



Governor’s Organ Donation Advisory Committee Minutes

DATE: 12.21.2020 | WebEx Meeting



Note taker (s): Virginia Beatty
Attendees: Deb Simaitis, Joan Keiser, Phil Duncan, Virginia Beatty, Laura Hines, Rachel Allen, Steve Cramer, Sandra Hentges
Called by: Peter Nicastro, Chairperson
Called to order at: 1:00 P.M.

Welcome, Introductions, Agenda Approval and Minute Approval

Mr. Nicastro thanked all who was able to join the emergency meeting and called the meeting to order. He said the agenda for the call was to discuss the Committee report for the Annual report and who should write it. He further stated it is important that the Committee have confidence in their chairperson. Roll call taken as individuals joined the call.

Emergency Meeting

Annual Report

- Ms. Beatty questioned rather Mr. Nicastro should submit the chair letter for the annual report or Joan Keiser since she was the chair during fiscal year 2020. Mr. Nicastro recalled the incoming chairperson writing the report in 2018 and 2014. He is unsure about prior to that time as online records only go back to 2015.
- Mr. Nicastro further noted that election of officers, usually held in the spring, did not occur until the fall of 2020.
- Mr. Nicastro directly addressed Ms. Keiser and Ms. Simaitis, and stated to them that he sees writing of the chair letter as an issue of confidence. During elections a couple of meetings ago, he stated that he did not think the Committee wanted to go in the direction he wanted to go. He recalled the two of them saying that he does a great job. He further stated he thinks it is merely a pretense, on the part of the Department, that they do not want him to write the letter because of the second paragraph. The second paragraph where he says to the General Assembly that “you set us up on this weird time schedule, where we cannot accurately give you advice on bills because this is our report and you get it two days into session and then all the business happens.” He believes this is unfortunate and led to the passage of the sticker bill, for example, which he believes is ultimately disadvantageous to us. Mr. Nicastro stated he thinks, and believes, the message in the second paragraph is important to communicate to the General Assembly. He said if you ladies disagree, that is fine, but he feels like that conflicts with assurances given to him about his leadership.
- Ms. Keiser stated to Mr. Nicastro and Ms. Beatty that she is okay with Mr. Nicastro being the person to submit the report for the Committee for the annual report. Ms. Keiser expressed her concern about the second paragraph; she believes that the information is not where it belongs and interrupts information flow. While it is important to communicate that message, she does not believe it is the time or place to do so, nor perhaps in the manner written. The information is not a part of what happened.
- Ms. Simaitis directly addressed Mr. Nicastro. She stated she has complete confidence in his ability to chair and that we can agree to disagree. It does not change the fact that she thinks Mr. Nicastro is an excellent chair. It is okay to disagree and that is the beauty of the Committee; different perspectives which makes for a stronger Committee. Ms. Simaitis agreed with Ms. Keiser, she does not believe it is the best place to “air our dirty laundry.” Address this concern diplomatically; as soon as it is in writing, it raises a red flag. It may be our responsibility to do something like this and we should be more diplomatic. As far as who should write the chairperson report, Ms. Simaitis informed Mr. Nicastro that Ms. Beatty had refreshed her memory. When elected chair, it was in June and it was still in the fiscal year window, but when he was elected, it was not in the same fiscal year, and that is the only reason she felt that Ms. Keiser should write the report, not the content of his report. It was simply a timing issue.
- Ms. Beatty addressed Mr. Nicastro, that she agreed with Ms. Keiser and Ms. Simaitis, that this (the letter) is not the time or place. In addition, she believes under the current leadership, even though they have not been here that long and addressing COVID most of the time, they are making strides, in a positive and correct direction, to seek Committee input. Furthermore, she believes that the wording in paragraph two will actually hurt the Committee in the long run; which is why she sent the suggested edits to him. She further stated she does not feel the chair report, as written, will receive approval for release because of the negative tone.
- Mr. Nicastro indicated there are two issues before the committee and believes everyone has addressed the first question in our discussion about who should write the report and suggest we vote. Pending the outcome of the vote,

we will have a different course before us; the second issue was implied-report content; Mr. Nicastro asked if there was any objection to that process.

- Hearing none, Mr. Nicastro asked Ms. Beatty to read the roll so that the Committee can vote on that question. Vote response should be the name of the person to write the report. Two members voted for Ms. Keiser and two for Mr. Nicastro. Ms. Beatty indicated that while she normally abstains from a vote, she lent her vote to Ms. Keiser because she was still the chair at the end of the fiscal year.
 - Normally when there is a tie, according to Roberts Rules of Order, a tie indicates that the motion has failed. However, Mr. Nicastro indicated we are compelled to make a decision.
 - Ms. Simaitis asked Mr. Nicastro if she could offer a compromise. He indicated yes. Ms. Simaitis proposed Ms. Keiser write the report and introduce Mr. Nicastro as the new chair, since Mr. Nicastro is writing a second article about Ms. Keiser. Mr. Nicastro believes everyone has seen the article about Ms. Keiser, if not; maybe Ms. Beatty could display it on the screen. Ms. Beatty provided a few edits after Ms. Keiser provided some additional information. It was determined that most attendees joined via audio and the article was not displayed.
 - Mr. Nicastro asked if there was a second to the amendment. Ms. Keiser asked Mr. Nicastro to restate the motion as amended. Mr. Nicastro asked Ms. Simaitis to restate her amendment. Ms. Simaitis stated, Ms. Keiser will write the chair report introducing Peter Nicastro as the new chair, as part of her report, and Mr. Nicastro will write a dedication to Ms. Keiser for the report. Ms. Beatty seconded the motion.
 - Mr. Nicastro opened the floor for additional discussion.
 - Ms. Beatty stated she thought it was a good solution.
 - Ms. Keiser indicated in the clergy field, they call it the passing of the mantel. Ms. Keiser shared her concern of time, as it is a very busy right now for her with retirement preparations, a written report exists, and we are slowing down the process. Ms. Keiser indicated it would be after Christmas before she could put a report together. She further indicated she has no problem writing a report after Christmas and appreciates Mr. Nicastro's leadership.
 - Ms. Simaitis said it was an excellent idea to call the emergency meeting because whatever is decided today is what the Committee should go by from this point forward; there should be no question in the future of who should write the report and what timeframe we use.
 - Ms. Wehmeyer was unable to attend today. Ms. Beatty shared her message to the Committee: "I suggest that you look back at the transition year of a new chair in the past and stay consistent with who would have completed the annual report. For consistency, review previous annual reports to assure that all usual information is covered. I prefer positivity; address what you were able to accomplish even during the 2020 chaos."
 - While Ms. Wehmeyer's opinion directly relates to the topic of discussion, Ms. Beatty indicated the only issue here is with consistency. The fact remains the election of the chair was not usual and it impacts today's discussion.
 - Ms. Keiser offered the following so there is no question in the future about whom should write the report; make this into a standing rule. She stated she will leave that to Mr. Nicastro's as the parliamentarian. Mr. Nicastro agreed as it is an area of ambiguity, maintaining intuitional memory is hard and Ms. Keiser identified the right mechanism to say who authors the letter as part of the overall committee report.
 - Ms. Keiser indicated another issue to handle by a standing rule, is designating duties for the vice chairperson so that there is some kind of leadership development. Sometimes there is nothing asked of that person. If the vice chairperson is expected to move on up to chairperson position, it would be good for the vice chairperson to do some specific things that would involve that individual more, like the proclamation.
 - Ms. Beatty indicated standing rules was not part of the agenda, nor why Mr. Nicastro called the meeting. She reminded the Committee there was only 10 minutes of meeting time remaining.
 - Ms. Hines indicated she appreciates being an ad hoc member of the committee. She further stated this year has been challenging for everyone and maybe it is important to acknowledge that and not see this as a standard year with a standard approach because of the timing of elections.
 - Ms. Keiser indicated that standing rules was a part of her rationale.
- With no further comments, Mr. Nicastro called for a vote on Ms. Simaitis' amendment; Ms. Keiser will write the Committee Report and Mr. Nicastro's Ms. Keiser's biography as a part of the program's report. Response should be yes or no to the amendment.
- The vote ended in a tie. Mr. Nicastro announced the amendment is defeated.
 - Ms. Beatty asked if would be simpler to rewrite the second paragraph? Ms. Keiser and Ms. Simaitis both noted that it is not the best place to air noted concern. Mr. Nicastro indicated he would not agree to rewrite the second

paragraph and he asked where would be the other place to address that concern to the General Assembly. Ms. Beatty indicated that you do not report directly to the General Assembly, you are appointed to the Department of Health and Senior Services as an advisory committee. In addition, her suggestion was to write a letter to the current leadership and asked Mr. Cramer and Ms. Hentges if they had any suggestions on the best way to bring Mr. Nicastro's concern to the Department. Ms. Hentges acknowledges the concern is valid and that it should not be addressed in the annual report. Rather, a letter to the Department is the best way. Mr. Cramer concurred with Ms. Hentges; we have heard these concerns throughout our changes of leadership and have shared those concerns forward. We have a new set of ears that will be more receptive and listen to concerns. He further stated he agreed that including it in the annual report is not the appropriate place. Since Ms. Hentges and Mr. Cramer are not voting members and are listening to the meeting, Mr. Cramer offered to take any or all of needed information forward.

- Mr. Nicastro thanked Ms. Hentges and Mr. Cramer for their perspective and contributing to the discussion because the Committee wants to hear from a multitude of voices in this particular meeting. A request to move the concern forward to Department leadership was not made.
- Ms. Keiser asked if the discussion was germane to the question that is on the floor. Mr. Nicastro indicated the question on the floor is who should write the report and, the content of the report is tangentially germane to the extent we have not resolved the first question, who will write the report. He noted Ms. Keiser's point of order.
- Ms. Simaitis stated it is an important question and whatever we do today should be what we do in the future; and perhaps place in the Bylaws. The big decision is which chair writes the report; the person at the end of the calendar year or the person who was chair during the fiscal year. The answer to this question carries forward.
- Mr. Nicastro indicated there is a principle before the courts, stare decisis. The courts, as much as possible, will try to alter their precedence. Moreover, while any future iteration of the Committee could decide differently, what we decide will be the decision going forward. Ms. Simaitis stated she believes she understands and is directing her question to Ms. Keiser. She acknowledges that Ms. Keiser is overwhelmed and appreciates everything that she has going. Nevertheless, there remains the question, what do you think. Do you think the chair that writes it should be during the fiscal year or the calendar year? You have to take yourself out of the equation and your busy schedule, because the decision will probably end up in our Bylaws.
- Ms. Keiser expressed concern that we are getting away from the question on the floor and that makes the difference and where we go from here.
- Ms. Simaitis asked is not the question on the floor, which chair should write the report?
- Mr. Nicastro indicated the discussion is an extension of that question, what day is going to decide whom the chair is; is it June 30, December 31, or January 15, that is essentially the same question in the microcosm of our particular situation. He further stated since we have ended in a tie, we cannot decide, and while not the best solution, the Committee can adjourn to a future time, and get more of the group together. Mr. Nicastro stated this is the best he can offer understanding that the deadline this publication requires.
- Ms. Keiser called for the question. Mr. Nicastro acknowledged Ms. Keiser' call; we are going to ask if the discussion should end and vote immediately on the main motion.
- Mr. Nicastro asked Ms. Beatty to call the roll on if the discussion should end and vote immediately on the main motion. The vote will be a Yes or No vote. Ms. Beatty called roll. Three yes and one abstain. Mr. Nicastro indicated discussion ended.
- Mr. Nicastro asked Ms. Beatty to take a roll call vote on the main motion of who shall write the Committee's letter as part of the annual report, Mr. Nicastro or Ms. Keiser. Three for Ms. Keiser and one abstain.
- Mr. Nicastro indicated Ms. Keiser would write the report and to work out a schedule with Ms. Beatty.
- Mr. Nicastro reiterated, as he did at the beginning of today's discussion, that he believed it important that the Committee have a chairperson that represents the majority of its members. He stated it is clear that he does not, and therefore, effective immediately at the close of the meeting, he relinquishes his role as chairperson
- With no further business on the agenda. Mr. Nicastro suggested meeting adjournment.
- Ms. Keiser asked Mr. Nicastro if he was declaring this. He affirmed.

Action Items:	Person Responsible:	Deadline:
Chair Letter for Annual Report	Ms. Keiser	To be mutually agreed upon.
Keiser Article for Annual Report	Mr. Nicastro	Already submitted.
Adjourn		
Meeting adjourned at 1:29 P.M.		Peter Nicastro, Chairperson

Approved 2.24.2021