

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

**James R. Thompson Center
100 West Randolph Street, Room 9-035
Chicago Illinois
And
Mason Bldg, Room 104, Springfield, IL.
Video Conference**

COMMISSION MEETING NOTES

March 26, 2007

1:30 PM

MEMBERS PRESENT

Saul Morse (Springfield)
Kenley Wade (Springfield)
Seymour Bryson (Springfield)

MEMBERS ABSENT

Glenn Jackson (submitted proxy)
Senator Harmon (submitted proxy)

EXECUTIVE STAFF PRESENT

Chicago

Dr. Mary Milano, Executive Director
John H. Wank, General Counsel, Deputy Director for Programs
Diane Devereaux, Associate Director Human Resources
Helen Godlewski Brownfield, Director of the Office of State Guardian
Danielle Welliever, Private Secretary to the Director
Gina Rossi, Confidential Assistant to the Director

Springfield

Carol R. Tipsord, Director of Fiscal Operations
Teresa Parks, Director Human Rights Authority

MEETING CONVENED

The meeting of the Illinois Guardianship and Advocacy Commission convened at 1:30 pm, March 26, 2007, in the James R. Thompson Center, Chicago, Illinois, Room 9-035, and 104 Mason, Springfield Illinois, through videoconference. **Chairman, Saul Morse** presided. Seeing that a quorum was not present Chairman Morse asked that notes be taken even though the Commission could not take action on any action items. The meeting date had been set a month in advance and an e-mail was sent by the Director to all commissioners regarding the necessity of their physical presence at the meeting to comply with the open meetings act and with the mandate and duties of the Commission.

Commissioner's Morse and Wade asked that the staff give the reports that they had prepared.

Director's Report - Director Mary Milano

The principle concerns of the Director's office has continued to turn on attempting to get the resources and support for the work of the staff to continue in an efficient and effective manner. We testified in front of both Senate and House Appropriations Committees and have submitted our budget to the Gov's office, now reflected, more or less as submitted, in the Budget Book. The recommended appropriation is slightly under \$ 8.5 million which represents a 9.4% increase over existing budget. A portion of that represents costs outside of our control such as CMS charges, telecommunications, transportation and others. Another portion represents our attempt to reach our previously authorized and appropriated headcount. We would have budgeted for 123 employees, although payment of mandated of merit comp salary increases in this year and next will keep us from reaching that level.

Director Milano reported that the GAC has been attempting to address the issue of hiring, and is happy to report movement in the e-par system: All existing applications we had in the system are now moving, with some waiting now as long as 15 months.

Director Milano reported numerous contacts with the Governor's office regarding appointments of Commissioners. Four new commissioners on the list: Inez Torres Davis, who has been on the list for about 14 months, Representative Ryg, Representative Saviano, and Dean Parnell from NIU. Reappointments are also pending.

Note and Discussion:

In the middle of the Director's report, Commissioner Cotton tried to call in to the meeting but a line had not been set up for call in participants. At the last minute, GAC staff attempted to contact CMS to get the audio conference added, but CMS could not find record of the meeting going on, so the connection could not be made.

From that discussion ensued regarding clarification surrounding the open meetings act, the requirement of physical presence of commissioners and how the law was being interpreted among other boards and commissions that GAC commissioners also sat on. In response, John Wank talked a little bit about pending legislation regarding the open meetings act, and at the end of the discussion, said he would continue to monitor the issue and get further clarification.

Legal and Program Report

John Wank, Chief Counsel and Deputy Director for Programs, announced that Veronique Baker, LAS Director, was not able to attend the meeting. Speaking for her, he reported that LAS activities are moving as they should, there is an almost full compliment of attorneys working in the regions. The appellate court docket has been fairly busy and there is at least one case on appeal to the Illinois Supreme Court.

Director Wank reports he has two cases in litigation. Discussion of litigation is outside of the open meetings act, and if were a quorum here present, would be held in a closed session. He said he would only talk about related matters only in the public domain.

The first case is titled Miles Reed vs. Guardianship and Advocacy Commission. It's the latest version of a 14 year long period of litigation. He was employed by the commission until about 14 years ago. He was terminated as a state guardian caseworker. Subsequently he filed suit with the Illinois Civil Service Commission, the Equal Opportunity Employment Commission, the Illinois Department of Human Rights and the Circuit Court of Cook County. The case of Cook County was appealed to the first district appellate court twice. In the last appellate court decision, the court ordered most of the case dismissed but suggested that the case could be filed in the Illinois Court of Claims. The day before Christmas last year Mr. Reed did file a case in the Court of Claims. He has nominally requested a half million dollars in damages against the Commission. We have turned the case over to the Illinois Attorney General. The sixth attorney general to work on this has said that she considers it a routine matter and has filed a motion to dismiss in the court of claims. She expects action but reminded it might take some time.

The other case involves the Human Rights Authority. Teresa Parks was sued in her capacity as the director of the Human Rights Authority. This matter was also turned over to the Illinois Attorney General. The assistant Attorney General working on this case advises us that she regards this as a fairly routine matter as well.

On the program side, it was decided that the National Guardianship Association and the Illinois Guardianship Association would co-sponsor a Guardianship Forum to be held in April 2008 at one of the hotels near O'Hare airport. We expect attendance of 200-250 people. It's not planned as a traditional NGA conference but is a fine opportunity to get very good training for staff and their continuing education requirements.

Commissioner Morse asked about Supreme Court mandated training for staff attorneys. Directors Milano and Wank described steps being taken within and outside of the Commission to help attorneys afford and find the mandated and specialized education opportunities that they require.

Fiscal Report - Carol Tipsord

Chief Financial Officer, Carol Tipsord, reported that we have been successful in getting GOMB to release 1% of the 2% reserve, which will help tremendously with the merit comp increases as well as hiring for the vacant head county. Spending for July of '06 through July of '07 is within 1% of our budgeted amount, with a budgeted \$5,310,000 and expended \$5,370,000. The difference is telephone bills this year has been a little ahead of what they had been in the previous year.

We are requesting that the 2% reserve for next year would be looked at again, and be relieved of a part of that burden. Our requested appropriation for FY '08 is \$9,524,900

and \$187.7 in the GAC fund. So far that amount has remained in the budget. The only change that has occurred is the retirement amount that went down just a little, which was across the board in all state agencies. We also put some money into a shared services center GRF account. That money will be appropriated to us to be expended for those shared services people. We are hoping to avoid the fund sweep, now known as consolidation, for next year. We did have \$38,000 swept in FY '06.

Human Rights Authority - Director Teresa Parks

HRA Personnel report: We are pleased to post the Peoria HRA vacancy and hope to get someone soon. Director Parks extends her thanks to Peoria OSG rep Kathy Sturm and HRA manager Jon Burnett for ongoing assistance in helping out with Peoria vacancies. There is still a vacancy in our East Central office.

HRA volunteers cannot participate in any HRA business until they are approved by GAC Commissioners.

Regarding the enforcement referral made at the last meeting of Pine Terrace, and rights violations specifically related to their visitation policy. The North Suburban HRA did go back to public health and under the freedom of information act looked at the corrected action plan. Upon receipt of that plan the North Suburban HRA continues to be concerned about the policy and the related liability form. It doesn't appear from the plan that they changed their practice. The HRA brought it back to Director Parks attention who will review it and follow up with public health, in case there is something we are missing. Under the action items for today, there is a similar referral concerning regarding a rights violation at another facility but owned by the same corporation.

Office of State Guardian - Director Helen Godlewski

The Office of State Guardian continues to serve approximately 5,100 wards, with an average caseload size now about 117. 250 of those cases are fiduciary and estate cases.

Personal matters: We have hired a new OSG staff person in the Egyptian office, Heidi Kirksey. With her hire, caseloads in that region have returned to manageable levels. I am disappointed to report that Bill Himel is retiring at the end of March. He currently carries a caseload of 130 persons with developmental disabilities. Bill has been an exceptional Guardianship Representative.

We are in the process of filling two vacancies, one in the East Central region which will likely be the transfer of one of the Peoria staff and one in the North Suburban Region that is now occupied by Bill Himel.

We continue to work with DHS moving wards out of state operated facilities. Our greatest focus is on Howe in Tinley Park. Howe has been decertified for Medicaid and Medicare. Our sense is that DHS will downsize and then apply for recertification. We

have 3 staff at Howe right now and they are assessing the needs of the wards and looking for suitable placements. We have 66 wards there out of a total population of 400.

GAC has two upcoming staff trainings in the month of May and will make agendas available to the Commissioners.

Closing and Adjournment

Chairman Morse brought the meeting to a close, suggesting a change in the next meeting date from June 12th to June 19th. Staff will survey the other members of the Commission and find an appropriate date.