

## **Minutes of the One Hundred Seventh Unified Carrier Registration Plan Board of Directors Meeting**

May 12, 2016

Tele-conference

The One Hundred Seventh (107<sup>th</sup>) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:05 PM EST.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Adam Anderson, Sandy Bowling, Chris Burroughs, Mike Hoeme, Scott Morris, Elizabeth Leaman, Woody Chambers, Tina Thurman, Robert Pitcher, Angel Oliver, Monte Wiederhold, Daphne Jefferson, Rick Schweitzer and Larry Herold.

Absent –

Avelino Gutierrez conducted a roll call of the States with **self-introductions** of government and industry representatives made by those in attendance.

Monte Weiderhold moved to accept the **meeting agenda**, which was seconded by Larry Herold (Exhibit A) – Motion passed

Avelino Gutierrez established the **teleconference ground rules**.

Elizabeth Leaman moved to accept the **minutes of the March 17<sup>th</sup>, 2016 Board meeting**, seconded by Monte Weiderhold, (Exhibit B) – Motion passed with a few amendments.

**UCR Legislative Update** – None

**FMCSA Update** – Daphne Jefferson – The Nominations for NCSTS representatives are currently in the clearing process and should be done soon..

**Report by Dave Lazarides, UCR Board Contractor** – Dave Lazarides – gave a short report on the States systems reporting to Iteris. Dave reported that Iteris has reported that they can handle the real time reporting.

The second item was in relation to the Mini-Audit process and that it is being considered by the Procedure Subcommittee as a requirement for the systems (Exhibit C).

**Audit Subcommittee** – Angel Oliver – Reported that she had received eleven reports regarding the audits and reminded everyone that those are due on June 1, 2016 for the 2015 year.

The Subcommittee did meet in Dallas but limited their discussion to just the auditing the states.

**Procedures/Best Practices Subcommittee** – Adam Anderson – Reviewed the change to the Q&A in Section L question 22 (Exhibit D).

Adam Anderson moved that the Board approve the change to the FAQ, seconded by Scott Morris, Motion Passed.

Adam Anderson then reviewed items that are the Procedure Subcommittee will be working on in relation to the Agreement.

- 1- Section on the dispute resolution process
- 2- System requirements and expectations – uploads to Iteris, Mini Audits etc.
- 3- Procedures for the Audit requirements coming out of the Audit Subcommittee.

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- 4- Procedures on the money that is being held by the Indiana System.
- 5- A better section on what the Board has authority on.

Adam Anderson also reported that the Subcommittee is going to try and hold a face to face meeting sometime in August.

**Indiana System Subcommittee** – Sandy Bowling – Reported that she had received the updated list of the non-compliant carriers. Updated everyone on the work on the MOU, it is with the Indiana legal division, regarding the hiring of two IT personnel, two part-time employee's during the beginning of the registration system, removing the \$3.00 fee.

Avelino Gutierrez mention how appreciative he was that the lawyers for Indiana were there and that they are willing to take the first stab at writing the amendment.

Sandy Bowling reviewed the UCR Systems Fixes, (Exhibit E).

**Revenue and Fees Subcommittee** – Larry Herold – Compiling data being sent from Dave Lazarides and Scott Morris for our discussing in June, for the 2018 fees.

Avelino Gutierrez said he would be sending the letter to FMCSA for the 2017 fees after the march minutes were approved.

**Industry Advisory Subcommittee** – Robert Pitcher – No Report

**Dispute Resolution Subcommittee** – Tina Thurman – No Report

Sandy Bowling asked about an update on the letter sent to Illinois.

Avelino Gutierrez reported that there was no specific time frame for their response. There are other states and agencies that are in the same predicament as the UCR. Also, that at some time it will have to go to the next level.

**Administrative Fee's Subcommittee** – Elizabeth Leaman – Presented the new quote from Citrix (Exhibit F). The quote showed that there would be an online service that all the states can access for the meeting and a 1-800 number for the Board members. If states want to call in instead of using the web access they would have to pay their own costs.

There was a discussion on the viability of use in some states based upon their technology requirements i.e. browser version, Java script version etc. Elizabeth Leaman will send out an e-mail letting everybody know if there were any restrictions on certain browsers.

Avelino Gutierrez moved that Elizabeth Leaman be allowed to execute the contract with Citrix in replacement of the previous contract approved provided it supports all the different browsers used by the different states, seconded by Adam Anderson, Motion passed.

Woody Chambers asked the question if the cost is comparable in cost to how we are doing our costs and if it would eliminate the need for face to face meetings for the subcommittees.

Avelino Gutierrez and Elizabeth Leaman explained that the purpose was to help with training

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and having people see the document live.

**Depository Subcommittee** - Scott Morris – Reviewed the state systems reports (Exhibit G), No operating funds report this time but the data is being compiled into an income statement for June. Scott Morris reviewed the pre-approved budget for the Depository of a combined total of \$120,800.00 for consultant and \$ 10,000 for administrative assistant. Scott Morris moved that the two be combined and to be able to spend that as needed among the consultants, seconded by Angel Oliver, motion passed.

Scott Morris reported on the Depository module and that there is still some items that are being worked on.

Scott Morris reviewed the list of past due invoices (Exhibit H) and requested that the money for Pennsylvania and Tennessee be withheld. Sandy Bowling indicated that the money for April was sent, but she will hold Mays. Scott Morris also indicated the North Carolina needs to be held for the December invoice.

Scott Morris talked about the issue with the Depository system conflicting with UCR policy. In regards to the distribution in that Iowa and North Carolina have both capped and the distribution is based upon the formula and there is no way to exclude them from the formula. Do we wait to till they are current or do we make the distribution, but exclude them?

Scott Morris moved to have the Board would give him an exception till the system can be fixed to make an exception and do a distribution for 2015 and 2016, seconded by Avelino Gutierrez, motion passed.

Scott Morris will be drafting some changes to the Agreement to reflect the following:

- 1.) When a State has reached its cap, the money would be forwarded to the Depository.
- 2.) Formally adopt a procedure that if money is being withheld for a state that has not met its obligations, which money would be sent to the Depository after a specified amount of time.
- 3.) Also, the next item would be to formally adopt a policy and procedure that money being held can be taken to meet prior obligations after a specified amount of time.

Scott Morris gave an update on the logo, the lawyers are working on trademarking the logo; so other entities cannot use it. Estimated cost to trademark the logo is \$5,000.00. The estimate to help develop a dispute resolution procedure that would stand up against any judicial scrutiny is \$15,000.00.

Scott Morris moved that the Board authorize the law firm to go ahead and begin working on both items with the expected estimates as explained, seconded by Avelino Gutierrez, motion passed.

### **Old/New Matters:**

Elizabeth Leahman asked if Rick Wood had been able to follow up on the question regarding Maines question on the buses.

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Mike Hoeme reported that Kansas is still finding carriers whose information is not uploading to FMCSA. Sanding Bowling reported she has been working with FMCSA on the same issues for other states. Send these issues to Gerald Folsom.

Scott Morris brought the issue on the projector and the phone. The projector has been purchased within the estimate and the cost for the Polycom is significantly higher than initially thought. Scott Morris reported that the cost can go from \$600 to \$1,100.00 dollars.

Avelino Gutierrez moved that Scott Morris be authorized to spend up to \$1,100.00 for the Polycom with a case to ordered and hopefully have by the June Board meeting, seconded by Elizabeth Leahman, motion passed.

### **Future Board Meetings:**

June 5<sup>th</sup> – 8<sup>th</sup> in Providence, Rhode Island. Board meeting on the June 8<sup>th</sup>, at 8:00 AM to 12:00 PM EDT.

July 14<sup>th</sup>, 2016 12:00 PM to 3 PM EDT

August 11<sup>th</sup>, 2016 12:00 PM to 3 PM EDT

September 15<sup>th</sup>, 2016 12:00 PM EDT

October 13<sup>th</sup>, 2016 12:00 PM EDT

The Board adjourned at 1:45 PM EST.

Minutes approved by the UCR Board on June 8, 2016.

Adam Anderson, UCR Board Secretary

Exhibit A – Meeting Agenda

Exhibit B – Board Meeting Minutes

Exhibit C – Mini Audit

Exhibit D – Proposed changes to Sections 18 & 19 of the Agreement

Exhibit E – UCR System Fixes

Exhibit F – Unified Carrier Registration - Citrix

Exhibit G – State Systems Report

Exhibit H – Past Due Invoices

Exhibit I – Distribution report