



Minutes

September 9, 2019 Executive Committee Meeting

📅 Mon September 9th, 2019

🕒 3:00pm - 4:00pm EDT

📍 Teleconference

👥 In Attendance

Michael Daniels, JR Harding, Whitney Harris, Matt Holloway, Eric Reed, Paul Tobin, Ben Welter

I. Objective

- a. **Review and approve FAAST Letter to Attorney General.**
- b. **Discuss The Able Trust Letter.**

II. Prepare Prior to Meeting

a. Review Agenda

1. **Please provide Whitney any modifications 24 hours before the meeting.**
2. **Attachments: Meeting Agenda**

b. Review Minutes to Previous Meeting

1. **Please provide Whitney any modifications 24 hours before the meeting.**
2. **Attachments: Minutes to Previous Meeting**

c. Review Task Report

1. **Please provide Whitney any modifications 24 hours before the meeting.**
2. **Attachments: Task Report**

d. Please review the following documents.

1. **Draft FFAST Letter to Attorney General**
2. **Letter from DOE Commissioner to Governor regarding The Able Trust**

III. **Opening**

The September 9, 2019 Executive Committee Meeting was opened by Dr. JR Harding.

a. **Call to Order**

Dr. Harding called the meeting to order at 3:02 PM.

b. **Roll Call**

Members in Attendance: Dr. JR Harding, Mr. Paul Tobin, Mr. Ben Welter

Staff in Attendance: Mr. Michael Daniels, Ms. Whitney Harris, Mr. Matt Holloway, Mr. Eric Reed

Members of the Public: None

c. **Establishment of Quorum**

A quorum was present.

d. **Verbal Authorization to Begin Recording**

No member presented an issue with the meeting being recorded.

IV. **Approval of Minutes**

Dr. Harding presented the minutes from the August 26, 2019 Executive Committee Meeting.

a. **Attachments: August 2019 Executive Committee Meeting Minutes**

b. **Options**

1. **Approve minutes as is.**

Decision: Mr. Paul Tobin motioned to approve the minutes from the August 26, 2019 Executive Committee Meeting.

Decision: Mr. Ben Welter seconded the motion.

Decision: The motion passed without dissent.

2. **Approve minutes with amendments.**

Not applicable.

3. **Do not approve minutes**

Not applicable.

4. **Table the decision.**

Not applicable.

c. **Staff Recommended Action**

1. **Approve minutes.**

V. **Approval of Agenda**

Dr. Harding presented the agenda for the September 9, 2019 Executive Committee Meeting.

a. **Attachments: September 9, 2019 Executive Committee Agenda**

b. **Request for Modifications**

1. **Agenda modifications were requested on September 3rd by Michael Daniels. This item has been added to IX.**
2. **The Committee will hear any modifications to the agenda under Agenda Item IX.**

Decision: Mr. Tobin asked for a discussion on the University of Choice be added to the agenda.

c. **Options**

1. **Approve agenda, as is.**

Not applicable.

2. **Approval of the Agenda, with amendments.**

Decision: Mr. Tobin motioned to approve the agenda for the September 9, 2019 Executive Committee Meeting.

Decision: Mr. Welter seconded the motion.

Decision: The motion passed without dissent.

3. **Do not approve the agenda.**

Not applicable.

4. **Table the decision.**

Not applicable.

d. **Staff Recommended Action**

1. **Approve the agenda.**

e. **Public Comment on any Agenda Item**

No comments from the public were made.

VI. **Review and Approve Draft FFAST Letter to Attorney General**

Dr. Harding opened the discussion of the draft letter to the Attorney General. Mr. Michael Daniels explained his conversation with FFAST's attorney and the end result of this drafted letter.

Mr. Tobin expressed concern that the letter does not clearly ask whether the board of FFAST is separate and distinct from the ATAC and the role of state representatives. Dr. Harding agreed and shared that state employees may run the risk of a conflict of interest with FFAST's funding if they were on the board. Mr. Tobin concluded that he he not believe this draft letter answered that question. Mr. Daniels stated that he had a meeting earlier in the day with the Department of Education (DOE). He shared that DOE stated that all of the members of ATAC are also members of the board of directors. Mr. Tobin asked if members could be asked to join the board, but not hold a position on ATAC. Mr. Daniels believes that it is possible to invite members to join the board only, as long as the roles and responsibilities of ATAC are being fulfilled. Mr. Daniels

stated that this question may be answered in another Florida Statute (617) but requested time to look over this statute to be sure. Mr. Tobin and Mr. Daniels believe that this question could also be addressed in the By Laws or the Articles of Incorporation.

Dr. Harding stated that he did not want to rush the board's approval of this letter and send something to the Attorney General that they are not comfortable with. Mr. Daniels stated that he does not believe the question of inviting members to the board and not ATAC is addressed in the Florida Statute 617. Mr. Tobin agreed with Mr. Daniels' statement and stated that he believed this should have been addressed in the nonprofit's founding documents.

Dr. Harding asked if this letter would impact the ability for FFAST to create a separate nonprofit for NHLP. Mr. Daniels stated that from his understanding of The Able Trust letter (next agenda item) that FFAST could not create another organization and if they wanted to FFAST would need the support of the legislature.

Mr. Tobin suggested that the Committee begin to move on this draft letter and possibly add a third question on recruiting board members.

a. **Category: Old Business**

b. **Attachments: Draft Letter to Attorney General**

c. **Purpose/Statement**

1. **This agenda item was from the August 2019 Executive Committee Meeting. This item will present the draft letter that Mr. Michael Daniels and Ms. Stephanie Moalli have created for FFAST to send to the Attorney General to receive an opinion on FFAST's ability to fund-raise.**

d. **Options**

1. **Approve the letter, as is.**

Not applicable.

2. **Approve the letter, as amendment.**

Decision: Mr. Welter motioned to accept the Attorney General draft letter as modified on September 9, 2019 with the caveat of a question A.3. on Board makeup pending a conversation with FFAST's attorney. The staff will move forward on the letter regardless of the discussion with the attorney.

Decision: Mr. Welter seconded the motion.

Decision: The motion passed without dissent.

Task: Mr. Daniels will update the Executive Committee on the inclusion of a third question on board makeup to the draft letter after his discussion with the FFAST attorney.

 Michael Daniels 09/23/2019

Task: Mr. Daniels will update the Executive

 Michael Daniels 09/30/2019

Committee when the draft letter has been submitted to the Attorney General.

3. **Do not approve.**

Not applicable.

4. **Table the decision.**

Not applicable.

e. **Staff Recommended Action**

1. **Approve the letter.**

VII. **Discussion on The Able Trust Letter**

Dr. Harding opened the discussion on The Able Trust letter. Mr. Daniels explained his opinion of the letter by stating he believed The Able Trust lost their way in terms of legislative intent. A discussion was held by the Executive Committee on the potential impact and lessons to be learned from this letter. Mr. Daniels clarified that this will not directly impact FFAST.

a. **Category: New Business**

b. **Attachment: Letter from DOE Commissioner to Governor regarding The Able Trust**


c. **Purpose/Statement**

1. **This agenda item is for the FFAST Executive Committee to have a broader conversation regarding The Able Trust letter and any implications that can be found in said letter.**

d. **Options**

1. **Review The Able Trust letter and assign new tasks as necessary.**

A discussion was had by the Executive Committee.

Task: Attached The Able Trust letter to the full  Michael Daniels 10/05/2019
board meeting in October.

2. **Table the discussion.**

Not applicable.

e. **Staff Recommended Action**

1. **Review The Able Trust letter and assign new tasks as necessary.**

VIII. **Task Report**

Dr. Harding opened the discussion for action item report. Mr. Daniels stated that the items have been addressed on the agenda for the September 9, 2019 Executive Committee meeting.

a. **Category: Standing Item**

b. **Attachments**

1. **August 2019 Task Report**

- c. **Purpose/Statement**

1. **This agenda item is to discuss the tasks created from the August 2019 Executive Committee Meeting.**

- d. **Options**

1. **Review Task Report and assign new tasks as necessary.**
The task report was reviewed and no new action items were created.
2. **Table the discussion.**
Not applicable.

- e. **Staff Recommended Action**

1. **Review Task Report and assign new tasks as necessary.**

IX. **Agenda Modifications**

Dr. Harding opened the discussion for the two agenda modifications.

- a. **From Agenda V b.**

Discussion on University of Choice

Mr. Tobin asked if there was a formal agreement between Florida State University's University of Choice program and FFAST. He shared that he has a draft fiscal sponsorship agreement that can be used if there is no agreement currently in place.

Dr. Harding is the representative from the University of Choice program who coordinates efforts with FFAST. Dr. Harding stated that this is just a group of students who are not a registered student organization yet. These students currently have no other way to raise and collect dollars or put money out. The students operationalize programs in the space of disability awareness, disability adaptive technology, and other things related to successful independent living at full and active participation in the community. Dr. Harding stated that a letter agreement would be helpful for the students.

Dr. Harding stated that the University of Choice activities may be ending with FFAST after their October 2019 event and once all the bills have been paid. Mr. Tobin asked if this program will be continuing next year. Dr. Harding stated that FFAST has collected and spent the funds on behalf of University of Choice for the past three years and this October would be the fourth year. Dr. Harding stated that this program will continue with or without FFAST and that he has located another nonprofit organization to hold their funds with.

Mr. Tobin asked if University of Choice does their own fundraising. Dr. Harding stated that the students raise the funds themselves but use FFAST's tax deduction. Mr. Tobin stated that a fiscal sponsorship should be put in place, otherwise they are recognizing donations to FFAST that aren't being used for tax deductible purposes.




Mr. Tobin asked if the students would create their own 501(c)3 nonprofit organization or become an FSU organization before the event in October. Dr. Harding stated that there is not enough time for the students to do this before their event but that another nonprofit will accept the residual dollars after their event.

Mr. Tobin asked what the amount of money was that the student were collecting. Dr.

Harding started that the students have raised approximately \$4,700 in the last two months and that \$2,200 was carried over from last year for a total of about \$6,900. Dr. Harding stated that the student's annual expenses are roughly \$5,000. Dr. Harding shared that the students choose to make a donation to FFAST during the spring semester every year. Ms. Whitney Harris stated that FFAST has invoiced \$9,500 on behalf of University of Choice in July 2019. Dr. Harding and Mr. Tobin discussed that these invoices are to be better documented as pledges. Ms. Harris also stated that the money is housed in FFAST's general operating account and not in a separate, stand-alone bank account.

Dr. Harding asked if it was the wish of the Executive Committee to cease and desist with FFAST's support of FSU's University of Choice program. Mr. Tobin stated that it is not his intent to pull the rug out from under Dr. Harding and the students, but if FFAST continues with the program next year that a formal agreement should be executed. Mr. Tobin stated that the funds for University of Choice should not be co-mingled. Mr. Daniels stated that he hopes to have the University of Choice program completed with FFAST by early November.

Mr. Tobin asked if the donors of University of Choice know they are giving to FFAST. Dr. Harding stated that the students explain that in their donation letters. Dr. Harding clarified that it was the pleasure of Executive Committee to close down the University of Choice activities by early November and in the meantime, clean up internal processes to ensure additional audits. Mr. Tobin stated that if at all possible to collect any paperwork on the current donations.

- | | | |
|---|---|------------|
| Task: Dr. Harding to ensure FFAST has all documentation for the University of Choice donations. |  JR Harding | 09/30/2019 |
| Task: Ms. Harris to change current University of Choice invoices to pledges in accounting system. |  Whitney Harris | 09/13/2019 |
| Task: FFAST to end all University of Choice activities by early November. This includes distributing all funds raise by the University of Choice students. |  Michael Daniels | 11/15/2019 |

b. **Legislative Agenda, Changes, and Discussion on a Possible Change in Lead Agency.**

Mr. Daniels stated that from his meeting earlier on this day that DOE and VR are not in support of FFAST advocating for a trust fund. He stated that DOE and VR pushed for FFAST to collaborate with other community partners and to recall the actions of the Commissioner of Education when he was Speaker of the Florida House.

Mr. Daniels stated that he and Mr. Eric Reed have a meeting later in September with the Administration for Community Living (ACL) to discuss the increase in funding FFAST received of \$70,000. ACL is concerned about FFAST's lead agency solidifying a contract in order for FFAST to receive the increase in funding.

X. **Closing**

Dr. Harding asked for a motion to close the September 9, 2019 Executive Committee Meeting.

a. **Last Call for Public Comment**

No public comments were made.

b. **Next Meeting**

1. **Date and Time**

Monday, September 23, 2019 from 3:00-4:00 PM.

2. **GoToMeeting Information**

<https://global.gotomeeting.com/join/506033565>

3. **Toll-free number and Access Code**

Toll Free: 1 877 568 4106

Access Code: 506-033-565

c. **Adjourn**

The September 9, 2019 Executive Committee Meeting was adjourned at 4:16 PM.

Decision: Mr. Welter motioned to adjourn the September 9, 2019 Executive Committee Meeting.

Decision: Mr. Tobin seconded the motion.

Decision: The motion passed without dissent,