

William Straus: [00:00:17](#) Welcome everyone to this re-convened oversight hearing of the Joint Committee on Transportation. My name is William Straus. I'm the House Co-Chair along with my Senate Co-Chair, Senator Boncore. We will start in with some witnesses, a few brief, very brief, housekeeping matters. I'd just indicate to everyone, we're proceeding on the basis, in this inquiry both on, a review of documents and witnesses. The public portion of the inquiry is what you are seeing today.

William Straus: [00:00:56](#) You'll hear from various witnesses, I'm certain. Everyone should and does need to understand that no one witness, no single document, answers the various questions that have been posed by individuals and in the public realm. And I don't know that there will be clear complete conclusions that people can come to today but more information I am certain will now become available as a result of today's hearing.

William Straus: [00:01:31](#) I just want to turn it over to my co-chair on some of those, housekeeping matters and then we'll start in with our first witness.

Joseph Boncore: [00:01:40](#) Good afternoon. Welcome everybody. I want to thank everyone for being here today as the Transportation Committee, the committee of jurisdiction over the registry of motor vehicles continues its oversight into the facts and circumstance that happened in, in an accident in June of this year. The committee on transportation is convening this oversight to look into the operating procedures of the registry of motor vehicles prior to July 1 of this year and the systems of the registry of motor vehicle, prior to June, July 1st of this year.

Joseph Boncore: [00:02:19](#) To begin to try and figure out how those systems failed, and a large public safety, catastrophe was able to take place, due to the system of these failures. I want to thank everyone who is here today. I want to thank the Secretary, and MassDOT, the Registry for their compliance, with turning over several documents the committee has requested and with providing the necessary witnesses that we had asked to be here today.

Joseph Boncore: [00:02:50](#) Just for the edification of myself, the chairman, and the members of the committee, I'm going to go through the witness list just so we know who is actually here, and is going to be providing testimony. I did see Secretary Pollack is here. Acting Registrar Jamey Tesler is also here. Former Registrar Erin Devaney is here. The, Keith Constantino, head of the Driver Control Unit director. Thank you for being here. Tom Bowes,

Director of the Merit Rating Board. Is anyone from Fast Enterprises, LLC here today?

William Straus: [00:03:31](#) They did check in, yeah.

Joseph Boncore: [00:03:32](#) Can you identify your name?

Maggie Gleason: [00:03:35](#) Maggie Gleason.

Joseph Boncore: [00:03:36](#) Maggie Gleason is present. Anyone from Grant Thornton here today? And your name, sir?

Mr. Popas: [00:03:42](#) Mr. [Pappas 00:03:42].

Joseph Boncore: [00:03:43](#) Mr. Pappas. Is there, representative from the AAMVA?

William Straus: [00:03:49](#) We got their written statement.

Joseph Boncore: [00:03:50](#) They ... Anyone here? No, but they did provide written testimony to aid us in our oversight today. And anyone from the State Police that's here today?

Speaker 1: [00:04:03](#) Yes, sir. [inaudible 00:04:04].

Joseph Boncore: [00:04:04](#) Thank you for being here. And is [Marie Breen 00:04:06] here today?

William Straus: [00:04:08](#) No. [inaudible 00:04:09].

Joseph Boncore: [00:04:09](#) I'm sorry, Brie-Anne Dwyer? Thank you. Okay without further ado ...

William Straus: [00:04:15](#) Okay. And just as we, we'll go through questioning these witness first by the chairs and then, as members indicate an interest with each of the witnesses, a little out of the ordinary we'll be asking each member to limit their questioning period for each of the witnesses to five a minute period, so that, we, we can keep moving on a, as best a schedule as we can.

William Straus: [00:04:43](#) And so the first witness we will call would be, Ms. Dwyer. Okay, it's dead time. If you could just indicate your name and, and place of employment for the members of the committee.

Brie-Anne Dwyer: [00:05:09](#) My name is Brie-Anne Dwyer. I work for MassDOT Audit Operations. I'm a project manager.

William Straus: [00:05:16](#) And is that within MassDOT as a whole specifically within the registry of motor vehicles?

Brie-Anne Dwyer: [00:05:22](#) MassDOT.

William Straus: [00:05:23](#) MassDOT as a whole. And do have a, a typical office within or at Audit Operations where you have your basic works assignments, proceed?

Brie-Anne Dwyer: [00:05:34](#) Yes.

William Straus: [00:05:34](#) Where is that?

Brie-Anne Dwyer: [00:05:35](#) 10 PPP.

William Straus: [00:05:37](#) Okay.

Brie-Anne Dwyer: [00:05:38](#) And I also work out of the Worcester Registry.

William Straus: [00:05:40](#) Okay. I first want to, indicate or, or just ask you in terms of being within audit operations, how big is that division or office within MassDOT.

Brie-Anne Dwyer: [00:05:52](#) I believe there's four departments in audit operations. Internal, external, field services, and then mine, which is the special projects unit.

William Straus: [00:06:03](#) Special projects unit. How many people work within the special projects unit?

Brie-Anne Dwyer: [00:06:08](#) Just me.

William Straus: [00:06:09](#) Just you. And is there a supervisor for all four, units?

Brie-Anne Dwyer: [00:06:14](#) Yes.

William Straus: [00:06:15](#) And, and who's that?

Brie-Anne Dwyer: [00:06:16](#) Jim Logan.

William Straus: [00:06:19](#) Okay. Sometime earlier this year as best you can point it out did you receive an assignment however, these are communicated with regard to the merit rating board within the registry of motor vehicles?

Brie-Anne Dwyer: [00:06:32](#) So, January 2 was my first day with MassDOT Audit Operations. Of 2019. I was assigned to Merit Rating Board to audit that department.

William Straus: [00:06:45](#) Okay. And before I ask you that, is there any particularized training or certification that you have within the field of auditing?

Brie-Anne Dwyer: [00:06:53](#) It was a lot of hands on. Just go in and see what you get and then just come back. I always reported everything back to my director Jim and he was pretty much training me like that. It's a lot of hands on.

William Straus: [00:07:06](#) Okay. So, starting January 2, very beginning of the year you receive an assignment from Mr. Logan, was there anything other ... Was this a verbal, communication, a sit down meeting? How, how did it come to your attention?

Brie-Anne Dwyer: [00:07:26](#) It was just a verbal. We, we usually meet once a week or every two weeks just to go over everything that we- I was doing, just to tell him. And he just explained that my first project would be Merit Rating.

William Straus: [00:07:40](#) Obviously that's your supervisor. Did he indicate, how it came to his attention?

Brie-Anne Dwyer: [00:07:48](#) No. I just-

William Straus: [00:07:49](#) Okay.

Brie-Anne Dwyer: [00:07:49](#) ... assumed that's [inaudible 00:07:50] ...

William Straus: [00:07:51](#) Somewhere further up the food chain?

Brie-Anne Dwyer: [00:07:53](#) Yeah.

William Straus: [00:07:53](#) Okay. And did you have anyone assisting or were you it on this special project in terms of staff resources?

Brie-Anne Dwyer: [00:08:02](#) It was me.

William Straus: [00:08:04](#) Okay. Were you given a contact, within the Merit Rating Board who to reach out to, to begin your work.

Brie-Anne Dwyer: [00:08:11](#) Yes, I met with Tom Bowes on January 8th.

William Straus: [00:08:16](#) Okay. And did that occur in the Quincy office of the registry?

Brie-Anne Dwyer: [00:08:21](#) Yes, I went to Quincy.

William Straus: [00:08:23](#) And for, day to day needs that you would have in, in conducting the audit work, did you make any other staff within the Merit Rating Board available to you?

Brie-Anne Dwyer: [00:08:34](#) Yes.

William Straus: [00:08:34](#) Who was that?

Brie-Anne Dwyer: [00:08:36](#) I went through each department in Merit Rating. So I would meet with the supervisors, Phil Dugas, Caroline Quan [inaudible 00:08:44], Roxanne Cokar, everybody in their department. They would show me exactly what they did so I could learn the process.

William Straus: [00:08:55](#) Now were you given any guidance whatsoever other than being assigned to the Merit Rating Board as to what you might be looking into at the Merit Rating Board?

Brie-Anne Dwyer: [00:09:03](#) He wanted me to start to finish. So if I needed to go in there and do that process and understand a job. So he wanted me to when it came in and then all the way through the whole entire process. That was what I understood I needed to do.

William Straus: [00:09:18](#) And was this your exclusive assignment-

Brie-Anne Dwyer: [00:09:20](#) Yes.

William Straus: [00:09:21](#) ... in terms of every day merit rating boards starting in January?

Brie-Anne Dwyer: [00:09:26](#) So because I was fairly new I also had trainings as well and I also helped with the Brockton Area Transit Authority for another to learn that process for training with the internal, department as well.

William Straus: [00:09:41](#) Now, did you have occasion in doing this audit work to, reach out to any outside vendors or firms who had, were doing work with either the registry or the Merit Rating Board?

Brie-Anne Dwyer: [00:09:57](#) No.

William Straus: [00:09:58](#) Okay.

Brie-Anne Dwyer: [00:09:58](#) I, I don't believe so.

William Straus: [00:09:59](#) Okay. So more specifically, Fast Technologies and the ATLAS System, would you have interacted at all with anyone over at Fast?

Brie-Anne Dwyer: [00:10:07](#) I do apol ... Yes, I did talk to [Ben Goodman 00:10:09] once.

William Straus: [00:10:10](#) Okay. So Ben Goodman is someone who works at Fast?

Brie-Anne Dwyer: [00:10:13](#) Yes.

William Straus: [00:10:14](#) And what was the subject of that conversation?

Brie-Anne Dwyer: [00:10:17](#) What I was trying to figure out is the citation processing when they were scanning it in their batches were coming back rejected. So I wanted to understand why it was coming back rejected and I didn't know if that was a problem, with the implementation of going over to ATLAS.

William Straus: [00:10:35](#) So, so what date were you working on the audit itself?

Brie-Anne Dwyer: [00:10:45](#) What day?

William Straus: [00:10:46](#) What date? How did it take? Did it take days, weeks, months?

Brie-Anne Dwyer: [00:10:51](#) I'm still ... I was still in the middle of ... I have never finished my audit yet complete-

William Straus: [00:10:55](#) Okay.

Brie-Anne Dwyer: [00:10:55](#) It's still was an ongoing-

William Straus: [00:10:57](#) So even today?

Brie-Anne Dwyer: [00:10:59](#) It's not completed.

William Straus: [00:11:00](#) Okay. So in a sense we've taken from- you from your work today auditing at the Merit Rating Board?

Brie-Anne Dwyer: [00:11:08](#) Yes.

William Straus: [00:11:08](#) Okay. You did complete some sort of preliminary findings, did you not?

Brie-Anne Dwyer: [00:11:17](#) Yes.

William Straus: [00:11:17](#) And as a result of that, you had a meeting in March of this year with Mr. Bowes. Is that correct?

Brie-Anne Dwyer: [00:11:27](#) No. Well March 6 I had a meeting with Tom.

William Straus: [00:11:31](#) You did? Okay. On March 6.

Brie-Anne Dwyer: [00:11:33](#) On March I had a meeting with Tom, asking about the open queues.

William Straus: [00:11:37](#) The open queues. Okay. Before we get into the open queues, because I have some sense you actually understand what that means, and so we're going to work to translate that into English. What I want to do and will take the chance on, on testing the technology so far today, there's a, a document number 1. If, if that could be provided to the witness and, posted on the monitors in the room.

William Straus: [00:12:20](#) I can't see a monitor. And if a copy could be given to the witness. Where is her copy? Where is her copy? Give her a copy. We covered this.

Brie-Anne Dwyer: [00:13:19](#) Thank you.

William Straus: [00:13:22](#) So if you could look at that, it's, three pages, and indicate whether, you recognize that.

Brie-Anne Dwyer: [00:13:31](#) Yes.

William Straus: [00:13:31](#) You do. Okay, I can't see the monitor from here. But I'd also ask that the document be posted on the website. So if you could identify what this, what this document you, you've, been provided is.

Brie-Anne Dwyer: [00:13:51](#) This document was, provided to Tom about three, areas of concern that I had-

William Straus: [00:13:58](#) Okay.

Brie-Anne Dwyer: [00:14:01](#) You want me to explain each three areas?

William Straus: [00:14:11](#) Okay. And it identifies three concerns, and what is the number one concern in sequence here that's identified?

Brie-Anne Dwyer: [00:14:21](#) The first one was the out of state conviction queue that had a number of open tasks that were not being worked on.

William Straus: [00:14:31](#) Okay. So, I see in that and have copies been distributed to the members of the committee? Yes, okay. In finding number one, you have the phrase, "while researching in ATLAS." Just so we're

clear, what does that mean? Are we talking papers or are we talking computer?

- Brie-Anne Dwyer: [00:14:53](#) That's the new computer system that we upgraded to from ALARS to ATLAS.
- William Straus: [00:14:58](#) Okay. So, terminology that we may hear throughout the day from- with you and, and other witness, witnesses, ATLAS is the system that was implemented in March of 2018. Is that correct?
- Brie-Anne Dwyer: [00:15:08](#) Correct.
- William Straus: [00:15:09](#) So when you are in this document talking about looking at something within ATLAS that has -- we'll get to it today -- that has nothing to do with the paper records stored in boxes somewhere else.
- Brie-Anne Dwyer: [00:15:27](#) No.
- William Straus: [00:15:28](#) Nothing. So lets talk about OOS, that stands for out of state?
- Brie-Anne Dwyer: [00:15:33](#) Out of state convictions, yep.
- William Straus: [00:15:35](#) Conviction and a queue in the terminology of the registry, a queue is what?
- Brie-Anne Dwyer: [00:15:40](#) Those are the open tasks I guess, that each department has tasks and queues. So that was an open queue that was labeled 289 NRV out of state convictions.
- William Straus: [00:15:54](#) Okay. These are electronic communications?
- Brie-Anne Dwyer: [00:15:59](#) So these were not electronic convictions. These were the documents that were scanned over. Somebody scanned the mail that we received into this file. So when we went to open up that file, you would see the mail that we had received from out of state.
- William Straus: [00:16:22](#) Okay. And so 12,829 open tasks means what?
- Brie-Anne Dwyer: [00:16:29](#) That was how many open, tasks that were available to be processed.
- William Straus: [00:16:36](#) And, and just so we're clear, a task would be a notice from another state regarding a Massachusetts driver?
- Brie-Anne Dwyer: [00:16:43](#) Yes.

William Straus: [00:16:45](#) So at the time you wrote this April 2019 within the ATLAS system. Again, forget things in boxes either in Quincy or Concord Massachusetts, we're at just under 13,000 uncompleted tasks reflecting messages from other jurisdictions, other states?

Brie-Anne Dwyer: [00:17:09](#) Yes.

William Straus: [00:17:14](#) And having made that finding, and presented it to the director of the board, you made a recommendation?

Brie-Anne Dwyer: [00:17:23](#) I did.

William Straus: [00:17:23](#) And what is the recommendation that ... Well in March when you sat with him and then in April when you created this document what was the recommendation that you made?

Brie-Anne Dwyer: [00:17:33](#) I recommend that MRB give these open tasks to the Driver Control Unit since they initially handled these requests.

William Straus: [00:17:42](#) So you learned as part of your inquiry that until somewhere around October 2016 a different unit or department within the registry named the Driver Control Unit had been responsible for handling open tasks like this?

Brie-Anne Dwyer: [00:17:59](#) I did not know the date-

William Straus: [00:18:01](#) Okay.

Brie-Anne Dwyer: [00:18:01](#) ... of when but I knew that DCU had those.

William Straus: [00:18:04](#) And DCU is that driver control unit?

Brie-Anne Dwyer: [00:18:06](#) Correct.

William Straus: [00:18:06](#) Okay. The supervisor of, the driver control unit is who?

Brie-Anne Dwyer: [00:18:13](#) Keith Constantino.

William Straus: [00:18:14](#) Did you meet with him during the course of your audit or afterwards, while you've been working on it?

Brie-Anne Dwyer: [00:18:20](#) I did not.

William Straus: [00:18:21](#) Okay. What is it about what you discovered sitting within the ATLAS system caused you to make the recommendation that

this kind of work be transferred from the merit board back to the driver control unit?

Brie-Anne Dwyer: [00:18:40](#) So prior to coming to audit I was a hearings officer for 10. I felt that this is very important, it's impactful to a driving record. There's people out there on these roads that shouldn't be and we have the information that need to be entered into the system, so I wanted to bring it to their attention.

William Straus: [00:19:02](#) That was the kind of- the work at 10 years as a hearing officer within the registry, that's a kind of, hands on experience you mentioned when I asked you at the beginning of the questioning. And, and just so you speak, your nodding your head but people can't-

Brie-Anne Dwyer: [00:19:18](#) Yes.

William Straus: [00:19:18](#) ... hear you. Okay.

Brie-Anne Dwyer: [00:19:19](#) Yes.

William Straus: [00:19:20](#) So, based on that experience you were aware from your own other work as a hearing officer how having this kind of information about out of state infractions affects what we do in Massachusetts in allowing people to have a permit to operate a motor vehicle?

Brie-Anne Dwyer: [00:19:43](#) Yes.

William Straus: [00:19:45](#) Now, the document reflects that you met with Mr. Bowes, briefed him on your preliminary findings and at the end or somewhere in it, -

Speaker 2: [00:20:10](#) [inaudible 00:20:10].

William Straus: [00:20:16](#) We'll try it. Okay. You made a, a statement in the report that, Mr. Bowes was in agreement with your recommendation that that historic task that had been within the driver control unit return there. So he agreed with you? Okay. Did he question or challenge any of your, your findings on this point?

Brie-Anne Dwyer: [00:20:38](#) Pertaining to the out of state convictions? No.

William Straus: [00:20:41](#) Okay. That's all. I'm just focusing on the out of state convictions, not the other two audit issues, only for purposes of finding number one. So this April 3rd document was prepared for communication to someone. Was it not? That's a yes?

Brie-Anne Dwyer: [00:21:01](#) Yes.

William Straus: [00:21:01](#) Okay.

Brie-Anne Dwyer: [00:21:02](#) Sorry.

William Straus: [00:21:03](#) And, how did you communicate it and to whom did you communicate your findings and recommendation?

Brie-Anne Dwyer: [00:21:13](#) So the April 3rd, this document here-

William Straus: [00:21:17](#) Yes.

Brie-Anne Dwyer: [00:21:17](#) ... I gave to Jim Logan, my director.

William Straus: [00:21:21](#) Okay.

Brie-Anne Dwyer: [00:21:22](#) And we ... That was it.

William Straus: [00:21:24](#) Physically handed it to him or by-

Brie-Anne Dwyer: [00:21:26](#) I email.

William Straus: [00:21:26](#) You emailed it to him.

Brie-Anne Dwyer: [00:21:28](#) I sent through email.

William Straus: [00:21:29](#) In the email that you sent was it essentially April 3rd, maybe the 4th?

Brie-Anne Dwyer: [00:21:33](#) It was April 22nd.

William Straus: [00:21:34](#) April 22nd, this document goes to your supervisor, Jim Logan within the big MassDOT? In that transmission by you of your report, did you include on the email anyone else?

Brie-Anne Dwyer: [00:21:56](#) No.

William Straus: [00:21:58](#) Did Mr. Logan acknowledge receipt of the email?

Brie-Anne Dwyer: [00:22:02](#) Yes, I believe. I-

William Straus: [00:22:04](#) Electronically or verbally?

Brie-Anne Dwyer: [00:22:06](#) He, he usually responds. I mean, I email frequently with him so he's pretty much on top of that all the time. So I would assume yes. I can't remember 100%.

William Straus: [00:22:15](#) Is your workstation or office, area near his physically within-

Brie-Anne Dwyer: [00:22:21](#) If I'm in Boston, yes.

William Straus: [00:22:21](#) Okay. Same floor?

Brie-Anne Dwyer: [00:22:23](#) Yes.

William Straus: [00:22:24](#) Next door. Within a few feet?

Brie-Anne Dwyer: [00:22:27](#) Yes.

William Straus: [00:22:27](#) Okay. Do you recall any specific, either emails from him or verbal communications, either in face or by telephone, regarding the contents of your audit recommendation?

Brie-Anne Dwyer: [00:22:44](#) What I understood at this point we were at a moot point until June and July.

William Straus: [00:22:50](#) I'm sorry?

Brie-Anne Dwyer: [00:22:51](#) We were, we were ... We couldn't do anything until we knew if they were going to comply with the recommendation or not because he had till June 28th. It was still an open-

William Straus: [00:23:02](#) You're going to have to explain why, it was an open issue until the end of June.

Brie-Anne Dwyer: [00:23:08](#) Because the recommendation says that he would- he had 60 days to do it. So on June 28, 2019 is when I understood that everything would be turned over to DCU. So, in April when I gave this to my, director I was just under the impression that we wait until June. And I still moved on with my audit because this was only just part of it. I was still auditing the department.

William Straus: [00:23:36](#) Other things within the-

Brie-Anne Dwyer: [00:23:36](#) Yes.

William Straus: [00:23:36](#) ... merit rating board? do you have any knowledge that Mr. Bowes was made aware of this, preliminary, findings and recommendation?

Brie-Anne Dwyer: [00:23:49](#) Yes, I emailed this over to him.

William Straus: [00:23:51](#) Okay. So, I, I asked you earlier-

Brie-Anne Dwyer: [00:23:53](#) I apologize.

William Straus: [00:23:54](#) Okay.

Brie-Anne Dwyer: [00:23:55](#) So I think I sent it ... I do apologize. I think I ... It was finalized with, Tom Bowes on 4/19. I sent this over to Jim Logan on 4/22.

William Straus: [00:24:07](#) Okay. Did you have any indication that anyone was going to not implement the finding- the recommendation here?

Brie-Anne Dwyer: [00:24:15](#) I didn't think so. My understanding, I'm in audit, I sent the recommendation. There's findings and being fairly new I'm just learning how things work so I'm not ... I thought it would've been done.

William Straus: [00:24:26](#) Okay. As far as you know it wasn't done?

Brie-Anne Dwyer: [00:24:33](#) I don't think so, no. No.

William Straus: [00:24:35](#) Okay. Has anyone else either within MassDOT or within the registry ever sat down with you to review and ask you about the recommendations and findings that you had made, on this topic?

Brie-Anne Dwyer: [00:24:49](#) Yes.

William Straus: [00:24:50](#) Who was that?

Brie-Anne Dwyer: [00:24:51](#) So the, the other paper that was underneath?

William Straus: [00:24:54](#) Right.

Brie-Anne Dwyer: [00:24:55](#) On March 26, 2018, that was actually a meeting I met with somebody on March 14th. I presented this prior to going to Tom to Erin Devaney.

William Straus: [00:25:10](#) So who did you sit with?

Brie-Anne Dwyer: [00:25:14](#) Erin Devaney, Devaney, Jim Logan, field service audit, and myself.

William Straus: [00:25:23](#) And who is field services audit?

Brie-Anne Dwyer: [00:25:25](#) They're also part of the internal audit.

William Straus: [00:25:29](#) Okay.

Brie-Anne Dwyer: [00:25:30](#) Internal.

William Straus: [00:25:31](#) And I'm sorry, what was the date of that meeting/

Brie-Anne Dwyer: [00:25:33](#) March 14th.

William Straus: [00:25:35](#) Of 2019?

Brie-Anne Dwyer: [00:25:37](#) Correct.

William Straus: [00:25:38](#) Where did the meeting take place?

Brie-Anne Dwyer: [00:25:39](#) Erin's office.

William Straus: [00:25:41](#) One or a number of people from field services?

Brie-Anne Dwyer: [00:25:45](#) I believe there was three.

William Straus: [00:25:48](#) Three? Do you remember any of the names?

Brie-Anne Dwyer: [00:25:51](#) Stacy, Jerry, Stacy Fletcher, Jerry Robashaun (sp?), Cheryl Collaro-Surette, Jim Logan, and myself.

William Straus: [00:26:03](#) How long did the meeting last?

Brie-Anne Dwyer: [00:26:05](#) They had an hour meeting. But it wasn't all my meeting.

William Straus: [00:26:10](#) Okay. So it was a meeting for an hour-

Brie-Anne Dwyer: [00:26:11](#) I just had a [crosstalk 00:26:11] ...

William Straus: [00:26:11](#) It was a meeting for an hour but this topic did not take up the full hour?

Brie-Anne Dwyer: [00:26:15](#) No.

William Straus: [00:26:16](#) How long did this take up, if you recall?

Brie-Anne Dwyer: [00:26:19](#) About 10, 15 minutes.

William Straus: [00:26:21](#) Okay. Did you believe coming out of that March 2019 meeting with the registrar and others that the, that changes would be made in terms of the out of state violation assignments?

Brie-Anne Dwyer: [00:26:40](#) I, I was not sure.

William Straus: [00:26:45](#) Why? What, what-

Brie-Anne Dwyer: [00:26:47](#) Because-

William Straus: [00:26:47](#) ... put any doubt in your mind?

Brie-Anne Dwyer: [00:26:49](#) I would think that when you present something you would get some follow through. Yes.

William Straus: [00:26:56](#) Okay.

Brie-Anne Dwyer: [00:26:57](#) But, I'm not sure. I followed up on my research so on March 22nd I also saw that the numbers stayed the same. So that even after the meeting with Erin it was no progress on the 12,000 open tasks. So ...

William Straus: [00:27:14](#) Okay.

Brie-Anne Dwyer: [00:27:14](#) That's why I presented this to Tom.

William Straus: [00:27:15](#) Okay. So let me ask, certainly there was a terrible tragedy in late June in New Hampshire. And the Registrar, resigned from office and we now have an acting registrar. Have you been pulled into any review of the processes and operations of either the registry as a whole or merit rating subsequently with, the new acting registrar?

Brie-Anne Dwyer: [00:27:50](#) Yeah, I helped get Grant Thornton, on board with the outside audit and I was helping with the adding in the, out of state convictions.

William Straus: [00:28:00](#) Okay. How soon after, Mr. Tesler took over did you get pulled into this work?

Brie-Anne Dwyer: [00:28:08](#) It was not first week, it was the very second ... I believe the second week, the first week of July.

William Straus: [00:28:14](#) Okay. , would you, do you remember meeting with Mr. Tesler and others to go over this?

Brie-Anne Dwyer: [00:28:21](#) Yes.

William Straus: [00:28:22](#) And where was that?

Brie-Anne Dwyer: [00:28:23](#) I presented that there was 12,000 open tasks for the out of state convictions that I thought needed to be addressed.

William Straus: [00:28:31](#) So this would be sometime in early July of this-

Brie-Anne Dwyer: [00:28:33](#) Was ... Yes. But, for ... Yeah, July 1st, I believe, 2nd.

William Straus: [00:28:38](#) Conference room meeting or in his office?

Brie-Anne Dwyer: [00:28:41](#) in Quincy conference room.

William Straus: [00:28:43](#) Okay. Other people there besides you and Mr. Tesler?

Brie-Anne Dwyer: [00:28:47](#) I think maybe he had another person, Billy Pittman.

William Straus: [00:28:50](#) I'm sorry?

Brie-Anne Dwyer: [00:28:51](#) Bill Pittman.

William Straus: [00:28:52](#) Okay. And who's he?

Brie-Anne Dwyer: [00:28:54](#) I would ... I thought he was Jamey Tesler's ... I wasn't sure. I thought he was with Jamey.

William Straus: [00:29:00](#) Fair enough. If you didn't know. , at any time have you had subsequent face to face meetings to review how things are going in terms of during July of what's happening at, merit rating or driver control?

Brie-Anne Dwyer: [00:29:13](#) No, once Grant came in, I just ... I didn't focus my audit. We stopped with the audit for that.

William Straus: [00:29:20](#) So the-

Brie-Anne Dwyer: [00:29:21](#) On merit rating.

William Straus: [00:29:22](#) Okay. So the audit has now, been frozen or ended?

Brie-Anne Dwyer: [00:29:27](#) Correct. Yes.

William Straus: [00:29:28](#) Which?

Brie-Anne Dwyer: [00:29:28](#) It's ceased for now.

William Straus: [00:29:29](#) It's ceased for now. Grant Thornton is on the case so to speak?

Brie-Anne Dwyer: [00:29:34](#) Correct.

William Straus: [00:29:35](#) Have you had to interact with, personnel from Grant Thornton regarding-

Brie-Anne Dwyer: [00:29:39](#) Yes.

William Straus: [00:29:39](#) ... their work. Is there a point person for Grant Thornton who you've worked with?

Brie-Anne Dwyer: [00:29:43](#) Yes.

William Straus: [00:29:44](#) Who's that?

Brie-Anne Dwyer: [00:29:45](#) Jimmy Pappas.

William Straus: [00:29:46](#) Okay. , anyone, else outside the registry, say, from MassDOT involved in the, I'll call it the post tragedy, work that you've been working on?

Brie-Anne Dwyer: [00:29:59](#) I'm sorry, can you-

William Straus: [00:30:00](#) Anyone else outside, registry but within the, the state government that you've been working with on these projects?

Brie-Anne Dwyer: [00:30:08](#) No.

William Straus: [00:30:09](#) Okay. I have no further questions.

Joseph Boncore: [00:30:31](#) Good afternoon Ms. Dwyer.

Brie-Anne Dwyer: [00:30:32](#) Hi.

Joseph Boncore: [00:30:32](#) You surprised at the staggering amount of out of state suspension notices that hadn't been transacted or acted upon in the registry when you started your audit?

Brie-Anne Dwyer: [00:30:47](#) Yes.

Joseph Boncore: [00:30:48](#) What was the last date you worked as a hearing officer with these- with the driver control unit at the RMV?

Brie-Anne Dwyer: [00:30:55](#) December 31st. Whatever that Friday was before the second.

Joseph Boncore: [00:30:58](#) So you made the transition right over? And when you were working as a hearing officer ...

Joseph Boncore: [00:31:00](#) And when you were working as hearing officer with the driver control unit in... prior to 2016, who was responsible for entering in out-of-state suspensions into the-

Brie-Anne Dwyer: [00:31:13](#) The D-

Joseph Boncore: [00:31:14](#) - the ALARS system at that time?

Brie-Anne Dwyer: [00:31:15](#) I was always under the impression it was DCU.

Joseph Boncore: [00:31:18](#) Okay. And when you were there was there-

Brie-Anne Dwyer: [00:31:19](#) Yes.

Joseph Boncore: [00:31:19](#) - someone that was specifically tasked with that performance?

Brie-Anne Dwyer: [00:31:22](#) I'm sorry?

Joseph Boncore: [00:31:23](#) When you were with the DCU, was there someone that was specifically tasked with that performance?

Brie-Anne Dwyer: [00:31:28](#) I believe the admin staff.

Joseph Boncore: [00:31:30](#) Okay.

Brie-Anne Dwyer: [00:31:30](#) We did that on a daily basis.

Joseph Boncore: [00:31:33](#) You did what?

Brie-Anne Dwyer: [00:31:34](#) We added convictions, out-of-state convictions, if the customer came in-

Joseph Boncore: [00:31:39](#) Right.

Brie-Anne Dwyer: [00:31:39](#) -we would have to do that as part of our job duties.

Joseph Boncore: [00:31:41](#) All right. And that was... you were trained in how to identify out-of-state convictions, correct?

Brie-Anne Dwyer: [00:31:47](#) We had training in motor vehicle law and AAMVA, yes.

Joseph Boncore: [00:31:51](#) And training in other laws-

Brie-Anne Dwyer: [00:31:53](#) Yes.

Joseph Boncore: [00:31:53](#) - and other jurisdictions' laws and how that would kind of interchange with Massachusetts driver license, correct?

Brie-Anne Dwyer: [00:31:58](#) Correct.

Joseph Boncore: [00:31:59](#) Okay. so you would physically enter in, out-of-state suspension notices?

Brie-Anne Dwyer: [00:32:05](#) Yes.

Joseph Boncore: [00:32:06](#) When you were working there at the DCU was there ever a backlog of out-of-state suspension notices that hadn't been entered into the system?

Brie-Anne Dwyer: [00:32:18](#) I am not aware fully. I'm not... I don't know. I don't remember. I don't recall.

Joseph Boncore: [00:32:24](#) Okay.

Brie-Anne Dwyer: [00:32:25](#) (laughs)

Joseph Boncore: [00:32:25](#) No it's, I mean- (laugh)

Brie-Anne Dwyer: [00:32:26](#) I'm sorry.

Joseph Boncore: [00:32:27](#) Is, I mean, would- did you ever see boxes at DCU of-

Brie-Anne Dwyer: [00:32:31](#) No.

Joseph Boncore: [00:32:32](#) - unprocessed paperwork?

Brie-Anne Dwyer: [00:32:33](#) No.

Joseph Boncore: [00:32:33](#) Did hearing officers ever work overtime to process-

Brie-Anne Dwyer: [00:32:37](#) no.

Joseph Boncore: [00:32:37](#) - to process out-of-state suspensions?

Brie-Anne Dwyer: [00:32:40](#) No.

Joseph Boncore: [00:32:41](#) When you, did- began this, audit of the merit rating board, you went through all their systems. Correct?

Brie-Anne Dwyer: [00:32:49](#) Correct.

Joseph Boncore: [00:32:49](#) Did you, did you go through any training materials?

Brie-Anne Dwyer: [00:32:54](#) For Merit Rating Board?

Joseph Boncore: [00:32:56](#) Yeah, for their employees and personnel?

Brie-Anne Dwyer: [00:32:59](#) No.

Joseph Boncore: [00:32:59](#) Okay.

Brie-Anne Dwyer: [00:33:00](#) They had limited SOPs, so...

Joseph Boncore: [00:33:04](#) And just, SOPs, standard operating-

Brie-Anne Dwyer: [00:33:05](#) Standard operational procedures.

Joseph Boncore: [00:33:07](#) Okay.

Brie-Anne Dwyer: [00:33:07](#) So.

Joseph Boncore: [00:33:07](#) Are you aware if the merit rating board staff and personnel ever receive the same training that you received as a hearing officer on out-of-state laws, out-of-state conviction suspension notices, and how they interchange with Massachusetts drivers' licenses?

Brie-Anne Dwyer: [00:33:24](#) No. Nobody mentioned anything like that.

Joseph Boncore: [00:33:26](#) Okay. In your time working with the merit rating board, you never became aware if they had the training to process the same-

Brie-Anne Dwyer: [00:33:34](#) No.

Joseph Boncore: [00:33:34](#) - information. Would it surprise you that they didn't have that training to process the information?

Brie-Anne Dwyer: [00:33:39](#) No.

Joseph Boncore: [00:33:40](#) It wouldn't surprise you?

Brie-Anne Dwyer: [00:33:41](#) It wouldn't surprise me, no.

Joseph Boncore: [00:33:42](#) Okay. And when you were, working at DCU, were you working at the- that's at Haymarket?

Brie-Anne Dwyer: [00:33:48](#) I worked in Worcester.

Joseph Boncore: [00:33:50](#) You worked in Worcester.

Brie-Anne Dwyer: [00:33:51](#) Yes.

Joseph Boncore: [00:33:51](#) Okay. And at that time, you weren't aware of any backlog... okay.

Brie-Anne Dwyer: [00:33:55](#) No. That's why I wouldn't see what was at Haymarket, because I worked in the satellite out in Worcester, at the RMV.

Joseph Boncore: [00:34:00](#) Okay. All right. And when you met with, Mr. Bowes in March of 2019, did you ask him who was responsible at the Merit Rating Board for entering in these transactions?

Brie-Anne Dwyer: [00:34:18](#) I asked who was... There was somebody on there that was non-active, so I asked who was in charge of the out-of-state convictions.

Joseph Boncore: [00:34:27](#) Co- just- someone unaware.

Brie-Anne Dwyer: [00:34:28](#) On the open tasks.

Joseph Boncore: [00:34:30](#) Okay.

Brie-Anne Dwyer: [00:34:30](#) The queue. It had an ATLAS person that was grayed out. So I had asked who was in charge of those, and he stated, "Nobody."

Joseph Boncore: [00:34:39](#) Oh.

Brie-Anne Dwyer: [00:34:40](#) At this time.

Joseph Boncore: [00:34:42](#) Meaning that no one from ATLAS or Fast Technologies was active?

Brie-Anne Dwyer: [00:34:48](#) No employee was attached to that open task.

Joseph Boncore: [00:34:50](#) Okay. And is that an employee of ATLAS, or is that an employee of the Registry?

Brie-Anne Dwyer: [00:34:55](#) The Registry.

Joseph Boncore: [00:34:56](#) Okay. So no one had been assigned that task at that time. And earlier, you provided testimony that the documents were scanned in?

Brie-Anne Dwyer: [00:35:06](#) Yes.

Joseph Boncore: [00:35:06](#) Okay. Can you tell us that procedure and how that happens?

Brie-Anne Dwyer: [00:35:10](#) I do not know how they were scanned in, all I know is that when I would pull up the, open tasks, you could see the document that was scanned in. And you could see it was a letter from whatever state. I had a sample that shows, what was actually in those transactions.

Joseph Boncore: [00:35:29](#) [inaudible 00:35:29] Okay.

Brie-Anne Dwyer: [00:35:29](#) I...

Joseph Boncore: [00:35:30](#) But you don't know how that process took place-

Brie-Anne Dwyer: [00:35:33](#) I did not. No.

Joseph Boncore: [00:35:33](#) - of scanning that in? And you don't know if mail was opened or unopened.

Brie-Anne Dwyer: [00:35:37](#) I- no.

Joseph Boncore: [00:35:37](#) At that time, were you were made aware of, of a backlog-

Brie-Anne Dwyer: [00:35:40](#) No.

Joseph Boncore: [00:35:40](#) - in the mailings with paper processes from out of state?

Brie-Anne Dwyer: [00:35:45](#) No.

Joseph Boncore: [00:35:45](#) That was never brought up during any of your meetings with any-

Brie-Anne Dwyer: [00:35:48](#) No.

Joseph Boncore: [00:35:48](#) - of the interested personnel? Okay.

Joseph Boncore: [00:35:56](#) [inaudible 00:35:56] And what led you to come to the conclusion that the DCU should be doing this task?

Brie-Anne Dwyer: [00:36:14](#) When I had a discussion with Tom on March 6th, he stated that he received them from DCU, and I said, "That's where I always thought they came from."

Joseph Boncore: [00:36:25](#) Mm-hmm (affirmative).

Brie-Anne Dwyer: [00:36:28](#) And, he said he'd get those handed over from Keith.

Joseph Boncore: [00:36:31](#) Right. And did he get into why he wasn't able to process them, or- I'm sorry, the Merit Rating Board wasn't able to process them?

Brie-Anne Dwyer: [00:36:38](#) No.

Joseph Boncore: [00:36:39](#) Did he ever get into why he was... why... what led you to believe that DCU should be doing this work?

Brie-Anne Dwyer: [00:36:46](#) That's where I always thought they came from. I always thought DCU was in charge of those. As, being a hearings officer, we add convictions in.

Joseph Boncore: [00:36:55](#) Right.

Brie-Anne Dwyer: [00:36:55](#) So I felt that... Merit Rating is like data entry- this isn't data entry. So it's more involved. You have to have, like, the skills- you know, and you need to know the laws, the AMVAA. There's a lot of things that entail for you to just add a conviction. That's going to impact the driving record. And my knowledge is that Merit Rating didn't have any of the... they just add an entry. They just enter in the citations. They enter in, you know, things. They weren't so... I didn't... I agreed with Tom.

Joseph Boncore: [00:37:29](#) Right. So your experience, your training, your knowledge of working with the Driver Control Unit is that the Merit Rating Board never had the...

Brie-Anne Dwyer: [00:37:37](#) Capability.

Joseph Boncore: [00:37:38](#) Capability, expertise-

Brie-Anne Dwyer: [00:37:40](#) Right.

Joseph Boncore: [00:37:40](#) - to enter an out-of-state convictions and see how they work with the Massachusetts driver's license.

Brie-Anne Dwyer: [00:37:45](#) Right.

Joseph Boncore: [00:37:46](#) Yeah, thank you.

William Straus: [00:37:47](#) Okay. Apparently I'm told there's only a certain number of microphones that can be on at a time, so. (laughter) , so, watch-watch your lights, if you're not speaking at the time.

William Straus: [00:38:04](#) We're about to, open the questioning up. And thank you for- for your patience, to the witness. We're about to open this up to members. I do want to add, and they will appear on the Committee website, shortly. Two additional documents. The first one is a memo on letterhead of Fast Enterprises. It's dated February 22, 2019. Its subject is titled Deviation from Methodology/Enforcement, and it's directed to the Registrar and that is a one and-a-half page document and that will shortly show up on the Committee website.

William Straus: [00:38:49](#) The other, for staff purposes is identified as document three. It's a memo from someone who's been identified in testimony just earlier today from a Ben Goodman. And it's regarding non-resident violator compact outgoing notices. And so if those two documents, two and three, could also be distributed to Committee members at this time. And so we'll try and get to everyone. Is there anyone who has questions, just work down the aisle.

William Straus: [00:39:26](#) Senator Lesser.

Joseph Boncore: [00:39:29](#) [inaudible 00:39:29] Before we continue I think we're having some audible issues in the back. If you could just speak directly into the microphone, we'd appreciate it. Thank you.

Senator Lesser: [00:39:35](#) Okay. Is this working? All right. So first, Ms. Dwyer, thank you for your testimony. We appreciate you coming. I know it's not an easy process, but it's very helpful to us and to the Commonwealth, and help- you helped clarify quite a lot of things, so we appreciate that. Thank you for coming.

Senator Lesser: [00:40:16](#) I wanted to just go back to the April 3rd memo and your testimony on the April 3rd memo. Just so I understand this correctly, we identified an open queue for OOS convictions, so I assume that stands for out-of-state convictions, with 12,829 open tasks. So I'm understanding that correctly, which is that you discovered basically close to 13,000 unprocessed out-of-state convictions during your initial audit on April 3rd.

Brie-Anne Dwyer: [00:40:49](#) Yes.

Senator Lesser: [00:40:50](#) Is that correct?

Senator Lesser: [00:40:51](#) And that you- do you know if Mr. Zhukovskyy from West Springfield was in that pile?

Brie-Anne Dwyer: [00:40:57](#) I do not.

Senator Lesser: [00:41:00](#) So, after discovering this, this collection of 13,000 out-of-state convictions, you then notified, and finalized the findings with Mr. Bowes on April 19th-

Brie-Anne Dwyer: [00:41:12](#) Yes.

Senator Lesser: [00:41:12](#) - correct?

Senator Lesser: [00:41:14](#) Is it possible that Mr. Zhukovskyy was in that pile, um... when you first discovered it on April 3rd?

Brie-Anne Dwyer: [00:41:23](#) So my understanding is that Zhukovskyy was May 21st. So-

Senator Lesser: [00:41:28](#) Correct, but there had been previous convictions, he had been- he had been cited in Texas and in other states, so there's a potential that he was already in that- that pile.

Brie-Anne Dwyer: [00:41:36](#) I-

Senator Lesser: [00:41:37](#) Correct?

Brie-Anne Dwyer: [00:41:37](#) I did not look through them all. I did a sampling.

Senator Lesser: [00:41:41](#) Okay. And then Zhukovskyy was arrested on May 11th, so you're correct that subsequent to your meeting with Tom Bowes, Zhukovskyy was arrested again in Connecticut. Connecticut sent its notice to Massachusetts on May 29th. So in- in theory that notice would have been sent and could have been in a queue that was still building up. Correct?

Brie-Anne Dwyer: [00:42:02](#) Yes.

Senator Lesser: [00:42:03](#) And, the crash in New Hampshire happened on June 21st. And your recommendation was to complete the audit by June 28th, but as far as you know, there had been no proactive steps to complete the recommendations of that audit.

Brie-Anne Dwyer: [00:42:19](#) Right.

Senator Lesser: [00:42:19](#) Correct?

Senator Lesser: [00:42:20](#) If the Merit Rating Board and the DCU had immediately started acting on your- your audit recommendation as soon as April 3rd or April 19th, is it possible that they would've fixed this problem before Connecticut sent its notice on May 29th?

Brie-Anne Dwyer: [00:42:35](#) It's possible.

Senator Lesser: [00:42:36](#) And so, in theory then, that would've meant that Mr. Zhukovsky's license would have been immediately suspended, correct?

Brie-Anne Dwyer: [00:42:43](#) We didn't immediately suspend at that point. We gave them a... well. If they were suspended in one state, we would give them 30 day notice.

Senator Lesser: [00:42:51](#) But the notice would be sent to him and there's a process-

Brie-Anne Dwyer: [00:42:54](#) Right.

Senator Lesser: [00:42:54](#) - for notifying law enforcement. So in your professional estimation, do you think it was possible that this crash could have been prevented and that those- those individuals in New Hampshire's lives would not have been lost if there was proper notification and if the recommendations of your audit on April 3rd were immediately acted upon?

Brie-Anne Dwyer: [00:43:12](#) It's possible, but...

Senator Lesser: [00:43:16](#) Okay. Thank you.

Rep Tucker: [00:43:25](#) Thank you, Mr. Chairman. I- I don't believe [inaudible 00:43:27] microphone at this point now works, so I'll do my best to keep my voice up.

Rep Tucker: [00:43:34](#) Ms. Dwyer, thank you for coming in as well. Just a few things. When you were brought in to do this audit, is it something that you had done previously? I know you- you were, were a hearings officer. Specifically, the question is, is the charge that you were given as an auditor, were you tasked to look at this or to look at it more broadly and just came upon it?

Brie-Anne Dwyer: [00:43:59](#) I just came upon it. I was researching on ATLAS and I just saw big numbers on different areas, and then when I saw that, I...

Rep Tucker: [00:44:10](#) So, is it fair to say that if the accident in New Hampshire had not happened, and you were not brought in to do an audit, that we wouldn't be here today and the paperwork may still be filing up somewhere in Quincy. Is that fair to say?

Brie-Anne Dwyer: [00:44:25](#) Yes.

Rep Tucker: [00:44:25](#) So, out of these almost 13,000 citations, do you have any indication of how far back, when the piling up, so to speak, had begun? Do you know what the furthest back in time of the civilian motor vehicle infraction would have been?

Brie-Anne Dwyer: [00:44:42](#) I don't.

Rep Tucker: [00:44:44](#) So, if we could back into this then, is there... is there a way to look to see how many of these would normally be coming in? You know, we get 100 a week, 500 a week? In other words, ha-

have these been piling up for years, or was it months or weeks?
Do you have any indication of that?

Brie-Anne Dwyer: [00:45:00](#) I have no indication of that. I wasn't aware of the boxes. I didn't know there was a backlog. The only thing I was aware of was the 12,000 open tasks on ATLAS.

Rep Tucker: [00:45:12](#) Okay. So, when you came in, did anybody pull you aside and say, "Hey, Brie-Anne, we've got this issue here." Or did you just find it on your own?

Brie-Anne Dwyer: [00:45:21](#) Nobody told me anything. I just was researching and found it.

Rep Tucker: [00:45:26](#) Do you know who the highest ranking official is, either at Mass DOT or RMV, that either you spoke with personally or that you know personally, actually had knowledge of this?

Brie-Anne Dwyer: [00:45:38](#) Who was the highest?

Rep Tucker: [00:45:38](#) Yes.

Brie-Anne Dwyer: [00:45:40](#) I would say Erin.

Rep Tucker: [00:45:42](#) Okay.

Brie-Anne Dwyer: [00:45:43](#) Erin Deveney.

Rep Tucker: [00:45:44](#) Deveney. Okay, and how do you know that she knew about it?

Brie-Anne Dwyer: [00:45:48](#) I gave it to her.

Rep Tucker: [00:45:49](#) So you have personal knowledge.

Brie-Anne Dwyer: [00:45:51](#) Yes.

Rep Tucker: [00:45:51](#) So, I'm interested in one other comment that you made in the... in the, the memo here. This [Casey Juan 00:45:58], whoever she may be, is listed as an administrator. And you went to, I believe, Mr. Bowes and said, "Hey, I noticed this person's inactive. Who is she? Who's in charge?" And the answer was...

Brie-Anne Dwyer: [00:46:10](#) Nobody.

Rep Tucker: [00:46:11](#) Nobody. So, was there any follow-up with that as well? Because you've got something that you've, in your words, impactful and important. And you say, "Who's in charge?" And the answer is, "Nobody." Was there any follow-up to that that you know of?

Brie-Anne Dwyer: [00:46:27](#) That's when I asked, " Nobody?" And he said, "I receive these from Keith Constantino." And I said, "I never thought you guys had this documentation. That makes sense." There was then- I went back to my boss, Jim Logan, and I explained to him how important it was.

Rep Tucker: [00:46:50](#) Which is pretty stark when you look at the last, comment here is, "They do not have time to enter them into the customer's record." Personally, as a hearings officer, how much of an impression did that make on you?

Brie-Anne Dwyer: [00:47:05](#) I was pretty taken back on the... the comment.

Rep Tucker: [00:47:10](#) Okay. And my last question, Mr. Chairman, and thank you. Separate but on the same track, do you know of any auditing that's done when it comes to fraudulent licenses? One of our colleagues has asked the RMV. Some people have multiple licenses, there are some addresses that have hundreds of people that have licenses in single family homes. Do you know anything about that at all, is your task team involved in that at all?

Brie-Anne Dwyer: [00:47:35](#) No. I am not involved with any of that. I haven't heard anything of that. That may be our field services audit unit.

Rep Tucker: [00:47:45](#) Thank you very much.

Brie-Anne Dwyer: [00:47:45](#) You're welcome.

Rep Tucker: [00:47:45](#) Thank you, Mr. Chairman.

Joseph Boncore: [00:47:50](#) Thank you. [inaudible 00:47:50] Make sure you check your mic's on.

Joseph Boncore: [00:47:54](#) Just make sure they're off when you're done. That way it will [inaudible 00:48:01].

Rep Orrall: [00:48:01](#) Thank you. [inaudible 00:48:13].

Rep Orrall: [00:48:20](#) ... do you know what the severity of those were? What those tasks involved? Or did you just [inaudible 00:48:27].

Brie-Anne Dwyer: [00:48:27](#) I went-

Rep Orrall: [00:48:31](#) - [inaudible 00:48:31] what was reported in those 12,000, as far as severity of, infraction, et cetera. Just so we can get a handle, not just on the number, but on what those actually were?

Brie-Anne Dwyer: [00:48:42](#) So, I did a sampling of those, and there were speeding violations, there were chem test refusals, there was operating under the influence. That would have an impact on a person's driver record.

Rep Orrall: [00:48:57](#) All right. Thank you.

Rep Howitt: [00:49:24](#) (laughter) I'm sorry. Thank you.

Rep Howitt: [00:49:26](#) Was there any indication in the system as to separating passenger versus CDL licenses in these numbers?

Brie-Anne Dwyer: [00:49:34](#) No.

Rep Howitt: [00:49:36](#) Thank you.

Sen Tran: [00:49:58](#) Thank you, Mr. Chairman. I'll try to speak loudly. [inaudible 00:50:01]

Sen Tran: [00:50:00](#) Ms. Dwyer, you testified that you were not aware that the [inaudible 00:50:14] document that you sent on April 3rd to the director, you testify that you were not aware that the, director received your email, nor were you aware that any actions were taken. You also testify that you met with multiple people from the Registry on March 13th, as well as a follow-up meeting on March 22nd. Are you aware of any protocol in place that would have prevented you from sending this very important document to multiple people rather than just one?

Brie-Anne Dwyer: [00:50:52](#) No, I'm not aware of anything like that.

Sen Tran: [00:50:56](#) Would you be in favor of implementing a protocol that would require an audit to be sent to multiple people than just your director?

Brie-Anne Dwyer: [00:51:08](#) It... I'm not against it, no.

Sen Tran: [00:51:12](#) What prevented you from not sending that document that you sent to the director on April 3rd to the multiple people you met on, March 13th and March 22nd?

Brie-Anne Dwyer: [00:51:25](#) So, because it was only preliminary, and those were still working on it, my audit wasn't finalized. I believe once my audit is finalized, it goes in front of a board with the Secretary.

Sen Tran: [00:51:37](#) But, did you not feel that some of the data and information that you had in that email were critical information that people should know about?

Brie-Anne Dwyer: [00:51:51](#) No, I felt it was very important. Being fairly new on January 2nd, starting my new position, I felt as though I was following the direction of my leaders.

Sen Tran: [00:52:02](#) Mm-hmm (affirmative).

Brie-Anne Dwyer: [00:52:04](#) And just learning.

Sen Tran: [00:52:07](#) Now from the time that you send the email to your director, Logan, to the time that, you were aware that he was aware of the email, what was the gap?

Brie-Anne Dwyer: [00:52:23](#) What do you... I don't understand-

Sen Tran: [00:52:23](#) That in terms of timeframe. How many days from the time that you sent the email that he didn't respond to your email, to the time that, he- to the time that you were aware that he realize of the information that you sent to him.

Brie-Anne Dwyer: [00:52:38](#) So, which person? I...

Sen Tran: [00:52:41](#) Your director, Logan.

Brie-Anne Dwyer: [00:52:42](#) My director? April 22nd is the date that I sent it. So, I'm assuming that's when he received it.

Sen Tran: [00:52:54](#) Did he, did he personally come to you and mention to you that he received your email?

Brie-Anne Dwyer: [00:53:01](#) No.

Sen Tran: [00:53:02](#) Not at all. Thank you.

Rep Blais: [00:53:15](#) So procedurally, what is supposed to happen when we receive, for example, an OUI notification from another state?

Brie-Anne Dwyer: [00:53:26](#) Through the mail? Or...

Rep Blais: [00:53:28](#) Either way.

Brie-Anne Dwyer: [00:53:29](#) So, as a hearings officer-

Rep Blais: [00:53:31](#) Yes.

Brie-Anne Dwyer: [00:53:31](#) - I can talk about a hearings office-

Rep Blais: [00:53:32](#) I would appreciate that, thank you.

Brie-Anne Dwyer: [00:53:33](#) Okay. When a customer comes in and they have to, they have a hearings of , OUI out-of-state, they need to provide us that documentation and we implement it on the system. We take action on those if they're a Mass resident. If they're not a Mass resident, we add it for historical purposes only. But based on 90-24, we're required to add OUIs to the record.

Rep Blais: [00:53:59](#) And is there a certain time period that they have to appeal?

Brie-Anne Dwyer: [00:54:03](#) They have ten days to appeal our decision.

Rep Blais: [00:54:05](#) From the notification from you?

Brie-Anne Dwyer: [00:54:07](#) Yes.

Rep Blais: [00:54:08](#) Thank you.

Joseph Boncore: [00:54:22](#) The Committee would now call Mr. Constantino.

Joseph Boncore: [00:54:26](#) Good afternoon.

Keith C.: [00:54:54](#) Good afternoon.

Joseph Boncore: [00:54:54](#) Could you just state your name for the record and your position?

Keith C.: [00:54:58](#) Keith Constantino. , director of the Driver Control Unit at the Registry of Motor Vehicles.

Joseph Boncore: [00:55:03](#) And how long you've been in this position at the RMV?

Keith C.: [00:55:06](#) Since May, 24th, 2015.

Joseph Boncore: [00:55:10](#) Okay. And what is the primary function of the Driver Control Unit at the Registry of Motor Vehicles?

Keith C.: [00:55:14](#) The primary function of the Driver Control Unit... is to perform administrative license suspension hearings for customers who are already under suspension and seeking license reinstatement. There's another function, the unit administers the ignition interlock program on behalf of the Commonwealth-

Joseph Boncore: [00:55:38](#) Mm-hmm (affirmative).

Keith C.: [00:55:39](#) - , program. , addresses license reinstatement requirements for those individuals convicted of multiple offense OUIs. Those are two core functions.

Joseph Boncore: [00:55:50](#) And how large is the staff at the Driver Control Unit currently?

Keith C.: [00:55:54](#) There's, approximately 45, people, 30 which, of, 30 of which are hearings officers that perform those administrative license suspension hearings.

Joseph Boncore: [00:56:06](#) So the administrative staff's about 15?

Keith C.: [00:56:08](#) There is a few, there is a court records division. There is an ignition interlock group, and then there are a few administrative staff.

Joseph Boncore: [00:56:19](#) At some time the Driver's Control Unit had the responsibility of handling out-of-state suspensions, correct?

Keith C.: [00:56:29](#) When I- when I came to the Unit there was no specific resource assigned to that task, and I wasn't immediately aware that that was a function within the Unit.

Joseph Boncore: [00:56:41](#) Okay. And how did you become aware that it was a function of the Unit?

Keith C.: [00:56:44](#) near the beginning of my tenure.

Joseph Boncore: [00:56:48](#) And could you give me like rough estimate of date, I guess?

Keith C.: [00:56:50](#) Probably around, August, as I was starting to, go through paperwork and clean up, a document library, I was first made aware of these out-of-state notifications. And then it was probably in the spring of 2016 where I had a better sense of the extent and, magnitude of these out-of-state notifications.

Joseph Boncore: [00:57:20](#) And how'd you become aware of the out-of-state notifications that were unprocessed?

Keith C.: [00:57:24](#) I was, again, as I was, in an effort to clean up, the records library, I was uncovering, more of these out-of-state notifications that were there.

Joseph Boncore: [00:57:38](#) Mm-hmm (affirmative).

Keith C.: [00:57:39](#) And...

Joseph Boncore: [00:57:40](#) And where, where were they?

Keith C.: [00:57:41](#) Um...

Joseph Boncore: [00:57:42](#) In- in the library? You said-

Keith C.: [00:57:43](#) So they were in the library or adjacent to the library, they were co-mingled with other mail, other, batch work or case work, the hearings officers sent to that location.

Joseph Boncore: [00:57:56](#) And how, how far did they go back?

Keith C.: [00:58:00](#) Um...

Joseph Boncore: [00:58:00](#) And this is in 2016. How old were the notices?

Keith C.: [00:58:04](#) I was able to look back to notices that were from, late 2013, I believe, 2014.

Joseph Boncore: [00:58:15](#) And do you know how they ended up there? How they ended up in the library without being processed?

Keith C.: [00:58:19](#) I don't.

Joseph Boncore: [00:58:20](#) Could you inquire?

Keith C.: [00:58:22](#) I, initially, was just trying to get a handle on what these notifications were.

Joseph Boncore: [00:58:32](#) Right. So when you did get a handle on it, did you talk to any of your superiors about what the problem was?

Keith C.: [00:58:39](#) In the... yeah. In the spring of, 2016, when I again was better able, to understand the extent, I did escalate this impediment to a project management group.

Joseph Boncore: [00:58:57](#) Were you aware of any formal procedure of processing these notifications?

Keith C.: [00:59:01](#) I was not.

Joseph Boncore: [00:59:02](#) Prior... there was no standard operating procedure in the Registry that you're aware of at that time to process these notifications?

Keith C.: [00:59:09](#) Not at that time.

Joseph Boncore: [00:59:12](#) Okay. so at some time, do you remember putting together a paper on project, or a POP?

Keith C.: [00:59:20](#) Yes.

Joseph Boncore: [00:59:21](#) And I have that document that's been turned over. Do you have that document with you today?

Keith C.: [00:59:26](#) Give me just a moment to look?

Joseph Boncore: [00:59:29](#) Yeah, or I can hand you a copy, too. Maybe one of the... that'd be helpful.

Keith C.: [00:59:40](#) Thank you.

Joseph Boncore: [00:59:42](#) And this is, you recognize this document?

Keith C.: [00:59:47](#) I do.

Joseph Boncore: [00:59:48](#) Okay. And tell me, can you tell me what- and the Committee what that, what this document is?

Keith C.: [00:59:53](#) This document represents a process by which, business unit leaders were able to submit to a project management group, impediments or business process improvements for their area.

Joseph Boncore: [01:00:10](#) Right. So you submitted one of these in regards to out-of-state suspensions?

Keith C.: [01:00:14](#) I did.

Joseph Boncore: [01:00:15](#) And that's the one- that's the document in front of you?

Keith C.: [01:00:17](#) That's the document in front of me, yes.

Joseph Boncore: [01:00:20](#) And currently, and within this document, you state the RMV is in a precarious position and that there was a three year backlog of out-of-state citations that sit unprocessed.

Keith C.: [01:00:36](#) Correct.

Joseph Boncore: [01:00:36](#) Correct? And you numbered that, how many, how many had, in July, but how- how many notifications had been unprocessed?

Keith C.: [01:00:48](#) I estimated that at 10,000 documents.

Joseph Boncore: [01:00:51](#) Okay. At some time after that, there was a memo constructed, regarding this POP.

Keith C.: [01:00:59](#) Mm-hmm (affirmative).

Joseph Boncore: [01:01:00](#) Have you seen this document? It's dated September 20th, 2016.

Keith C.: [01:01:06](#) I'm not sure. If I could get a copy of that...

Joseph Boncore: [01:01:10](#) Okay. Do you have a copy of this? Okay.

Joseph Boncore: [01:01:18](#) We'll get that document to you.

Keith C.: [01:01:19](#) Okay.

Joseph Boncore: [01:01:20](#) Also within that document, you asked if the RMV established a new process for re- and this is back to the POP, I'm sorry. New process for processing and recording out-of-state RMV citations, correct?

Keith C.: [01:01:38](#) Correct.

Joseph Boncore: [01:01:39](#) And within that, you offer that the... responsibility should be moved to the Merit Rating Board?

Keith C.: [01:01:47](#) I did offer that recommendation.

Joseph Boncore: [01:01:49](#) And you said the Merit Rating Board has a process to electronically capture the image data on- On Base?

Keith C.: [01:01:56](#) Yes.

Joseph Boncore: [01:01:56](#) And what is On Base?

Keith C.: [01:01:59](#) That was a scanning application.

Joseph Boncore: [01:02:01](#) Okay. And you said the, -

Keith C.: [01:02:00](#) ...ation.

Joseph Boncore: [01:02:01](#) Merit Rating Board is trained and equipped to process citation data regardless of the source, meaning in state or out of state, correct?

Keith C.: [01:02:14](#) I felt that they were a unit that routinely processes citation and conviction data from Massachusetts operators.

Joseph Boncore: [01:02:23](#) Mm-hmm (affirmative). Well, did you know if anyone at the Merit Rating Board was ever trained on how to do- on how to process out of state notifications?

Keith C.: [01:02:32](#) In September, we did have a small training, with the Merit Rating Group.

Joseph Boncore: [01:02:39](#) Well I mean, prior, when you executed this document instead in July that they had, the necessary functionality and were equipped to process this information?

Keith C.: [01:02:50](#) Yeah, I believe there were individuals that knew how to process out of state information through a screen that was used in the software at the time.

Joseph Boncore: [01:03:02](#) And how did you come to that point, did you talk to anybody?

Keith C.: [01:03:06](#) Through conversations.

Joseph Boncore: [01:03:07](#) With whom?

Keith C.: [01:03:08](#) With the Merit Rating Board prior to this.

Joseph Boncore: [01:03:10](#) Anyone in particular at the Merit Rating Board?

Keith C.: [01:03:12](#) I can't recall.

Joseph Boncore: [01:03:13](#) Okay.

William Straus: [01:03:19](#) And then the-

Joseph Boncore: [01:03:19](#) To pass that document to him?

William Straus: [01:03:25](#) [inaudible 01:03:25].

Joseph Boncore: [01:03:25](#) Okay, I just- let me go. So, prior to July of '16 when this process and responsibility was handed over to the Merit Rating Board, how many boxes went unprocessed at the RMV site in Haymarket?

Keith C.: [01:03:47](#) I'm not sure of the actual number of boxes. -

Joseph Boncore: [01:03:50](#) Okay. At some point ... do you recall ever emailing Tom Bowes about the boxes being picked up?

Keith C.: [01:04:04](#) Yes, sorry, yes, to that I do apologize.

Joseph Boncore: [01:04:07](#) Okay. And at that point you sent Tom Bowes a picture of the boxes, do you remember that?

Keith C.: [01:04:10](#) Yeah, I sent Mr. Bowes, the Registrar, my immediate supervisor a picture , with the labeling, and also a sheet , an attachment with respect to that information, listed by state and the number of boxes, for that.

Joseph Boncore: [01:04:32](#) Does this picture accurately reflect the ... the boxes?

Keith C.: [01:04:35](#) Yes, it does.

Joseph Boncore: [01:04:36](#) And does this second picture here?

Keith C.: [01:04:39](#) Yes.

Joseph Boncore: [01:04:39](#) So, do you know approximately how many boxes are contained here?

Keith C.: [01:04:43](#) I believe they were, approximately 72.

Joseph Boncore: [01:04:46](#) There's 72 boxes in 2016? Okay. And, what was your ... while you had those boxes was there any process that you initiated to enter in that information?

Keith C.: [01:05:01](#) No, from those boxes?

Joseph Boncore: [01:05:03](#) Okay.

Keith C.: [01:05:04](#) As you heard earlier, the hearing staff in the conducting of administrative suspension hearings would enter out of state information. And they would also look for information found from in state, records too, they would run a Massachusetts-

Joseph Boncore: [01:05:25](#) Right.

Keith C.: [01:05:25](#) Check against the criminal record and have those added as well.

Joseph Boncore: [01:05:29](#) And the hearing offices had access to the criminal records of certain people in front of them, correct?

Keith C.: [01:05:34](#) The hearings officers were authorized to run records for-

Joseph Boncore: [01:05:40](#) Was the Merit Rating Board authorized- had that same authorization?

Keith C.: [01:05:42](#) I can't speak to that, I'm not sure.

Joseph Boncore: [01:05:44](#) So you don't know if the Merit Rating Board had any access to CDLIS?

Keith C.: [01:05:50](#) I'm not sure.

Joseph Boncore: [01:05:51](#) Or CJIS, the Criminal Justice Information System?

Keith C.: [01:05:55](#) Again, I'm not sure.

Joseph Boncore: [01:05:56](#) So, when you made the recommendation that they were fully equipped to handle this you didn't have any conversations or access? And I'm not trying to be smart here I'm just asking. You didn't know if they had the ability to process that information?

Keith C.: [01:06:09](#) I didn't know if they had access to those systems that you're referencing.

Joseph Boncore: [01:06:13](#) Okay. And there was ... I mean, do you know where those boxes went? The 72 boxes?

Keith C.: [01:06:21](#) They were picked up for warehousing.

Joseph Boncore: [01:06:25](#) And where's warehousing?

Keith C.: [01:06:26](#) I'm not sure of the actual facility, -

Joseph Boncore: [01:06:28](#) Okay.

Keith C.: [01:06:28](#) We follow a standard protocol. I'm not certain where that facility is.

Joseph Boncore: [01:06:34](#) Okay. And do you ... did you know ... was there an action plan, between Tom Bowes and yourself to deal with the backlog at that time?

Keith C.: [01:06:46](#) As this information transitioned over to the Merit Rating Board, there were still some outstanding questions on processing backlog. And once it left, the Driver Control Unit in the Fall of 2016, had no further involvement, with the processing or the potential processing of the backlog.

Joseph Boncore: [01:07:08](#) Did you ever have any agreement with the Merit Rating Board that you would aid them in processing any of this information?

Keith C.: [01:07:14](#) The aid that I was giving was that we would do our best to, assemble all of those notifications which we did, organize them by state and put them chronologically, so that in the event they needed to work that information it was available.

Joseph Boncore: [01:07:38](#) So the Merit Rating Board should have had no reason to believe that they were just helping out in this responsibility and it was ... they should've understood from your testimony that it was their full responsibility to process all of the backlog.

Keith C.: [01:07:51](#) After, ... the fall of 2016 that responsibility shifted from the Driver Control Unit to the Merit Rating Board.

Joseph Boncore: [01:08:01](#) I want to reference an email that Tom Bowes sent to you on February 23rd, 2017. Tell me if you remember. I don't know if you have any of the emails. I can ask him [inaudible 01:08:19]?

William Straus: [01:08:19](#) [inaudible 01:08:19].

Joseph Boncore: [01:08:19](#) Okay.

Keith C.: [01:08:29](#) Yes.

Joseph Boncore: [01:08:29](#) In his email says, "Hey, Keith. Just want to let you know Tom and I went over the DOI. Went over to DOI regarding Fast. Near the end of the conversation, they asked about OOS situation. How to say, suspension situation. And it looks as though when all parties are ready we might start to ... on a certain date and go back six months."

Joseph Boncore: [01:08:53](#) What did you take that email to mean?

Keith C.: [01:08:55](#) That potentially that would ... they would go back six months in the backlog.

Joseph Boncore: [01:09:02](#) You were aware there was three year backlog at that time?

Keith C.: [01:09:05](#) Yes.

Joseph Boncore: [01:09:06](#) And in 72 boxes?

Keith C.: [01:09:08](#) Correct.

Joseph Boncore: [01:09:08](#) And it was your understanding that ... that next person who bore that responsibility would go back just six months through that backlog?

Keith C.: [01:09:17](#) I wasn't sure how far they would go back.

Joseph Boncore: [01:09:19](#) But is that what you took from that email?

Keith C.: [01:09:21](#) That's what I took from that email.

Joseph Boncore: [01:09:23](#) Okay. I have nothing further. Thank you.

Keith C.: [01:09:25](#) Thank you.

Speaker 7: [01:09:26](#) Can he have the microphone?

William Straus: [01:09:30](#) I'll just use this one. Thank you. before I begin the questioning, maybe not maybe. We'll add a couple of other documents in the record and then I'll be able to ask you about those. And at the same time, we'll distribute those to committee members so I would ask staff , there are documents numbered , four, five, six, and seven. If those could be put on the committee's website right now, copies distributed to the committee members and then those four, five, six and seven , separate copies given to the witness himself. And I'll just take a minute until that's all done and starting with some questions.

William Straus: [01:10:29](#) I'm good, I'm good.

Joseph Boncore: [01:11:03](#) [inaudible 01:11:03].

William Straus: [01:11:03](#) Not yet. Oh, okay. Thanks.

Speaker 8: [01:11:13](#) Thank you very much.

William Straus: [01:11:20](#) I'm sorry Ms. K- have you gotten your copies? Just, to the witness ... have copies gone to the witness? [inaudible 01:11:39]. So, let me identify just for the record and those in attendance what each of these documents are and then start asking some questions with reference to them and I appreciate the witnesses' patience. What the committee has identified as document number four, is a email sequence that ends January 28, 2019 from, Carolyn Quan. It lists recipients Keith Constantino, Tom Bowes, Chris Miller, Christopher Shacket, David Alberts. If I've got pronunciation wrong, incorrectly, I apologize. And, that email, string goes back to January 28, 2019, 3:25 PM, what now , the committee has made available , that we've identified is, document number five , is, an email exchange that ends , Friday, April 28, 2017 at 3:10 PM. It's from a Donna Brennan, and it was written to a Thale Winbush. Listing

CC recipients Richard Hill, David Alberts, Donna Cabey, Deborah Eaton, Roxanne Coker, Tom Bowes, Deborah Moore.

- William Straus: [01:13:28](#) Document six that's been made available is an email that was sent from a Richard Hill to Thale Winbush with a date of Monday, May 22, 2017, 2:09 PM and, it attaches a document that just for reference for everyone is, was referred to by Senator Boncore in his questioning of this witness that the sender Richard Hill describes as a QC or a Quality Control Report. Document seven is an email from the witness to Tom Bowes with a date of Thursday February 23, 2017, 3:50 PM with subject OOS which testimony indicates means "out of state".
- William Straus: [01:14:32](#) So, at this point let me begin some questioning. So, if I could go to the document just to follow up on my co-chair here's questions with the QC report, I'm not asking that you ... it doesn't indicate that you were in the ... the sequence for this email, but, I just want to read to you what- well let me start. Is the name Richard Hill within, either the registry or MassDOT? Is that a name you know?
- Keith C.: [01:15:03](#) Yes. I believe he was an individual who worked for the Registry.
- William Straus: [01:15:08](#) Okay, at the registry? And Thale Winbush? Is that a name known to you?
- Keith C.: [01:15:14](#) Yes, he was an individual, that helped support the ALARS software which was the software platform that the Registry of Motor Vehicles was using at the time.
- William Straus: [01:15:27](#) Okay, and just to make the calendar sequence clearer for the purposes of questions and, as an overlay even to the prior witness's testimony, there was a prior computer system that the registry used up until late March 2018 and it went by the name ALARS. A-L-A-R-S, correct?
- Keith C.: [01:15:49](#) That is correct.
- William Straus: [01:15:50](#) And that was the system that was in place when you took over at the Driver Control Unit?
- Keith C.: [01:15:54](#) Correct.
- William Straus: [01:15:55](#) And whatever its faults or attributes, it was the system that was in use when this backlog of paper, out of state notices began to pile up. Is that correct?

Keith C.: [01:16:11](#) That is correct.

William Straus: [01:16:12](#) And at least at the time you took over before responsibilities were transferred, to the Merit Rating Board, was it staff within the Driver Control Unit that processed these out of state violations?

Keith C.: [01:16:31](#) Again, we didn't have any assigned staff to handle that specific task. Hearings officers in the performance of administrative license suspension hearings would run a check against this National Driver Registrar and add information on out of state violations.

William Straus: [01:16:52](#) So you started in 2015, I think you said. And, at least for some time over a year, somewhere you were the supervisor while this was going on. And you become aware, I think you used the phrase "document library". That's what these boxes were, right?

Keith C.: [01:17:17](#) Yeah, they were in the document library.

William Straus: [01:17:19](#) Okay so they were- well, document library, these were boxed files. This wasn't like a lending library?

Keith C.: [01:17:25](#) Correct.

William Straus: [01:17:26](#) Okay. So, I prefer not to use the term library but, as I think my comments suggest, but, so, it sounds like the way you describe the processing of the out of state notices that was in some cases or when it came to the, attention of the hearing officers, that that was an imperfect system.

Keith C.: [01:17:55](#) Yes.

William Straus: [01:17:57](#) Did you take any steps while you were in control or these papers were coming in, as the Director of the Driver Control Unit to say whoever was in control of ALARS, we need some help here, there's a backlog building up?

Keith C.: [01:18:10](#) When I became more fully aware of the extent and magnitude of these out of state citations, I elevated it to senior management for resolution and I recommended that the process be transferred to the Merit Rating Board.

William Straus: [01:18:32](#) Okay. So the fix you recommended was to give the job to someone else?

Keith C.: [01:18:36](#) I felt that the Merit Rating Board was equipped to process citation and conviction data as they perform that routinely for Massachusetts operators.

William Straus: [01:18:48](#) Okay. But, again, the recommendation was, give it to someone else?

Keith C.: [01:18:54](#) The recommendation was that I felt they were better ... a more appropriate unit to handle that.

William Straus: [01:19:00](#) Okay, fair enough. You say senior management. In the chain of command within the Registry of Motor Vehicles, who was senior management higher than you?

Keith C.: [01:19:17](#) My immediate supervisors and deputy registrars um [crosstalk 01:19:23]-

William Straus: [01:19:22](#) Okay, let's just name them. Who was above you leading up to the Registrar herself?

Keith C.: [01:19:28](#) My direct, supervisor was Sara Lavoie.

William Straus: [01:19:31](#) Sara Lavoie, okay. And did you have access only to her or were you able in the protocol to communicate to anyone above you at the same time?

Keith C.: [01:19:47](#) I often followed protocol and went through my direct supervisor but I wasn't precluded from speaking with any other senior management personnel.

William Straus: [01:19:58](#) Okay. From Sarah Lavoie, where does the chain of command go or did it go at that time?

Keith C.: [01:20:03](#) I believe to the registrar.

William Straus: [01:20:04](#) To the Registrar. So, senior management was two people above you?

Keith C.: [01:20:08](#) In my direct line, yes.

William Straus: [01:20:11](#) In your line? Okay. In forming the basis for what is a serious recommendation, a substantial significant issues involving these out of state notices, whom else did you consult?

Keith C.: [01:20:31](#) When I originally presented this information it was to a project management group that contained more than just my

immediate supervisor Ms. Lavoie, and the Registrar. It was a much bigger group of individual.

- William Straus: [01:20:51](#) Who was in that project management group that you consulted about this recommendation to transfer your responsibilities to the Merit Rating Board?
- Keith C.: [01:20:58](#) There were deputy registrars, additional deputy registrars in that group. There were individuals from a consulting firm in that group that were assisting the agency with, identifying business impediments or process improvements.
- William Straus: [01:21:16](#) Okay.
- Keith C.: [01:21:17](#) And other business, individuals.
- William Straus: [01:21:20](#) What was the name of the consulting group?
- Keith C.: [01:21:22](#) Accellare.
- William Straus: [01:21:23](#) I'm sorry?
- Keith C.: [01:21:24](#) Accellare.
- William Straus: [01:21:26](#) I apologize-
- Keith C.: [01:21:27](#) (laughs).
- William Straus: [01:21:27](#) Can you just spell it?
- Keith C.: [01:21:28](#) I believe it is, A- C-C-E-L-L-A-R-E.
- William Straus: [01:21:32](#) Okay. So this project management group that you consulted on this recommendation to transfer the responsibility forming the basis of your recommendation to senior management, they must have memorialized their opinion of what you asked them to look into in some document or electronic form?
- Keith C.: [01:21:54](#) Yeah, they, did produce results from the, offsite conference where I presented this information.
- William Straus: [01:22:04](#) Okay, so is there a document where this project management group you consulted affirmed and agreed with your recommendation for the transfer of this work?
- Keith C.: [01:22:13](#) They list the, results and it does mention a four action matrix with respect to this process and the Driver Control Unit group.

William Straus: [01:22:25](#) Okay. I'm not trying to be clever, a four action matrix is just four steps to take?

Keith C.: [01:22:32](#) Yeah, it was a design that this project management team had developed to...

William Straus: [01:22:40](#) Okay.

Keith C.: [01:22:40](#) Assist in next steps.

William Straus: [01:22:42](#) So where's that document?

Keith C.: [01:22:44](#) I have that document.

William Straus: [01:22:47](#) That'd be great. As when you conclude your testimony we'll just have- let you hand that to staff and, that constitutes the support for the recommendation you made to senior management on this transfer?

Keith C.: [01:23:00](#) Yes.

William Straus: [01:23:01](#) Okay. I want to go back to the document that Senator Boncore was referencing and for this I'm- I'm referring to , what is document number six, for today that's if not already, shortly on the committee website. And that's from Richard Hill, the email sent May, 2017. And as you can read it, he talks about an attached listing where he was trying to come up with a quality control report and he describes the Driver Control Unit and I think you have that in front of you. He refers to a three-year backlog of out of state, citations sitting unprocessed. So this is May of 2017. You've mentioned in the Senator's questioning, the three-year backlog.

Keith C.: [01:23:58](#) Yes.

William Straus: [01:23:58](#) Okay, so you were aware of the three year backlog in this same rough time period?

Keith C.: [01:24:03](#) Yes.

William Straus: [01:24:04](#) Now, Mr. Hill in his document to Thale Winbush also within MassDOT, the document in front of you and now available publicly says, "This backlog of citation data entry represents thousands and then in parentheses, plus or minus 100,000 of outstanding license suspension actions." You see that, as the attachment to document six?

Keith C.: [01:24:35](#) I do.

William Straus: [01:24:42](#) It's in that paragraph in title description.

Keith C.: [01:24:45](#) Yeah.

William Straus: [01:24:46](#) You mentioned I think with the Senator questioning, questions, something like 70 boxes. Isn't 100,070 boxes more in line than what you indicated of being 10,000? Which is bad enough.

Keith C.: [01:25:03](#) Yeah, I'm not sure what that number-

William Straus: [01:25:08](#) Okay.

Keith C.: [01:25:08](#) I referenced 10,000 in the earlier project, and this simply just could have been a typo-

William Straus: [01:25:16](#) Okay.

Keith C.: [01:25:16](#) On my-

William Straus: [01:25:16](#) Okay.

Keith C.: [01:25:16](#) My part.

William Straus: [01:25:17](#) Okay.

Keith C.: [01:25:18](#) It wouldn't be inconsistent um-

William Straus: [01:25:18](#) It wouldn't be inconsistent?

Keith C.: [01:25:20](#) By 90- I would try not to be inconsistent by 90,000, no. I apologize.

William Straus: [01:25:24](#) No, no one would. I would think. Now do you know the rough time period that Mr. Bowes assumed his responsibilities at the Merit Rating Board?

Keith C.: [01:25:44](#) I believe it was in the summer of 2016.

William Straus: [01:25:47](#) Okay.

Keith C.: [01:25:47](#) Not sure of the specific date.

William Straus: [01:25:48](#) Okay. and the time's consistent with the, you know, the information we've seen. And, so he comes in, there's a backlog of some magnitude and how soon would you say after he

arrives in his new job you send up to senior management a recommendation that his staff at the Merit Rating Board receive, assignments which have already generated 70 boxes and some tens of thousands of backlog? How long was he on the job before, that welcome greeting went his way?

- Keith C.: [01:26:28](#) Not very long.
- William Straus: [01:26:29](#) Not very long. Weeks?
- Keith C.: [01:26:31](#) probably August or early September.
- William Straus: [01:26:34](#) Okay. So within a few weeks of him taking the job he finds that someone equal to him in the organizational chart is that correct? His position sits equal to you in the chain of command?
- Keith C.: [01:26:50](#) I'm not sure if it's the-
- William Straus: [01:26:51](#) Not sure. Okay. So he shows up a few weeks later, August or September, another department is recommending that their historic decades long responsibility to process out of state conviction information go to the Merit Rating Board. My question is, did you sit with him and go over this before you sent that recommendation up to senior management?
- Keith C.: [01:27:20](#) the original recommendation preceded his arrival.
- William Straus: [01:27:25](#) Preceded his arrival?
- Keith C.: [01:27:26](#) Well, the original recommendation to transition, this job to the Merit Rating Board was, in May.
- William Straus: [01:27:35](#) Okay. Now, you mentioned the project management team that formed the ... well, that you consulted with on, and their affirmation, that you indicate they provided by document for this. Did you ever speak to actual hearing officers about this recommendation?
- Keith C.: [01:27:57](#) I don't recall speaking to individual hearing officers about that recommendation, no.
- William Straus: [01:28:02](#) Okay. You heard Ms. Dwyer's testing before yours. Just based on ten years of experience of a hearing officer about, I'll characterize it as stark problems with having people who just do data entry off citations, taking over from hearing officers who have access to screens giving them access to criminal history records. You heard that testimony earlier?

Keith C.: [01:28:31](#) I did.

William Straus: [01:28:32](#) Does that make you think just, asking you to employ 20/20 vision, that maybe the recommendation was not sound to take that responsibility away from the Driver Control Unit?

Keith C.: [01:28:46](#) I don't believe so. Again, the data entry function that was being formed by the Merit Rating Board was consistent with what I thought the citation entry, the data entry of citation convictions. Because they were performing that function routinely.

William Straus: [01:29:03](#) Okay. My last question is if you know, was the Merit Rating Board under Mr. Bowes control provided with any addition of staff resources to take on this new responsibility?

Keith C.: [01:29:16](#) That I'm not sure of.

William Straus: [01:29:18](#) Okay.

Joseph Boncore: [01:29:19](#) I'm going to-

William Straus: [01:29:19](#) Yeah.

Joseph Boncore: [01:29:20](#) [crosstalk 01:29:20] this-

William Straus: [01:29:21](#) And that- I'm done.

Joseph Boncore: [01:29:21](#) Yeah. Just a couple more questions. When you began to notice there was a problem here with backlog did you ever offer any hearing officers overtime to process some of this work?

Keith C.: [01:29:38](#) I did not.

Joseph Boncore: [01:29:39](#) So it's your testimony no hearing officer would've ever worked overtime in processing the backlog, correct?

Keith C.: [01:29:44](#) Correct.

Joseph Boncore: [01:29:45](#) Was there ever ... did it ... did it ever occur to you they may need more staff to process this backlog?

Keith C.: [01:29:58](#) Again, I ... my recommendation when I understood the scope was to get it to a unit that could, I felt at the time, more appropriately process that information.

Joseph Boncore: [01:30:10](#) Even though the hearing officers where had been processing that information, and you knew they had access to certain screens and they had knowledge. Because you understood the training of the hearing officers that they would learn about other states and their processes and how an out of state, you know, arrest may affect a Massachusetts license, that was- that was training of a hearing officer, correct?

Keith C.: [01:30:37](#) Yeah, the training of a hearing officer in the conducting of a license suspension hearing I felt was different than data entry of citation or conviction information.

Joseph Boncore: [01:30:49](#) Mm-hmm (affirmative). But you didn't- did you talk to anyone at the Merit Rating Board and see if they have the training that would require, beyond data entry but understanding the difference between two states and their OUI, DUI laws?

Keith C.: [01:31:02](#) No I did not, as the posting of citation or conviction information, I felt was a data entry function.

Joseph Boncore: [01:31:13](#) Mm-hmm (affirmative).

Keith C.: [01:31:14](#) And not a license suspension hearing function, which the hearing officers do perform.

Joseph Boncore: [01:31:19](#) Right. And when you understood the mission when you took the Driver Control Unit Job, you never understood that this was the responsibility of the Merit Rating ... I mean I'm sorry, of the Driver Control Unit until you found this backlog? Did you know it was your responsibility to log this information?

Keith C.: [01:31:37](#) No, when I ... when I first came on, again, there were no resources assigned to this task and I wasn't immediately aware that this was a function. Um-

Joseph Boncore: [01:31:47](#) There was no standard operating procedure in place as to what the DCU was responsible for?

Keith C.: [01:31:52](#) Not that I'm aware of.

Joseph Boncore: [01:31:54](#) All right. And you never asked for any staff to help and, and deal with this backlog. Your idea was just to get it over to the Merit Rating Board, correct?

Keith C.: [01:32:02](#) My recommendation when I understood the scope was to get it to that unit that I felt could be more responsive in-

Joseph Boncore: [01:32:11](#) Th-

Keith C.: [01:32:12](#) In working that information.

Joseph Boncore: [01:32:13](#) Thank you.

William Straus: [01:32:15](#) Any members? Senator Lesser?

Senator Lesser: [01:32:22](#) Can you hear me?

Keith C.: [01:32:22](#) I can't.

Senator Lesser: [01:32:27](#) I'll speak louder. Thank you again for hearing the testimonies from [inaudible 01:32:33]. So just to kind of summarize what we just heard, the Driver Control Unit was [inaudible 01:32:39] charge of processing out of state notifications until September of 2016, is that correct?

Keith C.: [01:32:46](#) Correct.

Senator Lesser: [01:32:46](#) So then, basically in September of 2016, a backlog had developed, and you felt for whatever reason that the Driver Control Unit was ill equipped to manage that backlog so you transferred responsibility at that time to the Merit Rating Board, correct?

Keith C.: [01:33:02](#) Correct.

Senator Lesser: [01:33:02](#) And Tom Bowes w-

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Senator Lesser: [01:33:00](#) ... to the Merit Rating Board, correct?

Keith C.: [01:33:02](#) Correct.

Senator Lesser: [01:33:02](#) And Tom Bowes was in charge of the Merit Rating Board at that time? Correct?

Keith C.: [01:33:07](#) Correct.

Senator Lesser: [01:33:08](#) So I just want to fast forward. And it sounds like then for a series of months after that transfer, there was a dialog back and forth between you and your team at the DCU, and Mr. Bowes and his team at the MRB, about how that, that backlog was going to be processed. Is that correct?

Keith C.: [01:33:26](#) Correct.

Senator Lesser: [01:33:28](#) So, I just want to, now fast forward. There was an email that you sent to Tom Bowes. So, Keith Constantino, Department of Transportation, an email sent on Thursday, February 23rd, 2017, at 3:50 PM. So you, as head of the DCU, sent an email to Tom Bowes, who is the head of the Merit Rating Board. And the email says, "Hi Tom, thanks for the update." And just for reference, Mr. Bowes was alerting you that ... of the plan to go back six months to process the out-of-state notifications. Correct?

Keith C.: [01:34:06](#) Correct.

Senator Lesser: [01:34:06](#) So you then say, "Hope we can get confirmation from the registrar and the Governor's Office soon, to proceed." It, that's accurate. Correct?

Keith C.: [01:34:15](#) That's accurate.

Senator Lesser: [01:34:16](#) So, the Governor's Office was aware of the backlog at both the DCU and at the MRB, correct?

Keith C.: [01:34:23](#) I can say that I raised that to the registrar, back when this process was transitioning. And she had indicated that she needed to get approval, or guidance from the Governor's Office and Legal with respect to this out-of-state issue.

Senator Lesser: [01:34:43](#) Okay, and so-

Keith C.: [01:34:44](#) I'm sorry, with respect to the backlog.

Senator Lesser: [01:34:45](#) And so, did you ever receive that confirmation? We don't have the subsequent emails, but your email says, "Thanks for the update. Hope we can get confirmation from the registrar and the Governor's Office soon to proceed." So did that confirmation then come?

Keith C.: [01:34:58](#) I did not get confirmation.

Senator Lesser: [01:35:01](#) Okay. The photo that you sent, the, ... my colleague, discussed the photo of 72 boxes, or dozens of boxes with the, up to 10 thousand or potentially more notifications, that you sent by email. And the recipients of that email were Mr. Bowes and, and Registrar Deveney. Correct?

Keith C.: [01:35:22](#) Correct. And, ... Ms. Lavoie.

Senator Lesser: [01:35:25](#) And, did anybody else receive notification of those boxes?

Keith C.: [01:35:28](#) I don't believe so.

Senator Lesser: [01:35:29](#) Was the Governor's Office notified of those boxes?

Keith C.: [01:35:33](#) I'm not sure if, that information was forwarded to them or not.

Senator Lesser: [01:35:35](#) Okay. So, but you had just said that the Registrar Deveney had told you that she needed to get sign-off from Legal and from the Governor's Office. So can you clarify what exactly you mean by that? Who ...

Keith C.: [01:35:46](#) Yeah.

Senator Lesser: [01:35:46](#) ... who in the Governor's Office she was waiting to get clearance from?

Keith C.: [01:35:49](#) I'm not sure who she was waiting for specifically. It was, when the issue of the out-of-state backlog was presented she indicated that, she needed to get further guidance.

Senator Lesser: [01:36:02](#) And, but the statement she said was further guidance from Legal and from the Governor's Office?

Keith C.: [01:36:07](#) That's what I recall at the time. Yes.

Senator Lesser: [01:36:08](#) Thank you.

William Straus: [01:36:22](#) As Tom has said and advised that, if ... it's something like a 10-second lag from when you push the button. So, just be patient when I recognize you. And, before I recognize the next member, I just wanted to clarify that ... on something, the questions that Senator Lesser was asking, in terms of the Governor's Office, was there, was there anyone who seemed more or less a point of contact then on, on registry issues for people at your department level?

Keith C.: [01:36:59](#) I'm sorry. I don't understand the question.

William Straus: [01:37:00](#) Was there anyone in particular in the Governor's Office who was more or less likely to be kind of a point of contact for these kind of inquiries on registry issues?

Keith C.: [01:37:10](#) I'm not certain.

William Straus: [01:37:11](#) Not certain? Well-

Keith C.: [01:37:13](#) I'm not certain if there was a, a specific contact.

William Straus: [01:37:15](#) Okay. Well, anyone you ever talked to?

Keith C.: [01:37:18](#) No. I elevated it to the registrar and ...

William Straus: [01:37:21](#) Okay.

Keith C.: [01:37:22](#) ... took the registrar at her word ...

William Straus: [01:37:24](#) Okay.

Keith C.: [01:37:24](#) ... that she was going to get clarification.

William Straus: [01:37:25](#) Fair enough. anyone else? Rep Tucker.

Rep Tucker: [01:37:29](#) Shall I wait 10 seconds, Mr. Chair?

William Straus: [01:37:40](#) It seems to me.

Rep Tucker: [01:37:42](#) Mr. Constantino, just a couple of brief questions in clarification. And correct me if I'm wrong, you took over in about May of 2015 as the executive director of DCU. And it seems to be about a year later thereabouts, you got words that you became aware of these out- of-state suspensions. You talked about cleaning up the library. When you say the library ... I believe Chairman Straus touched on this, but I was a little uncertain, it's not a computer cleanup, it's physically cleaning up boxes in there.

Keith C.: [01:38:14](#) Correct. Yes.

Rep Tucker: [01:38:14](#) So is it safe to say that about year into the job, you find yourself in the library ... and I'm just, I don't mean to be disrespectful, I'm just trying to ... in the interest of time. You find yourself in the library, there's these boxes in there that you end up taking a photograph of. Can you just tell me how it was that you came to it? Did you just say, I'm going to open some of these up and see what they are?

Keith C.: [01:38:36](#) There were, there were many documents in boxes in that library. Again, incoming work from hearings officers, other mail. And as I continued to try to clean up the paper it's when I started to see more of the extent ...

Rep Tucker: [01:38:57](#) Okay.

Keith C.: [01:38:57](#) ... of those notifications. I hope that's more clear.

Rep Tucker: [01:39:00](#) Yeah. I appreciate that. Thank you. And, and the last part is, do you know ... I guess it's a two-part question. Do you know who physically brought those boxes in, and do you know who caused them to be brought in? As you sit here today, do you know physically how they got there, and who ordered them in?

Keith C.: [01:39:17](#) Before I got there, I can't speak to that. But the mail room employees would typically deliver mail to the agency, to the unit.

Rep Tucker: [01:39:29](#) So I'm guessing though that somebody at the, at the mail clerk's level wouldn't avail it upon themselves to say, I've got these OOSs, and I'm going to just bring them up in the library. It had to have been ordered by someone.

Keith C.: [01:39:42](#) Yeah. How they process the incoming mail, I'm not certain. But if it was addressed to the unit, it would come to the unit.

Rep Tucker: [01:39:51](#) So as you sit here today, you don't know specifically who caused those boxes to be brought there, and just stored there, and have nothing further done?

Keith C.: [01:40:00](#) I don't.

Rep Tucker: [01:40:01](#) Okay. Thank you. I appreciate it.

Rep Blais: [01:40:02](#) So it's my understanding that thousands of notifications have recently been sent out as a result of this review. And what would that letter state? What would that notification state?

Keith C.: [01:40:20](#) With respect to ... I'm sorry. I don't understand your question.

Rep Blais: [01:40:25](#) For the out-of-state ... so it's my understanding that we're catching up now, and we're sending out notifications to Massachusetts residents that their license has been suspended. What would that letter state? What would that notification say?

Keith C.: [01:40:37](#) I think it would depend on the suspension.

Rep Blais: [01:40:40](#) So it'd have the suspension. It would also have the appeal's process, I'm imagining.

Keith C.: [01:40:44](#) As part of the standard letter ...

Rep Blais: [01:40:46](#) Yeah.

Keith C.: [01:40:47](#) ... , it may.

Rep Blais: [01:40:47](#) Okay. So have hearing officers been given any training on how to handle these cases, since they are out of the ordinary?

Keith C.: [01:40:56](#) I believe ... I can't speak to any new specific training.

Rep Blais: [01:41:02](#) Mm-hmm (affirmative).

Keith C.: [01:41:05](#) They do know how to process, out-of-state hearings, and they do know how to process in-state suspension hearings as part of their job. They do have training to do that.

Rep Blais: [01:41:15](#) So in this appeal's process, is it possible that an offender could make the case that their suspension should not be upheld, due to the time that has passed since the infraction occurred?

Keith C.: [01:41:26](#) They could make that appeal.

Rep Blais: [01:41:29](#) And the hearing officers have not been given any instructions on how to handle those sorts of claims?

Keith C.: [01:41:36](#) no.

Rep Blais: [01:41:37](#) So it's possible that some of these people who have been caught up in this review may never actually have their licenses suspended?

Keith C.: [01:41:46](#) Again I'm sorry. I don't understand that question.

Rep Blais: [01:41:49](#) If a hearing officer determines ... if somebody makes the case that, you know, last summer they were pulled over for an OUI in a neighboring state ...

Keith C.: [01:41:56](#) Mm-hmm (affirmative).

Rep Blais: [01:41:57](#) ... and they're only being notified today, they could make the case that a year has passed, and their license should not be suspended.

Keith C.: [01:42:04](#) They could make that case.

Rep Blais: [01:42:05](#) But no instructions have been given to hearing officers as to how to handle this ...

Keith C.: [01:42:09](#) Mm.

Rep Blais: [01:42:10](#) ... this particular ...

Keith C.: [01:42:11](#) Well ...

Rep Blais: [01:42:11](#) ... situation?

Keith C.: [01:42:12](#) ... the hearing officer would look at that suspension information and in certain circumstances, due to an age, act on it accordingly. They wouldn't ignore a suspension, if that's-

Rep Blais: [01:42:26](#) And do we have any information about what's happening to these particular- ... or how many people are appealing these cases that are coming in now?

Keith C.: [01:42:34](#) I don't have that number of how many people are appealing cases.

Rep Blais: [01:42:36](#) Okay. Thank you.

Rep. Hecht: [01:42:46](#) Thank you, Chairman. Thank you, Mr. Constantino, for your testimony. What was your job, before you became director at DCU?

Keith C.: [01:42:58](#) I worked in the private sector.

Rep. Hecht: [01:43:02](#) So you didn't have any prior experience obviously at DCU or at the registry?

Keith C.: [01:43:08](#) I previously worked at the Registry, from 2001 to 2007.

Rep. Hecht: [01:43:15](#) So you did have six years of prior experience. And what part of the Registry did you work in then?

Keith C.: [01:43:20](#) I was a legal counsel for the Registry of Motor Vehicles.

Rep. Hecht: [01:43:24](#) Okay. You earlier said that when you did come on as director you didn't know that entering the out-of-state notices was a DCU function. And you also said you didn't have any resources in any case to do that work. You then s- or you also said that it was about a year after you came on that you became aware of the issue with the out-of-state notices. You became aware of the boxes. And you found that there was a three-year, approximately a three-year backlog represented in those, in those, in those boxes. At some point did you become aware, as you dug into this, that there was an earlier point at which hearing officers and, and the DCU did in fact enter the out-of-state, notices?

Keith C.: [01:44:26](#) I can't speak to what was happening before I came there.

Rep. Hecht: [01:44:32](#) So you didn't ... you did find though that the backlog was about three years.

Keith C.: [01:44:36](#) Correct.

Rep. Hecht: [01:44:37](#) So did you inquire about why it was a three-year backlog, if something happened three years prior to begin the process of the backlog forming? Did you inquire about the history of out-of-state notices and how they had been handled prior to the ones that you were beginning to find?

Keith C.: [01:45:01](#) I did not.

Rep. Hecht: [01:45:04](#) So you don't have any, understanding or any view on how it is that this backlog began to form? And why ... again, based on the ones that you had in front of you, it appears to have started approximately three years before you discovered the problem.

Keith C.: [01:45:22](#) Yeah. As I came to understand the extent and scope of these out-of-state notifications it was clear that somebody previous to me, was not entering this information. I mean, that, that-

Rep. Hecht: [01:45:41](#) But it didn't occur to you, or it didn't seem of interest to you, to find out why this problem had developed?

Keith C.: [01:45:51](#) My immediate focus was to escalate this to management, so that we could get resolution ... so they could recommend a resolution, for entering this backlog. Because we didn't have any resources when I came onboard that were assigned to do that.

Rep. Hecht: [01:46:09](#) Okay. Thank you.

William Straus: [01:46:09](#) It's [inaudible 01:46:18] in this direction. If, if I could, were you involved at all, either as a contact or a lead person for the implementation of the ATLAS system within the Registry of Motor Vehicles?

Keith C.: [01:46:32](#) I'm sorry, Mr. Chairman?

William Straus: [01:46:34](#) Yeah. As the director of the Driver Control Unit, did you have any kind of, working liaison position with Fast Technologies for the design and implementation of ATLAS?

Keith C.: [01:46:47](#) I was chosen as a team lead for the enforcement services group. The Registrar of Motor Vehicles had appointed me to that spot. And what we would try to do is represent our business interest

in helping to document those processes for when this new software was to be implemented.

William Straus: [01:47:16](#) Were there were you the only team lead, or were there team leads depending on the subject area?

Keith C.: [01:47:21](#) There were team leads depending upon the subject area.

William Straus: [01:47:23](#) Okay. Anyone else? Oh, Senator Chandler?

Sen Chandler: [01:47:36](#) Thank you for your testimony. It's my understanding from listening to you ... I'm sorry. Yeah. It's my understanding from listening to your testimony that in a period from 2013 to 2016 there were some 10 thousand notices violation notices, out-of-state notices, that came in 72 boxes. Is there reason to believe that those notices contained perhaps more than one suspension of a driver from Massachusetts? In other words, from the same driver in Massachusetts.

Keith C.: [01:48:24](#) There could have been suspension notices or notices for that driver. There could have been multiple notices.

Sen Chandler: [01:48:33](#) And could there have been ... That, that driver obviously could have been a danger on the road. Is that correct?

Keith C.: [01:48:41](#) Yes, that is correct.

Sen Chandler: [01:48:42](#) Was there any process or any procedure to notify the sending state that you had received this? Or did they just come in, and then they're dumped in a box?

Keith C.: [01:48:56](#) Yeah. I was unaware of a process to notify another state.

Sen Chandler: [01:48:59](#) So they just happened to be in the box. Is that correct?

Keith C.: [01:49:03](#) Correct.

Sen Chandler: [01:49:04](#) Is there a possibility that these people, could have lost their license in Massachusetts during that period of time?

Keith C.: [01:49:16](#) There is that possibility.

Sen Chandler: [01:49:18](#) Okay. Thank you.

William Straus: [01:49:35](#) Ms....

Male speaker: [01:49:36](#) Ms. Sabadosa.

Rep Sabadosa: [01:49:36](#) Thank you very much for being here today. So Ms. Dwyer testified that on April 3rd she had recommended that the out-of-state convictions, be sent to the Drivers Control Unit. Or, as it were, returned to the Drivers Control Unit. Were you ever made aware that that recommendation was made and accepted?

Keith C.: [01:49:49](#) I was not.

Rep Sabadosa: [01:49:51](#) So there was no pl- you had no plan. No knowledge that this was going to recur?

Keith C.: [01:49:55](#) I did not.

Rep Sabadosa: [01:49:57](#) Okay. And I just, one other small question. In the, the POP that you wrote on July 5th, you state that the backlog of citation data-entry represents thousands of outstanding license suspension actions and significant revenue loss. Can you quantify what significant revenue loss for the commonwealth means?

Keith C.: [01:50:18](#) When I referenced that, reinstatement fees ...

Rep Sabadosa: [01:50:20](#) Mm-hmm (affirmative).

Keith C.: [01:50:20](#) ... that may result from, these individuals being suspended.

Rep Sabadosa: [01:50:24](#) So we're talking about, we're talking about 10 thousand licenses. Now it's about 13 thousand at this point. But are we talking thousands of dollars, millions of dollars?

Keith C.: [01:50:34](#) I couldn't say for sure, and I apologize.

Rep Sabadosa: [01:50:35](#) Thank you.

Rep DeCoste: [01:50:45](#) I'm on. Mr. Constantino, thank you, thank you for appearing. I have one question, listening to your whole bureaucratic process and, and the 10 ... And I'm a retired Army officer, so I understand bureaucracies and sometimes they don't work as quickly as they should. But nowhere ... and perhaps there are documents that reference it, nowhere in there is, is any reference to a potential threat to public safety. And I'm just curious, did it ever occur to anybody to raise this as such? And maybe identify the possibility that by your inaction ... or not your inaction, by the agency's inaction somebody could possibly be hurt, maybe a number of people, and that the public was, was put, in, in a dangerous position because of that? Did

anyone raise that issue in the entire, in the entire scenario that, that you just went through?

Keith C.: [01:51:36](#) Again, I raised, that it posed a public safety risk in the pop that I presented.

Rep DeCoste: [01:51:44](#) Who did you raise it to?

Keith C.: [01:51:45](#) The project management group.

Rep DeCoste: [01:51:47](#) What did they say?

Keith C.: [01:51:49](#) At that time they were just listening to the recommendation that I was presenting.

Speaker 9: [01:51:55](#) All right. Just so I understand this, that they were aware that there was a potential for people and our citizens getting hurt. And they just kind of deferred to bureaucratic, some bureaucratic decision, I think it was within 60 days. Is that fair to say?

Keith C.: [01:52:12](#) Again, I presented the information to them.

Rep DeCoste: [01:52:14](#) And you didn't think to, to raise it again, and emphasize the fact that somebody could be hurt potentially? Or, ... because of the fact that the bureaucracy or the bureaucratic processes weren't working as they were supposed to?

Keith C.: [01:52:27](#) I didn't continuously raise it, no, to different groups.

Rep DeCoste: [01:52:31](#) Thank you.

William Straus: [01:52:31](#) Rep McGonagle.

Rep McGonagle: [01:52:35](#) Thanks, Mr. Chairman. Mr. Constantino, thank you for being here today. Where are we today with this backlog? Are we caught up, how do we get caught up? Could you ...

Keith C.: [01:52:53](#) I'm not certain where we are with the backlog today.

Rep McGonagle: [01:52:57](#) So we don't know where we are, even with the backlog today, we're not in the system yet?

Keith C.: [01:53:04](#) Yeah. I can't speak to that.

Rep McGonagle: [01:53:06](#) Okay. Thank you.

Rep Donahue: [01:53:07](#) Thank you, Mr. Chairman. Thank you, Mr. Constantino, for your testimony today. This was looking over the project on paper. You see, there's an estimated duration of three months. Was that the estimated duration to transfer the documents over to the MRB, or is that the estimated length it would take to review and process those documents?

Keith C.: [01:53:28](#) The estimated length to review and process that document, those documents.

Rep Donahue: [01:53:32](#) And was that based on the amount of staff and man hours that you had at your disposal, or what you would consider would be necessary with the MRB to execute that?

Keith C.: [01:53:41](#) Just with the MRB and their processing, as they routinely processed citation and conviction data.

Rep Donahue: [01:53:49](#) And as you said earlier, you never thought that they would require more man hours or overtime in order to meet that three-month estimated duration?

Keith C.: [01:53:56](#) I did not.

Rep Donahue: [01:53:57](#) Thank you, Mr. Chairman.

William Straus: [01:53:58](#) Thank you. Any other members of the committee with questions for the witness? Oh, I'm sorry, Rep Ryan.

Rep Ryan: [01:54:14](#) Thank you, Mr. Chairman. Thank you for being here. Some of ... the chairman touched upon it a little bit with the out-of-state documents going back and forth. But I'm wondering, both internally, within our own RMV, DOT, in the out-of-state documentations in these cases, when they move through the system, are there any redundancies in place ... whether in the technology, through like read receipts that you can do an email, or even in the postal mail with a return receipt, where does the ... Does anything come back to the sending party, so that after 30 or 60 days there's somebody on the other end of this chain here that can say, hey, I sent you this stuff sixty days ago, how come it hasn't been logged? And maybe it exists. I just, I think I'm missing it, if it does.

Keith C.: [01:55:05](#) I'm not aware of a process that does that.

Rep Ryan: [01:55:08](#) Have we since then implemented any procedures that would do that, so that we're not ... you know, I want to make sure if the

ball's being dropped, we know where it is, ... are we dropping it in two directions?

- Keith C.: [01:55:22](#) I'm not sure what action the, current leadership is taking to address that.
- Rep Ryan: [01:55:27](#) Okay. Because I think the technology is there. I can order a pizza right now, and find out when it goes in the oven. So I mean, I think that's something we really need to do right away. You, know, this ... and I'm not blaming you. I'm just asking, you happen to be sitting there. But there's got to be a two-way communication chain here, I think.
- Keith C.: [01:55:49](#) I don't disagree.
- Rep Ryan: [01:55:50](#) Thank you.
- William Straus: [01:55:51](#) Thank you. Any other members of the committee? Oh, Rep Orrall.
- Rep Orrall: [01:55:59](#) Thank you, Mr. Chairman. In some of these documents ... and I'll reference document six, there's a description of work ... and this is dated May 22nd, an email with the attachment May 22nd, 2017. So the description is of ... it seems to be of the issue, of the backlog. It seems to have, recommendations and tasks assigned. And, it seems to be a team working on the issue. Were you part of that team that was working on the issue of, project out-of-state citation data-entry migration from DCU to MRB?
- Keith C.: [01:56:45](#) I was not part of the MRB side. I was just part of the, the DCU side.
- Rep Orrall: [01:56:52](#) So as far as what this document entails, you weren't ... I just want to make sure I'm asking the right person the right question. So this is outlining a project that talks about the migration from your unit ...
- Keith C.: [01:57:04](#) Yes.
- Rep Orrall: [01:57:05](#) ... to the MRB.
- Keith C.: [01:57:06](#) Correct.
- Rep Orrall: [01:57:07](#) Were you part of that, or were some of your staff ...
- Keith C.: [01:57:10](#) Yes.

Rep Orrall: [01:57:10](#) ... part of that?

Keith C.: [01:57:11](#) Yes, I apologize. I was part of that.

Rep Orrall: [01:57:12](#) Okay. You were.

Keith C.: [01:57:13](#) Yeah, I was part of that discussion.

Rep Orrall: [01:57:14](#) I just want to make sure I'm asking the right people.

Keith C.: [01:57:16](#) I apologize for misunderstanding the question.

Rep Orrall: [01:57:17](#) Oh, no problem. What part of this effort in 2017 also entailed a transition of software? Because I understand, when you start, ALARS was the software that the RMV used. You're looking at a new software, and are mandated to go to a new software for various reasons. But was that effort then also including dealing with this issue that was uncovered, in how the new software would deal with it?

Keith C.: [01:57:59](#) The new software had a component, to also add out-of-state data.

Rep Orrall: [01:58:09](#) Sure. So I guess my question is, how much of that discussion then around this were task-involved? Not just, how we're dealing with it, but how the new software moving forward was going to deal with it. Was that part of the discussions, part of the workload that went into it?

Keith C.: [01:58:25](#) No. Originally when, we were discussing this transition, it was just for the, ALARS, component.

Rep Orrall: [01:58:34](#) Okay. Thank you.

William Straus: [01:58:36](#) Thank you. Any, any other members? Let me just say, no further questions for you. Just so it's clear, the documents that we've entered so far today are from the documents that we've received, to date, from the Secretary's office. So these are, in response to the request. And, as I say, these are provided, from the administration. Seeing no other members, I would say to the witness, thank you. We appreciate your time, and your participation in our efforts today.

Keith C.: [01:59:12](#) Thank you, Mr. Chairman. Thank you, members of the committee.

William Straus: [01:59:14](#) At this point, we would call Mr. Bowes. I'll indicate that the chairs after Mr. Bowes will take, something like a 10-minute or so, break, before calling, the fourth witness. But at this point, I'll invite Mr. Bowes up. And, and to the, exiting witness, that report you indicated, if you could give it to a staff member at the end. He's about to be waving his hand there, on your way out. Thank you very much again.

Tom Bowes: [01:59:57](#) Good afternoon, Chairman Straus, Chairman Boncore ...

William Straus: [02:00:00](#) Good afternoon.

Tom Bowes: [02:00:00](#) ... members of the committee. My name is Tom Bowes. I'm the director for the Merit Rating Board, located at 25 Newport Ave Extension in Quincy, Massachusetts.

William Straus: [02:00:08](#) Thank you for being here today, Mr. Bowes.

Tom Bowes: [02:00:12](#) My pleasure.

William Straus: [02:00:12](#) I doubt you're probably used to public speaking. I don't think any of the witnesses today have been. So, we're mindful of that. You've indicated your position is the director of the Merit Rating Board. Just to give a, kind of a scope of the staff resources available to the board, since you arrived in 2016, I believe,

Tom Bowes: [02:00:47](#) when I first arrived, approximately 2016 there were 68 employees.

William Straus: [02:00:53](#) I'm sorry. How many?

Tom Bowes: [02:00:53](#) 68 full-time employees.

William Straus: [02:00:55](#) Okay.

Tom Bowes: [02:00:56](#) Now I believe that number is down to 62.

William Straus: [02:00:59](#) Okay. And for the, what I would describe as the traditional function for which many, who are familiar with the Merit Rating Board ... , I think one of the witnesses identified it, a data-entry function. Is,

Tom Bowes: [02:01:18](#) That's correct.

William Straus: [02:01:18](#) Does that sound right to you?

Tom Bowes: [02:01:20](#) That's one part of it.

William Straus: [02:01:21](#) How many people traditionally within the overall Merit Rating Board historically performed that data-entry function?

Tom Bowes: [02:01:29](#) Approximately two-thirds of the employees.

William Straus: [02:01:30](#) Two-thirds of the employees?

Tom Bowes: [02:01:33](#) That is correct.

William Straus: [02:01:33](#) And, when that was done under the prior computer system, so-called ALARS ...

Tom Bowes: [02:01:39](#) Mm-hmm (affirmative).

William Straus: [02:01:40](#) Was that done by, computers-to-computers? Or literally sitting there with what some people are familiar with as a citation, a traffic citation, for Massachusetts, drivers?

Tom Bowes: [02:01:56](#) It was sitting there with the citation in front of the clerk, entering the data into the computer system.

William Straus: [02:02:01](#) So they would literally read that paper citation, which many law enforcement agencies don't use anymore in favor of E-citations, and just doing data-entry at a terminal?

Tom Bowes: [02:02:15](#) Correct.

William Straus: [02:02:16](#) And, was that the nature of the training these employees would receive?

Tom Bowes: [02:02:21](#) Yes. Oh.

William Straus: [02:02:23](#) So-

Tom Bowes: [02:02:24](#) Besides, that ...

William Straus: [02:02:24](#) Yes.

Tom Bowes: [02:02:24](#) ... they also had, they went through training for coding. There are certain codes that police departments use. So that training was provided to the employees.

William Straus: [02:02:34](#) So they'd see an offense, for example, and know by their training that that was associated with a certain computer code, when they were doing their data-entry?

Tom Bowes: [02:02:44](#) Correct. They would ... they were all trained on the chapter sections of Mass General Law, court codes.

William Straus: [02:02:50](#) Okay.

Tom Bowes: [02:02:50](#) Agency codes.

William Straus: [02:02:51](#) Now, the employees of the Merit Rating Board who did that traditional function of entering piece of paper information into terminals, did they, did they have access to criminal history information, that the first witness, the auditor, had mentioned was the case with hearing officers under the Driver Control Unit?

Tom Bowes: [02:03:17](#) It depends on the level of the employee. Obviously, a CSIR 1 would not have that capability.

William Straus: [02:03:25](#) Level one being the base-

Tom Bowes: [02:03:25](#) Level one being just the basic.

William Straus: [02:03:28](#) Okay.

Tom Bowes: [02:03:28](#) But the steps two and three would, would have access to that information ...

William Straus: [02:03:32](#) Okay.

Tom Bowes: [02:03:33](#) ... through ALARS.

William Straus: [02:03:34](#) Now, when you took over the position of, of director, and were appointed to it, the Merit Rating Board is, ... well, why does that exist under state law?

Tom Bowes: [02:03:48](#) I believe maybe 1996, I could be wrong.

William Straus: [02:03:53](#) Okay. And it was created by act of the legislature?

Tom Bowes: [02:03:57](#) That is correct.

William Straus: [02:03:57](#) And it provides what function to ...

Tom Bowes: [02:04:02](#) Two functions that the ...

PART 4 OF 6 ENDS [02:04:04]

William Straus: [02:04:00](#) What function to...

Tom Bowes: [02:04:02](#) Two functions that the Merit Rating Board currently does is they provide the Safe Drive Insurance Plan information to the, any auto carrier that writes private-passenger automobile policies in the Commonwealth of Massachusetts.

Tom Bowes: [02:04:16](#) And the second piece of that is entering all of the uniform citations written in the Commonwealth of Massachusetts. And they also hear I'm sorry, there's a third, third piece of this.

Tom Bowes: [02:04:28](#) They also take in any hearing fees for [inaudible 02:04:31]. So if someone wants to appeal a citation and payments towards a citation. They take in all that.

William Straus: [02:04:38](#) Is there anything traditionally about the Merit Rating Board that has involved it in decisions about license suspensions as a result of driving infractions?

Tom Bowes: [02:04:48](#) Nope.

William Straus: [02:04:48](#) No. And, in fact, there's a strong interface with the Division of Insurance, is there not?

Tom Bowes: [02:04:55](#) That is correct.

William Straus: [02:04:56](#) And that's because of the surcharges that might flow from with the occurrence of traffic citations.

Tom Bowes: [02:05:02](#) Correct.

William Straus: [02:05:04](#) And was that the job you thought you'd been appointed to?

Tom Bowes: [02:05:08](#) Yes.

William Straus: [02:05:09](#) What happened when you got there?

Tom Bowes: [02:05:13](#) Well took a few months for me to get the lay of the land. To get familiar with exactly what they did. I applied for the job because I had 30 years' experience in the insurance industry. So I was familiar with the Safe Driver Insurance plan. And surchargeable offenses and what not, accidents.

Tom Bowes: [02:05:33](#) I also knew that they were involved in the uniform citations but to the extent that they are involved in, I was not aware of at the time. So it took me a little bit to get familiar with the lay of the land so to speak.

William Straus: [02:05:49](#) Okay. When did you become aware that there was a recommendation from the Driver Control Unit to increase the reporting function or data entry function of the board's employees?

Tom Bowes: [02:06:04](#) Early September 2016.

William Straus: [02:06:06](#) And how did you find out about this issue?

Tom Bowes: [02:06:10](#) Initially I believe it was a conversation with Mr. Constantino.

William Straus: [02:06:14](#) Okay, and what happened or what did you learn as you looked into it?

Tom Bowes: [02:06:21](#) I was informed that they needed some help putting some out-of-state violations into the ALARS system. And that it would be basically just taking coding from notices and applying them onto ALARS.

William Straus: [02:06:35](#) That would be paper notices?

Tom Bowes: [02:06:37](#) That is correct.

William Straus: [02:06:37](#) Okay. You were here when the audit staff member, Mrs. Dwyer was testifying about what she identified during , stages of her work with regard to information in ATLAS. Information on out-of-state citations residing in ATLAS. Is that any part of what the rating board employees are supposed to be working on?

Tom Bowes: [02:07:08](#) I am not familiar with the ATLAS information.

William Straus: [02:07:12](#) Okay.

Tom Bowes: [02:07:12](#) Pertaining to the out-of-state incidents.

William Straus: [02:07:14](#) So as far as you know, the identification in, I think it's document one, number one, which was a preliminary audit recommendation presented to you in a meeting with her-

Tom Bowes: [02:07:25](#) Mm-hmm (affirmative).

William Straus: [02:07:25](#) That wasn't part of the backlog, as it were, that even was the responsibility of the Merit Rating Board was it?

Tom Bowes: [02:07:35](#) That is correct.

William Straus: [02:07:36](#) So, for the public's sake and the sake of the committee members, what is the backlog that resides at the Merit Rating Board?

Tom Bowes: [02:07:45](#) The backlog that resides at the Merit Rating Board is from March, approximately March 16th, 2018.

William Straus: [02:07:55](#) And why does March 2018 ring a bell?

Tom Bowes: [02:08:00](#) That was Release 1 of the ATLAS project.

William Straus: [02:08:03](#) The ATLAS project.

Tom Bowes: [02:08:04](#) Correct.

William Straus: [02:08:06](#) How did that affect the workload and the functioning of the Merit Rating Board employees?

Tom Bowes: [02:08:15](#) So, it affected the employees and the functions of the Merit Rating Board because of the fact that citations were still coming in, they couldn't, couldn't be entered into the system approximately 7 to 10 days prior to Release 1. Which caused a backlog of citations needing to be entered into the system. And we couldn't enter anything as far as the out-of-state violations was concerned.

William Straus: [02:08:43](#) So there was something about the design of the software, for those of us who, you know, are outsiders to technical computer issues, but there was something about this new software, that all of a sudden changed the ability, if not killed it, for Merit Rating Board employees to enter offense citations or information?

Tom Bowes: [02:09:07](#) Didn't kill them, so to speak. Some of my staff had a hard time. Its additional work they're not used to.

William Straus: [02:09:17](#) Well, what was the training that your employees got leading up to the implementation of ATLAS?

Tom Bowes: [02:09:22](#) They had approximately a day and a half of training and they also had available to them, what was called, the sandbox, where they could go and see what release one was going to look like and work through the steps that they were going to utilize.

William Straus: [02:09:39](#) Okay. So, whatever the issues were that negatively affected the, the ability to get the work done within the Merit Rating Board,

did you notify anyone higher up or sideways in the organization?

Tom Bowes: [02:09:54](#) I did.

William Straus: [02:09:55](#) Who did you notify?

Tom Bowes: [02:09:56](#) The registrar.

William Straus: [02:09:58](#) Verbally?

Tom Bowes: [02:09:59](#) Yes.

William Straus: [02:10:00](#) Electronically?

Tom Bowes: [02:10:01](#) Verbally.

William Straus: [02:10:01](#) Verbally. Do you recall any of these conversations specifically?

Tom Bowes: [02:10:07](#) I know we had some issues right off the bat with, with Release 1 with the ISL, which would be the file that was scanned into the system with the checks and the citations not matching up.

William Straus: [02:10:20](#) Okay. So while this is happening, does mail keep coming in?

Tom Bowes: [02:10:26](#) It does.

William Straus: [02:10:27](#) And what was happening to the mail while the transition or the after the implementation of ATLAS one.

Tom Bowes: [02:10:35](#) Any type of mail in specifically you're-

William Straus: [02:10:38](#) The out-of-state citation notices.

Tom Bowes: [02:10:40](#) The out-of-state might, were, was on hold because my focus was the backlog of uniform Massachusetts citations that needed to be entered into the system.

William Straus: [02:10:48](#) Okay, so if we just divide this in two big boxes-

Tom Bowes: [02:10:51](#) Yes, sir.

William Straus: [02:10:52](#) Mentally.

Tom Bowes: [02:10:52](#) Mm-hmm (affirmative).

William Straus: [02:10:53](#) Out-of-state notices coming by mail and sent in, sent in to the offices, the Merit Rating Board, that's one group of notices.

Tom Bowes: [02:11:04](#) Correct.

William Straus: [02:11:06](#) There was the existing traditional workload of the Merit Rating Board employees entering citation information for offenses or infractions occurring within the commonwealth itself.

Tom Bowes: [02:11:17](#) Yes.

William Straus: [02:11:20](#) And one was given priority over the other in terms of your staff time and resources.

Tom Bowes: [02:11:26](#) Yes.

William Straus: [02:11:27](#) And which was given the priority?

Tom Bowes: [02:11:29](#) Entering the citations into the system.

William Straus: [02:11:31](#) So the Massachusetts offenses were-

Tom Bowes: [02:11:33](#) Priority.

William Straus: [02:11:33](#) Given the priority ... and was there any direction, either by email or verbally, well what do we do with the out-of-state information?

Tom Bowes: [02:11:45](#) We were trying to work through the process to see where, you know, when we would , get it straightened out and possibly go back and entering the out-of-state documents.

William Straus: [02:11:56](#) Who told you that?

Tom Bowes: [02:11:59](#) That was a conversation I had with the Registrar.

William Straus: [02:12:01](#) Okay. At the offices, somewhere else?

Tom Bowes: [02:12:04](#) It's in Quincy.

William Straus: [02:12:06](#) In Quincy.

Tom Bowes: [02:12:07](#) Yes.

William Straus: [02:12:06](#) And can you be specific at all as to when the conversation took place?

Tom Bowes: [02:12:14](#) Probably late March, early April.

William Straus: [02:12:16](#) Of?

Tom Bowes: [02:12:18](#) 2018.

William Straus: [02:12:19](#) So, very quickly after the implementation of ATLAS 1 on March 26, 2018.

Tom Bowes: [02:12:25](#) Correct.

William Straus: [02:12:26](#) Okay. Are these the infamous boxes that we've heard about?

Tom Bowes: [02:12:33](#) The 52?

William Straus: [02:12:34](#) Yes.

Tom Bowes: [02:12:34](#) Yes, sir.

William Straus: [02:12:37](#) Were there boxes, strike that. When you came in, ALARS was the system that was working?

Tom Bowes: [02:12:43](#) Correct.

William Straus: [02:12:46](#) And were there boxes all ready? We've heard about a three-year backlog, was that what you walked into?

Tom Bowes: [02:12:52](#) No, sir.

William Straus: [02:12:53](#) No? What was-

Tom Bowes: [02:12:54](#) Back in-

William Straus: [02:12:54](#) There when you walked in to your job?

Tom Bowes: [02:12:57](#) So back in 2016?

William Straus: [02:12:58](#) Yes.

Tom Bowes: [02:12:59](#) Merit Rating Board did not have anything to do with out-of-state.

William Straus: [02:13:04](#) Okay. Fair enough. When the transition ... to, the out-of-state function-

Tom Bowes: [02:13:14](#) Mm-hmm (affirmative).

William Straus: [02:13:14](#) Came to the Merit Board in, I think it's around October 2016, was there an existing backlog of information that was sent to your offices?

Tom Bowes: [02:13:27](#) No, sir.

William Straus: [02:13:28](#) Do you know where that backlog went?

Tom Bowes: [02:13:30](#) It was somewhere in Haymarket.

William Straus: [02:13:33](#) Somewhere in Haymarket?

Tom Bowes: [02:13:34](#) To the best of my knowledge. The Haymarket branch.

William Straus: [02:13:36](#) So you were, when the transfer of responsibility occurred, in and around October 1, 2016, were you just told, just go forward in time-

Tom Bowes: [02:13:46](#) Not.

William Straus: [02:13:46](#) With what comes in?

Tom Bowes: [02:13:48](#) At that point we were in what they would call three phase mode of training the staff with the New England states. With some of the older stuff and some of the new.

William Straus: [02:14:01](#) When the transition or the transfer of responsibility occurred, transferring from the Driver Control Unit to the Merit Rating Board, was the Merit Rating Board given any additional staff resources to take on the added workload?

Tom Bowes: [02:14:18](#) They were not.

William Straus: [02:14:19](#) Did you ever make a request for help?

Tom Bowes: [02:14:22](#) No, I did not.

William Straus: [02:14:23](#) Never?

Tom Bowes: [02:14:24](#) Prob-

William Straus: [02:14:25](#) I'm sorry?

Tom Bowes: [02:14:26](#) Probably in, probably in 2017 end of 2017, 2018.

William Straus: [02:14:31](#) Okay. So, a year into it, you make what you describe as a request for help. What constituted the request for help?

Tom Bowes: [02:14:40](#) The fact that I had a few people that retired, couple of people left and I didn't want to fall behind and we still had that out-of-state.

William Straus: [02:14:51](#) So to whom did you make the request?

Tom Bowes: [02:14:54](#) Both to the Registrar and to Human Resources.

William Straus: [02:14:57](#) I'm sorry, community resources?

Tom Bowes: [02:14:59](#) Human resources.

William Straus: [02:14:59](#) Human resources.

Tom Bowes: [02:15:01](#) Yes.

William Straus: [02:15:01](#) Within the Registry?

Tom Bowes: [02:15:02](#) That is correct.

William Straus: [02:15:04](#) How do you go about, is that how you go about asking for new positions to be created and hired?

Tom Bowes: [02:15:09](#) First I would talk to HR to see if there was any chance of backfilling or posting new positions.

William Straus: [02:15:15](#) Were you allowed to backfill the positions following retirements or separations from employment?

Tom Bowes: [02:15:20](#) My department has not hired a full time employee in approximately 16 months.

William Straus: [02:15:27](#) No one new hired at the Merit Rating Board in the last 16 months. Is that what you're saying?

Tom Bowes: [02:15:35](#) I'm saying they knew that I was looking to backfill some of the positions but there was a headcount freeze on.

William Straus: [02:15:44](#) What headcount freeze?

Tom Bowes: [02:15:46](#) DOT headcount freeze. That I was told by HR, human resources.

William Straus: [02:15:51](#) So that's all around the Department of Transportation or just-

Tom Bowes: [02:15:56](#) Correct.

William Straus: [02:15:56](#) RMV?

Tom Bowes: [02:15:57](#) All around the Department of Transportation.

William Straus: [02:16:00](#) Isn't there a distinct funding source into the Merit Rating Board?

Tom Bowes: [02:16:03](#) There is.

William Straus: [02:16:04](#) And where does that come from?

Tom Bowes: [02:16:05](#) The insurance industry.

William Straus: [02:16:07](#) Insurance industry pays fees to cover budget expenses in the Merit Rating Board.

Tom Bowes: [02:16:12](#) Correct.

William Straus: [02:16:12](#) That's by statute.

Tom Bowes: [02:16:13](#) Correct.

William Straus: [02:16:19](#) Yet, the decisions on using the money that comes in separately from the budget appropriation act are made by MassDOT?

Tom Bowes: [02:16:31](#) Correct.

William Straus: [02:16:34](#) I have no further questions.

Joseph Boncore: [02:16:35](#) Good afternoon, Mr. Bowes.

Tom Bowes: [02:16:40](#) Good afternoon, Senator.

William Straus: [02:16:40](#) There you go.

Joseph Boncore: [02:16:44](#) There you go.

Joseph Boncore: [02:16:50](#) Yep. So, when you came on as the director, how were you made aware that this new task of inputting the out-of-state notifications would become yours? What was the discussion? Who told you that?

Tom Bowes: [02:17:07](#) Just as I said previously just with the discussion with Mr. Constantino.

Joseph Boncore: [02:17:11](#) Right. But at some point, I mean, Mr. Constantino can't direct you to take over that job, correct?

Tom Bowes: [02:17:16](#) Correct. Also, the Registrar.

Joseph Boncore: [02:17:17](#) All right. Are you aware of a memorandum, I've placed a memorandum in front of you. Have you seen this memorandum before?

Tom Bowes: [02:17:26](#) I have.

Joseph Boncore: [02:17:27](#) Okay. And is this in fact the memorandum that states that the transition will go from the RMV's, the Driver Control Unit, to the Merit Rating Board?

Tom Bowes: [02:17:38](#) Correct.

Joseph Boncore: [02:17:39](#) I want to direct your attention to the third paragraph. And who's this Registrar, who is this memorandum from?

Tom Bowes: [02:17:48](#) Erin Devaney.

Joseph Boncore: [02:17:51](#) Okay. And in the third paragraph, states the RMV has identified a pathway forward towards resolution and recommends a specific protocol to reach its objective of speedy data entry for out-of-state citations. It states first the RMV has undertaken the steps necessary to identify and properly scope the programmatic changes that would be required to institute a timely posting of out-of-state motor vehicle citation data. Correct?

Tom Bowes: [02:18:21](#) Correct.

Joseph Boncore: [02:18:22](#) Were you aware of what that protocol was going to be?

Tom Bowes: [02:18:25](#) Not at that time. Where, as far as-

Joseph Boncore: [02:18:29](#) So at that point, no one had told you what the new out-of-state protocol would be for processing out-of-state citations that are backlogged?

Tom Bowes: [02:18:37](#) Just, you mean, processing it into ALARS?

Joseph Boncore: [02:18:41](#) Yeah.

Tom Bowes: [02:18:42](#) As I had stated earlier, I was under the impression they were taking the papered, paper items, looking at the codes and placing them in ALARS.

Joseph Boncore: [02:18:50](#) Okay. So you were aware of a backlog that existed prior-

Tom Bowes: [02:18:53](#) Correct.

Joseph Boncore: [02:18:54](#) 72 boxes?

Tom Bowes: [02:18:56](#) I didn't know the number at the time.

Joseph Boncore: [02:18:58](#) Okay. Mr. Constantino at some point emailed you with-

Tom Bowes: [02:19:00](#) Correct.

Joseph Boncore: [02:19:01](#) A picture of the boxes and the number.

Tom Bowes: [02:19:02](#) That is correct.

Joseph Boncore: [02:19:03](#) And you understood it was your responsibility, the Merit Rating Board's responsibility to enter that backlog, correct? Into the system.

Tom Bowes: [02:19:13](#) I believe there was a decision made that we were going to do a one week fallback and go forward from that date forward.

Joseph Boncore: [02:19:21](#) So of the thousands, tens of thousands or hundreds of thousands, you know, we're not sure how, what the backlog was-

Tom Bowes: [02:19:28](#) Mm-hmm (affirmative).

Joseph Boncore: [02:19:29](#) We were going to look, it was your understanding anyways, the new program and procedure was to look back one week?

Tom Bowes: [02:19:37](#) Whether it's one week or six months, I don't. I know that there was a discussion we had with the Division of Insurance and I think the six month fallback period was discussed.

Joseph Boncore: [02:19:50](#) All right. And we understand this to be about a three year backlog.

Tom Bowes: [02:19:53](#) That's what I've heard.

Joseph Boncore: [02:19:54](#) So, at a maximum two and a half years of out-of-state notifications were not going to be processed by the Registry of Motor Vehicles. That's your understanding?

Tom Bowes: [02:20:03](#) Correct.

Joseph Boncore: [02:20:03](#) And it could be up to just, you know, almost three years, only looking back a week. Correct?

Tom Bowes: [02:20:09](#) Yes.

Joseph Boncore: [02:20:10](#) Okay. And who, okay. Back to the memorandum and that same paragraph, it says second the RMV has secured the financial and human resources to meet this data backlog in approximately three to six months. You see where it says that?

Tom Bowes: [02:20:28](#) Yes.

Joseph Boncore: [02:20:29](#) Do you have any idea what it refers to, the financial resources or human resources available?

Tom Bowes: [02:20:37](#) I had two employees that I dedicated to this project.

Joseph Boncore: [02:20:40](#) Right. But you weren't granted any further employees, you previously stated.

Tom Bowes: [02:20:45](#) I was not.

Joseph Boncore: [02:20:45](#) And you weren't, did you ever question the Registrar when you read this memorandum as to what the new financial or human resources made available would be?

Tom Bowes: [02:20:54](#) No, I mean, I just took it that it was coming out of my budget and I had the staff that were willing to do the work.

Joseph Boncore: [02:21:01](#) Mm-hmm (affirmative). And previously-

Tom Bowes: [02:21:03](#) So-

Joseph Boncore: [02:21:04](#) To getting this, this work seemingly your staff had other work to do, correct?

Tom Bowes: [02:21:09](#) Correct.

Joseph Boncore: [02:21:10](#) So you were taking on this whole new program at the Registry of Motor Vehicles but you weren't provided with any additional staff, correct?

Tom Bowes: [02:21:19](#) That is correct.

Joseph Boncore: [02:21:19](#) And the chairman already inquired you did request staff at some point.

Tom Bowes: [02:21:22](#) Yes.

Joseph Boncore: [02:21:23](#) Specifically to deal with this or just backfill?

Tom Bowes: [02:21:26](#) No, just backfill.

Joseph Boncore: [02:21:27](#) Okay. And who was going to, who in your department was going to deal with this new issue of out-of-state notifications?

Tom Bowes: [02:21:34](#) Well I had the two employees that we had dedicated.

Joseph Boncore: [02:21:37](#) Okay. And did they dent, did they begin to do that work?

Tom Bowes: [02:21:41](#) At what point are you asking?

Joseph Boncore: [02:21:42](#) When you received the, when you received the-

Tom Bowes: [02:21:44](#) The back-

Joseph Boncore: [02:21:45](#) The backlog.

Tom Bowes: [02:21:47](#) They started in late September, early October.

Joseph Boncore: [02:21:51](#) All right. And they started looking forward, whatever-

Tom Bowes: [02:21:54](#) That is correct.

Joseph Boncore: [02:21:54](#) Documents were received.

Tom Bowes: [02:21:55](#) Mm-hmm (affirmative).

Joseph Boncore: [02:21:55](#) And they did that until about March of 2018.

Tom Bowes: [02:21:59](#) Correct.

Joseph Boncore: [02:21:59](#) Okay. And was there any backlog in between?

Tom Bowes: [02:22:03](#) Approximately three to four months at that time.

Joseph Boncore: [02:22:05](#) So you, even with the two people, there was still a three to four month backlog of these out-of-state notifications being-

Tom Bowes: [02:22:11](#) Correct.

Joseph Boncore: [02:22:11](#) Processed. Okay. And once March 2018 came about you stopped processing OOS notices, that four month backlog began and every day accrued a new backlog, correct?

Tom Bowes: [02:22:25](#) Correct.

Joseph Boncore: [02:22:26](#) Okay. Now in March of 2018 when the new ATLAS system became live was there a problem entering in the data from citations?

Tom Bowes: [02:22:47](#) There was not.

Joseph Boncore: [02:22:50](#) Okay. So-

Tom Bowes: [02:22:50](#) There was a problem with the files, the ICL file matching the checks with the data. With the citations.

Joseph Boncore: [02:22:57](#) Okay. So, at what point, so, when there's a problem with the system, what's the procedure that you follow to notify Fast Technologies, ATLAS?

Tom Bowes: [02:23:09](#) So at Release 1, they had dedicated staff members on each floor. That were there for assistance.

Joseph Boncore: [02:23:17](#) Okay.

Tom Bowes: [02:23:18](#) With any issues that arose.

Joseph Boncore: [02:23:19](#) So what would you send these people a memorandum or?

Tom Bowes: [02:23:22](#) No, no, they would be on the floor and we would... I had a person that was also my liaison on this project so we would just talk to the Fast staff-

Joseph Boncore: [02:23:33](#) Okay.

Tom Bowes: [02:23:33](#) And tell them what the problem was.

Joseph Boncore: [02:23:35](#) And they would triage the problem. So I'm guessing there was more than one-

Tom Bowes: [02:23:38](#) Yes.

Joseph Boncore: [02:23:39](#) Problem, correct?

Tom Bowes: [02:23:40](#) Correct.

Joseph Boncore: [02:23:40](#) How many problems did you encounter when Fast went live, approximately?

Tom Bowes: [02:23:46](#) I can't say. Multiple.

Joseph Boncore: [02:23:48](#) I mean, a hundred? A thousand?

Tom Bowes: [02:23:50](#) No.

Joseph Boncore: [02:23:51](#) 10 thousand?

Tom Bowes: [02:23:51](#) No. Not that high.

Joseph Boncore: [02:23:53](#) Not as high as a hundred?

Tom Bowes: [02:23:56](#) No.

Joseph Boncore: [02:23:57](#) Okay. So, but this problem was never remedied apparently for the year and a half it was the backlog accrued until this incident in which this came to light in June of 2019?

Tom Bowes: [02:24:14](#) So what problem, what problem would you be speaking-

Joseph Boncore: [02:24:17](#) I'm sorry, the problem in which the system wasn't accepting the citations.

Tom Bowes: [02:24:20](#) No, no, that was resolved approximately, by June.

Joseph Boncore: [02:24:29](#) So in one month that was, that was resolved.

Tom Bowes: [02:24:32](#) Well that's from March to June.

Joseph Boncore: [02:24:34](#) Okay.

Tom Bowes: [02:24:35](#) April, May, two months.

Joseph Boncore: [02:24:35](#) And at what point did you begin to receive paper citations? Like your office, the Merit Rating Board.

Tom Bowes: [02:24:47](#) We were-

Joseph Boncore: [02:24:47](#) At some point, I'm assuming, you received paper citations on a daily basis.

Tom Bowes: [02:24:53](#) On a daily basis, correct.

Joseph Boncore: [02:24:54](#) Okay. And who-

Tom Bowes: [02:24:55](#) Those-

Joseph Boncore: [02:24:55](#) Who-

Tom Bowes: [02:24:55](#) Those never stopped coming in.

Joseph Boncore: [02:24:58](#) Well they were, they always come, did they come into Quincy?

Tom Bowes: [02:25:00](#) That is correct.

Joseph Boncore: [02:25:01](#) And where did-

Tom Bowes: [02:25:01](#) Um-

Joseph Boncore: [02:25:02](#) They come in from Quincy from?

Tom Bowes: [02:25:03](#) Some departments drop them off at the headquarters in Quincy. Others mail them in.

Joseph Boncore: [02:25:09](#) Okay. And how were those processed in your office?

Tom Bowes: [02:25:17](#) Would you like the new way or the old way?

Joseph Boncore: [02:25:18](#) No, the old way, prior to this-

Tom Bowes: [02:25:20](#) The old way is they were just batched in, batches of 50 scanned into the batches. The batches would be scanned and the employees would enter the data based off the batch.

Joseph Boncore: [02:25:33](#) Okay. And so they all were being processed?

Tom Bowes: [02:25:37](#) Correct.

Joseph Boncore: [02:25:38](#) Can you tell me how the backlog accrued of 52 boxes which were located in Quincy?

Tom Bowes: [02:25:41](#) We're talking out-of-state?

Joseph Boncore: [02:25:43](#) Yes.

Tom Bowes: [02:25:43](#) That was due to the, the issues that I had indicated with staffing and the problems , that we faced on release, with the Release 1 of ATLAS, the ATLAS project.

Joseph Boncore: [02:25:58](#) That those couldn't be processed? They just didn't have the manpower.

Tom Bowes: [02:26:01](#) I do not have the manpower for the out-of-state.

Joseph Boncore: [02:26:04](#) And, did you again, ask for more staff or to hire?

Tom Bowes: [02:26:11](#) I was always looking for to backfill when the opportunity, when I felt I had the opportunity.

Joseph Boncore: [02:26:18](#) I mean, since this has been recovered, that backlog has been, has subsided, correct? There's been no currently no backlog?

Tom Bowes: [02:26:27](#) For the out-of-state?

Joseph Boncore: [02:26:28](#) Yeah, for the out-of-state.

Tom Bowes: [02:26:29](#) I don't know where, what that's at right now.

Joseph Boncore: [02:26:32](#) I mean, it's still within your unit, the Merit Rating Board, correct?

Tom Bowes: [02:26:37](#) No.

Joseph Boncore: [02:26:38](#) Who's this been assigned to?

Tom Bowes: [02:26:40](#) Right now the mail comes in, it gets , separated, batched and then it gets scanned into the system and placed in, I don't know if it's a DCU work group or a work group in the ATLAS program.

Joseph Boncore: [02:26:59](#) So-

Tom Bowes: [02:26:59](#) To the best of my knowledge.

Joseph Boncore: [02:27:00](#) So, you're still the director of the Merit Rating Board, correct?

Tom Bowes: [02:27:03](#) Correct.

Joseph Boncore: [02:27:03](#) And you're not sure who exactly is performing this function now?

Tom Bowes: [02:27:07](#) Currently, I do not. It's not in my, I just know it's not my staff.

Joseph Boncore: [02:27:13](#) And the 52 boxes that were in your office, do you know if those are still in your office?

Tom Bowes: [02:27:18](#) They are not.

Joseph Boncore: [02:27:19](#) All right, so, seemingly they've been processed?

Tom Bowes: [02:27:23](#) To the best of my knowledge, they've been processed.

Joseph Boncore: [02:27:26](#) And how long, I mean, how long have they been processed, how long did it take to have them processed?

Tom Bowes: [02:27:31](#) Um-

Joseph Boncore: [02:27:32](#) I mean, you've read the papers. It's about three weeks.

Tom Bowes: [02:27:35](#) I try not to read the papers.

Joseph Boncore: [02:27:36](#) Okay. Well the, so the backlog for the 52 records, you don't know how long it took them to process that backlog-

Tom Bowes: [02:27:43](#) It was-

Joseph Boncore: [02:27:44](#) 52 boxes.

Tom Bowes: [02:27:44](#) A couple of weeks. All hands on deck. We had people working overtime for that.

Joseph Boncore: [02:27:50](#) Right. And given, you think, the proper manpower of the, your department was properly staffed seemingly the work done in three weeks could have been done over the period of a year and a half.

Tom Bowes: [02:28:02](#) Possibility. Probably.

Joseph Boncore: [02:28:11](#) I have nothing further.

William Straus: [02:28:11](#) Want this entered?

Joseph Boncore: [02:28:14](#) I think it all ready, it's not in there?

William Straus: [02:28:16](#) Well, testing. Just in case, we will also the October 7, 2016 memo that the witness was being questioned regarding, we'll upload that now to the, the committee website for public access.

William Straus: [02:28:36](#) Proceeding Senator Brownsberger. You caught my eye. You caught my eye.

Mr.Brownsberger: [02:28:50](#) Thank you, Mr. Chairman. Thank you, Mr. Chairman. And I, what I want to do is just, recap a little bit, make sure I've caught up because I forget, I may be, apologize if I'm going over testimony that's already been made but we understood that there was as of, 2016, identified a backlog of approximately three years of out-of-state citations that had not been entered, correct?

Tom Bowes: [02:29:17](#) Correct.

Mr.Brownsberger: [02:29:19](#) And the responsibility for catching up on that backlog or dealing with those out-of-state citations was transferred to you in October 2016.

Tom Bowes: [02:29:29](#) Correct.

Mr.Brownsberger: [02:29:30](#) At that time, the decision you made or the directive that you received was to move forward but not to go back over that backlog, is that correct?

Tom Bowes: [02:29:43](#) Correct.

Mr.Brownsberger: [02:29:44](#) So the material that was received from the backlog, the 2013 backlog, or at least, 2013 up to 2016, has been not, is not been processed to date. Is that true?

Tom Bowes: [02:29:57](#) I don't know what the status of that is.

Mr.Brownsberger: [02:29:58](#) To the best of your knowledge.

Tom Bowes: [02:29:59](#) To the best of my knowledge, I don't.

Mr.Brownsberger: [02:30:01](#) Okay, and so now going forward in 2016, from 2016, I understood that a backlog again developed , within the Merit Rating Board for these out-of-state citations.

Tom Bowes: [02:30:19](#) In March of 2018 there was a backlog.

Mr.Brownsberger: [02:30:22](#) And when did that backlog begin to develop? In other words, as of March 2018, there was a backlog, when did you start to get behind, do you know?

Tom Bowes: [02:30:31](#) That was so that backlog was four months. Approximately four months.

Mr.Brownsberger: [02:30:37](#) There was four, did you, did they, somebody stop entering them in December 2017?

Tom Bowes: [02:30:43](#) No, no, we continued to enter everything that we got in up until March 16th, I believe, and at that time we stopped entering.

Mr.Brownsberger: [02:30:54](#) And the reason you stopped entering was because you began developing a backlog of Massachusetts citations. Is that correct? Or why did you stop entering?

Tom Bowes: [02:31:03](#) We stopped because of the implementation of Release 1.

Mr.Brownsberger: [02:31:06](#) And the implementation of Release 1 forced you to stop because you could not enter them or because you had to deal with other things?

Tom Bowes: [02:31:13](#) There was a down period of approximately a week. Five business days. Where we couldn't enter anything into the system.

Mr.Brownsberger: [02:31:24](#) Okay.

Tom Bowes: [02:31:25](#) And that resulted in a backlog of the Massachusetts uniform citations.

Mr.Brownsberger: [02:31:32](#) So that resulted in a week backlog or was there a backlog existing prior to that five day shutdown?

Tom Bowes: [02:31:37](#) There was an out-of-state backlog existing prior to that date.

Mr.Brownsberger: [02:31:42](#) Was there an out-of-state, was there an in-state backlog at that date, prior to that date?

Tom Bowes: [02:31:47](#) Prior to March 16th, there was not.

Mr.Brownsberger: [02:31:51](#) Okay. So then you had a one-week shutdown?

Tom Bowes: [02:31:53](#) Correct. Approximately 10 days.

Mr.Brownsberger: [02:31:55](#) And after those 10 days did you resume entering out-of-state?

Tom Bowes: [02:32:00](#) I did not, I focused on the in-state.

Mr.Brownsberger: [02:32:02](#) And how long was your backlog of the in-state at that point?

Tom Bowes: [02:32:06](#) At that point approximately, I would roughly say anywhere from 25 to 27 thousand citations.

Mr.Brownsberger: [02:32:13](#) And how many, what does that reflect as a time period?

Tom Bowes: [02:32:17](#) That took for us to get caught up, probably took, two and a half months, possibly.

Mr.Brownsberger: [02:32:26](#) Now I'm getting confused, I apologize. So there was a five-day shutdown or a 10 day shutdown and that resulted in a backlog of 20,000, 27,000 in-state citations?

Tom Bowes: [02:32:42](#) Correct.

Mr.Brownsberger: [02:32:43](#) And this is March 2018. And then it took two and a half months to recover from that backlog that just derived from the 10 day, derived from the 10 day shutdown.

Tom Bowes: [02:32:55](#) Correct. My, there was some of my staff, you know, we had some issues, with the new system.

Mr.Brownsberger: [02:33:07](#) Okay. So it's an implement, set an implementation problems meant that there was a 10 day shutdown but there was also a period of reduced productivity and so forth associated with the new system.

Tom Bowes: [02:33:18](#) Correct.

Mr.Brownsberger: [02:33:19](#) Okay. And but about June-ish of 2018 you were caught up with in-state citations.

Tom Bowes: [02:33:28](#) Correct.

Mr.Brownsberger: [02:33:28](#) And have you remained caught up with in-state citations to today?

Tom Bowes: [02:33:33](#) Through today, I am caught up.

Mr.Brownsberger: [02:33:35](#) Okay. And did you at any point, and but you did not resume entering the out-of-state citations after March 18?

Tom Bowes: [02:33:42](#) That is correct.

Mr.Brownsberger: [02:33:44](#) So a further back, as of, when this blew up in June, there was a backlog back to March 2018-

Tom Bowes: [02:33:51](#) Yeah.

Mr.Brownsberger: [02:33:51](#) Or a little bit further back, there was a new backlog?

Tom Bowes: [02:33:54](#) Correct.

Mr.Brownsberger: [02:33:54](#) Of out-of-state citations.

Tom Bowes: [02:33:55](#) That is correct.

Mr.Brownsberger: [02:33:57](#) Thank you. So now, if I may, I just want to go over the, the staffing situation. When you said that when you came, you joined the commonwealth in-

Tom Bowes: [02:34:07](#) 2016.

Mr.Brownsberger: [02:34:08](#) Ju-

Tom Bowes: [02:34:09](#) July 2-

Mr.Brownsberger: [02:34:09](#) July 2016.

Tom Bowes: [02:34:11](#) Correct.

Mr.Brownsberger: [02:34:11](#) There were 67 people on your staff, ish.

Tom Bowes: [02:34:15](#) Approximately.

Mr.Brownsberger: [02:34:16](#) And you lost, have, since, that time have you hired anybody onto your, into your team?

Tom Bowes: [02:34:24](#) Full-time?

Mr.Brownsberger: [02:34:24](#) Yes.

Tom Bowes: [02:34:25](#) No.

Mr.Brownsberger: [02:34:29](#) And, since that time have you lost some people from your team?

Tom Bowes: [02:34:33](#) I have.

Mr.Brownsberger: [02:34:33](#) How many have you lost?

Tom Bowes: [02:34:34](#) Approximately five employees.

Mr.Brownsberger: [02:34:36](#) When did you lose them? If you recall.

Tom Bowes: [02:34:39](#) I couldn't, I know there was, there were two that retired shortly after Release 1.

Mr.Brownsberger: [02:34:49](#) So that would be two retired in March 2018?

Tom Bowes: [02:34:52](#) Shortly after, probably, June.

Mr.Brownsberger: [02:34:55](#) Mar, okay.

Tom Bowes: [02:34:56](#) June, July. And then-

Mr.Brownsberger: [02:34:58](#) And-

Tom Bowes: [02:34:58](#) Over the course of time I've lost three additional.

Mr.Brownsberger: [02:35:00](#) So you've lost three more since then?

Tom Bowes: [02:35:02](#) Correct.

Mr.Brownsberger: [02:35:03](#) So your loss

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Tom Bowes: [02:35:00](#) ... additional.

Mr.Brownsberger: [02:35:00](#) So you've lost three more since then?

Tom Bowes: [02:35:02](#) Correct.

Mr.Brownsberger: [02:35:03](#) So your losses have occurred over the past 18 months or so?

Tom Bowes: [02:35:06](#) That is correct.

Mr.Brownsberger: [02:35:09](#) At the same time as losing staff, you're accumulating backlog? Backlog is going up, while staff is going down.

Tom Bowes: [02:35:19](#) Are you asking about the out-of-state?

Mr.Brownsberger: [02:35:22](#) Yes.

Tom Bowes: [02:35:23](#) Correct.

Mr.Brownsberger: [02:35:26](#) No further questions.

William Straus: [02:35:27](#) Thank you. Do we have a member ready for this witness? Senator Chandler?

Senator C.: [02:35:32](#) I thought I heard you say something that ... I thought I heard you say that you have not dealt with the records that came in between 2013 and 2016. Am I correct in saying ...

Tom Bowes: [02:35:51](#) Yes, you are.

Senator C.: [02:35:53](#) So, what's happened to that group of records? Where are they?

Tom Bowes: [02:35:59](#) I believe those were the ones that they retrieved out of a warehouse.

Senator C.: [02:36:03](#) And they're still in the warehouse?

Tom Bowes: [02:36:07](#) Hm, not that I'm aware of.

Senator C.: [02:36:09](#) So we have the case of the missing records?

Tom Bowes: [02:36:11](#) I don't know if they've already been processed? I don't know for certain.

Senator C.: [02:36:17](#) Would someone know whether they've been processed?

Tom Bowes: [02:36:21](#) Probably.

Senator C.: [02:36:23](#) Would you know who that might be?

Tom Bowes: [02:36:26](#) maybe the acting Registrar?

Senator C.: [02:36:28](#) Pardon me?

Tom Bowes: [02:36:29](#) The acting Registrar?

Senator C.: [02:36:32](#) But they have never truly been processed to your knowledge, to your knowledge?

Tom Bowes: [02:36:38](#) To my knowledge.

Senator C.: [02:36:38](#) Okay.

Tom Bowes: [02:36:38](#) Thank you.

William Straus: [02:36:39](#) Okay, anyone else on the committee? Oh, Senator Lesser?

Senator Lesser: [02:36:43](#) Thank you Mr. Bowes for, attending. And we know it's certainly not easy, but we appreciate your coming. I just want to clarify a few things because there's been a lot of items that seem to be in conflict with each other. So, just to understand all of this correctly, you took charge of the Merit Rating Board in June of 2016?

Tom Bowes: [02:37:08](#) July 5, 2016.

Senator Lesser: [02:37:10](#) July 5, 2016 is when you took over?

Tom Bowes: [02:37:13](#) Yes sir.

Senator Lesser: [02:37:14](#) And at the time the Merit Rating Board was not in charge of processing out-of-state notifications.

Tom Bowes: [02:37:20](#) Yes, that is correct.

Senator Lesser: [02:37:20](#) Correct, okay. But in September of 2016, so roughly a month, two months after you took over, the responsibility of processing those out-of-state notifications was formally moved from the Driver Control Unit to the Merit Rating Board, correct?

Tom Bowes: [02:37:40](#) Correct.

Senator Lesser: [02:37:40](#) And Mr. Constantino, who just previously testified, said that, at the time of that transfer, you were also made aware of the backlog, correct?

Tom Bowes: [02:37:50](#) I knew there was a backlog.

Senator Lesser: [02:37:52](#) And then there was even a photo sent to you of, -

Tom Bowes: [02:37:55](#) Literally.

Senator Lesser: [02:37:55](#) ... literally dozens of boxes,

Tom Bowes: [02:37:57](#) At a later date that photo was submitted.

Senator Lesser: [02:37:59](#) Right. So the ... But the photo came a couple months later, but iteratively, throughout that period, from the time of you taking over the responsibility of processing out-of-state notifications, you knew there was a backlog.

Tom Bowes: [02:38:11](#) Correct.

Senator Lesser: [02:38:13](#) Okay. I want to, also, bring up ... There were multiples ... It's ... There were multiple streams of information coming at you that were notifying you of this backlog, correct? In addition to Mr. Constantino telling you, other agencies were telling you about this backlog.

Tom Bowes: [02:38:33](#) What other agencies?

Senator Lesser: [02:38:34](#) Well, so, for example, on February 1st of 2018, the state auditor audited the Merit Rating Board, correct? This is a copy of the audit-

Tom Bowes: [02:38:44](#) Correct.

Senator Lesser: [02:38:45](#) ... of the Merit Rating Board? This is on the auditor's website, it's publicly available. It was from, it was from the period of 2014 through 2016. Now I understand you were not in charge during that whole period-

Tom Bowes: [02:38:57](#) Correct.

Senator Lesser: [02:38:57](#) ... but the auditor made a few findings. And the report is addressed to you. One of the findings it said is, "Without policies and procedures to guide the data classification and data inventory process, the Merit Rating Board is not aware of what

data could be missing or lost." Do you remember that- that part of the audit report?

Tom Bowes: [02:39:19](#)

I don't.

Senator Lesser: [02:39:21](#)

Okay. The audit report also said, "Employees did not receive information technology security training before they received access to AL, to ALRS, A-L-R-S, the new system." Do you remember that part of the auditor's report?

Tom Bowes: [02:39:35](#)

And I can tell you that current employees are ... Everyone is trained in the security.

Senator Lesser: [02:39:40](#)

Okay. It then said ... the report also said approximately one out of every four documentation packages we requested could not be located by RMV officials. Do you remember that part of the auditor's report?

Tom Bowes: [02:39:55](#)

I do not.

Senator Lesser: [02:39:56](#)

Okay. In March of 2018, out-of-state notifications, stopped being processed-

Senator Lesser: [02:40:04](#)

... and Senator Brownsberger went into that-

Tom Bowes: [02:40:07](#)

Yes.

Senator Lesser: [02:40:07](#)

... a little bit.

Tom Bowes: [02:40:07](#)

Mm-hmm (affirmative).

Senator Lesser: [02:40:08](#)

And on January 8th of 2019, so nearly a year later, you did meet with the internal MassDOT auditor, who we heard testimony from earlier today, who notified you of the open queues?

Tom Bowes: [02:40:22](#)

That is correct. Well, I don't know what those queues are to be honest with you. Certainly that it's not ...

Senator Lesser: [02:40:28](#)

You don't know what the ...

Tom Bowes: [02:40:29](#)

That is not a queue that I believe the Merit Rating Board has access to.

Senator Lesser: [02:40:34](#)

The queues that, Auditor Dwyer notified you of and were in this April 3rd memo?

Tom Bowes: [02:40:40](#) Correct.

Senator Lesser: [02:40:40](#) I believe the number was 12,829 open tasks of out-of-state convictions-

Tom Bowes: [02:40:49](#) Correct.

Senator Lesser: [02:40:49](#) ... you were not aware of? Or ...

Tom Bowes: [02:40:51](#) She also made a statement that those items were scanned. I can tell you that my department has not scanned any items, for the out-of-state incidents since March of 2018.

Senator Lesser: [02:41:02](#) Okay, there's a written memo here dated April 3, 2019, that we heard testimony from-

Tom Bowes: [02:41:09](#) Correct.

Senator Lesser: [02:41:09](#) ... just a few hours ago, that said that you were made aware of 12,829 open tasks, meaning ... It says, the exact quote. "We identified an open queue for OOS convictions"-- we established earlier that's out-of-state convictions-- "with 12,829 open tasks". Are you, are you denying that- that was shown to you?

Tom Bowes: [02:41:33](#) No- no. I'm aware of the number that's in that document.

Senator Lesser: [02:41:36](#) And in April of 2019, you were in charge of processing out-of-state notifications correct?

Tom Bowes: [02:41:42](#) I was.

Senator Lesser: [02:41:42](#) So when ... As the person in charge, when the auditor came to you, an auditor came to you and said, "You know, sir, we have 12,829 open tasks in a, basically, unread notifications area you're responsible for." What was your response?

Tom Bowes: [02:41:58](#) Huh, that I was not aware of those tasks because the Merit Rating Board has not scanned any out-of-state documents.

Senator Lesser: [02:42:06](#) Did you ask for help?

Tom Bowes: [02:42:08](#) I have asked-

Senator Lesser: [02:42:09](#) Who did you ask?

Tom Bowes: [02:42:09](#) ... I have asked.

Senator Lesser: [02:42:10](#) Who did you ask for help?

Tom Bowes: [02:42:11](#) I asked one of our IT folks what that might have been.

Senator Lesser: [02:42:15](#) And did you get an answer of ...

Tom Bowes: [02:42:16](#) Nobody said ... The person didn't seem to have the- the answer for me.

Senator Lesser: [02:42:20](#) So did you ask anyone else after the IT person couldn't-

Tom Bowes: [02:42:22](#) I have not.

Senator Lesser: [02:42:22](#) ... clarify it for you?

Tom Bowes: [02:42:23](#) I have not.

Senator Lesser: [02:42:24](#) So, you were in charge-

Tom Bowes: [02:42:26](#) Correct.

Senator Lesser: [02:42:27](#) ... and an auditor told you that there were 12,829 unprocessed tasks in the area of your responsibility, and you asked one IT person and that was the end of it?

Tom Bowes: [02:42:43](#) Yes.

Senator Lesser: [02:42:43](#) Why didn't you appear at the first hearing?

Tom Bowes: [02:42:50](#) I was told that they were going to discuss from July 1st forward.

Senator Lesser: [02:43:00](#) Who told you that?

Tom Bowes: [02:43:02](#) The legal team.

Senator Lesser: [02:43:04](#) Who- whose legal team?

Tom Bowes: [02:43:06](#) The Department of Transportation legal.

Senator Lesser: [02:43:08](#) The MassDOT legal team?

Tom Bowes: [02:43:09](#) That is correct.

Senator Lesser: [02:43:10](#) Did anybody else tell you that?

Tom Bowes: [02:43:11](#) No.

Senator Lesser: [02:43:12](#) Did you want to come and testify, and share information with the committee about your area of responsibility and the incidents that led to this hearing being called?

Tom Bowes: [02:43:23](#) If I was asked, I would have.

Senator Lesser: [02:43:25](#) Well you were asked. The committee sent a request to you to attend and appear. [crosstalk 02:43:32] ...

Tom Bowes: [02:43:32](#) I did not, I did not get a request directly.

Rep Straus: [02:43:34](#) ... to his boss.

Senator Lesser: [02:43:35](#) It was sent to your boss.

Tom Bowes: [02:43:37](#) Okay.

Senator Lesser: [02:43:37](#) And was it transmitted to you that we had requested? It was certainly in the news, but had it been told to you that we had requested that you come and- and speak to us the first time?

Tom Bowes: [02:43:46](#) I was told that there was a chance I'd have to appear.

Senator Lesser: [02:43:48](#) And again, sir, just so I have clarity. Who told you ... someone told you, basically, not to come, is that what you're saying?

Tom Bowes: [02:43:57](#) No, they told me that they were only discussing July 1st forward.

Senator Lesser: [02:44:03](#) But you're still in charge of the Merit Rating Board, correct?

Tom Bowes: [02:44:06](#) That is correct.

Senator Lesser: [02:44:07](#) So theoretically, things happening after July 1 would be relevant for you to speak about, because you're still the person in charge. So, if you're-

Tom Bowes: [02:44:16](#) Right.

Senator Lesser: [02:44:16](#) ... the person in charge, and they're saying this is only July 1st, or later, wouldn't it still be relevant for you to appear?

Tom Bowes: [02:44:24](#) Well the status of whether the out-of-state, it stands right now is, it's not, it's not in my shop.

Senator Lesser: [02:44:33](#) Thank you. No further questions sir.

William Straus: [02:44:36](#) Thank you Senator. , Representative Tucker. We'll come back.

Rep Tucker: [02:44:44](#) Thank you.

Rep Tucker: [02:44:45](#) Mr. Bowes, I want to bring you back to a line of inquiry that Chairman Straus raised with you. And I'll do my best to describe, and then if I could just get your opinion on it.

Rep Tucker: [02:44:55](#) There was a decision point, a fork in the road if you will, whether to process out-of-state citations, out-of-state suspension requests, or in-state Massachusetts civil motor vehicle infractions. Is that correct?

Tom Bowes: [02:45:10](#) Correct.

Rep Tucker: [02:45:10](#) And I believe your testimony was that somebody had to make a decision here, and that you spoke with former, Registrar Deveney, and she said, "Process the in-state citations, and go ahead and leave the other ones behind." Is that accurate?

Tom Bowes: [02:45:27](#) The recommendation was that we were going to get caught up with the Mass citations, correct.

Rep Tucker: [02:45:33](#) So, sir, do you know what the decision-making process was behind that? Or was that just a by the water cooler, "Hey we need to make a decision about this," or was that vetted by anyone else? Because you ... I think you'll agree with me, that's a pretty important decision.

Tom Bowes: [02:45:50](#) Myself and the Registrar.

Rep Tucker: [02:45:51](#) Okay. So, do you, at least in your mind, and I know that you don't have to speak for the former Registrar. But the decision that was made, what was the reason why, that the in-state citations were prioritized over the out-of-state suspensions?

Tom Bowes: [02:46:15](#) Because it was my feeling that those were important. To get that caught up, so that wouldn't cause any other problems with people, possibly, going into suspension.

Rep Tucker: [02:46:27](#) So, you ... I believe you've been present for the whole time today, and Miss Dwyer talked about ... again, her words were, "These suspension notices in the queue were important, they were impactful." In fact if we, if we took a look at, the former Registrar's memorandum of October 7, 2016, the very first line says, "In an effort to maintain public safety nationwide, the Mass RMV is working on this information sharing system.

Rep Tucker: [02:47:01](#) So, the practical effect as we've seen in unfortunate and tragic circumstances, is that somebody was driving and caused a terrible- terrible accident. And I know we can't change that, and part of what this oversight committee is charged with doing, is making sure that something like that doesn't happen again.

Rep Tucker: [02:47:20](#) Can you tell me what the practical effect would have been if you had not prioritized the in-state, and, in fact, went to the out-of-state. Would there have been a public safety impact if the Massachusetts batch, so to speak, sat undone for a while. And if you don't mind, I'll give you an example.

Rep Tucker: [02:47:41](#) We've seen the terrible crash in New Hampshire. If somebody on Main Street in Worcester rolled through a stop sign and appealed their citation, if that sat for several months what's the practical effect of that, versus doing the out-of-state suspension notices first?

Tom Bowes: [02:48:06](#) If that, if that in-state citation just sat there?

Rep Tucker: [02:48:09](#) Yes, for as long as the out-of-state suspension sat, roughly the same timeframe.

Tom Bowes: [02:48:14](#) Well, if we didn't put it into the system, and they could have gone into suspense. If they had requested a hearing and we haven't provided them that, then they would go into suspension after 30 days.

Rep Tucker: [02:48:29](#) But if-

Tom Bowes: [02:48:30](#) Their license.

Rep Tucker: [02:48:30](#) ... they, if the civil citations had not been processed at all, the in-state-

Tom Bowes: [02:48:34](#) Mm-hmm (affirmative).

Rep Tucker: [02:48:35](#) ... and- and for the regular Chapter 90 violations. I guess what, I'm looking at is, who would have complained? Would the insurance companies have complained? Is this ... I ... And by no means am I accusing anybody. So, I'm carefully choosing my words. I'm just trying to see which of these is more important from a public safety standpoint? Processing out- of-state suspensions where somebody has already committed an offense that got the attention in another state, or a citation here that has not yet been adjudicated, and somebody simply looking for a hearing?

Tom Bowes: [02:49:13](#) I would go the out-of-state sir.

Rep Tucker: [02:49:16](#) I agree. Mr. Bowes you've been very heavily criticized for, being on what looked to be a regularly scheduled vacation. And sometimes it's very unfair when you're the, you're the topic of that criticism, and you have no way to respond to it. So in fairness to you, Mr. Bowes, I just wanted to give you an opportunity to let the public know what you were doing. I'm sure ... I think you're a professional man, and I know that you were going to get to the bottom of something here during this time. I wanted to give you an opportunity to, actually, address that.

Tom Bowes: [02:49:52](#) Thank you Representative. My wife and I celebrated our 30 year wedding anniversary. This was a trip that was planned over a year ago. She likes baseball, I like baseball. We decided to go to London, and then take a short trip to Ireland.

Tom Bowes: [02:50:11](#) I found out about the situation that we're here for today just as I was getting on board a Flight to England. Within 48 hours after that I was in communication with the acting Registrar. I had daily conversations with my staff at the ... my assistant director and my operations person. And I made a decision to cut my trip short to get back here, to help out my staff and the other folks that were carrying on with handling this situation.

Rep Tucker: [02:50:48](#) Okay. And I appreciate the fact you came in today. Thank you Mr. Bowes.

Tom Bowes: [02:50:51](#) You're quite welcome.

William Straus: [02:50:52](#) Thank you, go to Rep. Orrall, and then quickly back to Senator Brownsberger, and then Rep. Howitt, that's the line-up, thanks.

Rep Orrall: [02:51:01](#) And thank you Mr. Chairman. A lot of your testimony is about personnel and- and some backfills. But what I'm confused in that testimony, if you could help, is I come back to this memorandum that Chairman Boncore started this with. And in this memo, it is from the former Registrar, Erin Deveney, yourself as director of the Merit Rating Board, and Keith Constantino of the Driver Control Unit Director who we previously heard testimony on. And a key part for me of this memo is that quote, "Second, the RMV has secured the Financial and Human Resources to meet this data entry backlog challenge. Third, the RMV is estimating that the effort needed to clear out the state citation, out-of-state citation data backlog is, approximately, three to six months."

Rep Orrall: [02:52:04](#) So in the memo, you're describing that you had two, and the memo was two. The legal team of The Office of the Governor and the MassDOT legal team. So in this memo, from the three of you, you're describing, we've got the people, we've got the plan, and we're going to take care of this backlog in three to six months. So, I'm trying to rectify what the memo states with what your testimony is about, personnel.

Tom Bowes: [02:52:33](#) Well first off, the memo... Well I wasn't present when the former Registrar drafted this memo. So I can only speak that, I had offered the assistance of my staff, my funding. I was not aware of the backlog at the time I took this project on.

Rep Orrall: [02:52:57](#) But, again, the memo is from not just the Registrar, but from the Registrar, you, and Keith Constantino. That's in the "from" tag of the memo.

Tom Bowes: [02:53:08](#) I didn't draft the memo, so. The ... I see your point, sir, but I wasn't present when this was written.

Rep Orrall: [02:53:16](#) Okay, thank you.

Tom Bowes: [02:53:17](#) You're welcome.

William Straus: [02:53:19](#) Senator Brownsberger.

Mr.Brownsberger: [02:53:23](#) Thank you. And, again, perhaps just still working on basics. So once the entry into the ... Very interested in what constitutes the processing of one of these out-of-state citations. There's an action of scanning, and then there's a second action of data entering? Is that correct?

Tom Bowes: [02:53:45](#) m- m- ... When this was with my staff, it was all paper driven. They would receive the paper version-

Mr.Brownsberger: [02:53:52](#) Mm-hmm (affirmative).

Tom Bowes: [02:53:52](#) ... they would separate them by state. They would then input them into ALARS. There would be codes, either ACD codes or AAMVA codes that they would have to look at.

Mr.Brownsberger: [02:54:04](#) So, under ALRS, it was simply see the paper, enter it into the system, drop it back in a different box.

Tom Bowes: [02:54:12](#) That is correct.

Mr.Brownsberger: [02:54:14](#) Under ATLAS, what's the difference? How does it now work?

Tom Bowes: [02:54:18](#) I am not aware ... I'm not familiar with the ATLAS project, with the-

Mr.Brownsberger: [02:54:22](#) Oh.

Tom Bowes: [02:54:22](#) ... the ATLAS piece of this project.

Mr.Brownsberger: [02:54:24](#) Okay. But now, the ... This, "backlog", contains a mix of things is, of different kinds of things, correct? So they could be things if a guy was stopped going through a stop sign. It could be, motor vehicle homicide, is that correct?

Tom Bowes: [02:54:41](#) Correct.

Mr.Brownsberger: [02:54:43](#) So, the action that the state would take would be a function of what that was, correct?

Tom Bowes: [02:54:55](#) Correct.

Mr.Brownsberger: [02:54:56](#) So one kind of action that the state would take is, actually, an action by the insurer that, you know, this information is now in the system, and insurers are going to look at it and say, "Hey, you need to pay higher ... more on our auto insurance." Is that correct?

Tom Bowes: [02:55:10](#) Correct. That is correct.

Mr.Brownsberger: [02:55:11](#) Another kind of action might be that because this represents, you know, your seventh speeding violation in the past X years or whatever, you are now going to have your license suspended as a habitual motor vehicle offender, correct?

Tom Bowes: [02:55:25](#) Correct.

Mr.Brownsberger: [02:55:26](#) Or if it was an OUI, your license would be suspended as a result of ...

Tom Bowes: [02:55:31](#) Correct.

Mr.Brownsberger: [02:55:32](#) ... the out-of-state OUI. So, what is the process? the data entry for the ... Excuse me. The downstream processing for the insurance consequences is entirely up to the insurers? They simply look at the data themselves?

Tom Bowes: [02:55:49](#) That is correct.

Mr.Brownsberger: [02:55:50](#) How does it happen in the Registry as to the license suspensions? Or other license consequences that must be, imposed as a result of this out-of-state violation?

Tom Bowes: [02:56:02](#) So the party would get a notice that they had then, a certain offense, and I believe they would have to go see a hearings officer.

Mr.Brownsberger: [02:56:11](#) Okay, so it's not ... None of these are, sort of, self-executing consequences. They're going to get a notice and an opportunity to have a hearing and then, ... And those hearings would be done within the Driver Control Unit?

Tom Bowes: [02:56:25](#) That is correct.

Mr.Brownsberger: [02:56:26](#) So the Driver Control Unit is basically the Hearing's Unit?

Tom Bowes: [02:56:31](#) Correct.

Mr.Brownsberger: [02:56:34](#) Okay, thank you,

William Straus: [02:56:37](#) [inaudible 02:56:37]. Be patient, be patient. It doesn't like you.

Rep Howitt: [02:56:50](#) Oh, probably because you have yours on. I'll try this one. Thank you Mr. Chairman. Mr. Bowes you had mentioned earlier, upon the Chair's question about your budget. It comes from the Merit Board, correct? Or it comes from the insurance side?

Tom Bowes: [02:57:07](#) The insurance industry.

Rep Howitt: [02:57:07](#) Okay. Now does the insurance industry, any of the points that are against the license that someone pays an additional amount of money, to the, for their insurance to drive, does the insurance company collect that money and therefore, keep that money? Or does the whole amount go back to, the Registry?

Tom Bowes: [02:57:29](#) No, they're an assessed account, so however many companies there, carriers there are writing in Massachusetts. For example, this year's, the '20 budget is 10.1 million. So you just divide that by the number of participating companies I believe.

Rep Howitt: [02:57:49](#) So, if someone had a, an out-of-state ticket-

Tom Bowes: [02:57:53](#) Mm-hmm (affirmative).

Rep Howitt: [02:57:53](#) ... or you have someone from out-of-state, they wouldn't necessarily be paying money to Massachusetts if they were an out-of-state license that had a violation coming in, correct?

Tom Bowes: [02:58:04](#) If it was on their record, they would be paying the carrier that insures them, so.

Rep Howitt: [02:58:10](#) But that revenue would not be coming back to Massachusetts, correct? In other words, you focused on the Massachusetts, licenses, versus the out-of-state licenses. So what I'm wondering was that decision based on revenue that the state would be taking in based on the point, system that you have that would put more money through the insurance companies back to the ...

Tom Bowes: [02:58:35](#) No, my concern was that backlog that, needed to be addressed for the in-state. I couldn't let that get out of control-

Rep Howitt: [02:58:44](#) So-

Tom Bowes: [02:58:44](#) ... I felt.

Rep Howitt: [02:58:44](#) ... so the revenue in-state was not a factor in determining in-state versus out-of-state.

Tom Bowes: [02:58:49](#) It was not.

Rep Howitt: [02:58:50](#) Thank you.

Tom Bowes: [02:58:51](#) You're welcome.

William Straus: [02:58:51](#) Okay. Thank you. Let me go to Rep. Hecht, and then we'll come back to you Rep.

Speaker 13: [02:58:57](#) You might need a [inaudible 02:59:09].

Rep. Hecht: [02:59:08](#) I'll use this one here. , thank you Mr. Chairman. you said earlier, that after March of 2018, you ... The MRB no longer processed any of the out-of-state notices is that right?

Tom Bowes: [02:59:23](#) That is correct.

Rep. Hecht: [02:59:24](#) And I think that was also confirmed in some written testimony that we received last week from the acting Registrar. I guess my question is simply this. Who in the Registry, to your knowledge, was aware of that? That after March of 2018 no one in the Commonwealth of Massachusetts was paying any attention to

notices received from other states of, in many instances, very serious, motor vehicle infractions?

Tom Bowes: [03:00:07](#) Myself and the the former Registrar.

Rep. Hecht: [03:00:14](#) Thank you.

William Straus: [03:00:17](#) Okay. Rep?

Rep Blais: [03:00:17](#) So whose responsibility is it to generate the outgoing paper notifications to other states when Massachusetts takes any action, or enters any information about an out-of-state non-CDL driver's license?

Tom Bowes: [03:00:34](#) I believe it would be the Registry.

Rep Blais: [03:00:37](#) The Registry. So does that fall under your department since you're doing the data entry?

Tom Bowes: [03:00:43](#) No.

Rep Blais: [03:00:43](#) No. So who would be the person who could answer that question?

Tom Bowes: [03:00:47](#) Not me, sorry.

Rep Blais: [03:00:49](#) Okay, thank you.

Tom Bowes: [03:00:49](#) You're welcome.

William Straus: [03:00:51](#) Okay, anyone else? I want to thank you Mr. Bowes for appearing. If there are documents you want to share with us, like, as the, prior witness did, you could hand them to the staff member there, and we'd be reviewing them for possible inclusion in the record. Otherwise, your testimony is completed.

Tom Bowes: [03:01:20](#) Thank you.

William Straus: [03:01:20](#) We will take a 10 minute recess and just to give everyone the, sense of- the what's to come. When we resume in 10 minutes we will ask up to testify the former Registrar, and she would then be followed, I think together, by the Secretary and the acting Registrar. So, 10 minutes. , I show 3:18, so we'll say 3:30.

PART 6 OF 6 ENDS [03:02:15]

