



**PUBLIC SERVICE GRANT (PSG) COUNCIL APPEALS BOARD
AGENDA**

**Ed Ball Building, 214 N. Hogan, 8TH Floor, Room 825
July 22, 2016- 9:30 AM
Chair: Damian Cook**

I. Welcome & Introduction of Appeal Board Members - Mr. Cook

- a. First Appeals Board meeting
- b. City Council enacted appeals process
- c. July 22, 2016, 9:33pm, parties present

II. Review of Chapter 118.810 – Ms. Stockwell

- a. Standard of review is *de novo*- rule based on what is presented
- b. Error by scorer, minor irregularity, which adversely affects ranking, do not apply
- c. Remedies include being added into the scoring process or being denied admittance to scoring process
- d. Decisions are final

III. Discussion of Appeal Process/Procedures - Mr. Cook

- a. Board is authorized to enact some procedures to perform these duties
- b. Eligibility
 - i. Rules of Evidence And Civil Procedures do not apply
 - ii. Decision will be made after each applicant
 - 1. Discuss, Debate, Decide
 - 2. Decision is by majority
 - 3. Motion to adopt the procedures (Pease) and seconded (Jackson)

IV. Agency Appeal Review – Mr. Cook

- a. Intro of Roshanda Jackson, Greg Pease, Sandra Stockwell, and Damian Cook
Summary - Catholic Charities (Approved), Divine Influence Worship Ministries (Approved), Florida Community Prevention Center (Denied), Gateway Community Services (Approved), Kim's Open Door (Approved), Salvation Army – two applications (Denied), Trinity Evangelical Lutheran Church (Approved), Youth Crisis Center (Approved)
- b. **Catholic Charities**
 - i. Found ineligible due to failure to file copies of its three prior tax returns and instead submitted an audit from 2015
 - ii. Eligibility documents listed
 - iii. Catholic Charities stated appeal
 - iv. Lauren Hopkins, Regional Director, Ida ---, Cheryl Murphey, Grant Writer and Maryedda Day, CFO
 - v. The error that occurred was a human error of uploading the wrong documents
 - vi. Received notification from John Snyder, and correct documents were emailed and mailed the next day

- vii. Catholic Charities has received funding in 2013, 2014 to assist low-income individuals, anticipated to exceed expectations, have been in the Jacksonville community, received PSG funding the past 15 years
- viii. What is a minor irregularity?
 - 1. Included language from State of Florida courts for definition (handout)
 - 2. Looking at form, same substance required, but in a different form
 - 3. Not in conflict with 118.806, which lays out the topics that need to be included in the applications
 - 4. The application was rejected because the three tax returns were not included, but instead the tax returns were included
- ix. Under state law, certain organizations are not required to submit 990s
- x. The Ordinance cannot be conflict with federal law
- xi. Is this the first year that tax returns are required?
- xii. Is it a glitch in the Ordinance
- xiii. Catholic Charities honest in submitted the wrong documents in error
- xiv. Affidavit (24% or \$150,000 or organization) and audit were included in application
 - 1. Substance may be included in different forms
- xv. Motion to consider this mistake as a minor irregularity
 - 1. Motion seconded
 - 2. Majority
- xvi. John Snyder will move the application into scoring**

c. Divine Influence Worship Ministries

- i. Charlene Norris
- ii. Ineligible because org did not submit the Charitable Solicitation Permit
- iii. Ineligible because org failed to submit the three filed tax returns
- iv. Appeal filed timely, stating religious org does not need 990s, and has since filed for the permit
- v. Brought financial statements in this morning, July 22, 2016, 3 copies
- vi. Did not want to waste City time, has not applied in the past
- vii. As required in 805(b)(2)
- viii. Is the Board bound by the reason for the appeal?
- ix. Application was due July 1, 2016
 - x. Tom Culverwell, Director Lutheran Food Pantry, not required for religious institutions to obtain a Charitable Solicitation Permit
 - xi. Agency is bound by the issues they raise, cannot deviate from what the issues are, but can consider other grounds for appeal
 - 1. Minor irregularity is more applicable, can make decision off of that
- xii. Is the information available, just not in the form?
- xiii. Intent behind Charitable Solicitation Permit
 - 1. ID as charitable institution
 - 2. Good standing with State of Florida
- xiv. Motion to consider the appeal items as a minor irregularity
 - 1. Motion seconded
 - 2. Majority

xv. Courtesy Review Period – staff can review documentation prior to submitting the application

xvi. John Snyder will move the application into scoring

d. Florida Community Prevention Center

- i. Latrece Rowell, CEO, Valerie Currelley, CFO
- ii. Ineligible because they did not have the Charitable Solicitation Permit
- iii. Ineligible because they failed to submit the three 990s
- iv. Ineligible because they did not attend the mandatory PSG Workshop
- v. Appealed stating they scanned the documents and did attend the meeting
- vi. Org has had the permit since 2001, legal name is different. This was scanned along with their 501c3. These documents should have been together, but John Snyder did not receive all. The tax returns should have been submitted together as well. The certificate of attendance was not received. Attended several meetings, believed that they had attended the required meeting. Agency was not aware of missing any meetings. This is the first year with the PSG grant.
- vii. Workshop attendance – did you attend any training at Wells Fargo?
- viii. Yes, two staff members
- ix. John S did not find names on the sign in sheets
 - x. PSG training was held at Wells Fargo center in Springfield.
 - xi. There is no way to see if they attended the training. Sign in is imperative. There is no way to identify whether they were at the training.
 - xii. John S impressed the importance of attending the training. Even with handouts, which are posted online, this is not an indicator of presence at the meeting.
- xiii. 803 state that a requesting agency must attend the mandatory workshop to be eligible for application; certificate is evidence that is submitted with the application.
- xiv. Damian was at the meeting and signed them on that day, and included blank ones to fill out that day as well. The certificates were given out that day. The maintain the sanctity of the process, there is no way to overcome the process
- xv. Motion to deny the appeal
 1. Motion seconded
 2. Majority
- xvi. Contact John S to get on his list to ensure all required meetings are attended. Voting – all in favor, motion carries and the appeal is denied.**

e. Gateway Community Services

- i. Jay Morse, Grant Writer, Gerald -, Contract -
- ii. Ineligible because they did not have the Charitable Solicitation Permit
- iii. Gateway included an expired permit
- iv. Inadvertently uploaded an expired permit. They have a current one that they have since submitted.
- v. Motion to move as minor irregularity
 1. Motion seconded
- vi. Discussion – Letter stating their current permit is submitted prior to application due date. Reason shows that they had the permit available. Appeals process is intended to not go out of the application time frame.

- vii. If they had submitted a permit not issued until after the filing deadline, that would show they could not do the tasks listed in the application. Is there an unfair advantage to those who do file timely?
- viii. What is the purpose of the 5 days to reply to the appeal?
 - 1. To submit the notice of appeal and allow org to see if they have grounds for appeal. The advantage that would be gained is if they would be given additional time to gather permit. If they appeal is dated post July 1, there would have been an unfair advantage.
- ix. The correct document was issued prior to the application deadline and remedied immediately. This is consistent with the intent of the Appeals Board process. The real purpose of this process is the scoring process.
- x. These instances are not automatic. There is a deadline to submit. One could argue that it becomes automatic to submit wrong info because the org can't find the correct info, etc.- do not want to get into manipulation of the process. The Ordinance needs to be respected.
- xi. It makes it difficult to find everything at the last minute, so it is likely that those organizations won't score highly, and review period timelines are in place. The process protects against the likelihood of those abuses.
- xii. The application still needs to stand on its own against the other applications.
- xiii. Having not submitted anything would have changed opinion.
- xiv. All in favor – majority
- xv. **John Snyder will move the application into scoring**

f. Kim's Open Door

- i. Kim Bogart, Exec Dir., Karen Lee, Grant Manage
- ii. Ineligible due to no current Charitable Solicitation Permit
- iii. Ineligible due to failure to submit three 990s, only submitted one
- iv. Appeal is based on the application being submitted in error without the permit
 - 1. Believed they had submitted all tax returns
 - 2. They did submit a charitable contribution permit that was active at the time
 - 3. Sent the wrong form, is due during this time, the check was cashed
 - 4. Submitting the 990s, it appeared that all tax forms were submitted, and for some reason were not there.
 - 5. Amplifund will not allow a submission without something being uploaded.
 - 6. Charitable Solicitation Permit – had the letter dated July 17 been submitted, the permit was valid during the time of the application. If receiving an award, they would have to prove they are still valid.
 - 7. During the appeal, they submitted the letter stating their permit is valid
 - 8. They do not have the form, the check was cashed.
 - 9. The permit they will receive will be dated July 17 through the next year
 - 10. They had the permit, it was in force, and something they would be able to procure
 - 11. The letter stating that additional documentation was needed was submitted with the application
- v. Only received 2015 990
 - 1. It appeared that all 990s were submitted
 - 2. John S has FAQs – can the 990s be uploaded as separate docs, or can it be one?

3. Org – Amplifund states to submit as each year, separate docs
- vi. Motion to deny appeals
 1. Motion seconded
- vii. Discussion – Damian - The permit was able to be seen as in force during the application process. The application must still be scored. With the 990s, they have to be submitted, they was question with which years to submit, they did not gain an advantage. There are deadlines. Things that are required documents that need to be received from other government agencies are different.
 1. The documents weren't submitted. Is it considered a minor irregularity if they submit something but then substitute something. Is the threshold submitting something?
 2. They submitted their application for the 2016 permit, which was filed with the application.
 3. Org -The letter was what was submitted with the application, but it was the old letter.
 4. What was submitted was for the past year (15/16), not for the current year. It was a renewal for the upcoming year.
- viii. Jackson has voted to support her motion to deny the appeal
- ix. Cook votes no, Pease votes no
- x. Pease moves to consider the items as a minor irregularity and grant the appeal
- xi. Jackson stands as chair
- xii. Motion seconded by Mr. Cook
- xiii. All in favor, appeal has passed (Mr. Pease, & Mr. Cook in favor, Ms. Jackson-against)
- xiv. **John Snyder will move the application into scoring- Mr. Cook as Chair**

g. Salvation Army

- i. Rob Vincent-Major & Colleen Reardon, Director Salvation Army
- ii. Ineligible because they did not include the affidavit
 1. Salvation Army submitted an affidavit that did not include the items
- iii. Appeal is based on that they mistakenly submitted the incorrect document and used the wrong form
- iv. Org – Colleen was confused by the document. The document is called multiple items
- v. Org – Major – Grant Writer left during the application process, and didn't realize that they didn't use the right form
- vi. Org – Colleen contact John S to let him know that they would appeal it and sent the correct form.
- vii. The affidavit submitted is the one required by 118.806. The eligibility document is required by 805. The content of the affidavit is different.
- viii. Showing the documents that were filed and the documents that should have been filed.
- ix. The org submitted the wrong document because they didn't know which document Amplifund was asked for to be submitted. The document didn't mention "Office of the General Counsel." On the website it didn't clearly state which document. The document is titled something other than what is listed to be able to click on. Then on the City's website for PSG, it mentions something else.
- x. Did you reach out to the PSG office?

- 1. Yes, referred back to 108.805.
- xi. Did you describe the difficulty?
 - 1. No
- xii. Org – Major – After hearing about the denial, went back through to find the error that was made, and the appeal.
 - 1. Motion to deny the appeal (Jackson) because the correct documentation was not submitted - Motion Seconded (Pease)
- xiii. Discussion – These documents represent everything that needs to be included in the application process. There could be confusion, but there is ample time to get clarification.
- xiv. The signature is required, and is an important piece.
- xv. Org – they did not use the courtesy review period
- xvi. No further discussion
- xvii. **Voting – all in favor, motion carries and the appeal is denied.**

h. Trinity Lutheran Church

- i. Tom Culverwell – Director
- ii. Ineligible because they did not submit the Charitable Solicitation Permit
- iii. Ineligible because they did not submit the three 990s, but instead submitted the IRS exception
- iv. Appeal is based on the fact that they are a religious institution and not required to submit those documents
- v. Org – Had the courtesy review, John S said it was fine. Then denied. John Snyder said they needed the info signed on letterhead, and needed to find the statute in Florida Statute that exempts religious organizations. Also included expenses, but John Snyder suggested that he submit the actual budget for those years. Submitted the same items as in years past, but it did not get through this year.
- vi. Courtesy review gave guidance that their application was acceptable.
- vii. FAQs state that in the past, churches have attached their letter. In the past, they took a strict view of this, and measured against the plain language of the code. The code requires this document, so staff has no choice but to deny.
- viii. During the courtesy review, it was okay, as well as in the FAQs.
- ix. Do you receive the substance you need even without the forms?
 - 1. We know he is allowed to do what he says he will do in the application. He also submitted budgets for the last three years. Letter in appeal packets dated July 17, 2016, attaches the letter from the IRS.
 - 2. The letter from the IRS was submitted, but not on Trinity letterhead.
 - 3. Had the courtesy review with John Snyder, and was told what to include with the appeal
 - 4. The last five year budgets was included in the application
- x. The FAQs are any questions proposed to staff during the process and put online.
- xi. If an applicant calls in, they are referred to the question and answer.
- xii. The affidavit says they are in compliance with all federal rules
- xiii. Did you submit the annual reports for 14-15 with your application?
 - 1. No, I submitted a table that listed revenues and expenses, which has been accepted in the years past.

- xiv. No copy of the application available
 - 1. Copies of annual reports and budgets, but unable to tell what came in with appeal
- xv. Org – the budget sheets came in with the appeal. Budget and Expenditure sheets included in appeal. A table was submitted with the application.
- xvi. John Snyder reviewed the table with the five years of revenues and expenses, a print out of the IRS website
- xvii. Org- we included a statement, but John Snyder said to include the website copy (after application denial)
- xviii. Damian - Consistent with form and substance, the applicant took advantage of courtesy review and was given thumbs up by staff. The purpose of tax documents is verification of income, and it was reviewed by staff. Granting the appeal is likely appropriate because we had the info at the time it was requested. The affidavit confirming that they are not requesting more than the 24% is requested.
- xix. Sandra – you are looking for minor irregularities. Case law suggests the purpose is to avoid fraud, a leg up for one applicant over another, etc. If the information was there when filed. The Code requires substance regarding income and expenditures. We know they can do the job because they have the exemption, and the exemption sits on the statutes. John Snyder has seen the application. The applicant is testifying that he has submitted the same application that others have submitted. Still dealing with minor irregularity. Was what was submitted on July 1 sufficient?
- xx. Pease – I would take the PSG error out of the equation. To be fair, we need John here. There is nothing in the FAQs that I can tell where staff has answered if it's acceptable. Its minor irregularity.
- xxi. Jackson – the substance was submitted, it may not be on the forms that are submitted, but the substance was submitted.
 - 1. Motion to approve the appeal (Jackson)
 - a. Motion seconded (Pease)
 - b. Voting, all in favor
- xxii. John Snyder will move the application into scoring**
- i. Youth Crisis Center**
 - i. Kim – CEO, President
 - ii. Ineligible because only ½ of the 2014 990
 - iii. Appeal states that the org attempted to upload the file, but the system only allowed one attachment. Changed the resolution of the upload and saved the file, and then was told it didn't come through
 - iv. Org – when I was going to attach the docs, it was split, so I adjusted the resolution to upload into Amplifund. Amplifund received only half of the documents. Received PSG in the past.
 - v. Was there a way to check what was uploaded?
 - 1. Yes, and it was all there.
 - vi. Org – I was told the documents crashed the system, wrote the grant and did all of the attachments herself
 - vii. Motion to grant the appeal (Pease)
 - 1. Motion seconded (Jackson)

2. Voting, all in favor

viii. John Snyder will move the application into scoring

- j. No further business.
- k. Pease – comment that if cases look similar, get into details to see if there are differences.
- l. Jackson – hear any problems with Amplifund; let agencies know that the process is serious. If you attend a meeting and don't sign in, this is what happens. We're not all in grievance, even though it looks like something; you have the opportunity to make your claim.
- m. Pease- positive feedback can help council.
- n. Meeting adjourned @ 12:08 PM

Please contact John Snyder, PSG and Trust Fund Coordinator (255-8202) jsnyder@coj.net if you wish an audio recording of these minutes are available upon request.