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CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

TRANSCRIPTION OF RECORDED BOARD MEETING

FEBRUARY 17, 2022

SACRAMENTO, CALIFORNIA

Present: JENNIFER M. URBAN, Chairperson
LYDIA DE LA TORRE, Board Member
VINHCENT LE, Board Member
ANGELA SIERRA, Board Member
J. CHRISTOPHER THOMPSON, Board Member

Transcribed by: DeEtte Hicks,
eScribers, LLC
Phoenix, Arizona

1 entirely voluntary and you can input a pseudonym when you
2 log into the meeting. I'd like to remind all speakers
3 to -- excuse me. I would like to remind all speakers to
4 please stay on topic and keep your comments to three
5 minutes or less.

6 Relatedly, I would like to remind everyone of some
7 of the other rules of the road under Bagley-Keene. Those
8 board members and members of the public may only discuss
9 items that are on the agenda for today. Items not on the
10 agenda can be suggested for discussion at future meetings
11 when the Board takes up the agenda item designated for
12 that purpose. If you look, it's on -- it's number 6 on
13 today's agenda.

14 The board welcomes comment on any item on the agenda
15 and it is our intent to ask for public comment prior to
16 the board voting on any agenda item. So if for some
17 reason I forget to ask for public comment on an agenda
18 item and you wish to speak on that item, please use the
19 raise your hand function and our moderator will recognize
20 you.

21 For those joining later in the meeting, the
22 moderator -- excuse me. We may take a break around noon
23 or 12:30 for lunch, depending on where we are in the
24 agenda, and shorter breaks as needed. So if we are not
25 in session when you join, we -- just understand that we

1 may be on a break.

2 I thank the board members for their service and my
3 thanks to all the people who are working to make this
4 meeting possible. I would like to thank the team from
5 the Office of the Attorney General supporting us today.
6 Mr. Milad Dalju, who is acting as our meeting counsel.
7 Ms. Trini Hurtado, who is our moderator and is the
8 conference services expert who has organized the
9 infrastructure. Ms. Susan Weiland (ph.) and Ms. Rachel
10 Frasier (ph.) for taking minutes. And Ms. Nancy Heinson
11 (ph.) for organizing administrative staffing and
12 resources. I would also to thank Mr. Brian Soublet, our
13 interim general counsel, and Ms. Von Chitambira, our
14 deputy director of administration, for their work behind
15 the scenes.

16 I'd also like to continue to express my gratitude to
17 the team at the Department of Consumer Affairs for
18 managing our communications and -- and our website and
19 the staff at the Business, Consumer Services and Housing
20 Agency, the Department of Consumer Affairs, Department of
21 General Services, the Office of the Attorney General, and
22 other agencies who continue to help behind the scenes.

23 I now call the meeting to order and would ask our
24 moderator, Ms. Hurtado, to please conduct the roll call.

25 **MS. HURTADO:** Good morning, everyone. I'll now take

1 roll. Ms. Lydia de la Torre.

2 **MS. DE LA TORRE:** Present.

3 **MS. HURTADO:** Mr. Vinhcent Le.

4 **MR. LE:** Present.

5 **MS. HURTADO:** Ms. Angela Sierra.

6 **MS. SIERRA:** Present.

7 **MS. HURTADO:** Mr. Chris Thompson.

8 **MR. THOMPSON:** Present.

9 **MS. HURTADO:** And Ms. Jennifer Urban.

10 **MS. URBAN:** Present.

11 **MS. HURTADO:** All board members are present.

12 **MS. URBAN:** Thank you, Ms. Hurtado.

13 The board has established a quorum. I would like to
14 let the board members know that if we have any action
15 items, we will be taking a roll call vote.

16 With that, we will move to agenda item number 2,
17 which is an informational presentation for the board. In
18 the board's November 15th, 2021, meeting, we had some
19 discussion and I mentioned the possibility of working
20 with staff to collect information about organize --
21 organizational structure and the role of the board. I'd
22 to thank Executive Director Soltani for organizing this
23 training and I would very much like to extend our deep
24 gratitude to the team at the Department of Consumer
25 Affairs for putting together this material and offering

1 it to us today.

2 I will now hand things over to Ms. Kimberly
3 Kirchmeyer, who's the director of the Department of
4 Consumer Affairs. The presentation will in two parts.
5 Please hold your questions until the -- until the speaker
6 is done, and the speaker will let me know that she's
7 ready for questions and I will moderate a discussion at
8 that time.

9 With that, Ms. Kirchmeyer, if you're ready, please
10 take it away.

11 **MS. BACON:** Good morning. My name is Lisa Bacon. I
12 am the SOLID Training Manager at DCA, and we are happy to
13 present to you the board member orientation training. We
14 have a couple things we're going to go over before Kim
15 starts her presentation.

16 I'd like to first share just the objectives for
17 today's training and presentation. First, we're going to
18 talk about DCA's background, some board models, roles and
19 responsibilities, and process for regulations. This
20 morning we have four panelists and I would like to
21 introduce each of them.

22 First, Kim Kirch -- Kirchmeyer is the director at
23 DCA. We also have our chief deputy director Christine
24 Lally. We have CPA, California Board of Accountancy,
25 Nancy Corrigan, also presenting for us. And Kristy

1 Schieldge is an attorney for here at DCA. And without
2 further ado, I would like to pass it over to Kim to begin
3 the presentation.

4 **MS. KIRCHMEYER:** Good morning, everyone. And thank
5 you, again, so much for having me here today. I wanted
6 to just provide a quick fact, a little bit about my
7 background. I have about thirty years in State service
8 and I've been privileged to be at the Department of
9 Consumer Affairs during this entire time. I served two
10 boards within the Department of Consumer Affairs and I've
11 the honor of having two governor appointments within the
12 Department of Consumer Affairs headquarters office. I've
13 also had the honor for most of those years working
14 directly with board members, either at a board or at the
15 Department of Consumer Affairs. Therefore, I know how
16 important that relationship between the board executive
17 director and staff and board members is. We are all a
18 team and as with most teams, communication is key, and an
19 understanding of each other's roles and responsibilities
20 is very important.

21 I wanted to start that with just a little bit about
22 the Department of Consumer affairs. DCA is an extremely
23 unique, as a State agency. We have approximately 3,300
24 employees and a budget of about 704 million dollars,
25 which we use to license and regulate 3.4 million

1 licensees. Within the Department of Consumer Affairs,
2 there are thirty-seven individual entities of which
3 twenty-eight are semi-autonomous boards with
4 approximately 350 board members.

5 The oldest board within the Department of Consumer
6 Affairs is the Medical Board of California, which
7 actually was started in 1876 to license and regulate
8 physicians. So the -- the whole premise of DCA has been
9 around for quite some time. Those twenty-eight different
10 entities have board members, as the CPPA, who make
11 industry policy decisions for the individual boards and
12 they're appointed by the governor, the speaker, and the
13 senate.

14 So now, I'd like to pass it off to our chief deputy
15 director, Christine Lally, to provide a little bit of
16 information about those boards and some other similar
17 boards.

18 **MS. LALLY:** Thank you, Director. Good morning,
19 everybody. As you know, CPPA is governed by a five-
20 member board. For comparison, let's take a look at a
21 sampling of other State boards.

22 Within the Department of Consumer Affairs, for
23 example, we have the Medical Board of California, which
24 the director was me, the executive director of. That
25 board has fifteen board members, almost 200 employees,

1 and oversees a budget of seventy-six million dollars.

2 Also, the California Board of Accountancy, another
3 fifteen-member, a large board within the Department of
4 Consumer Affairs, with over a hundred employees and a
5 budget of eighteen million dollars.

6 Another large board within DCA, Contractors State
7 License Board, fifteen board members, with over 400
8 employees and a budget of seventy-seven million dollars.

9 Other examples outside of DCA includes California
10 Transportation Commission. They have thirteen commission
11 members, also appointed by the governor, and some members
12 appointed by the legislature. These commissioners are
13 not fulltime employees. They receive a hundred dollars
14 per diem, much like you, and they oversee a budget of
15 twelve million dollars.

16 Another example, the Travel and Tourism Commission.
17 They actually have thirty-seven members -- I can't even
18 imagine -- appointed by the governor and also by other
19 commissioners. They actually do not receive any per diem
20 and they only get reimbursed for their travel expenses.

21 Another commission I'm sure that you are very
22 familiar with, the Public Utilities Commission. They
23 have five members appointed by the governor, and those
24 members have to be confirmed by the senate, which is a
25 process called, much like it is, senate confirmation.

1 And they serve for a six-year term and these
2 commissioners are fulltime commissioners and they're
3 actually considered salaried and appointees. So they
4 work a hundred percent of their time for the commission
5 and they oversee a budget of 1.8 billion dollars.

6 And that finally, an example that I'm sure many of
7 you on -- many of you are licensees of when I looked at
8 your bios -- you're very familiar with the State Bar
9 Board of Trustees, and that's a thirteen-member board
10 with members appointed by the governor, legislature, and
11 Superior Court. They -- unlike the Public Utilities
12 Commission, they're not fulltime employees. They are
13 just appointed board members and they oversee a budget of
14 a 140 million dollars.

15 So as you can see, there's a variety of different
16 structures within State government but primarily through
17 us, for the departments that we oversee and the boards
18 and bureaus and commissions that the Department provides
19 oversight for. It's primarily the model of appointed
20 board members who -- who are -- receive per diem -- a
21 hundred dollars per diem for their service. They're not
22 fulltime employees.

23 **MS. KIRCHMEYER:** So moving on, I wanted to give a
24 little bit about our board members' duties here and an
25 overview of that. The board members are appointed to

1 perform the following duties. I'm just going to go over
2 this slide real quickly.

3 The first one is that they hire an executive
4 director. They also set policy and it's important to
5 point out here that they set policy for the profession,
6 not for the staff and the day-to-day operation, or how
7 the office should be run. That really is the role of the
8 executive director. They also adopt regulations and they
9 inform the strategic planning. And really, our board's
10 mission here within the Department of Consumer Affairs is
11 rulemaking, enforcement, licensing, they do outreach.
12 And most importantly, they have consumer protection as
13 their main mission.

14 I wanted to provide -- this is something we use
15 for -- when we do a board member orientation training for
16 our board members, each board member, when they get
17 appointed. We do this three times a year. And these
18 individuals come together and we provide training and we
19 use this Venn Diagram. This Venn Diagram actually
20 explains the roles of both the executive director and the
21 board members. So it also explains how important it is
22 for the executive director and the board members to have
23 a cooperative relationship where you work together to
24 meet that mission of the board. It kind of goes hand-in-
25 hand, and you can see that really a lot from this Venn

1 Diagram.

2 The executive director and the board should be in
3 communication, both at board meetings, but also in
4 between board meetings. The executive director should be
5 keeping the board members aware of issues as they arise,
6 and they -- they also should be providing updates
7 regarding the board and its projects. The executive
8 director also really remains very -- in close
9 communication with the board chair to assure that those
10 projects are getting done, and to discuss the agenda and
11 the board meeting format or schedule. It's kind of like
12 you work as a -- a member -- a team of two.

13 But now I'd like to discuss each of these roles a
14 little bit more. And I will now hand it off to Board
15 Member Corrigan, who's really going to talk about, from
16 her perspective, as a member and the role of the board
17 members.

18 So Ms. Corrigan.

19 **MS. CORRIGAN:** Thank you, Kim. And thank you board
20 members for having us here today. So I'm Nancy Corrigan.
21 I'm a certified public accountant. I'm licensed by the
22 California Board of Accountancy, and I've been in public
23 practice, really in the environment of a CPA firm, for
24 over thirty-five years. For a good part of that time, I
25 also was a co-owner of the firm.

1 So on the California Board of Accountancy, I have
2 been involved for a period of nearly twenty years, the
3 last few years as a board member. Most recently, I'm its
4 immediate past president for the last two years. Just
5 prior to that, their secretary/treasurer. But before
6 that, for fifteen years, I served on all of its advisory
7 committees and that involved such as -- you know, Kim
8 mentioned a moment ago -- licensing, enforcement, and
9 peer review oversight. Our board currently oversights
10 some 114,000 licensees, and that's the most in the
11 nation. And it also speaks as to why we have a staff of
12 a hundred-plus. So just to clarify, I'm not here as a
13 representative of the board, but rather to offer my
14 knowledge and experience as a board member of the
15 California Board of Accountancy.

16 So continuing on with the role of the board members
17 and setting policy by adopting regulations, board members
18 direct the board's work by letting the executive director
19 know what the priorities of the board are. Note, as Kim
20 mentioned, we don't handle the day-to-day, the incoming,
21 the outgoing, the licensee applications, you know,
22 processing claims that are made by the public or other
23 licensees. Those are the details handled by the
24 executive director and the staff that -- that he or she
25 supervises.

1 The board handles special projects and issues that
2 arise, where -- or where we may want to set a new
3 industry standard. For example, with the California
4 Board of Accountancy, we recently worked hard and had
5 legislation pass that allowed CPA candidates to take the
6 exam earlier. They had to be on the right path, the
7 right track of education, but that kind of releases the
8 CPA pipeline. There's a shortage of CPAs. So things
9 like that are what the board deals with, things of that
10 nature.

11 So our mission is consumer protection, as is yours.
12 And so the decisions that we make for our sector or our
13 profession, in this case, all have to do with consumer
14 protection. Policymaking occurs at board meetings and
15 discussions regarding these specific issues. Do we
16 volley them back and forth frequently and involve our
17 staff, DCA legal affairs, and others? Yes, numerous --
18 numerous times. Do we always agree? No, we do not. But
19 as a board, we take a vote. The majority is what then is
20 carried forward and acting as a cohesive group. And
21 conducting ourselves in that way is what makes us most
22 successful in satisfying and meeting the needs of the
23 consumers as a whole.

24 Issues or topics that come before us are brought to
25 us by the staff, possibly a board member notices an issue

1 that needs to be dealt with, a consumer. They get to us
2 and they are discussed and that is the way that we do it.
3 But all decisions are made by the board and no action is
4 taken until the board is comfortable and happy and -- and
5 moves on. So these meetings are all public. You know,
6 they're open meetings, they're recorded, and they are
7 archived for future reference. Thank you.

8 And back to you, Kim.

9 **MS. KIRCHMEYER:** Thank you.

10 I'd like to talk now about the role of the executive
11 director. Since Ms. Corrigan spoke about how they're
12 setting policy, the executive director's main role is to
13 implement the policy that the board then has put
14 together, and then ensure that all laws and regulations
15 are being followed. It's important for the executive
16 director really to know what is important to the board,
17 because that's the driving force behind their actions.
18 And then the executive director also, as we have spoken a
19 couple times, also directs and manages the day-to-day
20 operations of staff and the board.

21 And I'd like to pass it off to Christine to handle
22 the rest of that portion.

23 **MS. LALLY:** And additionally, on the role of the
24 executive director, he files the disciplinary actions
25 against licensees in his or her official capacity as the

1 executive director of the board. The executive director
2 is the sole individual who signs the charging document
3 and is the one who is taking action against the specific
4 licensees. For example, if you ever have the opportunity
5 to look up a license on the Department of Consumer
6 Affairs website and you go into the disciplinary actions
7 that are posted publicly for the DCA board, you will see
8 that the executive director's name is actually listed as
9 the complainant on the accusation against the licensee,
10 as well as the executive director's signature. So here,
11 she's signs every final page of the accusation, which is
12 the charging document against the licensee.

13 And I will pass it back over to Ms. Corrigan.

14 **MS. CORRIGAN:** Thank you.

15 So in reference to that, the board members meet and
16 vote on actions taken against licensees. These could
17 come from referrals, or criminal or civil matters,
18 complaints filed against licensees by the public. They
19 could be administrative: When I forget to renew my
20 license on time, I do not respond timely to a notice,
21 that sort of thing. So they're administrative matters
22 that have to be dealt with. As a board, we serve as the
23 judge and we vote on resolution of enforcement actions.

24 A few examples for our board could be, we can revoke
25 licenses. We can suspend them for a period of time for

1 performing all services. We can suspend them for
2 selective services. Maybe they can perform tax but not
3 audit and review. We can place them on probation so they
4 are oversighted for a period of time. And we can even
5 reinstate previously revoked licenses. You know, I put
6 in my time away, now I am applying for reinstatement, and
7 the board would do that sort of thing. So this all
8 happens in closed session, which is not recorded or
9 archived for future reference. Thank you.

10 Kim, back to you.

11 **MS. KIRCHMEYER:** One other role of the executive
12 director really is representing that board in different
13 settings. These settings include the legislature. Here,
14 the executive director would provide the board's
15 decision, not staff decision. These discussions should
16 take place after a decision has been made at a board
17 meeting. They also represent the board in front of
18 media. The executive director is usually the face of the
19 board, doing interviews and, if necessary, providing
20 information to the media. And then finally, in front of
21 the public, the executive director is the representation
22 usually that goes out and provides the presentation. So
23 it is important for the public to see board members too.

24 Although, this is the executive director's role, the
25 executive director can also call on board members to

1 asset -- assist in this presentation. So for example,
2 presentations with stakeholders may help if there's a
3 board member there to do part of that presentation and
4 provide education on the functions of the board.

5 Ms. Corrigan, can you please provide your input on
6 this representation?

7 **MS. CORRIGAN:** Certainly. I know that when I am
8 dealing with legislature, media, the public, that I am
9 there certainly representing my board as a whole. And so
10 I am not there representing myself. I have to be careful
11 not to take calls from the press and refer them to our
12 executive director or public information officers to --
13 so that it can be handled appropriately and I don't place
14 my board -- I don't jeopardize them in any way. I cannot
15 provide advice or decisions that are not discussed and
16 voted on by the board. So I just can't kind of go out on
17 my own and do what I want to do.

18 If I do and it isn't in line with the board's
19 decisions and regulations, this can be considered an
20 underground regulation -- not being the voice of the
21 board as a whole and you can just imagine the many
22 compound legal issues that might arise from something
23 like this, for example, our licensees or consumers. So
24 it's very, very dangerous to do that. Thank you.

25 Kim.

1 **MS. KIRCHMEYER:** Back to Christine.

2 **MS. LALLY:** So additionally, the role of the
3 executive director is managing and overseeing operations.
4 And you know, since the executive director is hired by
5 the board, that executive director is the principal
6 operations officer for the board. They are specifically
7 responsible for the day-to-day management of the board's
8 resources and staff. The board members hire the
9 executive director to provide the daily leadership of the
10 staff. And then with this full-time salary and the
11 executive director in place, the board members are free
12 to then do their job providing oversight and insight on
13 policymaking.

14 I liken the executive director and board really --
15 board member relationship to much like a driver. So if
16 you hired a driver, that driver is responsible for making
17 sure the car's gassed up, all of the maintenance is done,
18 and it's ready to go. And you get in that car and you
19 give the directions on where you want to go and that
20 executive director is driving the car or flying the plane
21 to where the board members want it to go.

22 Among the greatest responsibilities for executive
23 directors is managing the administrative and fiscal
24 functions for the board. For example, an executive
25 director is responsible for managing the board's budget.

1 So you're making sure that the money is being spent
2 appropriately and efficiently, and that the board
3 remains -- maintains a healthy fund condition. And when
4 additional funding is needed to hire more staff or you
5 need additional resources, the executive director works
6 very closely with the board chair on funding priorities
7 and identifying them, and then drafting budget change
8 proposals for consideration, and then eventual --
9 hopefully, and eventually included in the governor's
10 proposed budget every year.

11 The executive director is also responsible for
12 managing all board -- board personnel. And this includes
13 recruiting staff, retaining them, training staff, and
14 staff development. It's really -- I can't stress this
15 enough, just based on my experience here at the
16 Department of Consumer Affairs, how important it is for
17 board members not to get involved in the day-to-day
18 management of personnel. You know, this is truly the
19 executive director's role and why he or she was hired.
20 And with the State Civil Service reporting structure,
21 this can truly be problematic if board members do get
22 involved in the day-to-day, especially with the reporting
23 structure between an executive director and his or her
24 staff.

25 **MS. KIRCHMEYER:** And Ms. Corrigan, the -- the role

1 of the oversight of the executive director.

2 **MS. CORRIGAN:** Yes, thank you.

3 So as was mentioned, and you kind of get the gist of
4 it, the board must ensure that the executive director is
5 performing as designated by the board, is leading the
6 board properly and making good decisions for the board.
7 So it was mentioned earlier that, yes, there's ongoing
8 communication, primarily with the chair. But you are all
9 seeing the executive director in your regular meetings,
10 correspondence, other communications that are generated
11 by that position. So you're really able to evaluate and
12 see that performance all year long, basically.

13 But to really accomplish this oversight, you can
14 hire, you can terminate, obviously, and you perform
15 annual evaluations. And the annual evaluations ensure
16 and document that the executive director knows the
17 board's expectations are properly leading and making good
18 decisions for the board. And also to address
19 deficiencies that may be occurring, not to forget that
20 it's also a time, during that annual evaluation, to
21 commend them on a job well done. Thank you.

22 **MS. LALLY:** And just in closing, you know, stressing
23 the importance of collaboration, as all of you have
24 probably been experiencing for months, standing up as a
25 new agency, and the importance of communication. The

1 director has said it in her beginning, marks -- remarks
2 that communication truly is key. We've all been
3 appointed. You know, you from your different appointing
4 authorities, and you have appointed an executive
5 director, just as our boards and bureaus do, as well.
6 And communication is truly what gets us through the day-
7 to-day, but ultimately gets us to our -- achieving our
8 goals and gets us through our strategic planning and gets
9 us through the hard times.

10 Another item that I'd just like to stress is, in
11 communicating and working together and collaborating,
12 that we take the time to put principles over
13 personalities. So not -- we're all working together and
14 you know, working as a board, working as a team because
15 ultimately, that gets us to achieving our goals. And
16 with that, I think we'll open it up for questions.

17 **MS. URBAN:** Okay. Thank you, Ms. Lally and Ms.
18 Kirchmeyer and Ms. Corrigan for that very helpful
19 presentation.

20 Are there any questions or comments from the board?
21 If you use the raise hand function, I will recognize you.
22 All right.

23 Ms. Kirchmeyer, I believe you and your team will be
24 here through the other part of the presentation, as well,
25 correct? So if something occurs, we will have discussion

1 after that as well. And given that the board doesn't
2 have questions at the moment, I will hand it over to Ms.
3 Schieldge for the second part of the presentation. Thank
4 you.

5 **MS. SCHIELDGE:** Okay. Hello, can you hear me?

6 **MS. URBAN:** Yes.

7 **MS. SCHIELDGE:** Okay, great. My name is Kristy
8 Schieldge. I'm an attorney with the California
9 Department of Consumer Affairs. I've been with the
10 department for twenty-two years. Prior to joining the
11 department, I worked in the private sector as a corporate
12 counsel and litigator on behalf of the regulated
13 community. So I have experience in regulations from both
14 sides and both perspectives. And currently work in the
15 regulatory review unit where I review regulations for all
16 of our departmental constituent agencies within the
17 department.

18 So today, we're going to be discussing the process
19 of adopting regulations through a regular rulemaking.
20 And the regular rulemaking process is one type of
21 regulatory action; there are others: Emergency,
22 technical cleanup, rulemakings known as Section 100
23 changes. But today we're going to focus on regular
24 rulemaking, which is the most common form of rulemaking
25 under the California Administrative Procedure Act and

1 your role in that process. So this very dense material,
2 so if you have questions, please feel free to -- to ask
3 those as we move through the presentation.

4 Next slide, please.

5 So to begin our discussion, I'm providing you a,
6 like, very simplified overview of the regulatory process.
7 This is a standard regular rulemaking process background.
8 We won't spend too much time on this slide, as we'll be
9 going into more detail regarding various phases that are
10 highlighted here on the screen in the presentation.
11 Areas that are highlighted in red show board member
12 direct involvement.

13 So the regulator phases for a regular rulemaking,
14 there are four of them. Generally, we consider these
15 four phases as -- and I don't know where the rest of the
16 slide is -- concept. Thank you. Concept is the first
17 phase, where the problem is defined and proposed text is
18 developed by the board.

19 Production, where all regulatory text and supporting
20 documentation, including the initial statement of
21 reasons, is prepared for filing with the Office of
22 Administrative Law. That is the agency that is
23 responsible for reviewing and approving all regulations
24 for state agencies in the State of California.

25 The third phase is initial, where the formal

1 adoption process begins by filing the proposed text with
2 the Office of Administrative Law, and the accompanying
3 rulemaking documentation for publication, and a forty-
4 five-day public comment period and possibly one or more
5 hearings to receive public comments occurs.

6 The fourth stage is the final stage where the board
7 responds to comments received during the comment period.
8 It decides whether to modify text and then acts at a
9 board meeting to approve final text. Once text is
10 approved, staff will finalize the supporting
11 documentation, including the final statement of reasons,
12 and submits the final rulemaking file to OAL for final
13 review.

14 So concept phase is the first phase. And I would
15 say this pre-filing stage is where the heavy lifting
16 occurs from a regulatory perspective, and I feel like
17 it's the most important part of rulemaking. I've
18 generally found that if the board addresses all of these
19 objectives prior to filing a proposed regulation, it will
20 help ensure a successful outcome. So the more work you
21 put in at this stage, the easier the process becomes to
22 successfully adopt a regulation.

23 The first concept is to define the problem, and that
24 may take, you know, several meetings and -- and some
25 underlying work, but that is a real key component.

1 Defining the problem, describing the objectives you hope
2 to achieve, brainstorming possible solutions, consulting
3 with those who would be affected by the proposal. And
4 this, mind you, is required by law for complex or large
5 proposals that are not capable of being reviewed easily
6 during the forty-five-day public comment period, and for
7 major regulations. And we'll discuss what a major
8 regulation is a little bit later.

9 Then you'll want to list and evaluate the costs and
10 benefits, because this is part of the regulatory control
11 agency. The Department of Finances will -- will look at
12 your costs associated with the regulatory proposal and
13 you have a lot that you have to do to make sure that
14 those requirements for the Department of Finance are met.
15 So it's important to list and evaluate the cost and
16 benefits up front, so you're prepared to address the
17 questions that may come from that agency.

18 The sixth one is choose an option. So you know, at
19 this concept, you will choose your solution and you have
20 to be prepared to explain why it is the preferred
21 solution above others that may be proffered during the
22 process.

23 Next slide.

24 So board member role and concept development, I've
25 listed here. So in this section, I'll walk you through

1 the general process for developing regulator concepts and
2 provide you with some examples of how boards in our
3 department have approached regulation development.

4 Box 1 involves the concept and where it comes from.
5 An idea for regulation may originate from statute, board
6 staff, your regulated public, industry groups, people who
7 may interact with your regulated public, and from you,
8 based on your experience and knowledge.

9 Box 2, to start the process, the board's chair, in
10 consultation with the board's executive director, places
11 a regulatory concept on the board's agenda for discussion
12 and possible action. Typically, the board staff will
13 develop concepts for regulatory proposals and bring these
14 items to a board meeting and present them to you for
15 discussion. However, if the proposal involves
16 complicated or technical subject matter, you're going to
17 want to have the board explore a variety of methods to
18 develop the regulatory language. And so in the
19 discussion process, you may assign -- if you look at box
20 4 -- the concept to a stakeholder meeting, seek a
21 contract with a subject matter expert to help explore and
22 develop concepts, or assign it to a board committee.

23 And I want to make a special note that one -- one
24 avenue that some of the boards have used is to sign a
25 concept development protects to a two-person advisory

1 committee. Those are more flexible since, under the Open
2 Meeting Act, advisory committees do not need to be
3 noticed. And so there may be some advantage, at some
4 point, where you need to do some real heavy work with
5 development of the regulation where a two-person
6 committee may be -- may be of -- of interest and may be
7 useful to you in developing the regulation.

8 So back to board member discussion. So once your
9 committee, if it's assigned to a committee, it may send
10 it back. So the arrow really should go backwards and
11 forwards between board member discussion and committee,
12 because it can go back and forth several times between
13 discussion points at board meetings and committee
14 meetings or other types of meetings where information is
15 collected. And the board member discussion in the role
16 of a board member, your role would include suggestions as
17 to concepts that should be in the regulations that are
18 being developed. Like, wouldn't it be best if we
19 required a privacy notice to the consumer informing them
20 of the uses of personal information? These ideas may be
21 discussed at the board meeting or a board member
22 committee meeting, if the committee exists, if you have
23 standing committees or committees that are created by
24 action of the board. You may also provide suggested
25 changes to the text at the board meeting or at any other

1 noticed meeting, including committee meetings if you're a
2 committee member. The board may also decide whether to
3 conduct formal stakeholder meetings. They are generally
4 informal working groups, but if you decide to have formal
5 stakeholder meetings with board members attending, you're
6 going to want to notice those meetings in compliance with
7 the Open Meeting Act, if a majority of the board members
8 participate in these informal meetings.

9 Research and outreach may take some time. So if you
10 looked at the fourth box, that fourth box is -- there's a
11 lot going on between the third and fourth box in the
12 development, in terms of board member roles and
13 participation. And it may take some time to -- to
14 develop that if you particularly need to consult with
15 other agencies, like the Attorney General's office or
16 another agency or association who may have a substantial
17 interest in the regulations. Or other issues that maybe
18 need further analysis, for instance, by a subject matter
19 expert like preliminary cost analysis where your budget
20 office or the subject matter sometimes, if you -- subject
21 matter experts sometimes. If you assign that particular
22 economic study to a -- a subject matter expert, you may
23 need to consult with them if the cost or benefit is in
24 excess of ten million. In which case, we recommend you
25 consult with the Department of Finance to ensure that the

1 board makes economic impact assessments in the manner
2 required by the Department of Finance regulations.

3 Stakeholder meetings are generally informal, but and
4 be held -- are held by staff, as I mentioned. But it can
5 include board members if they want to participate. As to
6 the requirement for major regulations, you have to hold
7 these stakeholder meetings. We generally recommend them
8 if they're complicated at the beginning, and also at --
9 as text is finalized. And a major regulation is one that
10 will have an economic impact on California business
11 enterprises and individuals in an amount exceeding fifty
12 million, as estimated by the agency. But we also
13 recommend you to hold stakeholder meetings to receive
14 input on text, even if it's not large, complex, or major
15 if there's a high amount of public interest in the
16 subject matter, because it helps reduce the chances of
17 adverse comments during the formal rulemaking process.
18 And you know, if you don't -- if you don't try to do that
19 and you know it's a controversial subject matter, it
20 could add further delay to your rulemaking process.

21 As an example, I had a client with a relatively
22 short regulation. It was like five sections and however,
23 the industry had sponsored the legislation that enabled
24 them to adopt the regulation and it was a regulation that
25 affected the ability of the industry to pay itself from a

1 trust that they ran. So it was financial interest --
2 high financial interest by the industry. And the agency
3 drafted regulations without consultation with the
4 affected community, filed them, and got forty-four
5 adverse comments. And so at that point, the agency
6 withdrew the filing and revised it significantly, held
7 stakeholder meetings, it was positively received, changes
8 were made in consultation with the affected stakeholders.
9 It was later filed. We got no adverse comments and it
10 was adopted. So as a small example, you can see how you
11 can avoid problems if you engage stakeholders early on in
12 the development and the finalization of your text before
13 you file it. Failing to do that can add significant
14 delay to the process.

15 And you know, as -- as a matter of -- of the record
16 that you need to build, the Administrative Procedure Act
17 requires you to include, as part of the formal rulemaking
18 package, all these steps you see on the screen. All the
19 record of the development of the regulation is done in
20 public, as we've discussed. These are required to be
21 held publicly, these meetings. You're going to document
22 everything that's going on at these meetings and it's
23 important to have all the factual information in the
24 record that you relied on in adopting the regulations.
25 The Administrative Procedure Act requires it.

1 So to help meet that standard, we always recommend
2 that stakeholder meetings be authorized by the board to
3 help establish a clear and legally defensible record for
4 your rulemaking. If board members engage with
5 stakeholders outside of a publicly noticed meeting and
6 not pursuant to any official delegation, we suggest that
7 you make it clear that the position is personal and not a
8 position of the board. Further, we recommend board
9 members take steps to avoid serial meetings when in the
10 development of regulations where board member proposals
11 are discussed outside of a noticed meeting by a majority
12 of members, directly or indirectly through intermediaries
13 or the use of technological devices, to develop
14 concurrence as to action to be taken on the regulation.

15 Serial meetings are considered violations; and
16 therefore, if the board members are willingly
17 participating in informal meetings, even separately and
18 different informal working groups, then it is best
19 practice to treat those meetings as subject to the Open
20 Meeting Act, because it is highly likely that a serial
21 meeting could occur, and comments from one board member
22 at one meeting shared at a subsequent meeting with
23 another board member. So it's always important to be
24 aware of who's participating and whether you have a
25 majority of members when developing regulations.

1 So as we move through the process again, you're
2 going to be reviewing and acting on text that comes back
3 from your committees or board member discussion at board
4 meetings. And the final step in concept development is
5 approval of the text for filing.

6 Next slide, please.

7 So here's a sample of how regulatory proposals may
8 be developed in your packet. Here, we have a committee
9 of the board that has been tasked by the board to work on
10 the development of text at a publicly noticed committee
11 meeting, and then report back to the board by way of
12 meeting minutes. So all of those meetings and agendas
13 posted, available to the public, part of the record and
14 the development of regulations. Compounding is very
15 complicated and so these committees were essential in to
16 developing text for that board. The board may also
17 choose to delegate tasks to staff to set up stakeholder
18 meetings on con -- or contract the subject matter
19 experts, as I have previously discussed. All of these
20 actions should be set forth in meeting materials,
21 typically in memos and attachments in the board meeting
22 packets.

23 So Ms. Bacon, I don't know if you can go to our
24 reference materials, but I want to give you some real
25 concrete examples of how regs are developed in the

1 process.

2 So this is item number 1 and if you could scroll
3 down, you can see I've highlighted it for you right here.
4 This is a board meeting where they have noticed a concept
5 for a regulation. And you see that the board has been
6 given presentations regarding automated drug delivery
7 systems. This is for when you want to refill your
8 prescription. They were considering allowing automation
9 as opposed to getting it directly from the pharmacy and
10 the pharmacists. So there was a discussion regarding the
11 features. The discussion regarding circumstances under
12 which this system could be used, the impact on public
13 safety. And then discussion regarding the next steps.
14 Like, how are they going to proceed to develop the
15 regulations? Are they going to assign to committee?
16 What are they going to do from this point forward? So
17 this would be an example of how you could start the
18 process of discussing a concept at a public board
19 meeting, because that has to come from you. As the
20 board, you have to direct the traffic on how you would
21 like to see a -- a complicated issue like this addressed.

22 The sec -- second bookmark is bookmark number 2.
23 You'll is a two-person committee. And as I mentioned,
24 you don't have to notice these, but here the board did
25 this because they wanted to invite public discussion on

1 this item.

2 And if you scroll down a little bit, please.

3 So you'll see these very general concepts
4 discussions where they wanted to get feedback from the
5 stakeholders on -- on areas they think they're probably
6 going to need to regulate in. And then there was a
7 compounding general proposal discussion. Nothing real
8 firm but just getting ideas from the -- the regulated
9 community.

10 Tab 3, please.

11 And so here's a compounding committee, so you'll see
12 there's more members on this one. This one has to be
13 noticed because it's more than three.

14 Sorry, bookmark 3, yeah.

15 And so these are sample materials from that
16 committee meeting. You would get a copy of everything
17 that happened at this meeting at a subsequent board
18 meeting. You would get the committee report here.

19 If you could scroll down a little bit.

20 So you can see how they are discussing consideration
21 of amendments and -- and then there's the background and
22 the information. So this report and all the attachments,
23 including -- and the attachments have the -- the copies
24 of the proposed text.

25 And if you could scroll down a little bit.

1 You can see proposed regulation language is here.

2 And it had -- and an attachment too has further memos
3 regarding the necessity aspect of the regulation.

4 Can you go to tab number 4, please?

5 This is a sample work group. Again, and this is
6 where we're inviting public participation and interaction
7 on concepts.

8 So if you could just scroll down a little bit there.

9 So you can see here what happened at this committee
10 meeting was there were -- there was a presentation, there
11 was discussion on draft provisions to guidelines, and
12 there's background. So all of this material would come
13 to you at -- at every board meeting, typically. You
14 would see how your committee's handling the issue. You'd
15 be able to discuss what the committee's looking at and
16 what's happening with the development of the regulation.
17 And you'd see how the public was involved in the process.
18 And so we usually have a standing item on regulations for
19 every board meeting.

20 Item number 5, if you could see that.

21 Okay. So here's a compounding committee meeting
22 minute. I want to just scroll down real quickly. If you
23 could go to -- let's see here. You can see how the
24 deliberation occurs here.

25 If we could go to one of the headings. Okay. So

1 stop, please.

2 Okay. So you'll see how the heading is the
3 regulation topic. How the committee went section-by-
4 section, inviting public comment and board member
5 discussion. So you'll see back and forth. Like, Mr.
6 Lippe, I know is a board member, and they talk edits.
7 This -- so the committees tend to do a lot of the heavy
8 lifting of development so that when it comes to the board
9 it's in a pretty good position for board member
10 deliberation and review. But you can see how the board
11 members have run this meeting and deliberated on each
12 section that has been developed through the stakeholder
13 workshops and other committee work that has been done.

14 Okay. Number 6, please.

15 Number 6 is a sample agenda.

16 If we could down -- sorry, but it's like three
17 pages. It's item H-7. Sorry about that. Okay. Okay,
18 stop.

19 So here you'll see the item where they're actually
20 saying they need more outside consultant or expert study
21 to develop the regulation. And so this is the action
22 item where, you know, the board's deciding do we need an
23 expert or not? The staff thinks so but -- and they're --
24 and they're laying out their arguments to the board for
25 why they would need an expert. And then this is the --

1 the agenda item discussion regarding the contracting
2 process and the possible timeline for possible rulemaking
3 once the -- the study has completed. So this is an
4 example of a subject matter expert referral for a
5 regulation development.

6 And then item 7. Okay. So here's an example of a
7 public sta -- stakeholder workshop that was held via
8 Webex.

9 Again, if you could scroll down a bit.

10 There's just a brief summary of what's proposed to
11 be discussed and then we don't have here, but it also
12 attached the text to the meeting notice so that the --
13 the regulated community could see what they would be
14 going through. And then after -- and this was recorded
15 and the minutes, were transcribed so that the control
16 agencies could see all the comments that were received
17 and discussed at the stakeholder meeting, and that this
18 item was vetted before it actually got filed with the
19 Office of Administrative Law.

20 So if we could back to the -- the PowerPoint. Okay.
21 Next slide, please.

22 So once the -- is there -- once there was -- the
23 board reviews and approves the text, that the final draft
24 concept is ready, it comes to you at a board meeting.
25 And it's generally provided in a document and tells

1 proposed language to the members and the text is shown
2 and underlined for additions and strikeout for deletions
3 so it's clear what proposed changes the board would be
4 making. The document is provided along with a cover memo
5 to the board members explaining the problem, describing
6 how the staff's proposal would address the problem, and
7 suggesting possible actions or motions the board members
8 may make to act on the proposal.

9 So possible motions, number 2, if you could bring
10 that up?

11 Possible motions usually include motions to improve
12 the text, as provided in the meeting materials, approve
13 the text with modifications, if you have issues with how
14 the text is drafted -- you can still adopt the proposal
15 but you actually would have to, you know, say in your
16 motion what you would like to change in the regulatory
17 text. Or if you feel like it's really not completely
18 developed, maybe it's a little -- needs more work from
19 your perspective, you can refer it back to a committee or
20 the executive director to address concerns you've raised
21 at the meeting and bring it back to the board for further
22 deliberation.

23 But if you approve the text, this is the type of
24 motion we'd typically recommend you give to approve
25 the -- the proposal. And that would include delegations

1 to the executive director that would set the matter for a
2 public hearing, if you want one. Set all -- a hearing
3 only if requested by the public. Delegating the
4 executive officer the authority to make nonsubstantive,
5 like correct typographical errors, in the proposal.
6 Adopt the regulation as approved by the board and
7 complete the rulemaking process on the board's behalf, if
8 no adverse comments are received. This delegation
9 enables your executive officer to handle the
10 administrative details of adopting the regulation without
11 the board needing to have a meeting to conclude each step
12 required to finalize the board's action.

13 You may also conduct public hearings regarding the
14 regulatory text during your noticed board meetings, or
15 you can delegate to the staff to hold those hearings
16 separate from the board meeting. In which case, there
17 would be a court reporter present, typically, or other
18 meeting minutes recorded, so that you would get a copy of
19 everything that happened at the hearing before you act on
20 deciding whether to make any further changes to the text
21 after comments are received.

22 Next slide, please.

23 So this is --

24 **MS. BACON:** I just wanted to let you know we have
25 about a five-minute time check.

1 **MS. SCHIELDGE:** Okay. All right.

2 So just for -- to be quickly -- to go through this,
3 the staff production phase. If you just want to -- can
4 you put all the items up, please, for -- for that?

5 So the delegation enables your staff to do all of
6 these things. And this is what we consider administerial
7 parts of the production phase. Because the policymaking
8 aspect is the concept and the text. They are not allowed
9 to move text forward and make any changes without your
10 approval. So the text has to be approved, and the only
11 part that's delegated is to make nonsubstantive -- maybe
12 there was typo, like a spelling error, in the text or a
13 comment that was missing but it can't be can't be an
14 Oxford comma. It has to be just something that was -- is
15 an obvious technical mistake that can be cleaned up. And
16 that would be the only authority you're giving.

17 Everything else we consider as administerial, because the
18 package portions include all these kind of administrative
19 documents that have to be filed with the Office of
20 Administrative Law and the Department of Finance.

21 And so each one of these items has to be prepared as
22 part of the package and submitted. And that's usually
23 what you delegate to your executive director to do to
24 produce the package for filing.

25 Next slide, please.

1 So through the delegation voted on, the board staff
2 is authorized to initiate the rulemaking package with the
3 Office of Administrative Law and the notice has to be
4 published in the register at least forty-five days prior
5 to the hearing and close of public comment period. And
6 OAL's responsible for the publication once it's accepted
7 it for filing. They have to notify you of any
8 deficiencies within three business days after filing.
9 And the register is published on Fridays with a final
10 filing date of ten calendar days preceding the date. So
11 you have to add two weeks to your forty-five day comment
12 period to make sure that you meet all the publication
13 deadlines.

14 So all of these technical things are handled by
15 staff and that's why we recommend the delegation.
16 Because otherwise, you have to bring all of this back
17 over and over again to the board. Delegating it to a
18 single individual avoids any Open Meeting Act issues for
19 you. Once it's approved, the staff will mail notice of
20 the proposed action to interested parties and
21 representative business, and post all the documents on
22 your website for forty-five days prior to the close of
23 the comment period or hearing, if you schedule one.

24 Next slide, please.

25 Initial phase, board oversight. So once the comment

1 period opens and you start receiving comments, then the
2 matter will be brought back to you and placed on an
3 agenda again. You must consider all comments on a
4 regulation, be they in favor of or against, whether
5 they're anonymous from a large association or a lobby
6 group. Staff typically prepares proposed responses to
7 comments and requests your decision to accept or modify
8 text. Of course, you don't have to accept those
9 recommendations; you can make your own. But if the board
10 votes to accept the comments and modify the text, a
11 notice of modified text will be issued to the regulated
12 public or the affected stakeholders, posted on your
13 website. And it's given fifteen days or forty-five days,
14 but you'll be the -- the final decisionmaker on that
15 modified text.

16 After they've completed the review of the -- of any
17 further comments to the modified text will, again, be
18 brought back to you a board meeting, if there are any.
19 And all of this information will be brought back to you
20 in a memo outlining all the information that I just
21 mentioned.

22 Can we go to the bookmark again? The -- the
23 regulatated -- regulated reference materials? Sorry,
24 regulatory reference materials, item 8. Can you go to
25 page 91, please, of item 8? 91, yeah. Okay.

1 So here we go, discussion and possible action. You
2 know, there's -- there's an item here that's discussing
3 how -- what the steps are to move this process along.

4 Can you scroll down a little bit, please? Keep
5 going.

6 So and then, you know, these are the motions that I
7 discussed previously that you can make. If you don't
8 want to make any changes after the public comment period
9 closes and the hearing closes, these are the -- the
10 motions you would make if you do want to make changes.
11 Again, I do recommend you state them specifically and
12 clearly in the record, in addition to this motion. And
13 then you direct staff to take the steps necessary to
14 complete the process. And if you don't get adverse
15 comments, the staff will just file it and adopt it on
16 your behalf -- I mean, executive officer or director. In
17 this case, it was the executive officer, but it's the
18 same position for you as the executive director.

19 So can we go back to the PowerPoint, please? Okay.
20 Next slide, please.

21 So again, the board meetings are held in the process
22 of revising the text continues until there are no further
23 adverse comments, or the board says we're good with this
24 version of the text and they reject any of the adverse
25 comments that come through. Next, there have been times

1 though that it can take four to five years for a -- a
2 package to complete if we get a lot of adverse comments.
3 Or as I've mentioned, you don't do that initial legwork
4 of prepping your stakeholders and vetting out all the
5 issues that -- that may come up during your rulemaking
6 process before you file it. So that is something to keep
7 in mind going forward.

8 Next slide, please.

9 So in the final phase, you will get the proposed
10 text, like that memo set forth there. You'll approve the
11 text, you'll delegate to the executive director the
12 authority to complete the rulemaking file, including the
13 preparation of the final statement of reasons. Make any
14 nonsubstantive or technical changes, and take all steps
15 to -- to complete the rulemaking.

16 Then the staff will file the final package with the
17 Office of Administrative Law, per the board's motion.
18 The staff are the contact persons on all rulemaking
19 packages, so those -- the staff will be handling
20 communications to avoid Open Meeting Act issues. That is
21 why it is delegated to your executive director, so that
22 the communications with OAL occur through your -- your
23 agent, your executive director. And any issues with the
24 package that OAL or the Department of Finance, which are
25 the control agencies that approve regulations, will be

1 brought back to you for discussion at a future board
2 meeting if they're unable to resolve or address the
3 issues that are raised.

4 So how do you prepare for a board member action on
5 regulations? We recommend you review the memos, the
6 text, and the supporting documentation, list questions.
7 If possible, seek clarification prior to the meeting.
8 Read the staff memo and associated documents and come
9 prepared to your meeting to ask questions and cast a
10 vote. You should review the memos, and they're important
11 because they provide options and reasons for the
12 proposal. Additionally, the supplemental materials may
13 show you why the proposed text is necessary, what the new
14 regulations might look like, and what is being changed.
15 This will give you a high-level overview of the matter.
16 While reading materials, list any questions you might
17 have so you can come to the meeting prepared. And ask
18 staff for clarity, or even approach staff prior to the
19 meeting.

20 As a board member, you may ask questions such as
21 possible alternatives that you might want them to
22 consider, or you may look at or ask staff for -- or a
23 committee of the board to research how other states or
24 other programs handle similar issues. Consider your vote
25 at the meeting and how you think you will vote on the

1 matter. Consider whether legal standards are met and --
2 and alternatives considered.

3 Next slide, please.

4 So when reviewing text, in our experience, these
5 things will help you guide the discussion at board
6 meetings. You should look and see whether there are any
7 unintended consequences that may occur to you when
8 reviewing the information, and raise those issues at the
9 meeting or with the executive director prior to the
10 meeting. Is this the least restrictive alternative or
11 interpretation that your agency can choose to implement
12 the law? That is something that you need to cover in the
13 rulemaking documents. You have to state whether they're
14 all least -- this is the least restrictive alternative or
15 whether you -- why you chose to implement it if it is
16 restrictive.

17 Next slide, please.

18 So these items are the six standards that the Office
19 of Administrative Law uses to evaluate your regulations
20 and whether they're in compliance with the Administrative
21 Procedure Act. So these are appropriate questions for
22 you to ask of staff and bring up at board meetings. And
23 is it necessary? Do you have the authority to adopt
24 regulations on the subject matter? Does the proposal
25 make specific or interpret a law under your jurisdiction?

1 Is it clear? Is it in harmony with or does it conflict
2 with California or federal statutes or other regulations,
3 or does it duplicate something already required in state
4 or federal law or regulations? If you don't meet these
5 standards, it's grounds for disapproval of the
6 regulation. So it is appropriate for you to bring these
7 issues up when reviewing regulations.

8 Next slide, please.

9 That's all I have. I am sorry I rushed it through
10 there, but wanted to try to make -- make our time frame.
11 So any questions that the board members have?

12 **MS. URBAN:** Thank you very much, Ms. Schieldge. If
13 board members could raise their hands, if you have
14 questions or comments for Ms. Schieldge or if you've --
15 if something has occurred to you from the prior
16 presentation because I believe all those folks are still
17 here, please do that and I will recognize you.

18 Mr. Thompson.

19 **MR. THOMPSON:** Thank you. And thank you for the
20 thorough presentation. There was a point -- I apologize,
21 I don't recall which slide it was -- where the practice
22 is to consult with those affected by a proposed
23 regulation, which seems like there'd be a, you know,
24 multiple categories of entities affected -- the
25 regulated -- but then also the consumers, who are

1 beneficiary of the protection.

2 **MS. SCHIELDGE:** Uh-huh.

3 **MR. THOMPSON:** Is there a best practice that you all
4 have recommended for getting input from consumers who are
5 the beneficiary of the protection, or obviously, kind of
6 diffused and not typically organized?

7 **MS. SCHIELDGE:** Well, of course, if we know of
8 consumer organizations that have reached out to us, we
9 will send the notice out to them specifically. It's
10 always posted -- stakeholder meetings are always posted
11 on our websites, whether they're informal or formal.
12 Because we want to get as much input from every source as
13 possible. But if you're aware of associations, certainly
14 let your executive director know or bring it up at a
15 board meeting. It would be a good idea if we reached out
16 to this organization and provided them with a copy of the
17 notice.

18 But when I say stakeholder, I'm talking about
19 everybody, everybody. Consumers, industry, legislature.
20 I mean, sometimes it's a good idea to invite the
21 legislature sponsor of the bill to your meeting so they
22 can see that you're actively working on the legislation
23 that they're -- that they proposed and that you're being
24 responsive. Partic -- particularly, if there's a mandate
25 in the law that you do something by a specific date

1 regulatory-wise. So it's always a good idea to just do
2 as many -- you know, mail, email blasts as you can to
3 invite participation. But always put it on your website
4 and make it in a prominent location so that you get as
5 much input as possible from all sources. Because it --
6 like I said, it's really important to try to make sure
7 you've -- you've brought this issue forward before you
8 file if you know it's going to be controversial, or even
9 if you're not sure and you're just concerned about making
10 sure you get as much input as possible.

11 Doing that upfront will save you a lot of heartache
12 when it comes to -- to filing a regulation. Because once
13 it's filed and adverse comments start coming in, they
14 start taking a harder look at your -- at your regulation.
15 So it's good to try to work those things out ahead of
16 time, if you can.

17 **MS. URBAN:** Thank you, Ms. Schieldge.

18 **MS. SCHIELDGE:** You're welcome.

19 **MS. URBAN:** Ms. Sierra.

20 **MS. SIERRA:** Yes. Thank you, Chair Urban. And
21 thank you Ms. Schieldge and all the presenters, first of
22 all. This is very, very informative and helpful, so
23 really appreciate it.

24 I had one question regarding also the stakeholder
25 meetings. You had talked about, you know, the public

1 stakeholder meetings that we can hold. And I believe you
2 said, you know, we could do them as part of a board
3 meeting --

4 **MS. SCHIELDGE:** Uh-huh.

5 **MS. SIERRA:** -- under the Bagley-Keene Act. Or we
6 also can hold them outside of a board meeting and then we
7 would receive a transcript -- board members would have a
8 transcript of that meeting. I wanted to ask, if we were
9 to do the latter and have a -- it's not a board meeting
10 but it's a public meeting, can board members, though,
11 participate, like, in a listening mode if it's held in
12 that -- in that way or do we just need to wait for a
13 transcript?

14 **MS. SCHIELDGE:** I think that you can attend, but if
15 a majority of members are attending, then it's considered
16 a meeting.

17 **MS. SIERRA:** Okay.

18 **MS. SCHIELDGE:** So majority of any board or
19 committee is a meeting. So if you do -- what happens,
20 typically, is we'll ask you to let the -- the executive
21 director know if you want to go. And then if there is a
22 majority of any committee, because it's not just the
23 committee -- just the board, but a majority of any
24 committee of the board also is a meeting.

25 **MS. SIERRA:** Okay.

1 **MS. SCHIELDGE:** So if you have like a three-person
2 committee and two -- two people of the committee showed
3 up, there is a majority there. So my point is, if you
4 start -- if your executive director starts seeing that a
5 lot of board members want to go, then I would set it as a
6 noticed meeting.

7 **MS. SIERRA:** Okay.

8 **MS. SCHIELDGE:** Because then you don't have to worry
9 about a violation of the Open Meeting Act because you're
10 present together. It's just unavoidable that you're
11 going to talk to each other. Just -- you can't --
12 there's just no way to control that. I mean, it's just
13 human nature. We want to talk to each other. We work
14 together, we have the same thing in common, it just -- it
15 happens. And there's nothing wrong with that. It's just
16 that you have to think about your time, because I know
17 that when it -- when we were doing drug compounding for
18 Pharmacy Board and we had to rent out the San Diego
19 Convention Center for the meeting. And it went for three
20 days from, like, 8 a.m. to 11 p.m. for three days,
21 that -- I think all of us thought we were going to just
22 disintegrate. And so it was really exhausting. And so
23 from that point on, we decided to break it up into
24 smaller committee meetings, topically.

25 **MS. SIERRA:** Okay.

1 **MS. SCHIELDGE:** And we were able to manage it better
2 that way, and then hold informal stakeholder meetings
3 that were run by staff. And so you'd have to figure out
4 how large of an issue it is. Because if you -- if you're
5 getting into San Diego Convention Center numbers --

6 **MS. SIERRA:** Yeah.

7 **MS. SCHIELDGE:** -- the meetings are very, very long.

8 **MS. SIERRA:** Okay.

9 **MS. SCHIELDGE:** So it just -- you'll have to --
10 that's one of the things you're going to explore, like I
11 said, in that next steps agenda item. You're going to --
12 your staff's going to need to do some -- some legwork and
13 research these items for you in advance; prepare a white
14 paper. Sometimes, you'll even want to consult with a
15 subject matter expert, who will give you --

16 **MS. SIERRA:** Uh-huh.

17 **MS. SCHIELDGE:** -- some ideas of how to approach
18 this. Consult with your legal counsel. I can't stress
19 enough how important that your counsel needs to be
20 involved in every step of the way and at these meetings.
21 I go to all the regulation meetings for my clients and I
22 go and -- and I listen mainly, because my role is not to
23 be interjecting myself, but to -- to respond to any
24 issues that may come up and be prepared to address down
25 the road with the -- with the client.

1 So have your legal counsel involved, consulting with
2 your executive director, preparing these issues for you
3 to discuss at a board meeting. And then you all can
4 decide how you want to move forward in implementing the
5 concept. Because like I said, the concept phase is the
6 most important part of any rulemaking. The rest of it
7 kind of flows naturally from your policy decision. But
8 making that policy call is the hardest part of
9 regulations, so.

10 **MS. SIERRA:** Right. Thank you. It's very helpful.

11 **MS. SCHIELDGE:** Uh-huh. You're welcome.

12 **MS. URBAN:** Other comments or questions from board
13 members? All right. Thank you. Thank you very much to
14 the team.

15 I would now like to ask if there is any public
16 comment from those in the audience?

17 Ms. Hurtado, could you call on anyone who would like
18 to comment?

19 **MS. HURTADO:** Okay. Members of the public who wish
20 to comment on any item may do so when prompted. For
21 those connected through the internet, please take a
22 moment to locate the raise hand icon on your screen.
23 This will be used to signal that you wish to comment. As
24 a reminder, to indicate that you'd like to comment,
25 please press the raise icon on your screen -- raise hand

1 icon. For those joining us by telephone, you may press
2 star 9 to indicate that you would like to comment. You
3 will then be called and have up to three minutes to make
4 your comment.

5 If anyone wishes to comment, please use the raise
6 hand feature or press star 9 if you're on the phone.

7 **MS. URBAN:** Thank you, Ms. Hurtado. We'll wait for
8 a little bit to see if anyone -- if people are thinking
9 and would like to put together their comment.

10 **MS. HURTADO:** Yeah. At this time, no one has raised
11 their hand.

12 **MS. URBAN:** Thank you. All right. I've seen no
13 requests for public comment at this time. I would simply
14 like to extend thanks, again, to the team from the
15 Department of Consumer Affairs for this wonderfully
16 detailed and very informative pair of presentations for
17 us. I -- I speak only for myself, but there probably
18 will be nods, so when I say that we really very much
19 appreciate it. And thank you to the board members, as
20 well, for engaging and asking questions.

21 With that, thanks, again, to everyone from DCA.
22 Apologies. Thanks, again, to everyone from DCA. And we
23 will now move to agenda item number 3. The board for
24 agenda item number 3 will go into a closed session for a
25 discussion of the executive director's appointment of a

1 general counsel under authority of Government Code
2 11126(a)(1). Before the board departs to the closed
3 session discussion, is there any public comments on this
4 item from the audience?

5 **MS. HURTADO:** Again, using the raise hand function
6 or star 9 if you're on a phone, anyone wishing to make a
7 comment, please do so now.

8 **MS. URBAN:** All right. Thank you. For members of
9 the public, the board will depart to another session to
10 undertake the closed session discussion. You are welcome
11 to stay. This meeting will remain open and we will
12 return when we have completed our discussion of the
13 closed session item.

14 Thank you very much. And board members, please join
15 me in the closed session.

16 (Closed session begins)

17 (Closed session ends)

18 **MS. URBAN:** Yes. Thank you, Ms. de la Torre.
19 Welcome back, everyone. This meeting of the California
20 Privacy Protection Agency Board has now returned from
21 closed session discussion. The board did not take any
22 votes or actions during the closed session.

23 With that, we will move to agenda item number 4,
24 which is an update from our executive director, Ashkan
25 Soltani.

1 Mr. Soltani, I will turn it over to you.

2 **MR. SOLTANI:** Thank -- thank you very much,
3 Chairperson. Can everyone hear me alright? Wonderful.
4 Well, good -- good afternoon. It's nice to be all back
5 together, finally, in public. I appreciate the
6 opportunity to give the board an update. And first,
7 wanted to express my gratitude to DCA for the
8 presentation this morning.

9 So since we last met in October -- or in November,
10 sorry -- I've been focused on -- primarily, on two key
11 tasks: building out the agency and preparing us for the
12 upcoming rulemaking. To follow the analogy from the
13 presentation this morning, we're building the car while
14 we drive it, so I'm trying to do both.

15 Starting with the agency, I've been building on the
16 work that the startup subcommittee did in advance of my
17 joining to set up key procedures and processes for HR,
18 IT, contract, and finance. So as you know, Von, our
19 deputy director of administration, joined in December.
20 She's done an incredible job developing -- smoothing out
21 procedures to help us build out more efficiently. I'm
22 also thankful for all the help from BCHS in facilitating
23 our relationships with our control agency or control
24 organizations. We've made great improvements and
25 process, thanks to them.

1 We, thankfully, now have key hiring and onboarding
2 procedures in place and are developing our organizational
3 policies for staff with the help of the startup
4 subcommittee. Additionally, while we're continuing to
5 maximize telework, part of the executive order following
6 the pandemic, we entered a twelve-month sublea --
7 sublease agreement with one of our assistant -- sister
8 agencies, DFPI, for office space. So our agreement is
9 currently for the Sacramento office, but DFPI has offices
10 across California, so there might be an opportunity to
11 expand our physical presence as we grow.

12 And for hiring -- so in addition to policies and
13 procedures, we have hired some additional support staff.
14 With Von's help, again, we brought on two AGPAs and a law
15 clerk to help us with the rulemaking. We intend to
16 continue to bring on additional support staff in the
17 coming weeks. And we've also, thankfully, brought on
18 additional resources from DOJ, which I'm very excited
19 about. We're also currently interviewing for our HR
20 liaison and that person, once on board, should
21 dramatically accelerate the speed by which we can hire,
22 since they can manage our interaction with DGS and Cal HR
23 and other control agencies.

24 Finally, we advertised for two senior CZ -- CA (ph.)
25 positions: Our deputy director of policy and legislation

1 and our deputy director of public affairs. And so I do
2 ask the public and the board to share these roles
3 public -- pretty widely if they are willing. As you
4 know, they're -- these are crucial roles to the agency.
5 We have already a number of legislative proposals, which
6 impact our agency, that we'll want to engage on. And
7 additionally and importantly, our statute directs us to
8 perform three core functions: rulemaking, enforcement,
9 and public awareness. And so the public -- the deputy
10 director of public affairs will oversee this critical
11 role. Not just of communications, but our outreach and
12 awareness and education function, to help Californians
13 realize their rights and operation-wise, their privacy
14 rights they are afforded under the statute.

15 Following these hire -- hiring of these positions,
16 my next priority is to begin recruiting for additional
17 attorney positions, as well as key admin staff, such as
18 IT and finance, to help prepare us as we -- we grow as an
19 organization.

20 Finally, as part of my onboarding, I also had the
21 opportunity to meet with the administration of
22 legislature, including leadership staff and the relevant
23 jurisdictional policy committees, in both houses and both
24 parties. I also had the opportunity to meet with a
25 number of national and international counterparts,

1 including delegates from the EU, other EU enforcement
2 agencies, and the National Association of AGs. I think
3 those help inform our -- our org as we grow.

4 Now, an update on our budget. So as you know, our
5 ten million dollar appropriation is provided for in
6 statute. However, we're still required to create a
7 budget change proposal to outline our expenditure moving
8 forward. In November, I prepared a BCP -- a budget
9 change proposal -- which was approved by the
10 administration and included in the governor's budget,
11 which is now in the hands of the legislature to approve.
12 Just this week, the senate budget subcommittee scheduled
13 our routine appearance to present our proposal, which is
14 set for March 2nd.

15 In our budget, we requested thirty-four positions,
16 which isn't our full complement of positions, but it's a
17 necessary start. Also, as I outlined in our intention to
18 focus and pursue in the telework, focusing on rulemaking
19 and focusing on public awareness and education, the
20 budget reflects those goals in kind of in -- in the
21 staffing. Once the budget is approved, hiring should
22 move forward pretty quickly -- or not pretty quickly but
23 more quickly, as it eliminates the need to estab -- to
24 administratively establish every position, as we do now.
25 I'll plan to report on where we are in the budget later

1 this year.

2 And then finally, our -- the rulemaking process
3 update, information hearings and timeline. So as you
4 know, on October 21st of last year, we gave notice to the
5 AG that we are prepared to assume rulemaking. Last
6 month, the Attorney General also filed a nonsubstantive
7 Section 100 change to move the existing CCPA rights --
8 sorry -- CCPA regulations into a new section designated
9 for the CPPA. Note the amendment merely reorders and
10 renumbers the existing regulation. There's no -- and it
11 does not materially alter the law.

12 Also in January, we gave notice to the Office of
13 Administrative Law and the Department of Finance of our
14 intended rulemaking calendar, including the possibility
15 that we may introduce major regulation, which we will
16 need to analyze. Moving forward, we will continue with
17 the preliminary proceedings in March/April with a set of
18 informational hearings. In March, I'm in the process of
19 organizing a set of instructive sessions, inviting
20 experts and academics to help inform the agency on
21 questions relating to the topics we are exploring in
22 rulemaking. The final dates are to -- being scheduled,
23 but likely mid to late March for those instructive
24 sessions. Then in April, I intend to organize a set of
25 preliminary public sessions to receive further input from

1 stakeholders on our rulemaking. We'll plan to announce
2 the process for -- for stakeholders to sign up and
3 participate in advance of those sessions.

4 Moving to rulemaking, as I mentioned, the agency's
5 rulemaking authority takes into effect -- takes effect in
6 April. With the information gathered from the
7 preliminary work, we can then expect formal proceedings
8 for formal rulemaking package after our authority is in
9 place in Q2. Formal proceedings, including public
10 hearings, will then continue into Q3, with rulemaking
11 completed in Q3 or Q4. While this timeline does put us
12 somewhat past the July 1 rulemaking schedule in statute,
13 it allows us to balance staffing of the agency while
14 undertaking substantial preliminary information gathering
15 to support our rules. Staff is currently working with
16 input from the respective subcommittees in order to
17 develop draft rules and further identify what items we
18 might be able to include in our initial package.

19 And with that, Chairperson, would it be okay to
20 pause here for questions?

21 **MS. URBAN:** Absolutely, Mr. Soltani. Thank you very
22 much for that thorough and efficient update. And thank
23 you. I expect that the process subcommittee -- excuse
24 me -- the rulemaking process subcommittee helped inform
25 the last part of information that you gave to us. And I

1 wanted to say that I really appreciate all the work going
2 into that, and I especially appreciate the attention
3 given to preliminary information gathering.

4 It will be no surprise to any of you, because you've
5 heard me say it before, that I think that this is really
6 an important part of our task. Of course, we do have a
7 tight timeline and we have to balance these things, but
8 having the comments from the -- the invitation for
9 comment that the regulation subcommittee put together has
10 already been very, very helpful, to my own thinking, and
11 I expect to other members of the board. And I think that
12 these informational hearings will also be incredibly
13 important to our ability to put together the best set of
14 regulations. So I really appreciate this and I support
15 the estimated timeline that has been set out.

16 Are there any other comments or questions from the
17 board?

18 Mr. Le.

19 **MR. LE:** Yeah. I just want to, yeah, thank you for
20 the update and you know, the hard work in hiring folks.
21 I know it's not easy to do -- to do all this work just by
22 yourself, for the most part. So glad we have some more
23 people on and yeah, again, support the timeline. And you
24 know, for folks who don't know, you know, this rulemaking
25 process, you know, is -- has a lot of very sticky issues.

1 So you know, more time for the informational gathering is
2 really important for us to come up with good rules.

3 **MS. URBAN:** Thank you, Mr. Le.

4 Additional comments or questions from the board?

5 Yes, Ms. Sierra.

6 **MS. SIERRA:** Yes, thank you. So I, too, support
7 this plan. I think it's great. I think that it
8 really -- it's the right balance because, as Mr. Le was
9 saying, we are dealing in -- you know, facing, you know,
10 some decisions on a wide variety of very complex issues.
11 And I really like the fact that we're going to have these
12 information hearings and the stakeholder hearings. So I
13 think it's going to really put us in the best position to
14 make really good decisions. So thank you.

15 And I just also want to thank you and Von and Brian
16 and all the staff and all the agencies that are helping
17 us. I just think that you've made a great deal of
18 progress. I think it's really terrific all that has
19 happened in the last, you know, couple of months. So
20 thank you.

21 **MR. SOLTANI:** Thank you.

22 **MS. URBAN:** Thank you, Ms. Sierra.

23 Mr. Thompson.

24 **MR. THOMPSON:** One, I want to echo what Board Member
25 Le and Board Member Sierra said. You know, the

1 acceleration of our processes, both in, you know, the
2 administrative and the hiring and the rulemaking, since
3 you came on board, has really been remarkable. And I
4 appreciate kind of your clarity of thought and your
5 ability to move those things in parallel. That's --
6 given the -- there's only so many hours in the day. You
7 clearly, are extraordinarily efficient in your use of
8 time, because you're marching -- you're marching this
9 agency forward in an impressive fashion. So thank you.

10 One thing I wanted to bring up, if this is an
11 appropriate time, is if you could say a little bit about
12 the mechanics of the informational hearings and the kind
13 of options that are available to the board. We've talked
14 about this in the process subcommittee, but I think it
15 merits probably a broader discussion of what the board's
16 preference is among the mechanical options for receiving
17 information from experts in those informational hearings.

18 **MS. URBAN:** Thank you, Mr. Thompson.

19 Mr. Soltani.

20 **MR. SOLTANI:** I'm happy to answer that. Indeed,
21 we're -- we're working through -- the staff and I are
22 working through the mechanics, and you heard a little bit
23 about the dynamics earlier this morning in the DCA
24 presentation, as we try to figure out really the length.
25 So I'll preface and say we have a good guidance on the

1 topics and the experts, based on the comments we
2 received, based on the questions that come up in
3 subcommittees, and really based on the topics that the
4 rulemaking subcommittee preliminarily set out for us for
5 the subcommittee.

6 So we kind of know what we need input on or
7 explanation of even to -- to explain it. The key piece
8 that I'm trying to ascertain is what's the best format,
9 as this will be very dense, multiple-day meetings and
10 workshops. And so how should we plan to schedule that?
11 Should we, you know, one -- one version is that the board
12 attends for, if it's a multi-day event -- for the
13 entirety of that time as a board meeting. And that has
14 benefits, of course, because the board can interact with
15 the presenters -- with the experts -- and ask questions
16 directly, but it does also occupy quite a lot of time.
17 The other is that that it can be run as an information
18 hearing, typically where staff drives the panels and
19 the -- the expert questions, receives that input based on
20 the board's input -- based on the board's questions, but
21 the board doesn't need to necessarily be present and
22 interacting with the experts directly. And so those are
23 some of the decisions we're trying to put forth, both in
24 terms of putting instructive hearings -- the first set of
25 hearings -- and then for the second set of the

1 stakeholder hearings.

2 There's also the question of venue and format. The
3 current Bagley-Keene sanctions that allow us to operate
4 remotely are extended through March. So our intention is
5 for the instructive hearings to operate remotely. There
6 is a chance that the stakeholder hearings might then need
7 to take place in person, depending on the update of
8 the -- of those rules. And the question of size of venue
9 and preparing for this venue is also something to
10 consider.

11 **MS. URBAN:** Thank you, Mr. Soltani.

12 Ms. de la Torre.

13 **MS. DE LA TORRE:** Thank you. I also want to echo
14 the comments that were made before. The way in which
15 we're functioning is quickly accelerating and I expect
16 that these will continue, which is really good news.

17 In terms of the feedback that Mr. Soltani just
18 provided, I just wanted to share with the executive
19 director that, from my perspective, the -- if we could
20 create a space in this process whereby the subcommittees
21 that are working on the specific rules can interact with
22 the rest of the board. That, to me, will be kind of like
23 communication that has more value versus Mr. Le asking
24 questions. We, as board members -- or me, as a board
25 member -- asking questions from experts, because I feel

1 that if I have questions, I can direct them to the
2 executive director or to the staff and they can be asked
3 and answered and I can get that feedback through, maybe,
4 the executive recording or a memo. So I just wanted to
5 express my preference, as it might be helpful to those
6 communications.

7 **MS. URBAN:** Thank you, Ms. de la Torre.

8 Mr. Soltani, did you want to respond or -- I also
9 was hoping to state a preference, and I don't know what
10 that will mean after March 31st. Which is that as so far
11 as possible that the instructive hearings, so the public
12 can benefit from them, and especially the stakeholder
13 hearings, are accessible to as many people as possible.
14 If that is the case that remote meetings are most
15 accessible and there's a way to do that and comply with
16 Bagley-Keene, that would be my preference. And either
17 way, whatever the -- whatever is allowed as -- if we can
18 make them as accessible as possible to a broad swath of
19 people the better, in my view.

20 Mr. Thompson.

21 **MR. THOMPSON:** Thank you. The -- I agree with you.
22 Both of these -- all of these hearings need to be as
23 accessible as possible to a broad array of stakeholders.
24 So whatever mechanisms we can employ to make them most
25 available, I think it would be in service of our mission

1 of public education.

2 One I want to just follow up on, the question to the
3 executive director but also to solicit the views of board
4 and Board Member de la Torre, I think, provided her
5 input. Let me state this and -- and the executive
6 director can correct me if I get it wrong -- for the
7 information hearings with experts, for the board members
8 to interact with the experts and ask questions would
9 require maintenance of a quorum at all times and a
10 noticed board meeting versus if the staff do the
11 questioning and board questions flow through the staff
12 would not require maintenance of a quorum. Is that the
13 functional difference there? And so I guess, the ques --
14 well, go ahead.

15 **MR. SOLTANI:** I'll let Brian or Milad answer to the
16 Bagley-Keene piece. But based on the -- the kind of --
17 the thresholds, I think, are whether the -- the majority
18 of the board will be in attendance, and which point it
19 will be a noticed board meeting. So the likelihood is
20 that we will do them as a noticed board meeting just to
21 be on the safe side so that the board can participate.

22 And then the question of quorum, it's -- it's more
23 of a question of really format. Do we -- how do we
24 expect, if the board members -- to Ms. de la Torre's
25 point -- want to interact and -- and deliberate on an

1 issue, potentially, how we structure that. Whether that
2 occurs as part of the interaction or pro -- you know,
3 following the interaction with experts or a separate
4 meeting, et cetera. I do think --

5 **MR. THOMPSON:** Right.

6 **MR. SOLTANI:** I do think -- you know, I -- I
7 recognize the desire to share knowledge among the board
8 and deliberate what you just -- you know what you've
9 heard from experts and what the issues that are raised
10 for you. I'm just trying to figure out how to be mindful
11 of, you know, if there's two days of meetings, do we have
12 you all come in at certain points of those meetings to
13 deliberate? Do we schedule a separate meeting to
14 deliberate? Do we do it immediately after one of the
15 panels? And then that's -- and there's also some nuance
16 with regards to timing, since we can't put hard time caps
17 on -- on things, these discussions can go on and public
18 comment can -- can go on. It's just kind of a
19 schedule -- it's more of logistics than schedule
20 question. But I'm thankful to receive the input of,
21 like, what the preferences are so we can try to
22 accommodate.

23 Brian, did you want to weigh in on quorum or
24 Chair -- Chairperson, did you want to weigh in on quorum?

25 **MR. SOUBLET:** I was just going to point out that if

1 we have a majority of the board present, as you've
2 pointed out, Ashkan, procedurally, it would have to be a
3 noticed board meeting, especially if there's going to be
4 some deliberation between board members, it has to be,
5 with respect to a noticed meeting with an agenda and all
6 of those other issues. And so those are all things that
7 Ashkan's taken into consideration as he structures how
8 the sessions are going to be conducted, so that we can
9 have the most meaningful input as possible.

10 **MS. URBAN:** Thank you, Mr. Soublet.

11 Additional comments or questions from the board?

12 Yes, Ms. Sierra.

13 **MS. SIERRA:** Thank you. Yeah, just thinking about
14 that earlier presentation today, which was very helpful
15 on this point, and some of the experience of DCA has had
16 on working with very complex regulations. And the thing
17 that struck me is that, you know, since we have so -- you
18 know, a broad array of topics, what seems to me, if it
19 would work with timing, is having -- it might be, you
20 know, kind of some -- we may have some longer meetings,
21 but some focus meetings on a particular topics may be
22 very helpful. And kind of, initially, as thinking
23 through this while -- you know, maybe we do some
24 deliberations right after, but I think what may also be
25 very helpful is giving all of us some time to think

1 through it after, you know, listening to the information
2 we're receiving from the experts and academics. To
3 really think through it and then we may need to be
4 meeting, you know, numerous times, you know. Again, with
5 the thought that we have to try to be as efficient as
6 possible. So you know, it's going to be a mix, I expect,
7 of how we can best do this. But I just think, you know,
8 again, coming from my perspective on some topics, maybe
9 have some more of a focus meetings on a particular topic
10 or two, rather than like three days of many topics, you
11 know, may be more helpful, so.

12 **MS. URBAN:** Thank you, Ms. Sierra.

13 **MR. SOLTANI:** That -- that's helpful feedback. If I
14 may respond?

15 **MS. URBAN:** (Indiscernible).

16 **MR. SOLTANI:** So indeed, so I'll -- that's -- that's
17 a great point. We're -- we're trying to balance kind of
18 multiple events and multiple notices. With staff
19 constraints is the only challenges. There's just --
20 there's some economies of scale with doing them together,
21 but we may be able to structure them. And this is,
22 again, what I have in the back of my head where, you
23 know, at least certain portions of the day are structured
24 around a certain topic and then board members interested
25 in that topic can attend those portions. So panels on,

1 you know, a particular subcommittee topic or issues of
2 one subcommittee one day and one subcommittee another day
3 just so we can allow some flexibility. But that does
4 speak to the question that was raised earlier by -- by
5 Board Member Thompson around whether we need quorum to do
6 the deliberations, or whether we try to structure it so
7 that we don't need quorum for those different
8 subcommittees. But then maybe we have a session after.

9 I'll also add that it was -- you know, a lot of
10 my -- a lot of this is informed by talking to other
11 boards, but also Brian has a tremendous amount of
12 rulemaking experience. The -- you know, typically, what
13 DOJ did and what DMV did, for example, for their
14 autonomous vehicle rulemaking, if I understand
15 correctly --

16 Brian, please correct me if I'm wrong.

17 But effectively, staff digested or helped digest the
18 material for the board, in terms of, you know, the
19 meetings were transcribed. The comments were presented
20 in the form that was, essentially, presenting the issues
21 and pretend -- presenting the topics to the board. They
22 will also all be recorded and available to the board to
23 watch the whole thing, but will receive -- you know, you
24 will receive a Cliff notes version, hopefully, that will
25 help you inform some of those topics as decision points

1 for you. That was the intent of having these. And those
2 will, of course, inform our initial rulemaking package to
3 go.

4 The whole point of it is to make sure that we're
5 well-informed and we received expert and stakeholder
6 input on -- in advance of our -- you know, of our
7 (indiscernible).

8 **MS. URBAN:** Thank you, Mr. Soltani.

9 Ms. de la Torre.

10 **MS. DE LA TORRE:** I just wanted to mention that the
11 suggestion that Mr. Soltani just made of having the staff
12 help digest the information. The suggestion that was
13 made by board members here are giving us some time to
14 think through things before having that conversation
15 seemed very, very useful to me. I don't necessarily feel
16 the need to be present during the testimony of experts,
17 because there's been a very good communication with the
18 staff, in terms of enabling, at least me, and I imagine
19 other board members, to suggest questions for that
20 session. I -- I'm not sure if all the members feel the
21 same way, but I thought that sharing that feedback will
22 be helpful for Mr. Soltani to try to accommodate all of
23 the different priorities that he's trying to make sure he
24 achieves.

25 My former comment about allowing for some form of

1 discussion between specific subcommittees and the rest of
2 the members of the board, it's aligned with Mrs. Sierra's
3 idea of being something that is topic specific. There
4 could be a need for subcommittees to just gather some
5 thoughts from the rest of the board on specific topics
6 and I acknowledge as to whether that is part of the
7 larger meeting or something separate. I understand that
8 the logistics are complicated and the resources, in terms
9 of the staff, are limited. So I leave that to Mr.
10 Soltani to help us define the best form of it.

11 **MS. URBAN:** Thank you, Ms. de la Torre.

12 Additional comments or questions from board members?

13 Yes, Mr. Thompson.

14 **MR. THOMPSON:** Oh, yeah. I just wanted to kind of
15 put a bow around this -- the question, which was -- it
16 seems like we're headed towards a consensus that -- two
17 separate things. One is deliberation, which I would set
18 to the side. But the other is the format of the hearing
19 and how the board inter -- the board and the staff
20 interact with experts. I don't have any strong feeling.
21 My inclination, generally, is to be able to -- be able to
22 ask questions. But I'm totally open to the format that,
23 I think, we're leaning towards, which is board member
24 questions flowing through the staff and see how that
25 goes, and then if we need to, check and adjust down the

1 road. But just wanted to kind of to -- since I posed the
2 question, make sure that I'm correctly interpreting the
3 direction of the rest board and -- and kind of tie off
4 that conversation.

5 **MS. URBAN:** Thank you, Mr. Thompson. I appreciate
6 that and I appreciate your careful listening to the
7 comments of the board. That was also my understanding
8 and I don't think we need to have any formal, but if --
9 indication, but if people just nod or not, that's great.
10 Wonderful. Thank you very much, Mr. Thompson.

11 Additional comments or questions from the board?

12 Yes, Mr. Soltani.

13 **MR. SOLTANI:** Yeah. And I'll just respond to Mr.
14 Thompson's comment and the whole board. Is my intent --
15 you know the -- this -- this procedure is really
16 designed -- or this process is really designed to inform
17 staff and the board. And so my intent is, in advance of
18 these, you know, really to work with the board and I
19 would implore you to give me the issues and topics you
20 need further input on. I've -- I've already ascertained
21 some of these in our subcommittees, but if you've seen
22 the 900 pages of comments we received, there's a diverse
23 set of new points that I want to make sure that the board
24 is informed about in through both the informational
25 hearings, as well as the stakeholder engagements. So

1 please give me -- you know, I -- I -- I want to solicit
2 that. I'll continue to do that through both the
3 subcommittees, but individual board members that aren't
4 on a particular subject matter subcommittees, but want to
5 provide -- or have questions about -- you know, about
6 topics, please share those with me.

7 And I will say just one final point is that, you
8 know, the goal is to have at le -- and I don't know if I
9 was clear in the rulemaking timeline, but we will also be
10 having formal procedural hearings once we engage in
11 rulemaking. So there will be ample chance to engage with
12 the same stakeholders and experts through the formal
13 process, as well. This is kind of the leadup, so at
14 least make a good guess as to where we want to be on
15 topics.

16 But I also stress that, even in the leadup in the
17 preliminary activities, and to have two sets, right? So
18 one is -- and so there's no reason why both sets have to
19 operate under the same rules. One -- one set could be,
20 you know, purely staff-driven and the second set could
21 have deliberation at some point by the board, if we chose
22 to. Or you know, once the -- you know, once the
23 materials have been presented to the board, the memos
24 have been presented, we could schedule deliberation
25 around those memos, as well.

1 **MS. URBAN:** Thank you very much, Mr. Soltani.

2 Additional comments or questions from the board?

3 In that case, I would simply like to reiterate the
4 thanks to the executive director for all of his work at
5 several different levels in building the organization,
6 and putting us in a good position to be able to engage in
7 a successful rulemaking. I will say, I know that the
8 budget -- the BCP -- is also a great deal of work and
9 it's been extraordinarily positive to see the staffing of
10 the agency be built steadily and to watch all of those --
11 to see all of the things that that allows us to do that
12 we weren't able to do before. So thank you very much for
13 your very competent and energetic leadership so far.
14 It's just very much appreciated.

15 **MR. SOLTANI:** Thank you.

16 **MS. URBAN:** And with that, Ms. Hurtado, is there any
17 comment from the public?

18 **MS. HURTADO:** Yes. We do have two commenters
19 waiting. I'll go ahead and prepare the first one.

20 **MS. URBAN:** Thank you.

21 **MS. HURTADO:** Jennifer Sheridan, you have three
22 minutes to speak. Unmute your mic, Jennifer.

23 **MS. URBAN:** Ms. Hurtado, perhaps you need to unmute
24 for her.

25 **MS. HURTADO:** No, it's not allowing me to it. It

1 says to ask her to do it.

2 **MS. URBAN:** Oh, all right.

3 **MS. HURTADO:** Okay. I'm going to move on to the
4 next one.

5 **MS. URBAN:** Thank you.

6 **MS. HURTADO:** J. Wan (ph.), you now have three
7 minutes to speak.

8 **MS. WAN:** Hi, can you hear me?

9 **MS. HURTADO:** Yes.

10 **MS. WAN:** All right, great. Thank you. First of
11 all, I just wanted to recognize the tremendous amount of
12 work that the board and the staff has done. I -- I think
13 it is definitely worth underlining the comment earlier
14 that -- that we're building the car while we drive it.
15 Having said that, I know that several of us who have been
16 listening to the board meeting, we -- we would like to
17 see if you can comment on the fact that the rulemaking
18 will likely not complete by the end of the year. So is
19 there any thought into pushing, perhaps, the enforcement
20 date which currently is set at July 1, 2023?

21 **MS. URBAN:** Thank you very much, Ms. Hurado (sic),
22 for your comments. We will take it under advisement.

23 Ms. Hurtado, are there additional comments?

24 **MS. HURTADO:** Yes. The next commenter is Edwin.
25 You now have three minutes to speak. Oh, hold on. Let

1 me see if I can do this. I'm going to -- okay. Mr.
2 Lombard, you have three minutes.

3 **MR. LOMBARD:** Thank you. Yes, my name is Edwin
4 Lombard. I am a political consultant for the African
5 American Chamber Commerce, the Black Business
6 Association, and the Association of Black Pastors
7 throughout the State of California. And as a leader in
8 the minority-owned businesses, my time and energies are
9 dedicated to creating a predictable and positive business
10 environment for -- to help small businesses stay on their
11 feet and thrive in the State of California.

12 I would like to reiterate some of the key points
13 that I mentioned in November in the public comment.
14 First, Proposition 24 is an extremely complicated body of
15 an -- of law, with significant impact on consumers and
16 businesses. While the initiative focuses on consumer
17 rights, Proposition 24 sought balance. The rights of
18 consumers and the responsibilities of businesses should
19 be implemented with the goal of strengthening consumer
20 privacy while giving attention to the impact on business
21 and innovation.

22 While many of -- may think that CPPA's forthcoming
23 regulation may only impact large companies, I'm here
24 today to let you know it also affects small businesses
25 and the consumers that they serve. As you know, COVID

1 had an irre -- irreversible impact on our small
2 businesses and we're just now starting to recover from
3 it. And we don't any additional regulation that is --

4 **MS. HURTADO:** Oh. It looks like Mr. Lombard froze.

5 **MS. URBAN:** Mr. Lombard, have we lost your
6 connect --

7 **MR. LOMBARD:** -- not to brush the regulation. And
8 that you consider the affect that it's going to have on
9 our small businesses as we go forward. Thank you very
10 much.

11 **MS. URBAN:** Thank you very much, Mr. Lombard.

12 **MS. HURTADO:** Okay. The next speaker is B. Kelley.
13 You now have three minutes to speak. Please unmute your
14 mic.

15 **MR. KELLY:** Thank you. And congratulations, Lydia.

16 My name is Bennet Kelley and I am the founder of the
17 Internet Law Center in Santa Monica, California. And I
18 have worked with clients, and even the State Bar, on
19 internet and privacy issues for over two decades now.
20 Your work and the decisions that you make here as a board
21 will have far-reaching consequences for the business --
22 businesses and consumers throughout California and
23 beyond.

24 According to a recent study released by the
25 Information Technology and Innovation Foundation, it is

1 estimated that the CCPA could cost California's economy
2 upwards of forty-six million dollars annually, and that
3 California small businesses will bear a nine billion of
4 in-state costs. And I've seen that firsthand in the
5 small businesses I've worked with.

6 As you proceed with your work, I urge the board to
7 think carefully about the cost of compliance, and take
8 into account how you're enforcement will impact the
9 business community throughout California, particularly
10 small businesses which are the greatest job generators.
11 In addition, based on my experience and interacting to
12 date on Cal CPA, I ask that you not take actions that
13 would impere (ph.) a business's ability to offer privacy
14 remedies for citizens from states other than California.
15 And that's all. Thank you very much and good luck to you
16 all.

17 **MS. URBAN:** Thank you very much, Mr. Kelley.

18 **MS. HURTADO:** Okay. Our next speaker is Johannes
19 Ernst. You now have three minutes to speak. Please
20 unmute your mic.

21 **MR. ERNST:** Hello, can you hear me?

22 **MS. HURTADO:** Yes, thank you.

23 **MR. ERNST:** Good. My name is Johannes Ernst. I am
24 an entrepreneur, building technology that leverage this
25 new data rights that California consumers have been

1 getting for valuable of new products and services that
2 run possible before. I thank you to have the opportunity
3 to make a comment. I have only a very quick question.
4 How are you planning to select the experts that you will
5 invite to the series of events that you're planning?
6 Obviously, as you are hearing in the comments, before
7 there is also -- there's also to appoint a few and it is,
8 of course, very important that you reflect a very broad
9 set of considerants. So any comments you have about the
10 selection of those experts and what the process is for
11 doing so would be appreciated. Thank you.

12 **MS. URBAN:** Thank you, Mr. Ernst. I would say,
13 please keep an eye on our website for the process for the
14 informational hearings. And thank you for your question
15 and for your comment.

16 Ms. Hurtado, Ms. Sheridan still has her hand up. Do
17 you want to try her again?

18 **MS. HURTADO:** I -- yeah. I'm going to try her
19 again.

20 And Jennifer Sheridan, you now have three minutes to
21 speak. Please unmute your mic.

22 I'm going to try promoting her like I did for the
23 other person and see if that helps.

24 Ms. Sheridan, are you there?

25 **MS. URBAN:** All right. Thank you, Ms. Hurtado.

1 Ms. Sheridan, if you can hear us and we cannot hear
2 you, we will have the opportunity for additional public
3 comments later in the meeting. So if you're having some
4 technical difficulties, it may be possible to try another
5 method of joining the meeting and can offer your public
6 comment at that time.

7 Ms. Hurtado, are there additional requests for
8 public comment?

9 **MS. HURTADO:** Yes. There is one more. Nicole
10 Smith. You have been unmuted. Now you have three
11 minutes to speak.

12 **MS. SMITH:** Great. Thank you so much. This is
13 Nicole Smith. I'm a privacy attorney for ServiceNow, a
14 Silicon Valley tech company. And I wanted to, first of
15 all, thank everyone involved for the tremendous amount of
16 work involved in getting this agency up and running. It
17 was really great to hear the progress that has just been
18 done in the last quarter-and-a-half.

19 That said, I also wanted to thank you for the
20 format, making it remotely accessible. Of course, now
21 we're all in COVID, but it -- I encourage this format
22 going forward. It really makes it easy for us to attend
23 the meetings, especially those of us who are working at
24 tech companies, advising them from a privacy perspective,
25 rather than having to commute to Sacramento for an in-

1 person meeting, which is of -- often the case. We don't
2 have bandwidth in our schedule to do that, but we -- it's
3 much easier for us to jump in the call. So to the extent
4 that it remains feasible going forward, I would greatly
5 encourage this because I find it very useful.

6 And other than that, in terms of rules prom --
7 promulgation, which was touched upon earlier, and to the
8 extent that we can keep that as a constant agenda item,
9 because this is something that the privacy sector -- you
10 know, the attorneys who are advi -- advising companies,
11 et cetera, we're keeping a close eye on that. And from
12 an internal perspective, it takes a lot of planning in
13 advance to get companies compliant because, of course, we
14 are just the receptors of the information. Then we need
15 to go and meet with internal stakeholders in order to get
16 them compliant.

17 So there's a lot of runway that it -- that we need
18 in order to get from learning about the final rules to
19 final compliance internally. So to the extent that we
20 can always keep that as an agenda item, and get any
21 advance copies ahead of the agenda, so that we can give
22 feedback, commentary, et cetera, greatly appreciated.
23 That would just be wonderful. And other than that, I
24 wish to thank you all for your hard work.

25 **MS. URBAN:** Thank you very much, Ms. Smith.

1 Ms. Hurtado, is there additional public comments on
2 this item?

3 **MS. HURTADO:** No. She was our last speaker.

4 **MS. URBAN:** Wonderful. Thank you very much.

5 Thank you again, Executive Director Soltani, for all
6 your work and for your report to the board members for a
7 robust and helpful discussion.

8 And to the members of the public, for your helpful
9 participation.

10 It is now 12:15, but I think we will go ahead and
11 continue with the agenda items rather than breaking for
12 lunch. So with that, we'll go to agenda item number 5.
13 Proceeding with that agenda item, it is -- excuse me --
14 which is -- sorry. Maybe I should take a break. Let me
15 pause and back up here.

16 We will now proceed with agenda item number 5, which
17 is approval of the November 15th, 2021, meeting minutes.
18 As I mentioned in the last meeting, staffing shortages
19 have resulted in some tasks requiring extra time, but we
20 are catching up. And I want to extend my sincere thanks
21 to the Office of the Attorney General for helping provide
22 this service currently, and especially Ms. Thunes (ph.)
23 and Weiland and Ms. Rachel Frasier for their work.

24 I would also like to draw the public's attention to
25 the fact that all recordings of all meetings to date are

1 available on our website and on our YouTube channel. So
2 you can always go there in order to watch the meetings
3 later.

4 With that, thank you to the board members for your
5 attention to the November 15th, 2021, meeting minutes.

6 Are there any additions or corrections from board
7 members? Thank you very much. Seeing none.

8 Are there any comments from members of the public?

9 **MS. HURTADO:** There are no comments at this time.

10 **MS. URBAN:** Thank you very much, Ms. Hurtado.

11 May I have a motion to approve the November 15th,
12 2021, California Privacy Protection Agency Board meeting
13 minutes, as submitted?

14 **MR. LE:** I make that motion.

15 **MS. URBAN:** Thank you, Mr. Le.

16 May I have a second?

17 **MS. DE LA TORRE:** I'll second.

18 **MS. URBAN:** Thank you, Ms. de la Torre.

19 I have a motion and a second to approve the November
20 15th, 2021, California Privacy Protection Agency Board
21 meeting minutes, as submitted.

22 Ms. Hurtado, would you please perform the roll call
23 vote?

24 **MS. HURTADO:** Yes. Mr. Le.

25 **MR. LE:** Aye.

1 **MS. HURTADO:** Ms. Sierra.

2 **MS. SIERRA:** Aye.

3 **MS. HURTADO:** Ms. de la Torre.

4 **MS. DE LA TORRE:** Aye.

5 **MS. HURTADO:** Mr. Thompson.

6 **MR. THOMPSON:** Aye.

7 **MS. HURTADO:** And Ms. Urban.

8 **MS. URBAN:** Aye.

9 **MS. HURTADO:** We have five ayes and zero nays.

10 **MS. URBAN:** Thank you, Ms. de la -- excuse me.

11 Thank you, Ms. Hurtado, and members of the board. On a
12 vote of five to zero, the November 15th, 2021, minutes
13 are approved, as submitted. I will work with the
14 executive director to have the final minutes put up on
15 our website, so that they are available to the public.
16 Thank you, everyone.

17 We will now turn to agenda item number 6, in which
18 we invite public comment on items that are not on the
19 agenda. Before we proceed with this public comment,
20 please note that the only action the board can take is to
21 listen to comments and consider whether it will discuss
22 the topic at a future meeting. No other action can be
23 taken on the item at this meeting. So this may seem, at
24 times, like the board members are not being responsive.
25 Following these guidelines is critical to ensure that the

1 rules of the Bagley-Keene Open Meeting Act are followed,
2 and to avoid compromising either the commentor's goals or
3 the board's mission.

4 With that reminder in place, may I ask if there are
5 any members of the public who would like to comment?

6 **MS. HURTADO:** There are no comments at this time.

7 **MS. URBAN:** Thank you very much, Ms. Hurtado.

8 We will now then turn to agenda item number 7, which
9 is a discussion of future agenda items. This is an
10 opportunity for the board and then the public to suggest
11 items for future agendas.

12 I have a list of items that some of which I've
13 collected from previous meetings and some of which I have
14 heard about today. One is a focus, which we will need to
15 move to on rulemaking substance, and I gather the
16 executive director has attended to that. We had some
17 discussion earlier about when the board might deliberate
18 and discuss amongst -- among ourselves various aspects of
19 the rulemaking, and perhaps, what we hear from experts.
20 So I have that on the list as a general matter.

21 We do have input on when -- hiring decision by the
22 executive director. If you recall back to November 15th,
23 there will, at some point, be a closed session item on
24 the agenda to give the executive director input on the
25 deputy director of public awareness for -- excuse me --

1 for public affairs.

2 We have talked about additional trainings and
3 tutorials like the one that we had this morning. If
4 there are any of the board members who specifically would
5 find useful, please let the executive director know. We
6 will, of course, have additional reports from the
7 executive director and reports from subcommittees, as
8 necessary.

9 So that's my running list that I am keeping. Are
10 there additional items from board members?

11 Yes, Ms. de la Torre.

12 **MS. DE LA TORRE:** Thank you, Mrs. Urban. I would
13 like to suggest for a future board meeting to set aside
14 some time to have a conversation about the priorities in
15 a more concrete way that we are setting for the agency
16 this year. Obviously, there is a legal mandate on what
17 the agency's have performance in Section 1719 -- 199.40
18 of the law. And may your -- you know, and may your --
19 either that it requires our attention is rulemaking. But
20 it's not the only goal that we are said to achieve as an
21 agency. And I think it will be beneficial to set some
22 time to just make those more abstract goals more
23 concrete, and identify specific items. For example, we
24 had conversations in the past about diversity and
25 inclusion for our staff. Do we want to set goals for

1 diversity and inclusion for this year and what those
2 goals might be? That kind of more concrete conversation,
3 I think, will be helpful for us to direct our resources.
4 And also for our executive director to be able to be
5 aware of our priorities, so that he can organize the
6 resources accordingly. Thank you.

7 **MS. URBAN:** Thank you, Ms. de la Torre.

8 Mr. Le.

9 **MR. LE:** Yeah. I was -- I took ethics training a
10 while back and then I remember the section on conflict of
11 interest. And I realize we do not have a conflicts of
12 interest policy that we've adopted, as far as I know. So
13 perhaps it would be good to, for a future meeting, you
14 know, look at examples. Get a memo of certain policies
15 in other agencies and adopt one ourselves.

16 **MS. URBAN:** Thank you, Mr. Le.

17 Any additional items from board members? All right.

18 Thank you very much.

19 I've noted down the items that were mentioned today.

20 And we'll ask if there's any public comment?

21 **MS. HURTADO:** There is one commenter waiting.

22 Robert Maison (ph.), you are now unmuted. You may now
23 speak. You have three minutes.

24 **MR. MAISON:** Hi. Can you hear me?

25 **MS. HURTADO:** Yes, sir.

1 **MR. MAISON:** All right. Thank you very much for
2 having me on. My -- my boss, Luis Rodriguez, was trying
3 to make public comment earlier, but had to hop off and
4 wanted me to make a statement on behalf of his business
5 in Los Angeles. I'm going to read it here. This is on
6 behalf, again, of Luis Rodriguez. It says:

7 "My name is Luis Rodriguez. I own a small business
8 located in Los Angeles that relies on technology to
9 operate. I utilize the internet regularly to reach and
10 serve my customers. As a small business owner, I
11 appreciate the need for consumer privacy protections and
12 I want my customers to know that their data is safe when
13 they hire me for a job. At the same time, I am concerned
14 with the cost of compliance and I worry that decisions by
15 this board may lead to unintended consequences. Please
16 avoid making any decisions that could impact access and
17 affordability for small businesses and consumers. Thank
18 you."

19 **MS. URBAN:** Thank you, Mr. Maison.

20 Are there any additional public comments, Ms.
21 Hurtado?

22 **MS. HURTADO:** Not at this time.

23 **MS. URBAN:** Thank you very much, Ms. Hurtado.

24 With that, we will move on to agenda item number 8,
25 which is our final agenda item -- adjournment. I would

1 like to thank everyone: All the board members, executive
2 director, Mr. Soublet, Mr. Dalju, and other staff who
3 have contributed to this meeting, for their contributions
4 and especially thank members of the public for their
5 contributions to this meeting and to the board's work.

6 May I have a motion to adjourn the meeting?

7 **MR. LE:** So moved.

8 **MS. URBAN:** Thank you, Mr. Le.

9 May I have a second?

10 **MS. DE LA TORRE:** I second.

11 **MS. URBAN:** Thank you, Ms. de la Torre.

12 Ms. Hurtado, I have a motion and a second to adjourn
13 the meeting. Could you please conduct the roll call
14 vote?

15 **MS. HURTADO:** Yes. Mr. Le.

16 **MR. LE:** Aye.

17 **MS. HURTADO:** Ms. Sierra.

18 **MS. SIERRA:** Aye.

19 **MS. HURTADO:** Ms. de la Torre.

20 **MS. DE LA TORRE:** Aye.

21 **MS. HURTADO:** Mr. Thompson.

22 **MR. THOMPSON:** Aye.

23 **MS. HURTADO:** Ms. Urban.

24 **MS. URBAN:** Aye.

25 **MS. HURTADO:** You have five ayes and zero nays.

1 **MS. URBAN:** Thank you very much, Ms. Hurtado.

2 The motion has been approved by a vote of five to

3 zero. And this meeting of the California Privacy

4 Protection Agency Board is hereby adjourned at 12:26 p.m.

5 Thank you very much, everyone.

6 (End of recording)

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STATE OF CALIFORNIA

This is to certify that I transcribed the foregoing pages 1 to 94 to the best of my ability from an audio recording provided to me.

I have subscribed this certificate at Phoenix, Arizona, this 4th day of March, 2022.



DeEtte Hicks
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