

Final Minutes
Forensic Science Board Meeting
May 7, 2008
DFS Central Laboratory, Classroom

Board Members Present

Mr. Steven Benjamin
Mr. Joseph Bono, Chair
Leah Bush, M.D.
Mr. Leonard Cooke
Mr. Alan Katz (Designee for Ms. Marla Decker)
Mr. Barry Fisher
Ms. Katya Herndon (Designee for Mr. Karl Hade)
Sheriff F. W. Howard
Mr. Robert Jensen
Lt. Colonel Robert Northern (Designee for Colonel W. Steven Flaherty)
Ms. Elizabeth Russell
Mr. S. Randolph Sengel
Mr. James Towey (Designee for Delegate Albo)

Staff Members Present

Ms. Wanda Adkins, Office Manager
Ms. Elizabeth Ballard, Forensic Scientist Forensic Biology
Mr. Jeffrey Ban, Central Laboratory Director
David Barron, Ph.D., Technical Services Director
Ms. Katie Carlson, Administrative Specialist, Director's Office
Ms. Donna Carter, Office of Financial Management Services Manager
Ms. Angie Cunningham, Forensic Scientist, Forensic Biology
Ms. Leslie Ellis, Human Resources Manager
Ms. Michele Gowdy, Department Counsel
Susan Greenspoon, Ph.D., Forensic Molecular Biologist
Ms. Linda Jackson, Controlled Substances Section Chief
Mr. Bradford Jenkins, Section Chief Forensic Biology
Mr. Ronald Layne, Director of Administration and Finance
Ms. Alka Lohmann, Breath Alcohol Section Chief
Mr. Pete Marone, Director, Department of Forensic Science
Ms. Elizabeth Mirza, Grants Administration/Policy Analyst
Ms. Carisa Onorato, Administrative Specialist Breath Alcohol
Mr. Kevin Patrick, Western Laboratory Director
Mr. John Przybylski, Section Supervisor, Controlled Substances
Mr. Stephen Rodgers, Forensic Scientist, Forensic Biology
Mr. Brian Shannon, Forensic Scientist, Forensic Biology
Mr. Steven Sigel, Deputy Director

Mr. Robert Steiner, Forensic Scientist, Controlled Substances
Mr. Sherwood Stroble, Policy, Planning and Budget Manager
Ms. Susan Uremovich, Eastern Laboratory Director
Ms. Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Ms. Amy Wong, Northern Laboratory Director

Call to Order:

Chairman Bono called the meeting to order at 10:03 a.m.

Chairman Bono acknowledged Wanda Adkins as the temporary secretary for the meeting.

Adoption of Agenda:

Chairman Bono asked if there were any additions or changes to the draft agenda. There were none. Mr. Fisher made a motion to adopt the agenda, seconded by Mr. Cooke and it was adopted without amendment by unanimous vote.

Adoption of Minutes

Chairman Bono asked if there were any changes that needed to be made to the draft minutes from the January 9, 2008 meeting. Mr. Benjamin requested that lines 111-137 be transcribed for accuracy and added as an addendum to the minutes. Mr. Cooke made a motion to accept the draft minutes with the addendum, seconded by Ms. Russell and accepted by unanimous vote.

Chairman's Report

Mr. Fisher nominated Mr. Bono to be the Chair for another year, seconded by Ms. Herndon, accepted by unanimous vote. Sheriff Howard nominated Colonel Flaherty for Vice-Chairman, which was seconded by Mr. Katz and accepted by unanimous vote.

Chairman Bono informed the Board that there would be a period of public comment at the end of the meeting and each person's remarks will be limited to 3 (three) minutes.

Director's Report

The 30-60-90 workload summary report dated May 1, 2008 was included in the Board materials. All sections are working on the older cases to reach a 30 to 60 day backlog.

Director Marone introduced Mr. Brad Jenkins as the new DNA Section Chief for the Department of Forensic Science effective March 10, 2008 after a twelve week nationwide search.

Building Update

NVA – construction is continuing with an expected move-in date in April, 2009.

Eastern Lab – We have acquired 5,700 square feet with the potential for another 15,000 space on the 5th floor for expansion.

Central Lab – Administration has moved to the Biotech Eight building across 5th Street and the Department is going to make the vacant administration space in Biotech Two into laboratory office space to be able to expand laboratory space.

Update on Budget

The Department had a few minor reductions, but nothing substantial, no reduction of services and no loss of personnel.

Grant Update: The Department is reviewing and applying for:

- NIJ Research and Development in the Area of Controlled Substances Detection and Analysis - \$49,773.98
- NIJ Post-conviction Testing Assistance Program - \$4,520,294.61
- DMV Highway Safety Project - \$40,674.47
- Byrne Grants (state block grants) \$63,463.94 and \$44,323.50
- NIJ – DNA Backlog Reduction Program – \$971,181.00
- Coverdell Forensic Science Improvement Program - \$279,276.00 – this is a joint grant with the Office of the Chief Medical Examiner.
- Using DNA Technology to Identify the Missing – 25% match
- Forensic DNA Unit Efficiency Improvement – 25% match

The Forensic Science Board approved the Department to continue seeking the above grants.

Breath Alcohol Instrumentation – The first shipment of instruments has arrived and the staff has attended training by the manufacturer. It is expected that the first instruments will be placed in the field immediately after the Scientific Advisory Committee reviews and approves the final protocols.

Legislation – Issues that were dealt with during the 2008 General Assembly:

- Schedule Salvinorin A as a Schedule I hallucinogen (HB21)
- Schedule Oripavine & Lisdexamphetamine as Schedule II Controlled Substances (HB823)
- Added to the Sex Offender Registration Statute that all sex offenders must be placed in the DNA Data Bank (HB902)
- Budget language related to post-conviction testing.

Post-conviction project - All 534,000 case files have been reviewed and prescreened. The categories have been assessed to the following:

- about 5000 – cases exist with evidence
- 2,166 cases with evidence and named suspect
- about 2000 – case files reviewed for post-conviction testing (known samples)
- 366 - Cases sent to contractor laboratory

- 437 - Cases preparing for sending to contractor
- 166 - Cases remain to be reviewed for post-conviction

The Department of Forensic Science will be writing reports on all cases that are being tested.

New Technology – The Department of Forensic Science has decided to move toward capillary electrophoresis for DNA.

Mr. Benjamin asked the Forensic Science Board to renew its request of the Scientific Advisory Committee to consider whether the Department should continue to be involved in research and development of this particular technology (micro capillary electrophoresis). There was discussion. He restated the motion which was that the Scientific Advisory Committee review and report to the Forensic Science Board on this technology and any advice they can give us whether the Department should continue to research this technology.

After discussion he withdrew the motion.

Mr. Benjamin raised concerns regarding the scope of the post-conviction testing project. His primary concern was that the written guidance provided to the Department related only to the initial 10% of cases. Director Marone responded the letter originally from Mr. Blue (Governor's Counsel) indicated the categories that were suppose to be analyzed. The Department has been operating under this directive and the expanded scope as recommended (to include crimes other than sexual offenses) by the Department with verbal approval from the Office of the Governor.

Mr. Benjamin requested that the Department provide to the Board an accounting of the \$1.4 million.

Director Marone agreed to provide this information at the next Forensic Science Board meeting.

Mr. Benjamin commented to date that the Forensic Science Board has not been informed of the results of any post-conviction testing that may or may not be completed.

Chairman Bono requested that Mr. Benjamin give the Forensic Science Board in bullet form exactly what information he would request from the Department and that information will be provided.

Mr. Benjamin proposed a motion; that the Forensic Science Board ask the Department of Planning and Budget to assist with their Best Practices Unit to conduct a thorough review of the Department and to advise the Forensic Science Board of best practices so that we have a better idea of how the Forensic Science Board should be helping the Department and how the Department can best be run. The motion was seconded by Mr. Towey.

Mr. Fisher made a motion to postpone the motion that was on the floor to the next meeting in August. This motion was seconded by Mr. Katz.

Chairman Bono stated that the motion that Mr. Fisher was making according to Robert's Rules of Order has to be considered prior to Mr. Benjamin's motion and depending upon the vote if Mr. Fisher motion fails to pass then we consider Mr. Benjamin's motion.

Discussion regarding the motions ensued.

The vote on Mr. Fisher's motion was 8 yes and 4 no. Since Mr. Fisher's motion carried, Mr. Benjamin's motion will be deferred until the next meeting.

The vote was recorded as follows:

Mr. Benjamin – No

Dr. Bush – No

Mr. Cooke - Yes

Mr. Katz – Yes

Lt. Colonel Northern – Yes

Mr. Fisher – Yes

Mrs. Herndon – Yes

Sheriff Howard – Yes

Mr. Jensen – No

Ms. Russell – Yes

Mr. Sengel – Yes

Mr. Towey – No

Ms. Russell asked for clarification on what additional information the Forensic Science Board will receive at the next meeting so that an informed decision can be made. Mr. Fisher requested that the Forensic Science Board invite someone from the Department of Planning and Budget to provide an overview of how the process works.

Discussion of the Budget Language

Chairman Bono asked the Department to describe how the Forensic Science Board is going to comply with the requirements that are in the budgetary language regarding notification on the post-conviction cases.

Mr. Fisher asked that Director Marone explain the process on these cases.

Director Marone discussed the process and his discussions with the Department of Corrections.

Mr. Benjamin made a motion that a subcommittee be named and Mr. Towey from the Crime Commission be Chairman of the subcommittee. He further moved that Mr. Towey to appoint other members of the subcommittee to perform the duties that the General Assembly has directed the Board discharge. As part of this motion the Department is asked to provide their database to Mr. Towey so that he can discharge the responsibility of the Department of Corrections and do what further work is necessary.

Pursuant to the by-laws, Chairman Bono appointed Mr. Towey as the subcommittee chairperson to meet the requirements in the budget language regarding notification on the post-conviction cases. Mr. Towey will choose the other members of the subcommittee to include Board members, however if there is a need for outside expertise Chairman Bono authorized Mr. Towey to select whomever he believes to be most appropriate to fulfill the requirements of the budget language. Chairman Bono requested a progress report of the subcommittee prior to the August meeting.

Mr. Benjamin then made three specific requests of the Department.

Mr. Benjamin requested that the Board receive a FOIA presentation by Maria Everett from the State Freedom of Information Advisory Council during the August meeting.

Mr. Benjamin requested the Department of Forensic Science to provide an accounting of the cost and expenses associated with the \$1.4 million. He further requested an estimate of when the Forensic Science Board might be receiving results of the post-conviction testing. Finally, it was requested that the Forensic Science Board be provided with a description of what constitutes a qualifying conviction.

Scientific Advisory Committee Report

The Scientific Advisory Committee met on May 6, 2008 to listen to a number of subcommittee reports prepared on Monday, May 5th. The Committee is charged with reviewing and making recommendations to the Department and the Forensic Science Board. The Committee is also charged with making recommendations on new scientific programs, protocols and methods of testing before they are adopted for casework. The Scientific Advisory Committee looked at four different new technologies that the Department is planning to put into place in the near future: Y-STR, Mitochondrial-DNA, New Breath Alcohol Instrumentation and AccuTOF – DART. The Scientific Advisory Committee is recommending that the AccuTOF-DART technology be adopted and Mr. Fisher so moved. The motion was seconded by Mr. Jensen and passed by unanimous vote.

Mr. Fisher requested that the other subcommittees continue their work and provide an updated report at the next meeting.

Mr. Fisher went on to inform the Forensic Science Board that the Department had requested that their response to the Scientific Advisory Committee report on Contextual Bias be postponed until the August meeting.

New Business – None

Next Meeting

Chairman Bono provided a request from the Scientific Advisory Committee that the next Forensic Science Board meeting occur on Thursday August 7th rather than Wednesday August 6th.

Mr. Benjamin made a motion that the next meeting of the Forensic Science Board be moved from Wednesday, August 6th to Thursday, August 7th. The motion failed for lack of a second.

The next meeting will be held Wednesday, August 6, 2008 at 10:00a.m.

Public Comment – was taken.

The meeting adjourned at 1:05 p.m.

Addendum # 1

Discussion of the Budget Language

Mr. Bono: O.k. the budget language, Pete I think you were going

Mrs. Adkins: Mr. Chairman the lunch is here whenever you want to take a lunch break.

Mr. Bono: Why don't we do that and make this a working lunch, and break for fifteen minutes get our lunches and come back in here and work through lunch so maybe at about 12:15 p.m. we can pick up the discussion back in this room.

Mr. Jensen: Does that mean we will have weapons during the budget discussion?

Mr. Bono: I don't think we will need that Bob! So we are going to call about a 20 minutes recess for people to go out and get their lunches, bring them back in and we will continue the discussion. Thank you all.

Mr. Bono: We are going to resume the meeting again the minutes can reflect it's now 12:15 p.m. and we are doing to pick up the discussion with agenda item VII. Discussion of the Budget Language and what I asked Mr. Marone and his staff to do is to describe how we are going to conform to the requirements that are in statute in the budgetary section regarding notification on the Mary Jane cases.

Mr. Marone: It's important to make sure everybody has familiarized themselves with the wording and then we will start to explain.

Mr. Bono: I believe everyone has a copy of that in their package. Take a few minutes to read that.

Mr. Fisher: Pete, just for my edification and perhaps for others could you walk us through the process, you have identified these cases that were saved and then what?

Mr. Marone: When we get down to the numbers of the key is that out of all the cases the number of individual the cases in which there is evidence and that individual is a named suspect, there is evidence and that individual has been convicted. If they have not been convicted that's set to the side we worried about the individuals who have been convicted.

Mr. Fisher: How do you determine if one of your cases has been convicted? What is that process?

Mr. Marone: That's where many of the prosecutors, police departments, the clerk's offices get what they call a Gowdy gram where it identifies all the information we have and ask for any information on convictions that they have. What we do is since for example Sheriff will get a letter saying do you have any information on this individual. The data they have is probably

different from what the prosecutor has. It probably different than what's in the clerk office and we put all that information together and try to put as big a picture on that issue as possible.

Mr. Fisher: Who is the "we"?

Mr. Marone: The Department of Forensic Science does.

Mr. Fisher: You have staff assigned to

Mr. Marone: We do

Mr. Fisher: Chase these things down

Mr. Marone: Correct

Mr. Fisher: So when you finally get is there any verification, quality assurance that you know that the information you have here at the lab and the person you have identified is in fact the right person?

Mr. Marone: We look at and that's one of the issues one of the problems for example if you start out with a name like James Brown and you go to the Department of Corrections for example there is probably 30, 40, or 50 of them. The problem becomes how do you identify if you have the right one and that's where you start looking at whatever indications we have as to that individual is. If you have a date of birth, some we do and some we don't, if you an SID number, some we do and some we don't, if you have a social security number which is as many of you are aware that individual may have multiple social security numbers and multiple names. It's not just a simple computer search because you could have a William J. Brown, Bill Brown, Willie Brown and it's the same person and you have to tie that all back in. Then you look at the particular offense, the jurisdiction, the date of the offense or the approximate time of the offense and you start taking all of that information in to try to ascertain whether in fact you have the right person. Once you get a lot of the information back you start having we start getting a lot more indications or information that you are looking at the right person. State Police when we ask them to do a search they will do a VCIN search and they may come up with a number of individuals and may or may not I don't know exactly how we are working it whether we send all the information on a person and try to figure who that right person is. Michele probably could give you a little bit better information on exactly what comes back from each one of those agencies.

Mr. Fisher: I guess my question is do you have, have you established a criteria so you have an identification it almost sounds like a DNA question.

Mrs. Gowdy: What we've done is taken the information we have gotten and maybe this is part of your question. Some cases we are only getting back a copy of the indictment and the sentencing order which has no personal identifying information on it for the most part. So we are putting whatever information we have from the case file and from whatever we get back whether it be the State Police, Clerk of Court or the Commonwealth Attorney into the database

that has gone to Corrections. Corrections is then taking it and doing a name search as well as searching under different identifiers that we have and so when it's just the name and we know the conviction was in Newport News and the date of the conviction we are hoping with that data at some point Corrections and ourselves can determine who that person is. But we haven't yet seen what Corrections is going to send back and we haven't flushed out for the most part how we are going to do that narrowing and at what point we are going to be able to say that this is the guy or this is not.

Mr. Marone: We gave them a test set and then followed it back up with all the information we have. We gave them a test set a couple weeks ago with not all of the cases but with all information on a set number of cases and they are beginning to run through different process, different search options to see what gives them the best data. We got some back and there is still a lot of information where you are getting multiple people and so forth. We are working on what's the best way to get the most information out of it and it's still going to come down to in many instances somebody looking at all the data and picking it out. You just can't necessary search it because computer search if it one digit off or one name of like I said William Brown or whatever it's not going to search it. Not going to hit it.

Mr. Fisher: Do you envision exactly contacting these individuals asking if he was convicted of this crime?

Mr. Marone: Until you know who it is how are you going to contact them?

Mr. Fisher: Well if you have a list of people.

Mr. Marone: Well we don't have the list with phone numbers or addresses yet. In some instances we have talked to individuals because they have called in and identified themselves and said am I in this process am I in the project and with that we have gotten the information and talked to them and so forth. But we have to get valid addresses, I very concerned about sending, well I'm getting ahead of myself, but I concerned about sending out information until we have a valid contact. You just don't send a report out to an address, last know address.

Mr. Fisher: Has there been any consideration of putting the information out in the media saying if were convicted during a particular period of time to contact someone.

Mr. Marone: We actually considered a number of things along those lines like taxation does with list of accounts and there are concerns of privacy issues. Some of these individuals have done their time and aren't interested in being identified what to get on with their life's work so we haven't done that. We haven't taken the account, we haven't taken the tack yet of just putting it if you have been convicted in such and such a date get back to us we have not done that. That certainly is another option that we could attempt to do.

Mr. Benjamin: You do have a database that you are sending over to DOC.

Mr. Marone: Correct.

Mrs. Gowdy: They have all the data that we have right now.

Mr. Benjamin: Then once you send that to them they are tasked with trying to identify addresses.

Mrs. Gowdy: That's correct. On some of the test data that they sent back they only had emergency addresses and not the person residence or former residence. Some of them they have what they think may still be on probation but for people what were released without any supervision they only have the address from when they were entered into Correction facility.

Mr. Benjamin: Some of these folks are still incarcerated?

Mrs. Gowdy: Yes

Mr. Benjamin: That's an address that they can ascertain pretty easily. Once the information comes back your process is what?

Mrs. Gowdy: We haven't got that far yet because we have only sent them test data. Well I shouldn't say that we now the whole database to them but we haven't received anything back from the actual data that gone.

Mr. Marone: We've gotten some test things back and we are still working out the perimeter on what's the best way to search it. Because right now I will be very honest we're not getting all that good of data back and they just try to name search and a few things to see how it's going to work and we need to figure out what's the best way to search to get the most data.

Mr. Benjamin: What the data base you are sending over to them has the named suspect

Mrs. Gowdy: Yes

Mr. Benjamin: The crime of conviction, does it have the jurisdiction of the conviction

Mrs. Gowdy: Date of conviction if we have it

Mr. Benjamin: Date of conviction

Mrs. Gowdy: It has the date of birth if we have it, it was the social security number if we have, it has VCIN number if we have it, the SID number if we have it, the FBI, as many numbers as we have access to.

Mr. Benjamin: Any identifiers that you can find, good.

Mr. Bono: Just to synopsize the three points: the letters will be drafted by the Department of Forensic the notification letters correct?

Mr. Marone: Actually we would like wording at least suggestive wording from the Board; obviously we are your staff. You are charged with doing this and I would like input from the Board as to what this wording might look like and certainly I don't think it's necessarily as clean as the two alternative letters. It's not just that quick and easy or clean. I think we first need to send out a letter to try to identify who the individuals are to a last know address. And if we get somebody say you are this person please get back to us and identify yourself so that we are sure you are who you are and solidify a solid address and then we can go from there.

Mr. Bono: Would you like some suggestions from the Board in bullet form on what should go into those letters?

Mr. Marone: Sure

Mr. Benjamin: Mr. Chairman, if I could make a somewhat different suggestion.

Mr. Bono: Sure

Mr. Benjamin: And I do it by motion. My motion is that you name a sub-committee and I will include as part of the motion although I haven't talked to him about it that you name James Towey from the Crime Commission as Chairman of the sub-committee and ask James to appoint the other members of the sub-committee to perform the duties that the General Assembly has directed that the Board discharge. Pete correctly advised us at our last meeting that the type of work that this budget language requires is not the job of scientists or the Department of Forensic Science. He said that and I agree wholeheartedly. They aren't investigators. You may heard a sampling of the type of investigatory work and leg work that this task requires and it is was for that reason Mr. Chairman that the General Assembly directed that this Board do these things and not the Department of Forensic Science and that was expressly considerate. And so it is our responsibility and I also note there is no money attached to me and that's another thing I don't want to ask them to do something for which funds weren't allocated. I suggest James because he and his staff are accustomed to working with DOC. That component won't be difficult at all. Not only had DOC been instructed to assist the Board in this but during the legislative process they assured me and others that they were happy to assist in this. Also James is accustomed to working with the Virginia State Police and with the sheriffs and all the law enforcement community so I that he's a natural for the chair of the sub=committee. As part of this motion I would ask that the Department be ask to provide their data base to James so that he can send this then to discharge the responsible to the Department of Corrections and do what further work is necessary.

Mr. Bono: Does this have to be a motion or can I appoint James as the chairman of this sub-committee and?

Mr. Benjamin: Typically I think you can appoint James as the chairman of the sub-committee

Mr. Marone: Mr. Chair, I just have one concern and before you I would like to make sure that I am covered. We do have IT security that we have to comply with and as we give things to Corrections now it's a hand carried from us to them. Some of this data is encrypted because he

does have all the personal information social security numbers and so forth. I just want to make sure that I'm not stepping out of bounds with complying with IT security. We have gone through a very involved mating dance with Corrections to get this data correct and I don't want step out of bounds with that. So that they are satisfied with their integrity of their data and we satisfied with ours that we are all with bounds of that. I have no problem with that I just want to make sure that

Mr. Bono: I think within Commonwealth the way the Commonwealth works those issues can be addressed to make sure that the legal issues regarding confidentiality are met. James would you be willing to take on that task?

Mr. Towey: Sure

Mr. Bono: O.k. so I would like to appoint you as the sub-committee chairperson to be able to meet the requirements in the budget language regarding notification.

Mr. Towey: How many people would be appointed to the sub-committee?

Mr. Benjamin: I would suggest leaving that to James.

Mr. Bono: That's what I was going to suggest. However many you think it would take.

Mr. Towey: O.k.

Mr. Bono: As long as it's not 200-300. And would you be able to report back to us then in August?

Mr. Towey: Absolutely

Mr. Bono: On the progress of the sub-committee

Mr. Towey: Absolutely I would presume that at every meeting there would be an update.

Mr. Bono: And then my second presumption is that you will then coordinate in terms of these confidentiality issues with Department Counsel to make sure that we are following Commonwealth statute.

Mr. Towey: That's correct.

Mr. Bono: Barry

Mr. Fisher: Who are the members of this sub-committee?

Mr. Bono: He going to chose.

Mr. Fisher: O.k. from the Forensic Science Board and/or outside of the Board?

Mr. Benjamin: I think he can chose from Board.

Mr. Bono: I would suggest it be Board members however if there's expertise that required outside of the Board

Mr. Towey: I don't think it would require anyone from outside the Board.

Mr. Bono: That's your call, o.k.

Mr. Benjamin: I agree with giving him the discretion if he needs to consult outside experts then I would ask that he expressly acknowledge that discretion

Mr. Bono: O.k., I would like to put that on the record then if there is a need for outside expertise, i.e. expertise that lies outside of the people who are on this Board you are authorized, I think I can authorize that. I authorize you to select whomever you believe is most appropriate to fulfill the requirements of what appears in the budget language.

Mr. Bono: Now that leads to another question in terms of documentation that can be available to the Board before our next meeting in the way of an update so that we have a chance to digest this. Will you be able to make something available to the Board through Department Counsel so that if any questions arise regarding where you are in the process we will know ahead of time?

Mr. Towey: Sure, yes.

Mr. Bono: O.k. great. Based on the discussions we had yesterday in terms of FOIA that can go through Department Counsel to the members of the Board.

Mr. Benjamin: Actually I from what I understand I don't think you received accurate FOIA information yesterday. There is not FOIA violation for a direct e-mail to go from one member to another member but we got to deal with that right away. It might be helpful to bring in Maria Everett from the State Freedom of Information Advisory Council one day to give us a fantastic talk on FOIA and I'll probably have to miss that, but one of myths going around is that members can send e-mails back and forth and that's not correct. It's been dealt with by the Virginia Supreme Court. We can't do it in such a way that it constitutes holding a meeting but certainly James could send us each documents that's not a FOIA violation.

Mr. Bono: Barry

Mr. Fisher: The SAC had about an hour presentation yesterday

Mr. Benjamin: Yes, I know and most of that was wrong, it was wrong, it was wrong, it was wrong

Mr. Fisher: From the attorney general and

Mr. Bono: I don't want to get enmeshed in that issue

Mr. Benjamin: Let me go on the record as saying a sub-committee is subject to provisions of FOIA contrary to what you were told yesterday so that's why I say you just need to get whether you heard yesterday out of your minds cause it was wrong

Mr. Bono: At this point what I would like to do is address the issue of the sub-committee and however you deem it most appropriate to get the information out so that we comply with state statute, that's what I'd like to do.

Mr. Towey: Sure, o.k.

Mr. Bono: O.k. thank you Steve

Mr. Benjamin: Thank you.