71% since July. Seclusions down 53% and
3 (INAUDIBLE) is down 91%. We've invested a lot of
4 money in the facility, over a million dollars this
5 year. You know it is a old facility and we are
6 trying to get a new one, but I feel like we're
7 making, you know, a good bit of progress now. I
8 think the last two reviews, that we've had with DHS,
9 we were told that we're in -- we -- went very good,
10 the facility did. So, I mean, I would really like,
11 you know, to not have this go on our record. And,
12 you know, just we will continue to work very closely
13 with Licensure. You know, I'm -- and with, also, not
14 only adding myself, I added the COO to also, you
15 know, help out with just the supervision and dealing
16 with the day-to-day operations. So I can tell you
17 it's a different place and it will continue to be a
18 different place.

19 CHAIR CHARLES FLYNN: Ashelyn, do you have
20 anything that you would like to say?

21 MS. ASHELYN ABNEY: I believe all the
22 information is there in the packet for you all to
23 review. In terms of just the level of compliance
24 that we've been seeing recently, our concern is that
25 there's not been a sustainment of compliance at the

1 facility. So we wanted to make the board aware of
2 that and bring it to your attention for you guys to
3 determine what, if anything, you want to do.

4 BOARD MEMBER ANDY ALTOM: So, as a point of
5 order here, is Licensing requesting that they be
6 moved to a probationary license now or is this just
7 that they -- you issue a letter and be reminded that
8 this is the next course if it doesn't improve?

9 MS. ASHELYN ABNEY: That's correct. So what we
10 are recommending is a letter of reprimand and then,
11 what you have listed there, what Ebony went over with
12 you, would be just the following -- the next steps of
13 what would happen if there's not substantial
14 compliance and a sustainment of that compliance.

15 CHAIR CHARLES FLYNN: I'm sorry, I didn't hear.
16 Could you restate that Ashelyn? I don't think we got
17 everything you said.

18 MS. ASHELYN ABNEY: I'm sorry about that. All
19 right. So our recommendation is that the board issue
20 a letter of reprimand to the agency. The additional
21 information that Ebony went over with you would be
22 the other steps, that, by regulation, the board could
23 take if the board wanted to.

24 BOARD MEMBER ANDY ALTOM: What's the difference
25 in a letter of reprimand versus the -- what we go

1 ahead and had, which was as far as a write-up, for
2 the licensing; is that what you said? I guess I'm
3 curious; is this new or is this in the policy of how
4 to do this?

5 MS. ASHELYN ABNEY: So this is in the
6 regulations manual. It's -- I believe that it is
7 new, in respect that, it's not happened before. And,
8 certainly, somebody on the board that's been here a
9 lot longer than myself, may be could speak to that,
10 but I do believe it is new in that sense. It is
11 something that has been the regulations, that has
12 been at the -- or, in the board's venue to do, if
13 they wanted to do, an action that they could do. So
14 I -- outside of that, I'm not sure, you know, how you
15 guys determine, or how you want to move forward with
16 it. It's not a adverse action against the license,
17 the letter of reprimand. It's not an adverse action
18 against the license, whereas a probationary or a
19 termination, or something like that, would be an
20 adverse action against the license. Michelle or Joe,
21 you guys might explain that better than myself, but
22 it is in the regulation and the regulation I've
23 cited, and I do believe that that is in your Board
24 packet, and you guys can read that.

25 CHAIR CHARLES FLYNN: Joe, do you have anything

1 you want to weigh in on at this time?

2 MR. JOE WEST: Mr. Chairman, this is Joe West.
3 I don't really have much to add to what Ashelyn said,
4 other than she is correct that this is -- this letter
5 of reprimand, in front of you, since it is not an
6 adverse action, it's an action you can take today.
7 The probationary options that were mentioned, those
8 would be an adverse action and would require a formal
9 hearing, before the board, under the Administrative
10 Procedures ACT. So that's, I believe, is the key
11 difference here.

12 MS. MICHELLE BRIDGES-BELL: I'd like to add
13 something.

14 CHAIR CHARLES FLYNN: Yes. Go ahead, Michelle.

15 MS. MICHELLE BRIDGES-BELL: Can you hear me? Is
16 this on?

17 MS. EBONY RUSS: You're good. I do.

18 MS. MICHELLE BRIDGES-BELL: Michelle Bridges-
19 Bell, attorney for PRLU. I think one of the goals in
20 this is is to just bring attention to failed
21 practices and concerns that the licensing board has
22 had with Piney Ridge. And to let you be aware of
23 what's been going on. It's just an initial step and,
24 as they said, it's not an adverse action. That it
25 let's the board know concerns that have been going on

1 and then, also, let's Piney Ridge know this is the
2 status of where we are. Here are the concerns. We
3 want you to be put on notice before we take adverse
4 action. And that way everyone is more aware of
5 everything that's going on.

6 BOARD MEMBER ANDREW WATSON: So if we do this
7 letter of reprimand, what would be --

8 CHAIR CHARLES FLYNN: Okay. Can everyone hear -
9 -

10 BOARD MEMBER ANDREW WATSON: Can y'all hear me?

11 CHAIR CHARLES FLYNN: -- out on Zoom?

12 BOARD MEMBER ANDREW WATSON: They may not be
13 able to. Okay. So, if we were to issue this letter
14 of reprimand, what would constitute taking action
15 after, you know, they -- what would they have to find
16 to make us take adverse action on that?

17 MS. EBONY RUSS: Do you want to answer that?

18 MS. MICHELLE BRIDGES-BELL: Sure. If they
19 continue to have --

20 MS. EBONY RUSS: I'm sorry.

21 COURT REPORTER: Mic.

22 CHAIR CHARLES FLYNN: I think you'll need the
23 microphone, so everyone online can hear too.

24 MS. MICHELLE BRIDGES-BELL: And, Ashelyn, if you
25 want to jump in too, just let me know. If they

1 continue to have failed practices in licensing, then
2 that would rise to the level of needing to come back
3 to the board and ask for a probationary license or a
4 different action, in the future.

5 BOARD MEMBER ANDREW WATSON: Yeah, I guess what
6 I'm getting at is, you know, are we talking about,
7 okay, they've got one more thing or two more things.
8 I mean, how much would have to happen; what would
9 have to happen in order to take adverse action, you
10 know, against them? We're hoping -- and, obviously,
11 we hope that we wouldn't have to do that, but I just
12 wanted to know what does it look like. How many
13 opportunities, how many chances we give before we
14 would have to do something like that; have a full
15 hearing on it?

16 MS. MICHELLE BRIDGES-BELL: Ashelyn?

17 MS. ASHELYN ABNEY: I can respond to that.
18 Yeah, it's hard -- yeah, I apologize, Michelle. It's
19 hard to see, because I can't see you, but I'll be
20 glad to respond to that. It is our hope that Piney
21 Ridge will continue to make gains; that they will
22 sustain their compliance. And that is the issue for
23 us. So if the letter of reprimand, just like
24 Michelle stated, was given by the board, then,
25 certainly, we would all understand the complexity and

1 severity of what we've been seeing at the facility.
2 So it would not automatically -- one -- let's say
3 that there was just one violation in there. That
4 would not automatically cause us to come back to the
5 board and say, "Okay, we need to take further
6 action." However, if we stop -- continue to monitor
7 compliance with the regulations, so that if we have
8 multiple visits, and there are multiple violations,
9 or the violations were in the areas that we have seen
10 in the past several months, then we would come back
11 to the board and present to you the information and
12 what we're seeing, where you guys could then
13 determine if you wanted to take any further action or
14 not. Does that help a little?

15 BOARD MEMBER ANDREW WATSON: Yeah, that does.

16 CHAIR CHARLES FLYNN: So in your opinion --
17 whose been into the Piney Ridge most often? Ebony,
18 have you, or a worker, up there, or Ashelyn's been
19 there?

20 MS. EBONY RUSS: We do have Charlotte Galusha;
21 she should be available by Zoom. Most recently,
22 she's been monitoring the facility for the past,
23 maybe, two or three months. We also have an
24 additional licensing specialist, Rachel Carlton, who
25 has also recently been to the facility. Ashelyn

1 Abney and I have also been to the facility on
2 different occasions, as well.

3 CHAIR CHARLES FLYNN: And I know we have some
4 changeover in staff up there, too. So we've had
5 quite a few different people involved in this through
6 the last year and a half or so.

7 MS. EBONY RUSS: Correct.

8 CHAIR CHARLES FLYNN: So, Ashelyn, do you and
9 Ebony -- I ask both -- do you feel like their making
10 an effort to improve?

11 MS. ASHELYN ABNEY: So I might not be the best
12 one to answer that question, because I have not been
13 up there since Matt became the CEO. I have been
14 informed, though, by some of my teammates that there
15 have been gains. And we are happy about those; glad
16 about those. We want to see that sustained, though,
17 because we have seen there, before, changes have been
18 put into place, but they're not sustained. And then
19 we will find that we go back to, you know, multiple
20 things being out of compliance. I have spoken with
21 Matt, personally, and what I will say is that he does
22 express -- or, expresses to me, anyway, desire and an
23 understanding that there does need to be change. I
24 can confirm that, yes. I don't know if there is
25 somebody else on the team that might speak more

1 directly to Charles' question.

2 MS. EBONY RUSS: Well, in my opinion, we are
3 hopeful that Matt can turn this around at Piney
4 Ridge. Again, he's recently been assigned as the CEO
5 there. I'm not sure if they can sustain compliance.
6 That appears to be the issue -- the (INAUDIBLE) issue
7 that we have seen with this facility, is sustainable
8 compliance.

9 CHAIR CHARLES FLYNN: Now our record here goes
10 through December; what's January and February look
11 like?

12 MS. EBONY RUSS: From my understanding, from the
13 recent licensing specialist, there were minor
14 citations made at the facility. Overall, there were
15 no serious violations.

16 BOARD MEMBER ANDREW WATSON: So if I'm
17 understanding you correctly, in the past there have
18 been violations that have been found; they have made
19 -- they have tried to make the necessary changes, but
20 they weren't consistent with it; is that correct?

21 MS. EBONY RUSS: Correct.

22 BOARD MEMBER ANDREW WATSON: Is that what you're
23 saying?

24 MS. EBONY RUSS: And if I may, I could just kind
25 of give you all just a breakdown of what we've seen

1 at the facility?

2 CHAIR CHARLES FLYNN: Go ahead.

3 MS. EBONY RUSS: So in 2020 there were
4 approximately 18 complaints made against the agency.
5 Fourteen of those were determined to be unfounded.
6 We had four that were determined to be true. We've
7 been out to the facility nearly 28 times throughout
8 the year. And, again, we just have not seen the
9 sustained compliance at that facility. We will go;
10 they will correct; we will go back; it will be worse;
11 they will correct. And so it's been an ongoing issue
12 at the facility.

13 BOARD MEMBER BEVERLY MASSEY FOTI: This is
14 Beverly Foti. I guess one of my questions is why are
15 we just now hearing about this, if there were that
16 many complaints, that many visits, that much lack of
17 compliance over the last year?

18 MS. EBONY RUSS: So I'll go ahead and I'll take
19 that. So PRLU is working to figure out a way -- what
20 should we escalate to the Child Welfare Agency Review
21 Board. This is one of those things we decided to --
22 we're having so many issues with this facility; this
23 is not the only facility. We think now is the time
24 that we do bring this information to the board,
25 because we do not have the legal authority to say,

1 "We're issuing you a legal -- a letter of reprimand."
2 That should come from the Board Members. Ashelyn, do
3 you have anything to add?

4 MS. ASHELYN ABNEY: I would just say that we
5 also agree with what Ebony said. We are trying to --
6 and we'll be talking about that here in a little bit,
7 as I understand it, a little more -- to determine
8 what part the board wants to hear, when do you want
9 to hear it, what needs to be included in that
10 information, and what that time structure and that
11 time line looks like, so that, when we see things, do
12 you want to know, as a Board, every time or do you
13 want to know when there is a history, you know, where
14 that line is. So we might not have done it, but we
15 should have done it in the past; I'm not sure, but we
16 -- it is something that we are looking at now.

17 BOARD MEMBER DAVID WHATLEY: This is David
18 Whatley. I just -- because of the excessive --

19 COURT REPORTER: Do you have a microphone?

20 BOARD MEMBER ANDREW WATSON: You need the mic.

21 BOARD MEMBER DAVID WHATLEY: Well, I thought I
22 was on.

23 COURT REPORTER: They're not omnidirectional.
24 You have to hold it right in front of you for it to
25 pick up.

1 BOARD MEMBER DAVID WHATLEY: Okay. Because of
2 the excessive --

3 CHAIR CHARLES FLYNN: Turn it on.

4 BOARD MEMBER DAVID WHATLEY: It needs to be
5 turned on. Because of the excessive citation and the
6 lack of sustained compliance, I just want to be
7 clear, the recommendation from Licensing is that
8 there is a reprimand. So, I mean, if we make a
9 motion and there is a reprimand, I just want to be
10 clear on exactly what that looks like and what we're
11 actually approving.

12 BOARD MEMBER ANDREW WATSON: I agree with that.
13 I think, you know, with the reprimand, what are we
14 going to put in that reprimand; what are we going to
15 be expecting from them; is this something that we're
16 going to be looking at, you know, each meeting that
17 we have, just kind of checking to see are they
18 continuing to make improvements, and are they being
19 consistent? Because it sounds to me, unless I'm
20 misunderstanding, it sounds to me like consistency
21 has been there issue. It's not just, "Hey, we found
22 something," and they'll get on-track to fix it, but
23 then, maybe the next visit, or the visit after that
24 it's just not been consistent and they're not staying
25 consistent with keeping those on-track at the

1 facility. And that's a problem, when -- you know,
2 when you guys -- when we have a hard time trusting
3 that they're going to follow through and continue to
4 follow through. You know, a one-time thing, that's
5 one thing, but when you see that pattern of, okay,
6 they're consistently being inconsistent, that becomes
7 a problem.

8 MS. EBONY RUSS: Correct. And I would say, at
9 this point, you know, just being transparent, when is
10 "enough is enough"? When do we bring this
11 information to the board? And by the minimum
12 licensing standards we should. The licensing unit
13 has the capabilities of requesting the recommendation
14 of letter of reprimand. You all have the authority
15 to move forward with that. So we are coming to you
16 to seek guidance on how should we handle these types
17 of facilities, because we do not have that authority.

18 CHAIR CHARLES FLYNN: So really we have three
19 options: Yes, no, or we're going to consider this at
20 our next meeting to go to that step. I mean, really,
21 a no does not mean no forever; it means that we could
22 come back to this. So I think we have three options
23 today. Now one of the things that you mentioned is
24 that y'all are -- this is not the only agency that
25 maybe is -- maybe not to this extent, but there are

1 other agencies -- and I'm not going to ask you to
2 name the agencies today -- but how many agencies are
3 we talking about? Is this going to become a regular
4 part of our meeting; that we need to have this
5 discussion about member agencies?

6 MS. EBONY RUSS: I think it's important that you
7 all are made aware of the issues that are happening
8 at these facilities, because some of them are very
9 serious.

10 CHAIR CHARLES FLYNN: I appreciate it. I'm
11 just, more than anything, curious, how many agencies
12 that we're talking about?

13 MS. EBONY RUSS: So, just off the top of my
14 head, I can think of maybe three or four.

15 CHAIR CHARLES FLYNN: Okay.

16 MS. EBONY RUSS: Yeah.

17 CHAIR CHARLES FLYNN: Matt, are you still there?

18 MR. MATT WILTSHIRE: This is Matt Wiltshire.
19 Did I --

20 CHAIR CHARLES FLYNN: We didn't -- I know -- I
21 know -- it's come to this board meeting and you need
22 to be called on. I couldn't see you waving your
23 hand, but I would like to give you a chance to
24 respond to our conversation.

25 MR. MATT WILTSHIRE: What I'll say is that the

1 CEO that we put in there -- I mean, I can't get into
2 all the details -- but, you know, some of the things
3 I was aware of; some of it I wasn't. You know, I did
4 have conversations with Ashelyn and Ebony, and, you
5 know, I felt like we were making some headway. I
6 knew things were -- that we needed to address it.
7 That's why I removed him. That's why we removed the
8 DON and the Clinical Director. That's why we have
9 all new folks there and that's one of the reasons why
10 I took over, because I know what it takes to run a
11 PRTF. I ran Mill Creek of Fordyce for 11 years.
12 And, you know, so I'll just tell you, you know,
13 there's no doubt, in my mind, we're going to continue
14 to improve. And I know -- I don't want to call on --
15 you know, call anybody out -- but I know Rachel came
16 up in January and February, and I think those reviews
17 went a lot better than what they had in the past.
18 So, I mean, I know there's changes -- you know, I
19 know the incidents are at a -- now -- at a 10-year
20 low for that facility. And, you know, so I'll just
21 tell you I'll continue to make changes and progress.
22 I'm not planning on going anywhere. So that's about
23 all I can say to it.

24 CHAIR CHARLES FLYNN: Anyone have any questions
25 from Matt, while he's available?

1 BOARD MEMBER DAVID WHATLEY: I don't for Matt,
2 but I have another question. If we move forward with
3 this letter of reprimand, and then Licensing goes in
4 and continues to monitor, I'm assuming, if things go
5 well, then we won't hear anything else from this.
6 The only time we would hear back from Licensing is in
7 the event they continue to be excessively out of
8 compliance. Is that correct?

9 MS. EBONY RUSS: That is correct. Ashelyn, if
10 you have anything different to say, please advise.

11 MS. ASHELYN ABNEY: I would think that we could
12 do however you want to handle that. If -- my
13 following is that would be correct; that there would
14 not be a reason to come back. However, if you all
15 wanted an update -- if you issued a letter of
16 reprimand and you wanted an update on the status of
17 how the facility is doing, we would be glad to
18 provide that to you. So really we can handle that
19 however you all direct us to do so.

20 BOARD MEMBER DAVID WHATLEY: Well I, personally,
21 would trust the Licensing to go in. Having said
22 that, I think it would be good, based on the
23 seriousness of what it looks, to me, like that we're
24 looking at today, to maybe at least have an update
25 (INAUDIBLE).

1 MS. ASHELYN ABNEY: And we'll be glad to do
2 that.

3 BOARD MEMBER ANDREW WATSON: That's the thought
4 process I'm having, is that we do this letter of
5 reprimand; that we just -- the next -- however many
6 meetings that we have, you know, this year -- that we
7 just get a little update. It doesn't have to be a
8 long, drawn-out thing, but I think it would behoove
9 us to get updates, at least through the end of the
10 year. And what that's going to do is that may help
11 us, in Licensing, to gain more of a confidence that
12 they're going to be consistent in the future.

13 MS. EBONY RUSS: Correct.

14 BOARD MEMBER ANDREW WATSON: And give this new -
15 - you know, the new staff the opportunity to gain
16 back, you know, their trust. I think that's a big
17 deal. It is for me, at least.

18 CHAIR CHARLES FLYNN: Andy, do you have any
19 thoughts?

20 BOARD MEMBER ANDY ALTOM: The only thought I
21 have is when I read through this and -- they're
22 Methodist -- the organization that I'm in, we also
23 have a facility -- a couple of them -- like this. I
24 read through some of these violations, where there's
25 damage to the facility. You know, I hope that

1 Licensing is looking at from the time the damage
2 happened till the time it's getting fixed. Because
3 all of us that have these facilities recognize that,
4 you know, it happened last night and we've got
5 Licensing that shows up and, for all they know, you
6 know, it's probably been there a month, or it's only
7 been there, you know, since a day. So I would hope
8 you're looking at that. I'd also hope that you
9 understand that, you know, there's certain things
10 that, when you're trying to teach kids to do, that
11 you can't necessarily make them do it. And those
12 individuals that try to make them, usually have high
13 incident rates, where they're getting into physical
14 altercations with kids, and getting into power
15 struggles, and so you -- that's all I say is that
16 hopefully there's some training for our Licensing
17 folks that are going into these facilities to
18 recognize children in these facilities are in these
19 facilities because of certain reasons; that you can't
20 have the same expectations that you would have if you
21 were going into a foster care home and thinking that
22 you're going to see the same type of behavior. Not
23 to say that, you know, you wouldn't, but there are
24 things that do give me pause and I just -- that's my
25 thought, you know, that any given day, you know, when

1 I look at staffing ratios, you know, all -- those of
2 us that have multiple facilities, if you've got
3 something going on in one facility, where you need to
4 have a 2:1 ratio, or a 4:1 ratio, and maybe in
5 another facility, where things are going okay, you
6 can afford to not have as many staff there while
7 you're managing a crisis. Someone comes in and sees
8 that, they might think you're out of compliance.
9 Whenever you look at the numbers of the kids you have
10 in care and the number of kids that you have under
11 instructional control, and how you're arranging your
12 staff, I would hope that there's some thought process
13 into that, before that gets written up, because, you
14 know, is there mechanisms where you communicate
15 throughout your facility with those staff mates. So
16 I do think that sometimes when you get a one-size-
17 fits-all mentality, as an inspector, and that's not
18 necessarily the case. That said, I do trust the
19 Licensing Unit, in the fact that if you feel like
20 there needs to be a letter of notice to tell them
21 they need to get their act together, I would support
22 it.

23 CHAIR CHARLES FLYNN: Any other observations
24 from the board, any other -- Ashelyn, Ebony, anything
25 you'd like to add before we have a motion?

1 MS. EBONY RUSS: I do not have anything
2 additional.

3 MS. ASHELYN ABNEY: I don't either. Thank you.

4 CHAIR CHARLES FLYNN: Do we want to put that in
5 the form of a motion?

6 BOARD MEMBER ANDREW WATSON: Yeah, I do. I make
7 a motion that we do the letter of reprimand and that
8 we get updates with the meetings that we have through
9 the end of the year.

10 CHAIR CHARLES FLYNN: Okay.

11 BOARD MEMBER ANDREW WATSON: And, just like Andy
12 said, if there's, you know, some more training that
13 needs to go on to help our friends in Licensing to,
14 you know, to know what to look at, that Licensing
15 look, you know, into that too.

16 CHAIR CHARLES FLYNN: We have a motion.

17 BOARD MEMBER DAVID WHATLEY: I'll second the
18 motion.

19 CHAIR CHARLES FLYNN: And a second. Is there
20 any more discussions before we vote?

21 (NO RESPONSE)

22 CHAIR CHARLES FLYNN: So we are voting to give
23 PRLU permission to write a letter of reprimand to
24 Piney Ridge. All in favor, say aye.

25 (CHORUS OF AYES)

1 CHAIR CHARLES FLYNN: Anyone opposed, by like
2 sign.

3 (NO RESPONSE)

4 CHAIR CHARLES FLYNN: There are none opposed, so
5 thank you. Matt, good luck at this. I appreciate
6 your efforts and keep up the good work.

7 MS. EBONY RUSS: Thank you.

8 MR. MATT WILTSHIRE: Will do. Thank you.
9 There'll be some good reports, I'm sure, coming.
10 Thank you.

11 CHAIR CHARLES FLYNN: I would -- before we need
12 to do this again, I don't know if we can -- this is a
13 hard thing to decide; when does it tip? You know,
14 does it have to get this deep or this deep?

15 BOARD MEMBER ANDY ALTOM: Right.

16 CHAIR CHARLES FLYNN: You know? And you've
17 mentioned there's three additional -- up to three
18 additional programs, or three including --

19 MS. EBONY RUSS: Correct, that I can think of,
20 personally, that just come to my mind where they're
21 high priority for me and high concern.

22 CHAIR CHARLES FLYNN: Okay. So is there -- do
23 we need to give you direction, as a Board, as when we
24 want you to bring it up? You know, this is a big
25 deal. If this -- all this that you just shared with

1 us, is that public information?

2 MS. EBONY RUSS: Yes, sir.

3 CHAIR CHARLES FLYNN: It is, but it's harder to
4 get.

5 MS. EBONY RUSS: It's harder to get. I believe
6 it would need to be received through the Freedom of
7 Information Act.

8 CHAIR CHARLES FLYNN: Yes. But, when we come to
9 a meeting like this and we bring this up, it does
10 bring it to our high level attention.

11 MS. EBONY RUSS: Correct.

12 CHAIR CHARLES FLYNN: And so I want to be very
13 careful about doing that. And so I don't know if we
14 -- if you guys, ladies, can help me give Licensing
15 some kind of direction of when we want to hear from
16 you about one of these three agencies. Or maybe
17 someone that's not on your radar yet. Can you give
18 me an idea, without identifying the agencies, what
19 are the things that you're concerned about?

20 MS. EBONY RUSS: So, for an example, an agency
21 having a corrective action for not reporting a very
22 serious incident. Another, is a corrective action
23 where an agency has a staff member -- a high ranking
24 staff member -- that is under corrective action, but
25 that person is currently going through the appeals

1 process. And so --

2 BOARD MEMBER ANDY ALTOM: Would you say that
3 again? I'm sorry. I didn't understand you.

4 BOARD MEMBER BEVERLY MASSEY FOTI: Going through
5 the appeals process.

6 CHAIR CHARLES FLYNN: All right. There's too
7 many people talking.

8 COURT REPORTER: You'll have to take your mask
9 down, I think. Sorry.

10 MS. EBONY RUSS: Can you hear me now?

11 BOARD MEMBER ANDY ALTOM: Yes.

12 CHAIR CHARLES FLYNN: Yes.

13 MS. EBONY RUSS: So, for instance, we do have a
14 facility that currently has a corrective action plan
15 against the facility for not reporting a very serious
16 incident to the Licensing Unit.

17 CHAIR CHARLES FLYNN: So, for instance, on
18 having them, does that agency have a good history
19 except for this one incident?

20 MS. EBONY RUSS: Correct.

21 CHAIR CHARLES FLYNN: And this is something you
22 can't correct. You just can't do it again.

23 MS. EBONY RUSS: Correct.

24 CHAIR CHARLES FLYNN: Yes.

25 MS. EBONY RUSS: And, just through my

1 observation, with the facilities in general, in
2 residential, there appears to be a concern with many
3 facilities not reporting to the Licensing Unit. And
4 that's where we're seeing a lot of concerns.

5 CHAIR CHARLES FLYNN: You know, and not to
6 defend those, because I know our agency has had
7 things that we've had to report, so I know that we've
8 done it. I think sometimes -- and not saying we
9 shouldn't take action -- sometimes there needs to be
10 a little bit more education, I think. I think we
11 have so many new staff, so many new Licensing people.
12 When you have a high level incident that occurs at
13 your agency, you know, most -- and sometimes you do
14 forget to do something -- so it's important to me
15 that this agency has a good record up to this point.
16 And in the emotions they made a bad mistake; that
17 it's something they can't fix. So, you know --

18 MS. EBONY RUSS: And so that was going to be a
19 part of the PRLU updates. So we just need guidance
20 on when should we bring in any information to the
21 board.

22 BOARD MEMBER DAVID WHATLEY: That's a really --
23 it's difficult to come up with a specific time. Now,
24 having said that, when there's something like we were
25 presented today, where it has been consistent, and

1 there have been infractions that have not been
2 corrected, and it's over and over again, I certainly
3 think, on those occasions, it should come to the
4 board. However, you know, on one's where there's --
5 when somebody has had a good history, and there is
6 something there, I certainly don't think the board
7 wants to hear everything, you know, that goes down
8 the pipe on that. And I think the board certainly
9 trusts Licensing to be able to know when there is
10 something serious enough, and when it's gone on long
11 enough, to bring it before the board. But now, if --
12 I don't know Charles. I don't know if we can
13 actually outline the specifics and say, "This is..."
14 well, you know, maybe we could set a guideline, I
15 guess, but at this point I don't know what that
16 guideline would look like.

17 CHAIR CHARLES FLYNN: These two are two
18 different situations. The one that we dealt with
19 today and the one where an agency has a good record
20 and made a mistake that can't be corrected. It was a
21 big mistake, but still -- now the other one, you
22 said, it is the high ranking official with the agency
23 -- and is that person still working?

24 MS. EBONY RUSS: The person is under interim
25 corrective action where he cannot be around any of

1 the youth at the facility.

2 CHAIR CHARLES FLYNN: Okay. So it's in an
3 appeal process for him?

4 MS. EBONY RUSS: Correct.

5 CHAIR CHARLES FLYNN: So is it -- is this
6 working -- is the system working, where while did --
7 while you have your finding and they have the appeal
8 the person is not around children?

9 MS. EBONY RUSS: Correct.

10 CHAIR CHARLES FLYNN: And it will remain that
11 way until either -- and I don't know what the appeal
12 process is. This is a background check issue. That,
13 usually, this board is the one who makes the decision
14 that it's safe for someone to work with children. I
15 guess, unless they go through a process to try to get
16 a judge to reverse a decision or something. I don't
17 know the details, so -- and so, even now, it would be
18 inappropriate, I guess, for us to even know some of
19 that information, because of the legal process. I
20 would ask the attorneys that. I don't know.

21 MS. EBONY RUSS: Right. I think I would --

22 CHAIR CHARLES FLYNN: I see, behind you,
23 Ashelyn's shaking her head. So --

24 MS. EBONY RUSS: Yeah.

25 CHAIR CHARLES FLYNN: Yeah, I, obviously, not

1 mentioned any names and we don't intend to. So --

2 BOARD MEMBER BEVERLY MASSEY FOTI: I would just
3 like to say that I'm not blaming anyone. I know
4 there hasn't been good communication over the last
5 year for anyone in this whole world. So certainly no
6 one is to blame. I guess I was just kinda blind
7 sided that we suddenly have this --

8 CHAIR CHARLES FLYNN: Beverly, she's trying to
9 get you to hold the microphone up a little bit.

10 COURT REPORTER: You're using gestures.

11 BOARD MEMBER BEVERLY MASSEY FOTI: Okay. I was
12 saying I was blind sided by, you know, what was a
13 pretty big decision to make in a short period of
14 time. We got this -- I don't know -- a couple of
15 days ago. We used -- the board and PRLU used to have
16 retreats where we can talk through things and I'm
17 feeling like maybe that's something that we need to
18 do.

19 BOARD MEMBER ANDY ALTOM: I agree.

20 BOARD MEMBER ANDREW WATSON: I agree. Yes.

21 BOARD MEMBER ANDY ALTOM: I think that needs to
22 happen soon.

23 BOARD MEMBER BEVERLY MASSEY FOTI: There are a
24 lot of new staff; we don't know them yet; they don't
25 know us. Maybe they're reluctant to bring things to

1 us, because they don't know us, don't trust us. And
2 I just think that might be something that would be a
3 good thing for us to do.

4 BOARD MEMBER ANDREW WATSON: I think you're
5 right because -- I mean, I echo what you said. I
6 think you're right, because, you know, it's kinda
7 hard to make that kind of decision on, you know, the
8 guidance that we would want to give Licensing, in a
9 short meeting like this.

10 BOARD MEMBER BEVERLY MASSEY FOTI: Right.

11 BOARD MEMBER ANDREW WATSON: And it's going to
12 require a lot of thinking. A lot of time on the
13 whiteboard, so to speak, to -- you know, to make that
14 kind of determination. But, you know, the
15 consistency, to me, it's -- a lot of it's going to
16 have to do with we're seeing a consistent pattern of,
17 you know, issues with these organizations. But if
18 it's just a one-off, you know, on an organization
19 that's just, you know, not like them to have that
20 kind of issue, you know, it's just a one issue deal,
21 I mean, that's not something the board necessarily
22 has to have, you know, reported. But it is something
23 -- you know, if you're seeing consistent problems
24 there --

25 COURT REPORTER: I can't hear him. Can y'all?

1 CHAIR CHARLES FLYNN: Yeah, I'm having trouble
2 understand -- hearing --

3 BOARD MEMBER ANDREW WATSON: I'm sorry.

4 COURT REPORTER: I don't know what's going on.

5 BOARD MEMBER ANDREW WATSON: I'm sorry. I sound
6 like I'm, like, Charlie Brown or something. But, you
7 know, it boils down to a consistency thing. And we
8 can't make that determination, I don't think, you
9 know, what that would look like, you know, the
10 guidelines that we would, you know, want to have you
11 guys follow with it. But, you know, a one-off, like
12 what you're talking about, with an organization where
13 you haven't had any trouble, I don't necessarily
14 think that that's something we have to know about.
15 But, if it's something where you're seeing a
16 consistent pattern of issues, whenever you go in, and
17 you're finding things, those are the kind of things
18 that we need to know about. But I don't really know
19 --

20 CHAIR CHARLES FLYNN: And let me say, Ashelyn
21 and Ebony have both done a good job of staying in
22 touch with me, just as Chairman of the board, but --
23 and that's all I can do is kinda listen to them --
24 and we've bounced ideas back and forth a lot. We've
25 talked about this situation we've talked about today

1 quite a bit. And it's just come to the point now --
2 I can't speak for the board and so, if we want to
3 give the Chairman permission to weigh more heavily in
4 on that -- I'm not seeking that, especially since I
5 remember Andy agreed that he's going to take this
6 seat over before too long. But I do want to thank
7 you and express that you have done a good job
8 communicating with me. And so I'm not surprised that
9 you're here today, even though maybe some others were
10 surprised to read that in the email. So thank you
11 for communicating.

12 BOARD MEMBER ANDY ALTOM: I would say that the
13 one thing that -- until we have an opportunity to do
14 the retreat, or whatever -- is that you recognize
15 sustainability of -- you know, making those
16 corrective actions is something that, obviously, you
17 guys are looking at and, rightfully so, should be
18 concerned with, but in that sustainability issue
19 there ought to be where there's documented
20 conversations with the leadership of that agency,
21 and, you know, you kinda get a commitment and then
22 it's not being followed through, then it -- then that
23 would be -- the next logical step was, "This is what
24 we've done so far; it doesn't seem to be working; now
25 we're coming to you for more guidance." So I think

1 that was the thing that I think most of us, just
2 sitting around listening, is we're just now hearing
3 about it and you're ready to shake a stick at them
4 versus, you know, giving us some information, like
5 maybe when you saw improvement had skipped, that
6 might have been the time to say, "Just want to give
7 you a heads-up. This is what's going on; we're
8 looking for guidance; we're thinking we need to do
9 this," and give us, you know, a couple of months to
10 think about it before, and if it doesn't get better
11 then we're ready to do something like that.

12 BOARD MEMBER ANDREW WATSON: Right. So it's not
13 something, "Hey, we're asking you to vote on this."
14 "These are just -- we're just, FYI; just giving it to
15 you to let you know, where, in case, in the future,
16 there's more to it, then you guys will be asked to
17 take action on it."

18 BOARD MEMBER ANDY ALTOM: The reason I say that
19 is, when it's a sustainability issue that comes
20 forward, there's expertise here, on this board, that
21 can reach out to an agency that may be struggling and
22 say, "Hey, I was just asked to kinda look in on you
23 guys. I understand you might be having some
24 difficulties with this. Is there anything maybe I
25 could help you with? Would you like to come see how

1 we do something?" Or, you know, I don't know. But I
2 do think it's a more -- I think it's the more amiable
3 approach for those folks that we need, because, you
4 know, when we don't have these licensed individuals
5 then we're ending up putting kids out of our state.
6 And I do know that -- you know, I know the State's
7 worried about that. When you don't have enough
8 providers to serve -- but we want good providers; we
9 want quality providers, and so we gotta all be trying
10 to lift up those quality of standards to each other
11 and try to help each other out when we're struggling.

12 MS. EBONY RUSS: I do have a question, just for
13 getting a retreat together. You know, we're the
14 times of COVID, so I'm thinking maybe Zoom at this
15 point. I'm not sure how you guys want to kinda
16 handle that situation.

17 CHAIR CHARLES FLYNN: I'm comfortable with this
18 setting today. I mean, this kind of space, I'm -- I
19 mean, I'm comfortable in less restriction, too.
20 That's -- so it's not a (INAUDIBLE) with me. I don't
21 -- Zoom is good for this kind of -- I been in -- I
22 don't know how many of these things I've been in in
23 20 years of David -- you know, we've all been to
24 these. It would be very difficult to have those kind
25 of meetings by Zoom. I think we have to be in the

1 room to have this kind of discussion around the table
2 that Zoom does allow for. I'm not saying it's got to
3 be at a resort or anything like that, but if we could
4 have a way to be in the same room.

5 BOARD MEMBER ANDREW WATSON: You know, one
6 thing, I'll volunteer Soaring Wings. We've got
7 plenty of space to be able to spread out. One of our
8 houses is actually open right now. And there's just
9 plenty of space to spread out and feel safe, even
10 without masks on, you know, that don't want to wear a
11 mask. And we'll provide whatever we need to.

12 CHAIR CHARLES FLYNN: So what's -- I haven't
13 asked anyone and DCFS is not here, is there anything
14 in the legislature that we would want to wait till
15 this session is over, so that, when we deal with
16 everything, we can deal with everything at one time
17 and not have something we missed and have to come
18 back to?

19 MS. EBONY RUSS: Ashelyn, can you assist with
20 that?

21 MS. ASHELYN ABNEY: I was just trying to think
22 through my head, there, Charles. I believe that
23 there is something. I cannot, off the top of my
24 head, --

25 CHAIR CHARLES FLYNN: And neither can I. I

1 printed it and I know it's an amendment to --

2 MS. ASHELYN ABNEY: (INAUDIBLE) that --

3 CHAIR CHARLES FLYNN: It's an amendment to the
4 Act. There are some amendments to the Act out there,
5 so I would think it would be good for us to --

6 MS. ASHELYN ABNEY: Well, unless you're --

7 CHAIR CHARLES FLYNN: -- wait till the session's
8 over to even worry about this.

9 BOARD MEMBER DAVID WHATLEY: I agree.

10 MS. ASHELYN ABNEY: That might be a good idea.
11 I'm just not sure what all that that entails, because
12 it's not done in our shop. So if -- that might be
13 good to wait. I think that we've gotten a lot of
14 good information -- if you don't mind me interrupting
15 for just a second here -- but I think that we've
16 gotten a lot of good information and feedback from
17 you guys today; certainly, take-aways for me. I
18 would love to be in the room with you today. I'm
19 also an in-person meeting, however we do have some
20 constraints here that we still are under and that we
21 must abide by. And so, even still, that I hear you,
22 Beverly, what you're saying, in terms of why didn't
23 we bring it to you sooner, and then I saw or heard,
24 you know, several mention -- of you, that there's
25 also some things that don't necessarily need to come.

1 So you've given us a lot of good information to think
2 through and Ebony and I will definitely get together
3 and talk through, with our team, the next steps. So
4 I think -- using the situation today as an example, I
5 think that it was good -- and I'm not sure I'm
6 positive; I'm not sure which board member said this,
7 but I get it and I do appreciate that feedback, in
8 terms of maybe it is when the team has gone out we
9 haven't seen that consistency, and then I go out --
10 which, by the way, you guys, I have put in practice
11 and I am meeting with people; it's one of the reasons
12 that I went to the facility myself -- and so when I
13 know those conversations have happened and, yet,
14 we're not seeing what we think we should, that being
15 the time to bring it to the board, so that the board
16 is updated and aligned, in terms of knowing that we
17 are experiencing some difficulty. Maybe that is the
18 best time, so that when we come and we're asking you
19 to take some sort of action, whether it's adverse or
20 not, you all have a little bit of history that you
21 can tie and make some connections to. So I
22 appreciate the feedback and we will work towards that
23 for sure.

24 CHAIR CHARLES FLYNN: I think a retreat or a
25 review is a good idea, but let's look maybe more

1 toward the fall. Is there anything imminent that you
2 think it would be a problem if we waited till the
3 fall?

4 MS. ASHELYN ABNEY: I don't believe so. Again,
5 I think that you guys have given us some feedback to
6 consider. So, I'm -- Ebony, unless you have
7 something additional to add, I think I'm formulating
8 my own ideas anyway about what the feedback is and
9 what we need to do, and what we could have done
10 differently, what we need to do moving forward. So I
11 don't see that we would necessarily need to do it
12 prior to whatever happens in the session. I do
13 understand you guys are all extremely busy and so I
14 think if we could be efficient with our time, we'll
15 talk during the session changes, and then this topic,
16 as well, (INAUDIBLE) visit going in.

17 CHAIR CHARLES FLYNN: We have a meeting for
18 October 27th. Maybe we could just look, even, to
19 October. Gives us time to see if any new rules get
20 promulgated; any changes we need to make; and then
21 have one really good meeting and cover all that. So
22 somewhere in that time frame.

23 MS. EBONY RUSS: We can make it happen. Oh, and
24 I did not have any additional, as far as the
25 concerns. Are we ready to move?

1 CHAIR CHARLES FLYNN: Move on.

2 ITEM 8. Report of Temporary Approvals/Actions (Logs
3 Presented) December 2020 & January 2021:

4 MS. EBONY RUSS: All right. Item number eight,
5 is the report of temporary approvals/actions (Logs
6 presented), December, 2020 and January, 2021.

7 ITEM 9. Other Business:

8 a. Ebony Russ: Introduction of New Staff

9 b. PRLU updates

10 MS. EBONY RUSS: Number nine, on the agenda, is
11 other business. We've kinda talked about that
12 already. It's a part of the PRLU updates and we've
13 had lengthy discussion about that. The only thing is
14 that we do have two additional new workers and I
15 think they should be available by Zoom, so if you
16 could please turn your camera on, and your
17 microphone, and introduce yourself. Stephen Pitts,
18 are you available?

19 MR. STEPHEN PITTS: Yes, I'm here.

20 MS. EBONY RUSS: Can you please introduce
21 yourself and let them know what area you're in, what
22 county?

23 MR. STEPHEN PITTS: Okay. I'm housed out of the
24 Crawford County Office in Van Buren, just across the
25 river from Fort Smith. I previously worked for DCO,

1 the Division of County Operations here, in this
2 office, for a year, and have worked for the State for
3 six years, so I have six years experience in law
4 enforcement. I was a probation and parole officer
5 before I did this.

6 MS. EBONY RUSS: Thank you, very much, sir. And
7 if Jeremy Myers is available, if you could please
8 turn your camera on, and introduce yourself, and let
9 them know what county you're in.

10 MR. JEREMY MYERS: Yeah, my name is Jeremy
11 Myers. I am in Pulaski County. I've had an
12 extensive history with DHS, Department of Child
13 Support team; I've had experience with DCFS and
14 foster homes, and foster parents, as well as
15 facilities and placements. I've been around
16 (INAUDIBLE) and around the (INAUDIBLE) Licensing
17 Specialists.

18 MS. EBONY RUSS: Thank you. There is no other
19 business for PRLU.

20 CHAIR CHARLES FLYNN: Okay. We are adjourned.

21 UNKNOWN: Okay. Hold on, Ebony. We have
22 another item.

23 MS. EBONY RUSS: We do?

24 UNKNOWN: Yes.

25 CHAIR CHARLES FLYNN: We're about there.

1 MS. ASHELYN ABNEY: Thank you guys. Appreciate
2 you.

3 CHAIR CHARLES FLYNN: Ashelyn?

4 UNKNOWN: Yes, I'm sorry, you guys.

5 CHAIR CHARLES FLYNN: Ashelyn just went off.

6 MS. EBONY RUSS: Ashelyn?

7 UNKNOWN: I'll get her back.

8 MS. EBONY RUSS: I'm sorry. We do have one more
9 item for discussion on updates.

10 UNKNOWN: (INAUDIBLE) I think you could continue
11 without her.

12 MS. EBONY RUSS: Okay. We did want to bring to
13 the attention of the board, we have been informed, by
14 Disability Rights, Arkansas, that they intend to post
15 information gained from the Freedom of Information
16 Act to their public face and website. So they will
17 be putting information on their website concerning
18 facilities across the state.

19 BOARD MEMBER BEVERLY MASSEY FOTI: They've been
20 doing that for months.

21 MS. EBONY RUSS: I'm sorry?

22 BOARD MEMBER BEVERLY MASSEY FOTI: They've been
23 doing that for months.

24 MS. EBONY RUSS: Well they just brought it to
25 our attention recently, so --

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CHAIR CHARLES FLYNN: We're adjourned.

(THEREUPON, the meeting was adjourned at 2:48
p.m. on February 25, 2021.)

DATE OF NEXT MEETING: THURSDAY, APRIL 22, 2021

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REPORTER'S CERTIFICATE
BEFORE THE STATE OF ARKANSAS
CHILD WELFARE AGENCY REVIEW
BOARD
Thursday, February 25, 2021

I, Laura L. Carnahan, a Certified Court Reporter in and for the aforesaid state, certify that I reported the proceedings in the aforementioned case; that said recording has been reduced to a transcription by me, or under my direct supervision, and the foregoing pages numbered 1-61 constitute a true and correct transcript of the proceedings held, to the best of my ability.

WITNESS my hand and seal as such Court Reporter
16th day of March, 2021.

Laura L. Carnahan



LAURA L. CARNAHAN

BCR#95906

Supreme Court Certified Reporter No. 569