

Minutes

Debarment Review Board

May 27, 2015, 2:00 PM

2079 E. Ninth Street, 4th Floor – Committee Room B
Cleveland, OH 44115

1. Call To Order

The meeting was called to order at 2:05 PM.

2. Roll Call

Attending:

Judge Tim McMonagle, Chair

Evan Byron

Brandon Cox

Sunny Simon

Others in attendance:

Ruchi Asher, Cuyahoga County Assistant Law Director

Mark Griffin, Cuyahoga County Inspector General

Michael King, Special Counsel, Cuyahoga County Council

3. Public Comment

There was no public comment.

4. Review and Approval of the Minutes (3/25/15 meeting)

Sunny Simon motioned to approve the minutes from the March 25, 2015, as written; Evan Byron seconded. The minutes were unanimously approved.

5. Old Business

a. Status Update - Proposed Substitute – O2014-0031

Sunny Simon reported that Substitute Ordinance O2014-0031 has been approved by Council and is in effect.

b. Draft Rules of Procedure

Judge McMonagle turned the Board's attention to the Debarment Review Board's draft Rules of Procedure. The Board paused to allow time to review the Rules. Board members discussed the Preamble and the provision related to the application of retroactive laws. Board members agreed that the Preamble as written, with the reference to the County's Risk Management policy, adequately addresses the ex post facto issue.

Brandon Cox provided various recommendations related to word omission and grammar, and also suggested that section 4 allow include a provision that allows for electronic transmission of the Inspector General's files.

Board members also agreed that section 4 should include a provision that prevents the disclosure of privileged documents, or documents that are prohibited from disclosure by other applicable laws.

It was requested that section 4 also include a provision instructing the clerk to disseminate case materials to the Board members within 14 days from the filing of a notice of appeal.

Discussion ensued regarding legal representation for the Board, should the entity ever require outside counsel. Mike King reminded Board Members that the Prosecutor's Office indicated that they could provide representation, but in the event of a conflict caused by criminal proceeding on a case under review, the Board would need to retain outside Counsel. Councilwoman Simon suggested that Council might need to consider a minimal appropriation as part of the upcoming budget cycle.

Sunny Simon recommended that the rules provide Board members with the discretion to issue a dissenting opinion.

Mark Griffin provided additional feedback on Section 15, *Proposed Findings of Fact and Conclusions of Law*, and Section 16, *Waiver of Hearing*.

Tim McMonagle offered the Inspector General the opportunity to further review the draft rules and provide feedback. Mark Griffin said he would have comments to the Board no later than Friday, June 5, 2015. Tim McMonagle motioned to defer vote on the Rules of Procedure until the June 24, 2015 meeting; Evan Byron seconded. The motion was unanimously approved.

6. Miscellaneous Business

There was no further business for discussion.

7. Adjournment

Tim McMonagle motioned to adjourn; Evan Byron seconded. The motion to adjourn was unanimously approved at 2:55 PM.