

# Information Network of Kansas Board Meeting Minutes

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## September 2020 INK Board Meeting September 3, 2020

### Opening

A meeting of the INK Board was called to order via online videoconference in Microsoft Teams at 10:05 a.m. on Thursday, September 3, 2020 by Chairman Aaron Kite with the following members present:

Mark Burghart, Secretary of Revenue  
Jennifer Cook, representing the Secretary of State  
Doug Gaumer, representing the Kansas Bankers Association (joined at 10:20 a.m.)  
Lucas Goff, representing the Kansas Association of Counties  
Jim Haugh, representing the Secretary of Commerce  
Gregg Wamsley, representing the Kansas Library Association  
Glen Yancey, representing the Executive Branch Chief Executive Technology Officer

### Others Present

Karen Linn, Managing Director, Berberich Trahan & Co., P.A.; George Stewart, Managing Director, PayIt; Duncan Friend, Information Network of Kansas; Nolan Jones of the Kansas Information Consortium, LLC.

### Consent Agenda

The Consent Agenda for the meeting listed draft minutes for the June 4, July 10, and August 6, 2020 INK Board Meetings, along with the August 2020 Network Manager report and contracts for KanPay Counter services for City of Howard and Decatur County.

**Action Taken:** Yancey moved to approve the items on the Consent Agenda. Goff seconded. Cook requested that the minutes be distributed farther in advance of the meeting so as to have time to review. There was no further discussion. Approved unanimously.

### Regular Agenda

#### 1) Final 2019 Financial and Agreed Upon Procedures Audits

*[Note: Copies of the draft audit of the INK 2019 Financial Statements, Agreed Upon Procedures audit, and the related representation letters / Report to the Board of Directors under discussion had been distributed to the Board members a week prior to the meeting for review.]*

Friend introduced Karen Linn, Managing Director at the Board's audit firm to go over the results of the recent annual audit. Linn began by summarizing the Report to the Board of Directors and noted that the auditors found the 2019 INK Financial Statements to be free of material misstatement. She explained the process and stated that if they had identified anything, such as disagreements with management about accounting principles, or failure to provide materials, for example, they would have been brought forward much earlier. She then went over the draft representation letters that laid out what INK was representing to them during the audit process. She encouraged the members to read through it as it could also help in understanding some of the underlying matters related to the financial statements. The process is normally that these letters would be signed shortly after the Board meeting and then the financial statements and their audit opinion are issued. She then discussed the agreed-upon-procedures work and indicated that it was also

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a “clean report” with no findings. She then indicated she would be happy to answer questions about the results or the audit itself.

Kite responded that he did not have questions and asked the members whether they had any for the auditor. Hearing none, he asked Friend about the motion that would be required and Friend outlined his understanding.

**Action Taken:** Cook made the motion to approve the audit and direct the Chair and Executive Director to sign the draft representation letters on behalf of the Board. Goff seconded. There was no further discussion. Approved unanimously.

## 2) Network Manager Report

Jones talked about the recent online technology conference held by the state with the Center for Digital Government and his participation on a panel with KDOR and Board of Nursing representatives. Jones said that at least 200 people had participated in the conference. The Governor had taped a welcome and Secretary Burns-Wallace made a presentation as well. Friend and Yancey had also participated in a roundtable. Friend briefly referenced his participation – he thought he had noticed Cook had also attended - and Yancey also shared his thoughts about the conference as well.

Jones then talked briefly about the Kansas Business One-stop and the launch of Phase 3 that involved online toolkits containing the information needed for popular types of businesses. They anticipated this would roll out the following week.

They are also starting to work on the potential to expand the Amber Alert system in Kansas to include a hyperlink in the text message that goes out. There is a concern related to a related increase in web traffic so they are working with KBI on that. He closed with an update on work they were doing related to updating the Law Enforcement Memorial website, which he stated they kind of do on their own time as it is a passion project for them. They will provide an update when complete.

**Action Taken:** None.

Friend interrupted to note that Gaumer had joined the meeting and that another person had also joined that would be visible to the group. His name is George Stewart and he is a representative of PayIt who had asked to be given notice of the meeting.

## 3) INK Administrative Update: Investment Update

Friend presented several matters for the Board’s information and action.

**Moving investment to Money Market account.** The first was to confirm that, as directed at the previous meeting, he had worked with Gaumer to move the proceeds from a certificate of deposit at CoreFirst to a Money Market account at Kaw Valley Bank that received 15 basis points interest.

**Request to increase the 2020 budget for legal services to the Board.** Next, he noted that he had been doing some legal work with Tim Shultz, the Board Counsel and anticipated doing more in the coming months. Shultz had a conflict and was not able to attend the meeting, although he indicated he might be able to join late. Friend reminded the members that the budget of \$5,000 for legal services had been established

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for the year based on no charges by the previous board counsel for the last several years. So, they had previously discussed the likely need to revisit it once a new Counsel had come on board. To-date, the work with Counsel, including an open records request and a few other matters, had used about \$2,300 of the budget. So, at the current rate, this left about 9 hours of work remaining in the budget for the remainder of the year. Ahead, however, are a contract amendment with KDOR and some other work there – he noted he anticipated some significant contract changes anticipated in KDOR/INK contracts with multiple bulk vendors for MVR records, work on a non-disclosure agreement with Office of Judicial Administration, some work on escrow of code for the portal which is not currently in place, and then he'd like to have them take a look at some of the contract templates they have been using to make sure things are in sync.

He continued that while he wasn't the most experienced in consuming these services in terms of estimating the cost, he did not want to get to the middle of the month and find he needed to "turn of the spigot" in the middle of something as they had to wait for the next Board meeting to address a shortfall in the authorized amount. The Board then discussed this – Friend had suggested moving the limit to \$15,000, but also confirmed to Kite that he felt most of the work was general contract review and modification. However, he wasn't sure what was all normally included in the concept of contract review – he anticipated some calls with a KDOR attorney related to the bulk vendor contracts and there was the non-disclosure agreement that Judicial was requiring for INK to access data about court records that might require some conversations with attorneys at Judicial or even the vendor. Kite had suggested moving the budget to \$10,000 and Friend indicated he was fine with that amount, he just needed some more "head room" in the budget to work with Counsel. Kite said his preference was to bump the budget up to \$10,000 and if it turned out another \$5,000 was needed before the end of the year, the Board should have time to do that. Or, if Shultz found that he had unanticipated time that he needs to spend on contractual review, a negotiating project or attending meetings, as long as it was legitimately spent, they could authorize the payment of anything that would be overrun by the end of the year. Yancey agreed with this approach and asked if there could be a running summary in the Board agenda on what's been spent and what's on deck to allow the Board to project out what they expect to incur. Friend responded he would be glad to update the Board on an ongoing basis.

**Action Taken:** Kite moved to increase the budget for Board legal services from \$5,000 to \$10,000 to be put toward the Board's contract with Goodell Stratton Edmonds & Palmer. Yancey seconded. There was no further discussion. Unanimously approved.

**Update on Board Member terms / Nominations.** Friend indicated he had a couple more things in this section. He noted that several board members who are on the call are familiar with this and he welcomed them to comment. He began by briefly explaining how the terms of board members worked. They run independent of when a member is appointed to the position, so members could well be filling out the remainder of the previous person's term in their position. In the current situation, the Board has several members who were filling out the terms of previous members whose terms are now due or are coming due. So, he wanted to update the Board on where things stood with the membership so they were informed and in case they might have offers of assistance. He apologized in advance if he did so awkwardly, as he also wanted to defer to those members affected in case they wanted to say something.

To start, Kite had reminded him earlier in the summer that his term was coming due in September at the end of the month. Friend had spoken with the Executive Director of the Kansas Bar Association about this. The way the statute is written, they nominate three candidates for the position to the Governor's office, who then appoints one. They had already done the work of finding three nominees and are going to forward that

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information to the Governor's office. The Board bylaws provide – this applies to all the positions he will be addressing – for members to stay on until the transition to a new member to take over that position is made.

He asked Kite if he wanted to speak about this. He noted that, given the trouble they seem to have in recruiting new members, when the INK position comes open at the Bar Association – he has served on the Board of Governors for a number of years – there is no lack of applicants. So, it is certainly not a guarantee that he would be reappointed. He'd told Friend that he would put his name in, but there's no guarantee he will be in the three names or be appointed by the Governor.

Friend then moved to Gaumer's position. It, too, was coming due at the end of September and represented filling out the three-year term of a previous member. He noted that Gaumer was on the call and that they had exchanged email and phone messages about this. In the case of the Bar Association, they nominate the three members and the Board is not involved. The same approach is true of Wamsley's position, but for the Kansas Library Association.

In the case of the position Gaumer occupies, however, this is different, as it is one of the "user association of statewide character" positions and the three nominees are to be put forward to the Governor by the Board itself, not the associations – this is also true of Goff's position. It is not a requirement that the representative come from any specific user association, so it isn't incumbent on the Board to nominate someone again from the Bankers Association. Friend then noted also that there was a potential "pileup" here in the Kite is chair and Gaumer is vice-chair. Friend had a call in to the head of the Kansas Bankers Association to get a nominee. But, if they appoint a person, that needs to be part of a slate of three that the Board brings forward. As an example, if they were to again nominate Gaumer, they only nominate the one person for the Board to consider passing on and that doesn't yet go to the Governor's office until a three person slate is complete.

He noted that Gaumer had agreed to continue to serve during any transition and invited him to speak to this if he wanted. Gaumer expressed Friend had correctly summarized it. He had been a member of the KBA board when he was nominated and his term there had since expired. His sense is that they probably want to nominate someone who is on that board so that they could communicate what was going on to INK and also from INK back to the Board. He said it has been a very good board and he has enjoyed it, but he thought his time might be coming to an end.

Friend then moved on to Goff's position. Goff's term has expired – he had been talking with him about this over time – and this was part of Friend's investigation last fall and in the spring where he had asked the Board for direction in where to look for new Board members – with their direction being primarily in the Agriculture community. He gave examples of the organizations he had talked to then, but he was able to obtain only one name, albeit a good prospect. Friend had recently talked with Bruce Chladny, the Executive Director of the Kansas Association of Counties, and he was going to provide a name coming out of their Board meeting on September 18, either re-nominating Goff or another individual. However, this situation, like that of the Bankers Association, is a user association position and, thus, three names would be needed for a slate to the Governor. Friend then asked Goff if he had anything he wanted to say. Goff said he didn't have anything to say, really, other than he has enjoyed it and would be glad to continue to serve if asked.

Friend noted that, because the Treasurer's position had been consolidated under the Vice Chair at the direction of the Board, those three people represented the entire slate of current officers. He then moved to talk about Wamsley's position, indicating that he wanted to be circumspect in his statements as something was in process. Last fall, the Kansas Library Association had submitted three names for the position to the

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Governor's office as Wamsley's term had expired. However, while they did not contact Friend about this, he understood there was some attempt to appoint someone, and he had heard that might have been unsuccessful. He did alert someone that had called him from the policy office in the spring about his situation, but there apparently hasn't been action on this. Then, there was the COVID-19 situation and Friend had been out June-July with his wife, so he needed to get back to them to resolve this. So, Wamsley is serving but awaiting the outcome of a nomination from over there. He asked Wamsley if he had something to say about this and Wamsley responded that this covered the situation.

Finally, Friend added, there was the open position. He had obtained a nominee from the Agriculture community and talked with the Appointments office about that at the direction of the Board, as well as let them know about some of the challenges in finding nominees, but had difficulty finding two other candidates for the slate in the early spring and then, as noted earlier, the focus had become COVID-19 and other matters that slowed recruitment. He explained also that he had gone to associations that had nominated individuals in the past, but that there might be something to the idea that while they had done so, then not been selected – which might not be true of how other boards worked - the associations were perhaps more wary of investing a lot of time in recruitment, perhaps suspect that it would be just as another person to round out a slate.

**Governor's Office Pandemic Communications Grant – Additional projects / update.** Friend finished this section by informing the Board that he had continued to be in contact with the Governor's office about the grant that had been provided by the Board. He noted that Ryan Wright, who had been the main contact requesting the grant, was no longer in the Governor's office but had moved over to Department of Labor, and that Kate Davis also appeared to have been pretty busy and he understood she was also working their part-time. In exchanging communications with her, however, she had asked if they could increase - about \$4,500 – the funding of the expanded Governor's constituent services line until the end of the year. He felt that was OK for him to approve as it was a relatively minor amount of money and they had saved money elsewhere in the budget. However, he did not know what additional projects they might have planned, nor how that would work related to the CARES Act money that was now available. He continued that, from those conversations, he understands their general sentiment to be that they want to use the CARES Act funding for direct services, like giving it to citizens or programs that directly do that.

So, he anticipates that they may come back and have some ideas about either using the rest of the money or wanting to extend some of the existing things like they had with the constituent phone line. The Board had given him authority to approve that, but he wanted to let the members know and hear any feelings they might have about that, or if they were to come back at the next meeting and want to extend some things, he just wanted any feedback if there was some from the Board.

Cook asked if Friend had the sense that the things they would be asking for were ones that they wouldn't be able to cover with CARES funding. Friend responded that this was a great question, but his problem was that he wasn't familiar enough with CARES Act provisions or their anticipated projects to really say. He noted, for example, that something like extending the Kansas Department of Labor funding of their phone system – he offered that perhaps Yancey had more background on what was permissible here – seems like something that would be funded by CARES. So, that's operational. As far as, say, helping out more with the Governor's Facebook live or things that were focused on the public and they seemed to like them and use them a lot, that's more the other end of it. He doesn't know that they have a specific plan, but he tried to make that distinction clear and that the Board will want to know that if / when asking for additional funds.

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Yancey said that as CARES funding hits their agency (KDHE), there's a big focus on getting the money into the hands of those that are directly impacted, versus general unplanned operating expenses such as COVID communications. Friend said this is exactly what he heard from them. The implication was, he felt, that they may come to the Board to continue or expand some of the latter because a precedent has been set for doing that. Friend concluded that therein lied the rub. While he had been delegated approval authority, unless it was an unusual, urgent matter, he said he would be unlikely to approve something significant that the Board might view as operational without their input and would be likely to convene them if approached on that. He had conveyed that the to the Governor's office as well.

#### **4) Service Spotlight: Department for Aging and Disability Services - Criminal Record Check**

Jones went through a brief PowerPoint presentation that had been distributed in the Board meeting materials as part of an ongoing series to provide more in-depth information about INK services. There was no discussion. *[A copy of this presentation is attached to the minutes.]*

**Action Taken:** None.

#### **New Business**

##### **1) Kansas Department of Revenue Motor Vehicle Records Master Contract Amendments**

Friend and Jones briefly discussed a pending amendment to the current Kansas Department of Revenue Motor Vehicle Records and Services contract. Friend wanted to let the members know that it was in process and came in late for the Board agenda, but would be reviewed by Board Counsel in the near future. Because of a deadline in downstream vendor contracts that required advance notice before implementation of rate changes, he would need to schedule a special meeting of the Board to consider the amendment in advance of the next regularly scheduled Board meeting on Thursday, October 1. Kite asked Friend to prepare a cover memo to go out with the amendment prior to its consideration by the Board. Secretary Burghart noted that he would recuse himself when it would come to a vote.

**Action Taken:** None.

#### **Adjourn**

The meeting adjourned at 11:15 a.m.

# Kansas Dept. for Aging + Disability Services: Online Criminal Record Check

# Service Info

## KDADS Criminal History Check

URL	<a href="http://www.kansas.gov/kdads-criminalhistory/index.do">www.kansas.gov/kdads-criminalhistory/index.do</a>
Built	2009
Components	User Interface Admin Authentication Payment Processing Subscriber Account Management Shopping Cart
Access	Restricted to registered health care facilities
Cost	Yes (3.85% for cc; \$2.00 for ACH)
Payment Options	Credit Card, ACH, Kansas.gov Subscriber Account
Record Summary	Official, detailed record of an individual's criminal history, including juvenile convictions
Target Audience	Adult Care Homes, Home Health Agencies, Staffing Agencies





# SERVICE SPOTLIGHT

KS Dept. for Aging + Disability Services:  
Online Criminal Record Check

[www.kansas.gov/kdads-criminalhistory](http://www.kansas.gov/kdads-criminalhistory)

## What is a 'criminal record check' and why is it law?

The KDADS Criminal Record Check (CRC) is a review of the information on file with the Kansas Bureau of Investigation (KBI). The KBI collects information from police arrest reports, prosecution data, court determinations, and Department of Corrections. Much of this information is stored in an electronic form by the KBI, but some is on paper. The laws were established to prevent persons with certain serious criminal histories from working in adult care homes and home health agencies. The basic premise is that people who have serious criminal histories, especially crimes against persons, should not be responsible for the care of the frail or elderly citizens of Kansas. The legislature made it a law as a part of the protection of the health and safety of residents and consumers of services in adult care homes and home health agencies.

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**Application:** Online Criminal Record Check

**Partner:** Kansas Department for Aging and Disability Services

**Orig. Launched:** 2008

**Cost to Agency:** No Charge

**Cost to User:** Yes (3.85% for cc; \$2.00 for ACH)



# SERVICE SPOTLIGHT

KS Dept. for Aging + Disability Services:  
Online Criminal Record Check

[www.kansas.gov/kdads-criminalhistory](http://www.kansas.gov/kdads-criminalhistory)

Is there a difference between the criminal record information obtained through KBI's online service and the information accessed from KBI through KDADS?

YES. The law specifies that KDADS accesses criminal history information through KBI records. Under these laws, certain juvenile convictions would constitute a prohibition of employment, which is one reason applicable facilities are required to access information from KBI through KDADS. These laws allow KDADS access to juvenile record. Most other sources that may be accessed, including KBI's online service, would not allow access to juvenile records.

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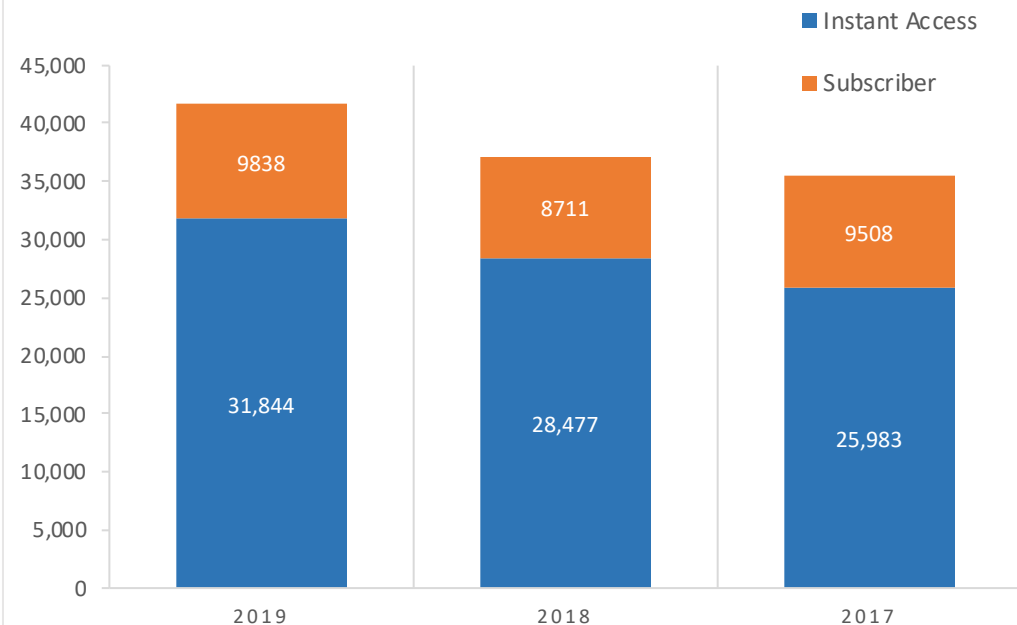
**Cost to User:** Yes (3.85% for cc; \$2.00 for ACH)

# Revenue Information

KS Dept. for Aging + Disability Services:  
Online Criminal Record Check

[www.kansas.gov/kdads-criminalhistory](http://www.kansas.gov/kdads-criminalhistory)

### TRANSACTION VOLUME



### GROSS REVENUE

