

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 320, MS 3-9
SACRAMENTO, CA 95814
TTY: 711
(916) 654-1958



May 10, 2021

Rita Walker, Board President
Phil Bonnet, Executive Director
Alta California Regional Center
2241 Harvard Street, Suite 100
Sacramento, CA 95815

Dear Ms. Walker and Mr. Bonnet:

This letter is in response to Alta California Regional Center's (ACRC) correspondence dated September 29, 2020, requesting a conflict of interest waiver for Michelle Ramirez, an ACRC Board member. The Department of Developmental Services (Department) is in receipt of the Conflict of Interest Reporting Statement and proposed Conflict Resolution Plan for Ms. Ramirez. The Department received written approval of the proposed Conflict Resolution Plan from the State Council on Developmental Disabilities on January 19, 2021, as required by Title 17 California Code of Regulations §54534(a).

Ms. Ramirez serves as the Co-Chair of the ACRC Provider Advisory Committee (PAC) and was designated by the committee to serve as a member of the ACRC Board of Directors. Ms. Ramirez is employed as the Chief Executive Officer for On My Own Independent Living Services and On My Own Community Services. Welfare and Institutions (W&I) Code §4622(i) provides that the regional center's governing board appoint a vendor advisory committee to represent the various categories of service providers from which the regional center purchases consumer services. The advisory committee provides advice, recommendations, and technical assistance to the board in order to assist the regional center in carrying out its mandated functions. The advisory committee also designates one of its members to serve as a member of the regional center board. Although W&I Code §4622(i) allows for the vendor advisory chairperson to serve on the regional center board, Ms. Ramirez must comply with W&I Code §4622(k)(2), which prevents a board member with an existing conflict of interest from voting on any fiscal matter affecting the purchase of services from any regional center service provider.

Department staff determined a conflict of interest does not exist in Ms. Ramirez's role as the Co-Chair of the ACRC PAC pursuant to Title 17 Regulations. Given the specific set of circumstances, ACRC and its Board of Directors are responsible for ensuring that Ms. Ramirez complies with all sections of W&I Code, including §4622(k)(1)(2)(3).

“Building Partnerships, Supporting Choices”

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However, a potential conflict exists as Ms. Ramirez is also the President-Elect for the California Disability Services Association (CDSA). CDSA is a statewide association representing service provider organizations. As such, her role with CDSA presents a conflict that requires a mitigation plan.

Based on the information provided, the proposed Conflict Resolution Plan is approved for Ms. Ramirez, effective for 12 months from the date of this letter. If, at any point, there is a change of status that creates a present or potential conflict of interest, ACRC must ensure that Ms. Ramirez prepares and files a new Conflict of Interest Reporting Statement, and ACRC submits a new Conflict Resolution Plan, as appropriate, pursuant to Title 17 Regional Center Conflict of Interest Standards and Procedures.

This approval is based on the implementation of the safeguards identified in your September 29, 2020, correspondence and the ACRC Governing Board's assurance that the following conditions are met:

1. As a member of ACRC Board of Directors, Ms. Ramirez shall have no role or involvement with any matter that might affect CDSA, including but not limited to:
 - Participation in any discussions, recommendations, or decisions about contracts, service agreements, or any other fiduciary related items that may apply to CDSA.
2. Ms. Ramirez shall fully disclose the existence and nature of the conflict of interest to the ACRC Board and have it noted in the official board records.
3. Ms. Ramirez shall abstain from voting on any matter pertaining to CDSA or any matter which could impact CDSA.
4. Ms. Ramirez shall not use her position as a board member of ACRC to exert influence on decision-making regarding CDSA.
5. Should matters related to CSDA arise during any ACRC Board of Trustees' meetings (e.g., board or committee meetings), Ms. Ramirez shall refrain from participating in the discussion.
6. Given the specific set of circumstances, ACRC's Board President and other board members are responsible for ensuring Ms. Ramirez complies with W&I Code §4622(k)(2).

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7. ACRC's Board President and members are responsible for ensuring that the plan and its safeguards are applied and monitored.

If you have any questions regarding this correspondence, please contact Maxine Paula Milam, Primary Regional Center Liaison, Office of Community Operations, at (916) 654-2177, or by email, at maxine.milam@dds.ca.gov.

Sincerely,

Original signed by:

ERNIE CRUZ
Assistant Deputy Director
Office of Community Operations

cc: Lisa West, Alta California Regional Center
Michelle Ramirez, Alta California Regional Center
Aaron Carruthers, California State Council on Developmental Disabilities
Brian Weisel, California State Council on Developmental Disabilities
Brian Winfield, Department of Developmental Services
Erica Reimer Snell, Department of Developmental Services
Rapone Anderson, Department of Developmental Services
Erin Paulsen Brady, Department of Developmental Services
Maxine Paula Milam, Department of Developmental Services



**CONFLICT OF INTEREST REPORTING STATEMENT
DS 6016 (Rev. 08/2013)**

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A “conflict of interest” generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Michelle Ramirez Regional Center: ACRC

Regional Center Position/Title: Governing Board Member Executive Director
 Vendor Advisory Committee sitting on Board Employee
 Contractor Agent Consultant

Reporting Status: Annual New Appointment (date): _____
 Change of Status¹

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.

Vendor Advisory member. Provide representation for providers and clients on the board. Co-chair of ACRC's provider advisory committee. Employed by On My Own Independent Living Services and On My Own Community Services as their Chief Executive Officer.

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

- | |
|--|
| <input type="checkbox"/> Governing Board Member |
| <input checked="" type="checkbox"/> Vendor Advisory on Board |
| <input type="checkbox"/> Executive Director |
| <input type="checkbox"/> Employee/Other |

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

On My Own Independent Living Services and On My Own Community Services provides a variety of vendored services, including services for: supported living, independent living, external situation assessment, trial work experience, vocational assessments, employment services, personal/vocational/social adjustment training, employment and supported employment. I am employed as the Chief Executive Officer for On My Own Independent Living Services and On My Own Community Services.

3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

See answer to #2

4. Are you a regional center advisory committee board member? yes no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

See answer to #2

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? yes no -- If yes, please explain.

See answer to #2

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

<input type="checkbox"/> Governing Board Member
<input checked="" type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].
 yes no -- If yes, please explain.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? yes no -- If yes, please explain.

8. Do you have a financial interest in any contract⁶ with the regional center? yes no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no -- If yes, please explain.
 I negotiated On My Own Independent Living Services' SLS (Supported Living Services) contract.

9. Do any of your family members have a financial interest in any contract with the regional center? yes no
 If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no
 If yes, please explain.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

<input type="checkbox"/>	Governing Board Member
<input checked="" type="checkbox"/>	Vendor Advisory on Board
<input type="checkbox"/>	Executive Director
<input type="checkbox"/>	Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
 yes no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? yes no -- If yes, please explain.

B. ATTESTATION

I Michelle Ramirez (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature *Michelle Ramirez* Date 09/24/2020

INTERNAL USE ONLY

Date this Statement was received by Reviewer: _____

The reporting individual does does not have a present potential conflict of interest

Signature of Designated Reviewer <u><i>Rita Woo</i></u>	Date Review Completed <u>9/28/20</u>
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Mitigation Plan

WIC section 4622(k): No member of the board who is an employee or member of the governing board of a provider from which the regional center purchases services shall do any of the following:

- (1) Serve as an officer of the board.
- (2) Vote on any fiscal matter affecting the purchase of services from any regional center provider.
- (3) Vote on any issue other than as described in paragraph (2), in which the member has a financial interest, as defined in Section 87103 of the Government Code, and determined by the regional center board. The member shall provide a list of his or her financial interests, as defined in Section 87103, to the regional center board.

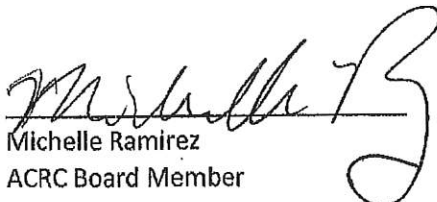
Nothing in this section shall prevent the appointment to a regional center governing board of a person who meets the criteria for more than one of the categories listed above.

In serving as a member of the ACRC Board while I am the CDSA President Elect or while I hold any other officer position on CDSA's Board, I, Michelle Ramirez, agree that:

1. I will refrain from discussion and voting on any of the following matters:
 - Contracts to be entered into between ACRC and CDSA
 - Legislative positions the CDSA Board may take which are different than those of ACRC's Board
 - Decisions relating to lawsuits involving both ACRC and CDSA
 - Decisions relating to ACRC campaigns or media efforts which might differ from the message of CDSA

2. I will refrain from:
 - Participating in any ACRC campaigns or media efforts which might present a message different from the message presented by CDSA
 - Disclosing any confidential information regarding ACRC to CDSA or any other individual or entity, unless required in the course of my work on ACRC's board.

I will resign from membership on the ACRC Board if at any time I have concerns about my ability to refrain from these activities or if I believe I am otherwise unable to continue to fulfill my fiduciary duty of loyalty to ACRC.


Michelle Ramirez
ACRC Board Member


Rita Walker
ACRC Board President