

## **Meeting Minutes - Elected Committee of Managers (E C M)**

The **January 22, 2022**, E C M first quarter meeting was conducted virtually through the E C M conference call line.

**Instructions to access the conference call line were distributed as follows:**

Conference number: 1-832-917-1510 access code: 172170 (after the voice prompt press \*)

Press 5\* to be recognized for questions or comments (This will let the conference manager know you have raised your hand and you will be recognized by the E C M Chairman.)

Press 4\* to mute or unmute

NOTE: conference call was recorded

Attendees were urged to register the phone number they would be calling in with in advance with Mr. Tommy Crawford by calling him at 254-654-0119 or calling Mr. Tom Chepey at 210-789-3191. This helps the E C M recognize who is attending the meeting and helps to make communications more efficient.

**Call to order at 9:00 a.m. by Interim Chair, Mr. Tom Chepey**

**Roll call of E C M, Guests and State Licensing Agency (S L A) Staff**

Mrs. Kim Chepey read a list of audience members names; named each of the E C M Representatives that were present and S L A staff.

**Business Enterprises of Texas (B E T) Staff Attending**

Lizet Hinojosa, B E T Director

## **Invocation presented by Mr. Laydell Rogers**

### **Election of E C M Officers / Executive Committee**

Nominations for Chairman were announced as follow:

Ms. Aloha Cooks nominated Zach Davis; Mr. Davis accepted the nomination.

Mr. Jerry House nominated Manny Sifuentes; Mr. Sifuentes accepted the nomination.

Interim Chairman Chepey reminded the candidates that they have a three-limit opportunity to address the committee.

Mr. Zach Davis applauded the direction that the E C M has been on; cited better transparency and open dialogue with the agency's Executive Director. Mr. Davis addressed the goals that the E C M has in place to help build a better program.

Mr. Manny Sifuentes addressed his enjoyment and commitment in serving the committee and all licensed managers. Mr. Sifuentes talked about looking towards the future to help those in need; he cited his motivation to continue working with members and establishing a strong relationship with T W C.

Mr. Chepey instructed those interested in voting for Zach Davis to raise their hand by hitting 5\* on the keypad.

Mr. Chepey asked those that voted for Mr. Davis to please lower their hands.

Mr. Chepey asked those interested in voting for Manny Sifuentes to raise their hand by hitting 5\* on the keypad.

All votes were tabulated by Mrs. Kim Chepey and results are as follows:

Six votes for Zach Davis; five votes for Manny Sifuentes; one person abstained from voting.

Ms. Kim Chepey read out loud the names of the members that voted and for which candidate.

Interim Chairman Chepey congratulated Zach Davis as the winner for the 2022 E C M Chairman position.

Nominations for Vice-Chair were announced as follows:

Ms. Aloha Cook nominated Tom Chepey; Mr. Chepey accepted the nomination.

Mr. Paul Parker nominated Manny Sifuentes; Mr. Sifuentes did not accept the nomination. However, he did nominate Mr. Larry Watson. Mr. Watson declined the nomination.

No other hands were raised; therefore, the only accepted nomination was Mr. Tom Chepey for Vice-Chair of the E C M. Mr. Chepey accepted the responsibilities of the Vice-Chair position.

Nominations were announced for Treasurer as follow:

Ms. Cecilia Wilson nominated Tommy Crawford. Mr. Crawford accepted the nomination. Ms. Aloha Cook also nominated Tommy Crawford.

No other nominations were announced therefore the only nominated candidate was Mr. Tommy Crawford for Treasurer. Vice-Chairman Chepey announced Mr. Crawford as the Treasurer for the 2022 E C M.

## **Approval of Minutes for October 23, 2021, 4<sup>th</sup> Quarter Meeting**

Chairman Davis announced approval of the E C M meeting minutes for the last quarter.

### **Director's Report**

B E T Director Lizet Hinojosa's presentation of the Director's Report is as follows:

#### Facilities Information

B E T closed out the first quarter with 113 facilities. No new facilities have opened during the first quarter; no facilities closed during the first quarter.

B E T has two pending facilities:

1. 1601 N. Congress Facility (or Capital Mall) projected opening date in June 2022; will encompass a cafeteria and vending.
2. 1801 Congress projected opening date in June 2022; will encompass a micro market and vending.

During the first quarter, B E T had four facilities that received upgraded vending or kitchen equipment.

At the end of the first quarter, we had ninety-eight assigned managers and two unassigned managers.

During the first quarter there were 122 business visitations completed by the B E T Business Consultants.

Value of equipment ordered and delivered in support of businesses during the first quarter was \$7,457.00.

The number of employees whose disability is blindness in B E T Businesses: 28

Number of employees with other disabilities in B E T businesses: 123

Number of employees with no disability in B E T: 1,408

Ms. Hinojosa announced the conclusion of the B E T Director's Report.

### **Q and A after Director's Report**

No questions were raised.

### **Introduction of B E T Interim Field Operations Supervisor, Ms. Cynthia Gonzalez**

Director Hinojosa announced Ms. Cynthia Gonzalez having accepted the position of Interim Field Operations Supervisor for the S L A. Ms. Hinojosa thanked Ms. Gonzalez for her commitment, steadfast approach and positive attitude.

### **Update on the Current State of the Rehabilitation Services Administration (R S A) and Recent Technical Assistance Circular (T A C) Releases – Terry Smith, National Federation of the Blind (N F B)**

Mr. Smith offered congratulations to Mr. Zach Davis as the new Texas E C M Chairman and thanked everyone for the invitation to speak while affirming his long-standing relationship with the Texas

program. Mr. Smith delivered a hello from the President of the National Association of Blind Merchants (N A F B M), Mr. Nicky Gacos. Mr. Smith announced an upcoming virtual Business Leadership and Superior Training (B L A S T) invitation. The training will take place via multiple afternoon sessions. Mr. Smith transitions his presentation to addressing the national level work objectives that are taking center stage; they are as follows.

1. Holding conversations with members of Congress to address the need to fund Randolph-Sheppard.
2. The need to modernize Randolph-Sheppard.

Mr. Smith provided an outline of how the N A B M plans to secure dollars to modernize the program. Some of the highlights Mr. Smith mentioned was asking the Department of Education about money for states to convert outdated cafeterias to micro markets, purchase food trucks, open non-traditional facilities, and create opportunities in the private sector. Mr. Smith discussed another national level objective involving the topic of Rest Area Commercialization and the Electric Vehicle (E V) charging stations. He gave an informative look at the process under the Biden administration towards the infrastructure bill to create a network of E V charging stations along our nation's highways. Mr. Smith conveyed that he and Mr. Gacos are educating themselves about E V charging stations and affirmed their commitment to advocate in the best interests of all blind merchants. Mr. Smith moved on to report on a recent meeting with R S A officials to discuss the T A C on the Rules and Regulations. He also addressed another topic brought to R S A's attention regarding the inventory issue and how the S L A's are using Vocational Rehabilitation (V R) dollars to provide stock loans or initial inventory. Mr. Smith conveyed the N

A B M's stance against that practice as he presented reasons why this process promotes newly licensed vending managers with a higher risk of failure during their first year. Mr. Smith is confident that R S A will agree that states should not be issuing loans with V R dollars. Mr. Smith continued his report by citing the flurry of activity taking place with Military installations. He highlighted the case involving the Schofield Barracks in Hawaii and talked about the N A B M filing an amicus brief in support of the S L A to affirm their Randolph-Sheppard priority to the dining facility attendant contracts. Mr. Smith mentioned lots of activity involving several Department of Defense (D O D) arbitrations. Before wrapping up his report, Mr. Smith reminded the audience to stay up to date as he provides national level recaps under The Blitz newsletter.

### **Q and A after Mr. Terry Smith's Report**

Mr. Chepey asked Mr. Smith to define the difference and provide explanations on policies and procedures. Mr. Smith provided examples of both and detailed what goes to R S A for approval.

Mr. Manny Sifuentes asked if there is a national database that tracks all the D O D contracts and inquired as to the findings with the AbilityOne Commission Memorandum of Understanding (M O U) agreement. Mr. Smith affirmed that no database exists as he discussed how the AbilityOne Commission was developed and how the M O U was the result of a pledge to work cooperatively.

Mr. Davis requested clarification on the process by the S L A to submit bids to the D O D. Mr. Smith provided insight as to how there are two processes that are used while conveying his opinion on his preferred method.

No other questions were presented.

## Chairman's Report

Chairman Davis announced the presentation of a brief report as he was newly elected within this first quarterly meeting. He did highlight a couple of current topics that will merit strong consideration throughout the year; they are as follows:

1. The Technical Assistance Circular (T A C) released to Federal unassigned vending. Mr. Davis emphasized this topic will warrant the undertaking of the E C M's primary focus due to the ramifications of the T A C as blind entrepreneurs will be impacted the most since these federal unassigned dollars were used to pay for B E T's Retirement, Health Insurance, Vacation Pay and Sick Leave (R H I V S) benefits.
2. How to make money again. Looking at private sector opportunities; exploring college/university campuses on state properties for financial opportunities to blind vendors. Chairman Davis mentioned T W C's Executive Director, Mr. Ed Serna's recommendation to contact the T W C Outreach department for insight. Another establishment Chairman Davis suggested the E C M should delve into for possible financial gains are commissaries.

Chairman Davis concluded his report and opened the floor up for questions.

Mr. Dave Corbett posed a question about T A C-21; he asked if these vending contracts are broken up and awarded to individual managers would that action make those contracts less equitable. Chairman Davis offered a detailed response and Director Hinojosa gave clarification as to T A C-21-02 being specific to Federal property vending.

Ms. Aloha Cook provided commentary addressing the need to push for Federal prisons for looking at opportunities to make money and pursuing new facilities. Ms. Cook expressed the belief that blind vendors should have priority in Federal prisons.

Mr. Manny Sifuentes agreed with the idea of pursuing Federal prisons; he provided an example on how managers may benefit from this opportunity based on the master contract approach.

Mr. Jerry House asked whether the Federal monies would be allocated directly to a blind entrepreneur or to the facility.

Chairman Davis acknowledged that he is uncertain; however, urged everyone to keep this topic relevant as the E C M will need to conduct research.

Vice-Chairman Chepey provided clarification based on previous national call discussions; he cited that Federal monies would be allocated to the facility.

Director Hinojosa gave an informative narrative concerning unassigned vending and how B E T may consider attaching these facilities to an existing operation. She listed options that would meet compliance with T A C-21.

Additional managers continued the discussion by addressing questions or providing commentary/suggestions related to facilities that are bringing in very low sales volume.

The Q and A session was wrapped up by a manager's commentary concerning the S L A's strategy in place with temporary assignments and permanent assignments and how COVID has made an impact adversely affecting the managers.

## **District Reports**

Each representative provided a report on events occurring in their district. Chairman Davis reminded everyone to adhere to a 2-minute or less time frame per each representative's report.

### **District 1 – Harvey Stavinoha and Manny Sifuentes**

Mr. Stavinoha cited his facility as being fortunate to have only experienced 2 ½ months of shut down through the pandemic; he attributed that to the “hands on” approach taken to manage the facility. Mr. Stavinoha reports on behalf of manager Keith Turner, citing his facility in downtown Austin has witnessed minimal sales volume. Mr. Stavinoha acknowledged roadside vending routes and micro markets in District 1 that seem to be the only other facilities making some money. Mr. Stavinoha wrapped up his report by citing only one of the constituents in his district making a request/complaint to look at the B E 115 Manager Annual Performance Review's (M A P R's).

Mr. Sifuentes gave feedback concerning his discussion with manager Mark VanLaningham about the possibility of adding additional services to his operation as more personnel are populating the building. Mr. Sifuentes reflected on the B E 132; he also gave a shout out to the B E T Business Consultants in District 1 and their stellar job performance even during outside business hours. Mr. Sifuentes concludes his report by giving the highlights related to his facilities while acknowledging that the pandemic has changed the landscape of employees and businesses towards a hybrid workplace.

## **District 2 – Zachary Davis and Larry Watson**

Chairman Davis provided an update on behalf of manager Steve Saltzman who reclosed his facility after opening it for a brief spell in November, Mr. Saltzman realized that low sales volume and paying staff was not feasible; he's been in discussions with G S A. However, Chairman Davis reminded everyone that G S A does not willingly offer population counts as they seem to circumvent this topic even after requesting for services to be fully offered. Chairman Davis concludes his report by citing no other issues within his district have been brought to his attention.

Mr. Watson was not available to provide a report.

## **District 3 – Ashley Edwards and Cecilia Wilson**

Ms. Ashley Edwards cited the updates for District 3 as being "scarce" as most businesses are reporting ongoing closures or reporting down profits. Ms. Edwards cites working closing with the sole Business Consultant in the district to lend a hand with any issues that pop up; the collaborative effort also involves the partnership of E C M representative Cecilia Wilson.

Ms. Wilson reports speaking with managers throughout the district, all sharing the same conclusion that business for the moment has continued to be slow. However, Ms. Wilson shares a glimmer of hope citing that COVID won't be around forever, and business will resume. She gave an update on prison managers all in agreement that business has been slow although these managers continue to work hard and display a positive outlook for the future. Ms. Wilson concludes her report by citing her highway vending facility as having its ups and downs with sales volume.

#### **District 4 – Jerry House and Dave Corbett**

Mr. Jerry House reports an email was sent out by Mr. Corbett. However, he did not see any responses. Mr. House did affirm an issue concerning manager Kristen Pattison regarding a complaint about the daily inventory values from the B E 132. Mr. House acknowledged not having any other updates to report other than manager Edgar Mendez at Chopper's Cove having increased sales volume.

Mr. Corbett also acknowledged Ms. Pattison's response to the mass email; said that five of the six staff that Ms. Pattison employs are down with COVID which has prompted her to close the Brook Army Medical Center facility due to lack of staff. Mr. Corbett conveyed that the managers in his district are voicing several issues/concerns with the B E 132. He addressed his own personal strife with meeting inventory levels amid the pandemic and reflects the importance of the B E 132 needing to be re-evaluated and having regulations set in place that consider the pandemic.

#### **District 5 – Paul Parker and Tommy Crawford**

Mr. Crawford reports the same issue that every manager outside his district is struggling with regarding no business being fully operational due to low sales and low population counts. He, reports on behalf of manager Mario Valles who is managing a newer facility at William Beaumont and is echoing the same circumstance as being no where near the projected sales or income. Mr. Crawford reports on recently licensed manager Jorge Heredia as having experienced some assistance with the action brought forth by the S L A in combining his facility with another facility. Mr. Crawford referenced his experience at the Fort Bliss facility he manages as also being affected by a few temporary

closures due to sanitization requirements after a COVID breakout. Mr. Crawford cited the numerous complaints from his district managers concerning the B E 132 as attributed to the recent selection of the Beaumont Army Medical Center (B A M C) manager. Mr. Crawford wrapped up his report by announcing that a protest was initiated/filed concerning the selection process surrounding B A M C.

Mr. Parker echoed the same sentiments that have already been expressed; therefore, he yielded his time.

### **District 6 – Tom Chepey and Aloha Cook**

Ms. Cook conveyed talking to a few managers; she addressed the same issue with prison/vending managers as most not doing well. One prison manager in particular report that his prison facility has been under a “cautionary lockdown” and that the prison has blocked all contact visitations as they have once again resumed non-contact visitations. Other managers are continuing to experience problems with low sales volume; roadside vending managers have experienced a bit of an uptick but nothing in comparison to what was normal before the pandemic. Interest is sparked for the roadside vending managers in respect to the possible proposal towards Electric Vehicle (E V) charging stations along highway rest stops. Ms. Cook reflected on her experience siding a mutual accord with manager Harvey Stavinoha as her facility has endured and she is thankful for no closures. Ms. Cook affirmed that the same sentiment runs true in her district regarding discontent as to the selection process of B A M C temporary assignment and the inconsistency of the S L A using inventory counts. Ms. Cook concludes her report by recommending that

considerations be made regarding managers not being able to access and purchase products such as Coke, Pepsi, etc.

Vice-Chairman Chepey reports not having too much more to add to what has already been voiced. Mr. Chepey suggests better communication between all parties. He conveys a strategy that he practices is to maintain a sense of optimism.

### **Sub Committees Reports:**

#### **Rules and By-Laws Sub Committee – Chairman Zach Davis**

Chairman Davis gave a detailed description as to the process that the committee took for drafting changes and how the voting of each section took place once the draft was completed; this was a thorough process that ultimately ended with the unexpected R S A announcement of the new T A C for state rules. A collective decision was made to wait and review the new T A C therefore, resuming later in a collaborative session with the S L A.

#### **Finance Sub Committee – Tommy Crawford**

Mr. Crawford gave a detailed report and breakdown of every transaction. Mr. Crawford reminded everyone should they be interested in a current copy of the E C M financial spreadsheet by going to the dropbox. He noted every donation is recorded and tracked through the PayPal E C M account although a PayPal fee is subtracted with each donation. Mr. Crawford suggested a change in banks as Wells Fargo seems to require “jumping through several hoops” to do business. A few questions were posed concerning what method of pay are accepted for donations.

### **Elections Sub Committee – Larry Watson**

Ms. Cook reports on behalf of Mr. Watson; she gave a review of the E C M representative elections and their outcome in districts 1, 3 and 5. Ms. Cook also reviewed a special election that took place in district 2.

### **Training of Potential Managers Sub Committee – Aloha Cook**

Ms. Cook reports on trainee Mr. Michael Chandler as graduating on January 31, 2022, via a Teams invitation. Ms. Cook cited information conveyed to her from Joe Gonzalez B E T Trainer/Management Analyst, of two potential trainee candidates that will be interviewing in February. Ms. Cook discussed a letter that will be presented to the E C M for review; the letter will address integrating and adding new training components into the B E T training program. If approval is granted by the E C M, Ms. Cook will then present the said letter to the S L A in June.

### **Annual Training Conference – Tom Chepey**

Vice-Chairman Chepey gave multiple suggestions to host and plan a conference. Mr. Chepey recommends the committee considers the need for substantial funding. He urged those interested in moving forward, to gather soon for planning purposes as securing hotels in a timely manner may pose challenges.

### **Vending Sub Committee – Dave Corbett**

Mr. Corbett conveyed not having much to report on the vending committee. He cited the topic of placing credit card readers in prison vending machines has paused for obvious reasons as the Texas Department of Criminal Justice (T D C J) is not in favor and will not give authorization to move forward. Mr. Corbett touched on the pricing committee as also not having much activity to report.

However, Mr. Corbett is planning on submitting a request for two-tier pricing for vending machines with credit card readers once the next price increase is on the table.

**Set Date and Location for Next Meeting or Workshop -**

E C M members were asked for destination ideas for an in-person meeting. The E C M does choose the site and the hotel; B E T Central Office will communicate with T W C Conference Planning and details are ironed out. A travel document, F-70, was previously distributed to the E C M and reminders were shared that requirements must be met within G S A lodging per diem parameters. Vice-Chairman Chepey announced that any questions concerning the T W C travel process may be addressed to Sharon Hubbard as she has offered her assistance. Director Hinojosa confirmed the steps and reminded the E C M that will continue to choose the destinations.

The destination chosen for the next meeting was Corpus Christi, TX; a date will be determined once this is communicated to the T W C Conference Planning department by B E T Central Office as they will communicate the G S A rates and give notification as to the hotels available timeframe in April.

**Open floor for discussion, questions, comments, and concerns.**

Manager Mike Sparks posed a question about the S L A monitoring the opportunities for future D O D contracts. Chairman Davis cites this topic of conversation not being brought forth to the S L A in an official meeting; he noted this is on the agenda during the next director's meeting.

Manager Harvey Stavinoha offered a suggested as to having an alternate location/destination in mind in case the T W C Conference Planning department is unable to secure anything in Corpus for April.

Chairman Davis urged those members interested in chairing any of the sub-committees, to please reach out. He thanked everyone for their input and is looking forward to leading the E C M.

Director Hinojosa graciously thanked those in attendance for spending their Saturday. She announced that when it is feasible, new opportunities will be considered by the S L A. However, she reminded everyone the current state of facilities in the program by pointing out how many facilities are under temporary assignment, citing managers in three facilities that have walked away from their managing role, managers displaying zero interest when it comes to undertaking temporary assignments. Ms. Hinojosa affirms the importance to first take care of the facilities on hand while reminding the committee that B E T has 113 locations with only 99 managers. Ms. Hinojosa addressed the lack of interest in managers willing to manage an additional location in conjunction to their permanent facility. Director Hinojosa provided the audience with an informative synopsis of the R S A pre-approval process that the S L A undergoes each fiscal year for planning equipment purchases that are \$5K and over. This process is planned a year in advance for the next fiscal year; she talked how this is something that is crucial when considering any new opportunities. Citing the importance of considering, does the S L A have the funding, budgets, and the pre-approvals from R S A for the year prior to proceed with equipment purchases that are \$5K and over? Director

Hinojosa also touched on the current B E 132 form along with the current process; she reminded everyone that this was a collaborative effort developed by the E C M and the S L A. Director Hinojosa said that the S L A is open to dialogue towards changes with the B E 132 and its process as she is 100 percent in agreement that the current form and process need to be reviewed. As Director Hinojosa wrapped up her commentary, she again thanked those in attendance and wished everyone a good weekend.

Manager Ashley Edwards provided a response to the topic of new opportunities; providing her sense of what the managers are referring to are those opportunities that are outside of the program. Ms. Edwards also shared her perspective concerning the B E 132 form.

Manager Mike Sparks gave his thoughts concerning the B E 132 and the management of temporary locations.

**Adjournment -**

Motion to adjourn was made by Mr. Dave Corbett and seconded by multiple managers.