



Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

Friday, May 13, 2022

www.houstonforensicscience.org

1. **CALL TO ORDER:**

At 9 a.m., Vice-chairwoman Mary Lentschke called the meeting to order.

The Houston Forensic Science Center, Inc. (“HFSC” and/or the “corporation”) board of directors (the “board”) convened this in-person meeting on Friday, May 13, 2022, in the City Hall Council Annex Chamber, 900 Bagby St. (public level), Houston, Texas 77002. In a manner permitted by the corporation’s bylaws, the meeting was called by providing all directors with notice of the date, time and purpose of the meeting at least three days before the scheduled date.

In accordance with Chapter 551 of the Texas Government Code (Texas Open Meetings Act) a notice of this meeting was posted on the bulletin board located on the exterior wall of the City Hall building at 901 Bagby on May 10.

2. **ROLL CALL:**

The following board members were present in-person:

Vice-chairwoman Mary Lentschke
Anna Vasquez
Philip Hilder
Francisco Medina
Vanessa Goodwin
Lois Moore
Vicki Huff

The following board member was absent:

Chairwoman Stacey Mitchell
Tracy Calabrese

The following board member arrived late:

Ellen Cohen

Vice Chairwoman Lentschke declared a quorum was present, noting that all members were physically present in-person except for Chairwoman Mitchell.

3. **PUBLIC COMMENT:**

Vice Chairwoman Lentschke gave members of the public an opportunity to address the board. No members of the public addressed the board.

4. **REVIEW AND APPROVAL OF MINUTES FROM PRIOR MEETING:**

Following a motion by Director Lois Moore and seconded by Director Philip Hilder, the board unanimously approved the March 11, 2022 meeting minutes.

5. **ANNUAL APPOINTMENT OF CORPORATE OFFICERS:**

Pursuant to the corporation’s bylaws, the board appoints HFSC’s corporate officers annually.

Vice Chairwoman Lentschke read the slate of nominees prior to the roll call vote for each position.

President – Dr. Peter Stout
Vice President – Dr. Amy Castillo
Treasurer – David Leach
Board Secretary – Amanda DeBerry

The officer nominees were all in attendance. Director Moore made a motion to approve the slate as presented. Director Anna Vasquez seconded the motion, and the board unanimously approved the slate of corporate officers.

6. **VICE CHAIR SELECTION:**

Pursuant to the corporation’s bylaws and board resolution 2020-001, each year the directors select a vice-chair of the board. Vice Chairwoman Lentschke yielded the floor to Director Vanessa Goodwin for the board to discuss the selection since she currently holds the title.

Director Goodwin reminded the board that Vice-Chair Lentschke has served in the role for the past two years and has done a great job leading at HFSC. Next, she nominated and opened up the floor for the board to consider and select Director Lentschke to serve another term as vice-chair. Director Hilder made a motion to approve and Director Moore seconded it. The motion passed unanimously in a voice vote.

Director Goodwin yielded the floor back to vice-chairwoman and she shared her continued appreciation and commitment to serve in the role for another year.

7. **PRESIDENT AND CEO DR. PETER STOUT’S REPORT:**

Dr. Stout first pointed out that the city is still considering HFSC’s proposed budget increase for the fiscal year 2023. However, there is a chance of the budget remaining at \$28 million, the same as the fiscal year 2022. He encouraged members to speak directly to council members to discuss the challenges at the lab and the need for the budget increase.

He gave a detailed overview of the pandemic impacts for HFSC, showing why the toxicology section’s backlog increased to its current status. He reported that the pandemic significantly delayed getting the validation needed to implement the new instrumentation and the LC-QQQ methods to be added to its scope so that their results could be reported. The plan is to allocate \$700,000 of the American Rescue Plan Act (ARPA) funding to outsource toxicology cases to help eliminate its backlog. The ARPA funding is separate from HFSC’s FY budget. Next, he talked through the lingering effects of the court backlogs, the rise in homicides, work supply shortages and the challenges in recruiting and retention.

Dr. Stout pointed out the surge in court subpoenas, noting that HFSC received nearly 600 subpoenas for testimony in February 2022 compared to only 23 for the same period in 2021. He said enormous spikes such as this make it difficult for the lab to manage since an average subpoena could take between one to three days of the analysts’ time away from the lab.

He briefly discussed the Joseph Colone case and the potential for the lab to rework 1,300 DNA cases, roughly \$5 million in work.

Lastly, he explained the need for the \$5.9 million increase to the FY23 budget to stabilize the workforce. The proposed budget would allocate funding to provide more personnel and raises for the technical sections and increase wages for some entry-level administrative roles. He mentioned the repercussions if the city does not approve the requested \$34 million budget. The projections rely on the added resources without which the backlogs will continue to increase, will place the lab years behind and become the target of media headlines within the next year or two. Director Francisco Medina asked if the ARPA monies were part of the budget and Dr. Stout stated that those ARPA funds are separate from HFSC's FY23 budget. ARPA funding will cover overtime in the crime scene unit, new instruments in firearms and outsourcing in toxicology. Director Ellen Cohen mentioned how people will blame the city if the budget is not approved while stressing the importance of reaching out to current councilmembers.

8. **CONSIDER APPROVAL OF A SUBRECIPIENT AGREEMENT BETWEEN THE CITY AND THE CORPORATION:**

General counsel Akilah Mance began by asking the board to consider approving an overarching agreement from the city to receive federal relief funds provided by ARPA. HFSC's eligibility for those federal relief funds is part of Mayor Sylvester Turner and the Houston City Council's public safety initiative, One Safe Houston. She then explained that the corporation worked directly with city legal to form an agreement to allocate an additional \$1.5 million to HFSC. Finally, she talked through the next step in the agreement process, noting that if the board approves, it moves to the city council for the final approval.

Director Cohen made a motion to approve the sub-recipient agreement between the city for HFSC to receive the \$1.5 million in ARPA funding. Director Moore seconded the motion, and the board unanimously approved the motion.

9. **CONSIDER AUTHORIZING A CONTRACT WITH NATIONAL MEDICAL SERVICES FOR TOXICOLOGY OUTSOURCING:**

HFSC will use part of its \$1.5 million ARPA funding for outsourcing this expenditure. Dr. Stout asked the board to approve an agreement that will allow him to negotiate and enter into a contract with National Medical Services (NMS) to continue drug confirmation for the toxicology section. He reiterated his confidence in NMS, noting that the corporation has done a lot of business with them over the past years.

Director Moore made a motion to delegate authority to Dr. Stout to negotiate and enter into a contract for toxicology outsourcing with NMS for a total contract value of \$700,000. Director Vasquez seconded the motion, and the board unanimously approved the motion.

10. **CONSIDER DELEGATING AUTHORITY TO PROCURE AND SELECT TWO 3D MICROSCOPES:**

HFSC will also use part of its \$1.5 million ARPA funding to procure and select two 3D microscopes for the firearms sections. Dr. Stout first acknowledged why he was asking for the board's approval, pointing out the need for documentation for the city since it's an ARPA expenditure. He explained that HFSC secured the designed proposals and that the plan is to remain close to the budget and make the purchase once the ARPA funds are released.

Director Moore made a motion to delegate authority to Dr. Stout to procure and select two 3D microscopes for a total contract value of \$500,000. Director Goodwin seconded the motion, and the board unanimously approved the motion.

11. **TREASURER AND CFO DAVID LEACH'S PRESENTATION REGARDING FISCAL YEAR 2022 BUDGET REALLOCATIONS:**

Mr. Leach first noted that the fiscal year 2022 final budget reallocation did not impact the total budget amount. He then shared that he moved around several line items to avoid overspending in any one specific area, noting the negative \$1.6 million in grant funding. Finally, he reminded the board that grant money is usually in a lump sum while compiling the budget. However, as the spending of the money occurs, it gets allocated to the individual line item.

11a. **CONSIDER APPROVAL OF PROPOSED FISCAL YEAR 2022 BUDGET REALLOCATIONS:**

Mr. Leach asked the board to approve the new FY 2022 budget. He noted that the net numbers are the same but that he's requesting permission to move line items around.

Director Cohen made a motion to approve the FY 2022 budget reallocations. Director Hilder seconded the motion, and the board unanimously approved the reallocations.

12. **CONSIDER AUTHORIZING A LEASE AGREEMENT WITH DE LAGE LANDEN FINANCIAL FOR ONE LC-QQQ:**

Dr. Stout began by sharing that the LC-QQQ is a piece of needed equipment in the lab. HFSC already has three and is looking to lease with an option to purchase a fourth. He mentioned that this specific instrument is more expensive than the others, noting the current supply issues. Dr. Stout then explained the logic behind leasing over purchasing, which helps manage the large capital investment on a relatively tight budget.

Director Goodwin made a motion to delegate authority to Dr. Stout to enter into a lease agreement with De Lage Landen Financial Services, Inc. for one LC-QQQ, related components and service for a total contract value of \$451,738.20. Director Medina seconded the motion, and the board unanimously approved the motion.

13. **QUALITY DIRECTOR ERIKA ZIEMAK'S REPORT:**

Ms. Ziemak reported that the quality division met its March and April submission targets for blind quality control samples and verifications.

Next, she announced that the group's publication titled, "*Blind Testing in Firearms: Preliminary Results from a Blind Quality Control Program*" was recently showcased in a presentation at the American Society of Crime Laboratory director's meeting in Reno, Nevada. She then mentioned that the quality associate who was responsible for the firearms' publication would host a webinar in June, and also present at the Association of Firearms and Tool Marks Examiner conference about the article, the data collected and HFSC's blind quality control program.

Ms. Ziemak then explained two testimony disclosures HFSC provided to the Texas Forensic Science Commission regarding the forensic biology/DNA section. The first disclosure centered around an HFSC analyst who used to work at the Texas Department of Public Safety's DNA lab in 2013. At the time, he was responsible for evidence examination in Joseph Colone's murder case. However, as an HFSC employee, he provided testimony in 2017 about the condition of DNA samples in that DPS case. The Texas Court of Criminal Appeals issued an opinion in March 2022 overturning the death sentence conviction – in part – to the DNA testimony. Because the case spanned multiple agencies, HFSC requested that TFSC conduct an investigation. The commission voted not to form an investigative panel with three commissioners to determine whether a finding of professional negligence or professional misconduct for the HFSC analyst is appropriate.

The quality division is conducting annual internal audits to wrap up on May 27. She noted they recently completed the internal audits for seized drugs, multimedia, firearms, latent prints and the toxicology sections. So far, there have been three findings in multimedia and three in latent prints.

Ms. Ziemak then mentioned HFSC recently declared conformance to 18 standards in the Organization of Scientific Area Committee's registry, highlighting one in the forensic biology/DNA section and two in firearms.

In conclusion, she reported that 29 analysts had testified this year and four transcripts are being evaluated.

14. **ADJOURNMENT:**

Vice-chair Lentschke requested a motion to adjourn the meeting. Director Hilder made a motion to adjourn. Director Moore seconded the motion. The meeting adjourned at 10:05 a.m.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the May 13, 2022 public meeting of the board.

By: *Amanda DeBerry* Amanda DeBerry, Secretary