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| <input type="checkbox"/> Governing Board Member |
| <input type="checkbox"/> Vendor Advisory on Board |
| <input type="checkbox"/> Executive Director |
| <input type="checkbox"/> Employee/Other |

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.
3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? yes no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.
4. Are you a regional center advisory committee board member? yes no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? yes no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.
5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? yes no -- If yes, please explain.

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

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6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer “yes” to this question if the financial benefit would be available to regional center consumers or their families generally].
 yes no -- If yes, please explain.

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? yes no -- If yes, please explain.

8. Do you have a financial interest in any contract⁶ with the regional center? yes no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? yes no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? yes no
If yes, please explain.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

<input type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
 yes no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? yes no -- If yes, please explain.

B. ATTESTATION

I Elizabeth Espinosa (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature  Date 7/2/22.


INTERNAL USE ONLY

Date this Statement was received by Reviewer: _____

The reporting individual does does not have a present potential conflict of interest

Signature of Designated Reviewer

Date Review Completed



AUGUST 1, 2022

**NOTIFICATION OF CONFLICT OF INTEREST AND
CONFLICT RESOLUTION PLAN**

WESTSIDE REGIONAL CENTER BOARD MEMBER
ELIZABETH ESPINOSA

I. Law Governing Conflicts of Interest

The prohibition against regional center governing board member conflicts of interest has its origin in section 4626 of the Welfare & Institutions Code, subsection (d), which provides: "The department shall ensure that no regional center employee or board member has a conflict of interest with an entity that receives regional center funding"

That general prohibition is explained in more detail in Title 17, section 54520, of the California Code of Regulations, entitled "Positions Creating Conflicts of Interests for Regional Center Governing Board Members and Executive Directors," which provides in pertinent part, as follows:

(a) A conflict of interest exists when a **regional center governing board member**, executive director, or a family member of such person is any of the following **for a business entity, entity, or provider** as defined in section 54505 of these regulations...:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) **an employee;**
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policymaking authority.

(Emphasis added.)

Title 17, section 54505, of the California Code of Regulations defines "Business Entity, Entity or Provider" to mean "any individual, business venture, or state or local government entity from whom or from which the regional center purchases, obtains or secures goods or services to conduct its operations. . . ."

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Furthermore, Title 17, section 54533, subdivision (a), of the California Code of Regulations states:

(a) When a present or potential conflict of interest is identified for a regional center board member, executive director, employee, contractor, agent, or consultant, the present or potential conflict shall be either eliminated or mitigated and managed through a Conflict Resolution Plan, or the individual shall resign his or her position with the regional center or regional center governing board.

II. Conflict of Elizabeth Espinosa

Elizabeth Espinosa (aka Rosa Elizabeth Espinosa) is a Board member at Westside Regional Center (hereinafter “WRC” or “the Regional Center”). WRC Executive Director, Jane Borochoff, confirms that Elizabeth Espinosa is a productive and valued member of the Board of Directors. Attached as Exhibit A is Elizabeth Espinosa’s completed Conflict of Interest Reporting Statement.

Ms. Espinosa provides Community Living Support services (i.e., caregiver services) to her brother, who is a regional center client. Ms. Espinosa’s brother is also a participant in the Self-Determination Program.¹ Accordingly, Ms. Espinosa is paid for the services she provides to her brother through a Financial Management Services provider (“FMS”)² that is vendored by WRC, namely Mains’1. Ms. Espinosa is considered an employee of Mains’1. Ms. Espinosa does not provide services to any regional center client other than her brother.

In that Ms. Espinosa is a member of WRC’s Board of Directors, the fact that she is an employee of Mains’1 presents a direct conflict of interest. This document constitutes a disclosure of this conflict, a Conflict Resolution Plan to eliminate any adverse consequences from this relationship, and a request for approval of the Conflict Resolution Plan by the State Council on Developmental Disabilities (“SCDD”) and the Department of Developmental Services (“DDS”).

III. Facts

The plan of action proposed herein is designed to eliminate any adverse consequences from the conflict. To better understand how the plan will eliminate any adverse

¹ “Self-determination” means a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP. Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion. The Self-Determination Program shall only fund services and supports provided pursuant to this division that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation. (Welf. & Inst. Code § 4685.8, subd. (c)(6).)

² “Financial management services” means “services or functions that assist the participant to manage and direct the distribution of funds contained in the individual budget, and ensure that the participant has the financial resources to implement their IPP throughout the year. These may include bill paying services and activities that facilitate the employment of service and support workers by the participant, including, but not limited to, fiscal accounting, tax withholding, compliance with relevant state and federal employment laws, assisting the participant in verifying provider qualifications, including criminal background checks, and expenditure reports. The financial management services provider shall meet the applicable requirements of Title 17 of the California Code of Regulations and other specific qualifications or certifications established by the department.” (Welf. & Inst. Code § 4685.8, subd. (c)(1).)

consequences, this plan will first provide the facts regarding Ms. Espinosa's duties and responsibilities as a Board member and her work for which she is paid through Mains'l.

A. Elizabeth Espinosa's Duties as Board Member

As a Board member, Elizabeth Espinosa regularly meets with other WRC Board members to create policy for the operation of the regional center. Policy is developed through recommendations from Board committees and the Executive Director. Direct operation of WRC is delegated to the Executive Director who is hired by the Board. WRC staff recommendations for policy initiation or modification either go to the Executive Director, who, in turn, refers them to the Board and/or to an appropriate Board committee, or they go directly to the Board and/or appropriate Board committee, as necessary.

Elizabeth Espinosa's primary duties are as follows:

1. Attendance at monthly Board of Directors meetings, typically held on the first Wednesday of each month.
2. Because WRC operations are funded by DDS, pursuant to WRC's contract with DDS, each member of the Board of Directors is required to identify any potential conflict of interest as set forth in Welfare and Institutions Code Sections 4626 and 4627 and their implementing regulations.
3. Board members are required to be informed and actively participate on the Board, voting on issues, and reviewing and approving regional center contracts of over \$250,000. WRC, however, does not have a direct contract with Mains'l for FMS services; rather WRC purchases FMS services for its clients who are participants in the Self-Determination Program by way of individual Purchase of Service authorizations.

Under the suggested plan of action, Ms. Espinosa will remain in her Board position, but will be regulated so that she has no role or involvement with any matter that would impact Mains'l or any service provider which provides the same services as Mains'l.

B. Elizabeth Espinosa's Duties For Which She is Paid By Mains'l

Ms. Espinosa provides Community Living Support services (i.e., caregiver services) for her brother, a WRC client. In that her brother is a participant in the Self-Determination Program, Ms. Espinosa is paid for the services she provides to her brother through Mains'l, an FMS provider vendored by WRC, and, thus, she is considered an employee of Mains'l. She does not provide services to any other regional center client.

IV. Conflict Resolution Plan

WRC and its Executive Director, Jane Borochoff, have concluded that Ms. Espinosa provides substantial value to the Board of WRC. After consideration of the totality of the circumstances and a careful review of the facts, the Executive Director believes it is in the best interests of WRC to create and implement a Conflict Resolution Plan to eliminate any potential adverse consequences from this relationship and to seek approval of this plan by SCDD and DDS.

The first step in the Conflict Resolution Plan is to allow Ms. Espinosa to remain in her position on the Board of Directors, but to prohibit her from taking action that might impact Mains'1 or other service providers offering the same services as Mains'1 (i.e., FMS services). This will eliminate any instance in which Ms. Espinosa would have to vote, or take action for or against Mains'1, and would eliminate any possible action by her to make recommendations concerning Mains'1 or to affect any of its competitors.

The second part of the plan is to insulate Ms. Espinosa from any action regarding Mains'1 or any of its competitors. She would recuse herself from participation in any decision or vote regarding the drafting, planning, or discussion of rules, policies, or restrictions that would impact Mains'1 or its competitors. Any duties that potentially relate to Mains'1 or its competitors, or generic policies applicable to such vendor/s, represent a small portion of the valuable duties Ms. Espinosa performs on behalf of WRC, and these duties can be easily delegated to other WRC Board members.

WRC and Ms. Espinosa's suggested Conflict Resolution Plan for this conflict of interest is as follows:

1. Ms. Espinosa will take no action as a Board or Committee member on any matter that would impact Mains'1 or any competitor service providers, and, specifically, she will recuse herself from any vote or decision on any matter that would impact Mains'1 or any competitor service providers.
2. Ms. Espinosa will cease taking action on any matter that would impact Mains'1 or any competitor service providers.
3. Ms. Espinosa will not participate in the vote to approve any report, plan, opinion, recommendation or action regarding Mains'1 or any competitor service providers, or any actions creating policy or approaches that would impact Mains'1 or any competitor service providers.
4. Ms. Espinosa will not participate in referrals to Mains'1 or any competitor service providers. For any client served by Mains'1 or any competitor service provider, she will not participate in any review or discussion of any client's service issues brought to the attention of the Board; rather, such tasks will be addressed by other Board members or WRC employees.
5. Ms. Espinosa will not participate in any decisions about Purchase of Service authorizations for Mains'1 or any competitor service provider.
6. Ms. Espinosa will not participate in the preparation, consideration, or any follow-up related to complaints or Special Incident Reports from or about Mains'1 or any competitor service provider.
7. Ms. Espinosa will not create or review any corrective action plans for Mains'1 or any competitor service providers.

8. Ms. Espinosa will not participate in any action or resolution of any complaints pertaining to Mains'1 or any competitor service providers.

9. Ms. Espinosa will take no part in decisions regarding vendor appeals, or fair hearings involving Mains'1 or any competitor service providers.

10. Ms. Espinosa will not access vendor files, either in electronic or hard copy form, which WRC maintains about Mains'1 or any competitor service providers.

11. Ms. Espinosa shall not participate in approving any policies that apply to Mains'1 or any competitor service providers. Instead, these tasks will be the responsibility of the other Board members.

12. The WRC ^{Pres. of the} Board of Directors has been informed about this plan of action, and has been informed of the need to ensure that Ms. Espinosa has no involvement in any action involving or affecting Mains'1 or any competitor service providers.

13. WRC has received approval from its Board of Directors regarding this plan of action.

14. These restrictions only apply to Mains'1 and policies impacting Mains'1 and any competitor service providers. The bulk of Ms. Espinosa's Board duties will remain unchanged, unless the Board work would impact Mains'1 or any competitor service providers. This amounts to a reassignment of a small portion of Ms. Espinosa's duties and will not reduce the value and productivity that she provides to the WRC Board.

15. Finally, WRC will also ensure that Mains'1 is informed of this plan to ensure that there is no expectation that Ms. Espinosa, in her role as a WRC Board member, can take part in actions that impact Mains'1 or any competitor service providers.

V. Request Approval of Conflict Resolution Plan

For the reasons provided above, and in accordance with the Conflict Resolution Plan set forth above, WRC hereby requests that SCDD and DDS approve the Conflict Resolution Plan in this matter.

Respectfully submitted,

By:


Elizabeth Espinosa, WRC Board Member

Date:

12/16/22

