

Houston Forensic Science Center, Inc.

MEETING OF BOARD OF DIRECTORS
MINUTES
July 12, 2019

The undersigned, being the duly appointed secretary of the Houston Forensic Science Center, Inc., (HFSC and/or the "Corporation") hereby certifies the following are true and correct minutes of the July 12, 2019 meeting of the Board of Directors (the "board") of the Corporation.

- A. In a manner permitted by the Corporation's Bylaws, the meeting was called by providing all directors with notice of the date, time, place and purposes of the meeting more than three days before the date of the meeting.
- B. In accordance with Chapter 551, Texas Government Code, made applicable to the Corporation by Section 431.004, Texas Transportation Code, a notice of the meeting was duly posted on July 9, 2019, in the same manner and location as required by law of the City of Houston, Texas (the "City".)
- C. The meeting was called to order by Dr. Stacey Mitchell, board chairwoman, at approximately 9:02 a.m. on Friday July 12, 2019 in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Ms. Jordan Benton called the roll. The following directors were present: Dr. Stacey Mitchell, Sandra Guerra Thompson, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Mary Lentschke and Ms. Tracy Calabrese

Ms. Thompson arrived at about 9:03 a.m.

Dr. Robert "Bob" H. McPherson was absent.

Chairwoman Mitchell declared a quorum was present
- E. Chairwoman Mitchell asked if any changes were needed for the June 14, 2019 board meeting minutes. Mr. Medina made a motion to approve the minutes. Ms. Blancett seconded the motion. The motion passed unanimously.
- F. Chairwoman Mitchell asked if members of the public wished to address the board. No one addressed the board.
- G. Chairwoman Mitchell presented a chair's report. Dr. Mitchell welcomed new member, Ms. Anna Vasquez, to the board. The Chairwoman said she met with the Houston Chronicle editorial board to discuss HFSC's resource needs, specifically in the crime scene unit, toxicology and, latent print sections, as well as additional issues created by new legislation that changes the definition of marijuana.

- H. Dr. Peter Stout, president and CEO, presented the president's report. Dr. Stout reviewed HFSC's overall turnaround time and requests for June 2019. Dr. Stout reminded the board that turnaround times will increase as backlogged cases are eliminated and HFSC prepares to move to 500 Jefferson. Dr. Stout said the toxicology section is continuing to struggle with the continual increase in requests. Dr. Stout said HFSC had already asked the board for approval for a new instrument in toxicology that will be brought online in the new facility and would ask the board for its approval today for a second instrument. The section also needs additional staff to keep up with the sharp increase in requests. He gave a staffing update and spoke about advanced certifications earned by staff. Dr. Stout reviewed recent outreach events, including the sexual assault task force meeting hosted by HFSC, along with a meeting he attended with Senator Charles Perry's staff and a second meeting with Governor Greg Abbott's office to discuss the implications of newly passed legislation that legalized hemp in Texas and changed the definition of marijuana.
- I. Dr. Stout reviewed HFSC's 2019 company goals, which include the following: maintain an average turnaround time of 45 days; a backlog that consists of no more than 12 percent of received requests; no repeated quality findings in internal or external audits; a staff retention rate of 88 percent; quarterly one-on-one meetings and semi-annual staff reviews for 75 percent of staff; meet training deadlines; and complete all moves into 500 Jefferson within budget by the end of the year. Mr. Medina made a motion to approve the company goals. Vice Chair Thompson seconded the motion. The motion passed unanimously.
- J. Dr. Stout updated the board about House Bill 1325, which legalized the production and sale of hemp in Texas and changed the definition of marijuana. He shared that the Harris County District Attorney's Office is not accepting misdemeanor marijuana charges without forensic test results. HFSC currently cannot test for the concentration of tetrahydrocannabinol, or THC, to differentiate hemp from marijuana as required under the new law. Dr. Stout said discussions are ongoing to determine the implications of the new legislation, especially for crime labs in Texas. He said in the long-term, HFSC's seized drugs section will need additional staff and funding to purchase additional equipment to handle the new testing method.
- K. Dr. Stout updated the board about a recall by BD, a national manufacturer of vials used to collect blood alcohol samples. BD recalled about 240,000 tubes after it said that about 101 of the vials did not have a preservative added to them that prevents clotting and stabilizes alcohol concentration in blood. It is unclear where the 101 impacted vials landed, and as a result it places in question any blood collected in tubes from that lot. Dr. Stout said stakeholders were notified of the recall and efforts to address the issue are ongoing.
- L. Dr. Stout requested authority to enter into a lease agreement with Agilent Technologies for a second LC-QQQ instrument for the toxicology section for a total contract amount of \$359,969.60. Vice Chair Thompson made a motion to approve Dr. Stout's request. Director Lentschke seconded the motion. The motion passed unanimously.
- M. Mr. David Leach, CFO and treasurer, gave a financial update. Mr. Leach shared that June marked the year-end financials and that, as expected, the company would run out of money by the end of the month. He thanked the City of Houston for working with HFSC to expedite the transfer of the new budget dollars, however, Mr. Leach told the board the money had not yet been received and HFSC would run out of operational money by the middle of the following

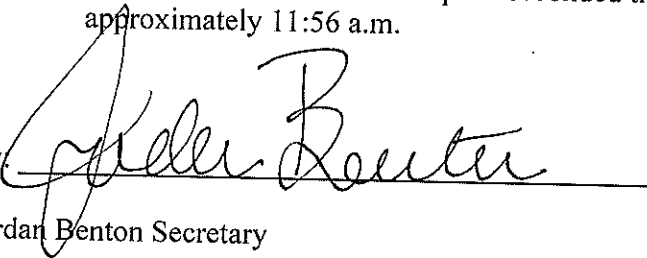
week if the transfer did not occur. Mr. Leach said he was working with the city to ensure this issue would not occur again next year. Mr. Leach said the Board will receive a detailed report on the year-end financials at the next board meeting.

- N. Dr. Amy Castillo, vice president and chief operations officer, presented an operations report. Dr. Castillo reviewed each discipline's progress and where they stood in comparison to the company goals. She explained the June data for each section using HFSC's management dashboard system, including open quality reports, backlog data and turnaround times. Dr. Castillo said the latent print section filled four positions with "apprentices" that will undergo an intensive training off-site. If all the trainees successfully complete the program and additional HFSC training, they will be signed off for casework by the end of 2020 and the latent print comparison section will be fully staffed. Dr. Castillo walked the board through the detailed move schedule for the seized drugs, toxicology, forensic biology/DNA, latent print and firearms sections. Each section will experience reduced and no capacity for casework for a limited time during the move. The sections will experience no capacity for the following time frames: two weeks for seized drugs, six to eight weeks for blood alcohol testing in toxicology, 10 weeks for drug testing in toxicology, one week in firearms, six to eight weeks in forensic biology/DNA and six to eight weeks in latent print processing. Dr. Castillo shared that HFSC will continue to work with stakeholders to communicate each section's status and to prioritize cases as needed.
- O. Mr. Jerry Pena, director of the crime scene (CSU) and digital multimedia units, said cross-training is ongoing in the multimedia section, where staff are learning to handle both digital and audio/video casework to accommodate increased requests. Mr. Pena said one of the critical items facing the multimedia section is a need for up-to-date software to crack cellular devices. HFSC currently uses Graykey, a \$15,000-a year software to extract information from iPhones. The purchase of another software, Cellebrite UFED Premium, will provide the unit the ability to unlock both iPhones and Android devices. The new software, which will cost up to \$150,000 annually, is cost-effective since HFSC failed to unlock 65 iPhones and 48 Androids in the past six months, Mr. Pena told the board. It would cost \$226,000 to send them out to be unlocked, a far higher price tag than that of the annual subscription. Mr. Pena said CSU is working to replace their vehicle fleet, which will now include pick-up trucks. CSU will continue to update standard operation procedures to ensure consistent interpretation by CSIs.
- P. Mr. Charles Evans, director of business development, updated the board about the lab's ongoing move to 500 Jefferson. Mr. Evans said HFSC is about 18 weeks away from being fully moved into 500 Jefferson. Mr. Evans said construction was ongoing in the basement and the 18th floor lab areas. Mr. Evans reviewed the steps the lab sections will take come October and November to ensure a successful, cost-effective move. Mr. Evans reviewed pending agreements and the ongoing move logistics.
- Q. Ms. Erika Ziemak, assistant quality division director, updated the board on the June blind quality controls (BQC,) audits, disclosures, corrective actions, proficiency tests, transcript reviews and testimony data. Ms. Ziemak said the first round of internal audits ended June 21. The audit team found no nonconformances in the multimedia section, three in latent prints and four in CSU. The second round of internal audits will begin July 15. Ms. Ziemak said the quality division is investigating two proficiency tests in the seized drugs section after two analysts reported no findings of a controlled substance. The vendor that created the proficiency

tests said a controlled substance should have been found. The quality division is investigating why the analysts failed to identify the substance and will determine if the tests are satisfactory or not. Ms. Ziemak said she will update the board with the outcome of the investigation.

- R. The board went into executive session under Texas Government Code Section 551.074, personnel matters, at approximately 10:55 a.m. to discuss Dr. Stout's annual performance evaluation. The recording of the meeting stopped and present with the board was HFSC's General Counsel, Ms. Akilah Mance, and Dr. Stout.
- S. The board reconvened into open session at approximately 11:31 a.m. The Chairwoman announced the board was pleased with Dr. Stout's annual performance and recommended a three percent raise. Vice Chair Thompson made a motion to approve. Director Lentschke seconded the motion. The motion passed unanimously.
- T. Chairwoman Mitchell requested the board move to approve the president and CEO's annual evaluation and HFSC's corporate performance goals to July of each year beginning in 2020. Vice Chair Thompson made a motion to approve. Director Lentschke seconded the motion. The motion passed unanimously.
- U. Chairwoman Mitchell asked for a motion to adjourn the meeting. Ms. Blancett made a motion to adjourn. Vice Chair Thompson seconded the motion. The meeting ADJOURNED at approximately 11:56 a.m.

By



Jordan Benton Secretary