

Visitors Sign-in-Sheet - Small Business Regulatory Review Board - June 19, 2013

	Name	Title	Organization	Email	Phone
1	Aileen Kefftel	program specialist	DHS-MRD		6429074
2	Evelyn Yamamoto	"	"		692-8076
3	Kookie Moon-Ng	NAPO	DHS-MRD	nmoon-ng@medicaid. dhs.state.hi.us	692-8134
4	E. L. Chickerwood	Administrative	DNR-DOR	E.L.Chickerwood@hawaii.gov	587-1966
5					
6					
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11					
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14					
15					
16					

~~XX~~ Photographer - email Bro. Nambu

June 19, 2013 ~ SBRRB Meeting Checklist

Member Attendance				
	Airline Preference	From	Details	Attend
✓ Chu Lan Shubert-Kwock B 1228	NA	Oahu	Parking Pass	X
Howard Lum B 1227	NA	Oahu	Parking Pass	X
✗ Craig Takamine B 1261	HA	Hawaii		✗
✓ Barbara Bennett B 1230	HA	Kauai	Parking Pass	✗
✓ Kyoko Kimura B 1229 See attached	HA	Maui	Parking Pass	X
✓ Mary Alice Evans	NA	Oahu	NA	✗
✓ Anthony Borge B 1241	NA	Oahu	NA	X
✓ Leslie Muller B 1226	HA	Maui	NA	✗
✗ Need to type up Name Plate				

Pre Meeting Checklist	
Conference Room #436 (Confirm each month)	X
Make 12+ copies of rule packages for board packets - continuous	✓
Poll board attendance - Working on it	✓
Prepare TAF for Director's approval - ASAP	✓
Airline booking ASAP - Linda/ASAP Lana-DO Bill	✓
Draft Agenda to Chair - 6-6-13	✓
Post approved agenda on SBRRB website & State Calendar & Lte. Governor's Office	✓
Send Agendas to those people who requested it	✓
Mail approved agenda to board members, M. Ahn	✓
Mail board packets Tues or Wed. June 12th or 13th 2:45pm	✓
Photographer - Remind (David H) him	✓
3-4 Days prior to meeting, send DAGS an email (or fax) re: Board members parking and attending SBRRB meeting - IMPORTANT	✓

STAFF				
Margaret Ahn ✓				X
Dori Palcovich ✓				X

Post Meeting Checklist	



Re: Discussion Leader Assignments 

Mary Alice Evans to: Dori Palcovich

05/17/2013 12:36 PM

History: This message has been forwarded.

I'll take DOH.

Dori Palcovich

Hi everyone: Acting Chair Chu Lan asked me to...

05/17/2013 10:31:49 AM

From: Dori Palcovich/DBEDT
To: Barbara Bennett <bbennett@hawaii.rr.com>, tony@rmasalesco.com, chinatownco58@yahoo.com, Leslie@theplaybookgroup.com, Kyoko Kimura <kkimura@hotelwailea.com>, Mary Alice Evans/DBEDT@DBEDT, craig@takamineconstruction.com,
Cc: clskwock@gmail.com
Date: 05/17/2013 10:31 AM
Subject: Discussion Leader Assignments

Hi everyone:

Acting Chair Chu Lan asked me to provide you all with the existing "discussion leader assignments" list as it will be discussed at the next board meeting (see attached).

Please review the list and be prepared to make any changes you would like to your assigned departments. Note - there are still a few departments that have not yet been assigned (see below). There are also several "back-up" discussion leaders needed:

- Department of Health (Medical Division)
- Department of Public Safety
- Department of Taxation

Thanks. Let me know if you should have any questions.

Dori

[attachment "Discussion Leader Assignments2012-2013.docx" deleted by Mary Alice Evans/DBEDT]



Re: Discussion Leader Assignments
Craig Takamine
to:
DPalcovi
05/17/2013 10:48 AM
Hide Details
From: Craig Takamine <craig@takamineconstruction.com>
To: DPalcovi@dbedt.hawaii.gov,
History: This message has been replied to and forwarded.

Hi Dori,

Just wanted to confirm, are the current discussion leaders set in stone? I have a really good relationship with Lt. Gov. Tsutsui and his staff. Also would be interested in backup discussion leader for Dept. of Defense and DLNR as East Hawaii has big issues relating to State land leases.

Mahalo,
Craig

Craig S. Takamine
President
Takamine Construction, Inc.
851 Leilani Street, Suite A
Hilo, HI 96720
Ph. (808) 961-9090
Cell (808) 989-8044
Fax (808) 961-9898

May 17, 2013 10:33:11 AM, DPalcovi@dbedt.hawaii.gov wrote:

>Hi everyone:

>

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>- Department of Taxation

>

>Thanks. Let me know if you should have any questions.

>

>Dori

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> ;



Re: Status
Craig Takamine to: DPalcovi

05/29/2013 03:30 PM

Thanks Dori! Enterprise is okay. Let me know if there's a problem with the car since I'm staying the night.

Hawaiian Airlines
June 19th
Flt 201 Leave Hilo 7:20 am arrive HNL 8:10 am.

June 20th
Flt 202 Leave HNL 6:01 am arrive Hilo 6:51 am

Mahalo,
Craig

Craig S. Takamine
President
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851 Leilani Street, Suite A
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Ph. (808) 961-9090
Cell (808) 989-8044
Fax (808) 961-9898

on May 28, 2013, Dori Palcovich DPalcovi@dbedt.hawaii.gov> wrote:

Hi:

Thanks for reminding me!! ;

I just walked over the governor's office and picked up the oath.

So, to answer your question, Yes, finally!! (So, sorry for the delay.)

Having said that, please let me know what days and times you would like to be scheduled coming into Honolulu and back for the June 19th board meeting.

Is Enterprise car rental okay?

Dori



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 to:
 DPalcovi
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 Hide Details
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 To: DPalcovi@dbedt.hawaii.gov,
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- Department of Taxation

Thanks. Let me know if you should have any questions.

Dori

[attachment "Discussion Leader Assignments2012-2013.docx" deleted by Mary Alice Evans/DBEDT]



RE: Receipts? and Travel Plans for June?
Kyoko Kimura
to:
Dori Palcovich
05/21/2013 04:20 PM
Hide Details
From: Kyoko Kimura <kkimura@hotelwailea.com>
To: Dori Palcovich <DPalcovi@dbedt.hawaii.gov> ,

Hi Dori:

Since I stayed overnight, no need to reimburse for parking.

For June 19. so far

HA 155 OGG 8:15
HA 344 HNL 3:27

On the same day.

But let me know when you book.

Kyoko

From: Dori Palcovich [<mailto:DPalcovi@dbedt.hawaii.gov>]
Sent: Tuesday, May 21, 2013 8:15 AM
To: Kyoko Kimura
Subject: Receipts? and Travel Plans for June?

Hi Kyoko:

Please let me know if you have any receipts from the May SBRRB meeting, and if so, how much.

I will send you a travel form for your signature.

Also, let me know if you have your travel plans scheduled for the June board meeting. We can, at least, begin the paperwork.

Thank you.

Dori

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Processed at USPS Origin Sort Facility

Processed at USPS Origin Sort Facility

Dispatched to Sort Facility

Acceptance

DATE & TIME

June 14, 2013, 2:17 pm

June 14, 2013, 8:20 am

June 14, 2013, 8:10 am

June 14, 2013, 6:49 am

June 14, 2013

June 14, 2013, 1:31 am

June 13, 2013, 11:52 pm

June 13, 2013, 7:13 pm

June 13, 2013, 9:07 am

LOCATION

HILO, HI 96720

HILO, HI 96720

HILO, HI 96720

HILO, HI 96720

HONOLULU, HI 96820

HONOLULU, HI 96820

HONOLULU, HI 96820

HONOLULU, HI 96813

HONOLULU, HI 96813

FEATURES

Expected Delivery By:
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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
9505510292693164329023	Priority Mail®	Delivered	June 15, 2013, 11:37 am	KEAAU, HI 96749	Expected Delivery By: June 14, 2013 USPS Tracking / Delivery Confirmation™
<i>Thervie Rubeyiat</i>		Out for Delivery	June 15, 2013, 11:00 am	KEAAU, HI 96749	
		Sorting Complete	June 15, 2013, 10:50 am	KEAAU, HI 96749	
		Arrival at Post Office	June 15, 2013, 7:59 am	KEAAU, HI 96749	
		Depart USPS Sort Facility	June 14, 2013	HONOLULU, HI 96820	
		Processed at USPS Origin Sort Facility	June 14, 2013, 1:29 am	HONOLULU, HI 96820	
		Processed at USPS Origin Sort Facility	June 13, 2013, 11:51 pm	HONOLULU, HI 96820	
		Dispatched to Sort Facility	June 13, 2013, 7:13 pm	HONOLULU, HI 96813	
		Acceptance	June 13, 2013, 9:08 am	HONOLULU, HI 96813	

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PRIORITIZING YOUR VALUES

We all operate from a core set of values that drive our decisions, our behavior, and our relationships. The values and beliefs we hold as important to us and the way we prioritize them is what makes us unique. Our culture and family usually are a big part of why we value the things we do. The same holds true in an organization. Below is a list of values that relates to organizational and business choices. All of them may be important to how an organization works and the decisions the leadership makes, but some will have more significance than others.

Read the list carefully and circle the **TOP 10** that are most important in the organization from your perspective.

Alaka`i – Leadership & learning
 Aloha – Unconditional love
 Ha`aha`a – Be humble, be modest, and open your thoughts
 Ho`ohana – working with intent & purpose
 Ho`ohanohano – Respect & honor the dignity of others
 Ho`okipa – Hospitality of complete giving
 Ho`omau – Perseverance & persistence
 `Ike loa – To seek knowledge & wisdom
 `Imi ola – To seek life in its highest form

Kakou – Togetherness & inclusiveness
 Kuleana – Personal sense of responsibility
 Kulia i ka nu`u – Achievement & personal excellence
 Lokahi – Harmony & unity
 Malama – To serve, honor, protect & care for
 Nana i ke kumu – Look to your source; find your truth
 Ohana – Family – the human circle of Aloha
 Pono – Rightness & balance

- | | | |
|-------------------------|------------------------------|------------------------------|
| Accountability | Fairness | Problem Solving |
| Accuracy | Faith | Progress |
| Adventure | Flexibility | Quality of work |
| Appreciation, Gratitude | Freedom | Respect of you by others |
| Beauty | Friendship | Responsiveness |
| Calm | Fun | Results-oriented |
| Challenge | Goodness | Risk |
| Change | Hard work | Safety |
| Cleanliness | Honesty | Satisfying others |
| Collaboration | Honor | Security |
| Commitment | Humor | Self-reliance |
| Communication | Independence | Service (to others, society) |
| Community | Innovation | Skill |
| Competence | Integrity | Speed |
| Competition | Justice | Stability |
| Continuous Improvement | Leadership | Status |
| Contribution | Loyalty | Strength |
| Cooperation | Money | Success |
| Coordination | Openness | Teamwork |
| Creativity | Optimism | Timeliness |
| Cultural Identity | Peace, Non-violence | Tradition |
| Customer Satisfaction | Perfection (e.g. of details) | Trust |
| Decisiveness | Personal Growth | Truth |
| Joy | Pleasure | Variety |
| Discipline | Positive attitude | Wealth |
| Discovery | Power | Wisdom |
| Efficiency | Practicality | |
| Equality | Privacy | |



**DEPARTMENT OF HUMAN SERVICES
MEDQUEST DIVISION
AFFORDABLE CARE ACT (ACA) HAWAII ADMINISTRATIVE RULES
FOR THE SMALL BUSINESS REGULATORY REVIEW BOARD MEETING**

Wednesday, June 19, 2013 at 9:30 a.m.

I. ACA OVERVIEW:

The Affordable Care Act expands Medicaid coverage for millions of low-income Americans and represents the most significant government expansion and regulatory overhaul of the U.S. healthcare system since the passage of Medicare and Medicaid in 1965. The Affordable Care Act raises Medicaid income requirements, new coverage populations and insures health coverage for all citizens through a Health Insurance Marketplace.

Beginning in October 2013, Medicaid eligibility and enrollment provisions will be simplified to align with the Affordable Care Act of 2010. The proposed rules contain the categorical, financial, and resource eligibility requirements, freedom of choice, enrollment, benefits and disenrollment, appeal and notice mandates by ACA.

II. IMPACT:

The proposed chapter amendments do not impact small business interests.

III. CHALLENGE TO MEDQUEST:

Med-QUEST was challenged with the goal of assuring ACA requirements and resultant federal funding through user friendly Medicaid administrative rules for applicants, recipients, health providers and advocacy agencies.

The following proposed amendments under Subtitle 12, Med-QUEST Division (MQD) of the Hawaii Administrative Rules were completed to repeal, amend or create new chapters to accomplish these goals and are composed of:

- 1) Twenty-two (22) chapters repealed and incorporated into the newly created chapters.

H.A.R. CHAPTERS §§17-1700, 17-1703, 17-1711, 17-1712, 17-1713, 17-1714, 17-1721, 17-1721.1, 17-1722.1, 17-1722.2, 17-1723, 17-1724, 17-1725, 17-1726, 17-1727, 17-1728, 17-1728.1, 17-1730, 17-1732, 17-1733, 17-1734 and 17-1735; and

- 2) Seventeen (17) chapters not impacted by ACA regulations were amended to remove definitions, delete all references to obsolete programs, repealed chapters and other housekeeping measures.

H.A.R. CHAPTERS §§17-1701, 17-1702, 17-1704, 17-1705, 17-1706, 17-1722, 17-1722.3, 17-1736, 17-1737, 17-1738, 17-1739, 17-1739.1, 17-1739.2, 17-1740.1, 17-1741, 17-1744 and 17-1745.

- 3) Twenty-six (26) chapters were newly created to align the current Medicaid program with the provisions of ACA by adopting a simplified approach to increase public understanding and access to the program.

H.A.R CHAPTERS: §§17-1700.1, 17-1703.1, 17-1711.1, 17-1712.1, 17-1713.1, 17-1714.1, 17-1715, 17-1715.1, 17-1716, 17-1717, 17-1717.1, 17-1718, 17-1719, 17-1720, 17-1720.1, 17-1723.1, 17-1723.2, 17-1723.3, 17-1724.1, 17-1724.2, 17-1725.1, 17-1730.1, 17-1733.1, 17-1734.1, 17-1735.1, and 17-1735.2.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594
Fax 808586-2572

Neil Abercrombie
Governor

Richard C. Lim
Director, DBEDT

Mary Alice Evans
Deputy Director, DBEDT

Members

Chu Lan Shubert-Kwock
Oahu

Howard Lum
Oahu

Anthony Borge
Oahu

Barbara Bennett
Kauai

Leslie Mullens
Maui

Kyoko Y. Kimura
Maui

Richard C. Lim
Director, DBEDT
Voting Ex Officio

AGENDA

Wednesday, June 19, 2013 ★ 9:30 a.m.

No. 1 Capitol District Building
250 South Hotel Street - Conference Room 436

I. Call to Order

II. Election of a Temporary Chair

III. Approval of May 15, 2013 Meeting Minutes

IV. Old Business

- A. Small Business Statement After Public Hearing for Hawaii Administrative Rules (HAR) Title 16 Chapter 115 Professional Engineers, Architects, Survey and Landscape Architects (Department of Commerce and Consumer Affairs)
No one from DCCA is attending / Discussion Leader = Kyoko

V. New Business

- A. HAR Title 13 Chapter 231 Operations of Boats, Small Boat Harbors, and Permits, Chapter 251 Waikiki and Kaanapali Ocean Waters, Chapter 253 Registration and Permit Fees, Section 13-256-3 Commercial Operator Permit Requirements, and Section 13-256-4 Commercial Vessel and Water Sports Equipment Registration Requirements (Department of Land and Natural Resources) – **Ed Underwood, Administrator, DOBOR / Discussion Leader = Leslie**
- B. HAR Title 17 Chapter 1700 Overview, Chapter 1700.1 Definitions, Chapter 1701 Availability and Cost of Department Program Manuals, Chapter 1702 Confidentiality, Chapter 1703 Administrative Appeals, Chapter 1703.1 Administrative Appeals, Chapter 1704 Fraud Provisions, Chapter 1705 Medical Assistance Recovery, Chapter 1706 Income Tax Setoff Program, Chapter 1711 Application Processing Requirements, Chapter 1711.1 Application Processing Requirements, Chapter 1712 Eligibility Re-Determinations, Chapter 1712.1 Eligibility Redeterminations, Chapter 1713 Notices, Chapter 1713.1 Notices, Chapter 1714 General Eligibility Requirements, Chapter 1714.1 General Eligibility Requirements, Chapter 1715 Children Group, Chapter 1715.1 Former Foster Care Children Group, Chapter 1716 Pregnant Women Group, Chapter 1717 Parents or Caretaker Relatives Group, Chapter 1717.1 Transitional Medical Assistance, Chapter 1718 Adults Group, Chapter 1719 Aged, Blind and Disabled Group, Chapter 1720 Benefits, Chapter 1720.1, Freedom of Choice, Enrollment and Disenrollment, Chapter 1721 Medical Assistance to Aged, Blind or Disabled Individuals, Chapter 1721.1 QUEST Expanded Access, Chapter 1722 Special Medical Assistance Coverages and Programs, Chapter 1722.1 State Medical Assistance for Immigrant Children Program, Chapter 1722.2 State Medical Assistance for Pregnant Legal Immigrant Program, Chapter 1722.3 Basic Health Hawaii, Chapter 1723 Medical Assistance to Aliens and Refugees, Chapter 1723.1 Emergency Medical Assistance for Non-Citizens, Chapter 1723.2 Refugee Medical Assistance, Chapter 1723.3 Medical Assistance for Repatriates, Chapter 1724 Income, Chapter 1724.1 Income for MAGI-Excepted Individuals, Chapter 1724.2 Modified Adjusted Gross Income (MAGI) Based Methodology, Chapter 1725

Assets, Chapter 1725.1 Assets for MAGI-Excepted Individuals, Chapter 1726 Medical Assistance for Families with Children described in Section 1931 of the Social Security Act, Chapter 1727 Hawaii Health QUEST, Chapter 1728 QUEST-Net, Chapter 1728.1 QUEST-Ace, Chapter 1730, QUEST Spenddown Program, Chapter 1730.1 Medically Needy Spenddown, Chapter 1732 Coverage of Blind or Disabled Pregnant Women and Children, Chapter 1733 Coverage of Individuals with Breast and Cervical Cancer, Chapter 1733.1 Coverage of Individuals with Breast and Cervical Cancer, Chapter 1734 – State Funded Coverage of Individuals with Breast and Cervical Cancer, Chapter 1734.1 State Funded Coverage of Individuals with Breast and Cervical Cancer, Chapter 1735 General Provisions for Fee-for-Service Medical Assistance, Chapter 1735.1 General Provisions for Fee-for-Service Medical Assistance, Chapter 1735.2 Participating Health Plans, Chapter 1736 Providers Provisions, Chapter 1737 Scope and Contents of the Fee-for-Service Medical Assistance Program, Chapter 1738 Targeted Case Management Services, Chapter 1739 Authorization, Payment, and Claims in the Fee-for-Service Medical Assistance Program, Chapter 1739.1 Authorization, Payment, and Claims in the Fee-for-Service Medical Assistance Program for Non-Institutional Services, Chapter 1739.2 Authorization, Payment, and Claims in the Fee-for-Service Medical Assistance Program–Long Term Care Prospective Payment System, Chapter 1740.1 Reimbursement of Federally Qualified Health Centers and Rural Health Clinics, Chapter 1741 Utilization Control, Chapter 1744 Coverage of Medicare Premiums, and Chapter 1745 Funeral Payments Program (Department of Human Services) – **Aileen Befitel, Kookie Moon-Ng, and Evelyn Yamamoto / Discussion Leader = Mary Alice**

VI. Administrative Matters

- A. Consultation with Board’s attorney concerning the board’s powers, duties, immunities, privileges and liabilities regarding discussions during board meeting recesses (An executive session may be called, pursuant to Section 92-5(4), Hawaii Revised Statutes) – **Chu Lan / Margaret Ahn**
- B. Review second draft of Board’s proposed Brochure and Evaluation Survey - **Barbara**
- C. Board member discussion leader assignments for the State Departments and Counties’ administrative rule review – **Chu Lan**
- D. Recommendation and approval of an investigative task force to write a report regarding this Board’s immediate clerical and budgetary needs for submission to the Governor and Legislature – **Chu Lan**
- E. Discussion of HAR Title 3 Chapter 10 Travel Rules, as applied to Board members (Department of Accounting and General Services) – **Chu Lan**
- F. Leslie Mullens to facilitate discussion on: 1) Meeting etiquette; 2) Guiding principles and values as an advisory board; and 3) Questions to consider in decision-making – **Chu Lan / Leslie**

VII. Election of a Board Chair, pursuant to Section 201M-5(d), HRS, and Election of Vice Chair and Second Vice Chair – **Chu Lan**

VIII. Adjournment

IX. Next Meeting: Scheduled for Wednesday, July 17, 2013, at 9:30 a.m., Conference Room 436, Capitol District Building, Honolulu, Hawaii



PO Box 5612
74-425 Kealahou Parkway #16
Kailua-Kona, HI 96740

Phone (808) 329-3199
Fax (808) 329-7590
Pirates@CaptainZodiac.com

June 18, 2013

Small Business Regulatory Review Board

Subject: Testimony Small Business Regulatory Review Board Meeting, Wednesday, June 19, 2013

In this request for rule changes Chapter 13-231 regarding Commercial Permits for "Ramp use", there is a proposed change 13-231-67 part (e) that would set a maximum for ramp permits at two (2) per business entity or sole proprietor.

We strongly protest this. As an operator of small boats here for 39 years, enacting this change and limiting our permits to 2 would put us out of business.

It is unfair and socialistic to place a 2 boat limit on businesses. How can we ever grow our business, hire more employees, take care of our families if we cannot expand? This type of action will, once again, attempt to make Hawaii an undesirable place to own a small business.

If DOBOR is worried about the amount of boats using a ramp then why did they issue some 20+ new permits this year allowing more and more boats to use the ramp at Honokohau. It is an insult to us to now propose limiting our permits as a way to reverse that decision.

I also have to ask that since recent addition of more ramp permits to our Honokohau Marina, what negative effects can be documented? No one is waiting in line to use the ramp, parking is available, just what is the reason for any limit? We see this proposal for 2 permits placed as an arbitrary number and would appreciate some justification for any changes or limitations.

William J. Zabolski
President
Kona Zodiac Ltd. dba Captain Zodiac



Re: June 19th SBRRB Agenda
Eric McCormick
to:
&Sbrrb
06/13/2013 03:52 PM
Hide Details
From: Eric McCormick <ericboats@live.com>
To: "&Sbrrb" <Sbrrb@dbedt.hawaii.gov>,
Please respond to <ericboats@live.com>

Aloha Dori,
Please mail me exhibit 2
Thank you,
Eric McCormick
74-425 Kealakehe Pkwy #13
Kailua-Kona, HI 96740

From: &Sbrrb
Sent: Thursday, June 13, 2013 9:32 AM
To: Eric McCormick (Kona Boat Rentals)
Subject: June 19th SBRRB Agenda

Good morning:

Attached is the SBRRB's June agenda. Due to the voluminous amount of exhibits, if you would like a copy of the exhibits as well, please send your address, and I will be happy to mail them to you.

Sincerely,

Dori Palcovich
Liaison to the SBRRB