



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

July 19, 2019

Senator Joseph Boncore
Chairman, Joint Committee on Transportation
State House, Room 112
Boston, MA 02133

Representative William Straus
Chairman, Joint Committee on Transportation
State House, Room 134
Boston, MA 02133

Dear Chairmen Boncore and Straus,

Thank you for sharing the Committee's request for witnesses and documents in your letter of July 17, 2019. The Massachusetts Department of Transportation and Registry of Motor Vehicles are committed to assisting the Committee fulfill its oversight responsibilities. We will provide documents and individuals to testify to the extent we can, particularly given the timing of the hearing and the ongoing forensic audit.

I note that it has been less than a month since the Registry first uncovered the failures in processing out-of-state violations notices and for most of that time we have focused primarily on suspending the licenses of unsafe drivers as expeditiously as possible. During this time the RMV has focused on safety-critical tasks such as processing the backlog of unprocessed mail notifications, establishing and implementing systems for expeditiously handling incoming notices, launching an effort to review all 5.2 million active drivers' records against the National Driver Registry and establishing a system to generate outgoing notices to other states. For that reason, we are still at a relatively early stage in both internal and external reviews of what happened, when it happened and why.

With respect to the documents you have requested, we are dividing them into three categories. At least some of the documents that are responsive to your requests are being hand delivered with this letter. Additionally, there are many document requests which are reasonable and appropriate but which require us to identify, gather, and review for data protected by privacy and other laws a large numbers of documents, a task we cannot complete in time for Monday's hearing. After the hearing, however, we are happy to work with you and committee staff to establish a schedule for sharing these responsive documents in the coming days and weeks. As we have discussed, however, there is a third category of documents that are currently part of Grant Thornton's ongoing, comprehensive forensic review of the RMV's processes for receiving and acting on out-of-state notifications,

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

which cannot be produced until the completion of the forensic review. See the attached table for more details on production of records.

The Grant Thornton investigation into the timeline and causes of the RMV's unsatisfactory handling of its state-to-state notice and suspension obligations will be independent, professional, and comprehensive. Grant Thornton began its work during the week of July 8-12 and that work is continuing. Under the Registry's contract with Grant Thornton, they will provide final recommendations within sixty days. The Grant Thornton investigation is at an early stage and we do not want to compromise its quality, independence or integrity by releasing or commenting on what would undoubtedly be an incomplete set of documents that are relevant to answering many of the questions that the committee is posing.

Grant Thornton must be allowed to develop a credible, complete, and detailed timeline and assessment based on appropriate auditing methods and a full review of the available evidence. The integrity of Grant Thornton's ongoing investigation might easily be cast into doubt if any MassDOT or RMV witnesses were to offer public statements at this time providing their own, perhaps incompletely informed, assessments of the RMV's practices in handling of out of state violations either as a general matter or in the specific instance of the Zhukovskyy case. Further, any such statements might improperly influence the memories and later testimony of other witnesses, which could undermine the credibility of Grant Thornton's review and ultimate findings.

Therefore, while Acting Registrar Jamey Tesler and I will appear at the Committee hearing on July 22 as requested, our testimony will necessarily focus on the situation that confronted us at the RMV when we learned of the RMV's failure to process an out-of-state violation notice that should have resulted in suspension of Volodymyr Zhukovskyy's Massachusetts commercial driver's license. We also will be able to testify about how we have responded to the gaps in processes that contributed to this unacceptable result and about all of the work that RMV employees have undertaken to date to prioritize the safety of all the drivers on Massachusetts roads. Please understand, for the reasons stated above, Acting Registrar Jamey Tesler and I will be unable to discuss at this time events prior to late June relating to the RMV's handling of out-of-state notifications and suspensions, due to Grant Thornton's ongoing investigation. We plan to update the Committee once the Grant Thornton report is complete.

At your request we have contacted the other individuals you requested to appear at the hearing. While we would not direct or prohibit any party from attending, we expect that only a representative from Grant Thornton will appear on Monday to speak to the scope of their engagement and the general methods that they use to conduct forensic reviews.

I want to assure you that MassDOT shares the Legislature's commitment to understanding the facts and making appropriate changes to restore the public's trust in the RMV so that the agency can to fulfill its critically important role of enhancing the public safety of automobile travel both within and beyond the borders of the Commonwealth. When the Grant Thornton review is complete, MassDOT and the RMV will make the audit's findings and recommendations public and we would be happy to work with you and the committee to provide

additional documents and even to participate in an additional hearing should you decide that one is appropriate at that time.

Again, some documents responsive to your information request are being provided along with this response and I look forward to continued cooperation with the Committee as you undertake the important work of overseeing the Registry's safety-critical driver licensure functions.

Sincerely,



Stephanie Pollack
Secretary and CEO
Massachusetts Department of Transportation

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	Request Records	Documents Produced
<p>1.</p> <p>2.</p>	<p>Any manuals, memoranda or other documents, including those authored or created by third-party vendors, that provide instruction on the use of maintenance of the ATLAS system</p> <p>any manuals, memoranda, or other documents, including those authored or created by third-party vendors, that provide instruction or discuss the ability or use of the ALARS or ATLAS systems, or any other means, to send, receive, record or process:</p> <p>(i) written or electronic notices received or delivered through CDLIS,</p> <p>(ii) written or electronic notices provided by other states with respect to traffic offenses committed in those states, or</p> <p>(iii) written or electronic notices provided by the RMV to other states with respect to traffic offenses committed in Massachusetts</p>	<p>ATLAS Suspension Class – 2019</p> <ul style="list-style-type: none"> • Facilitator’s Guide • Participant Workbook <p>ATLAS Documents dated 10.19.2018 and 4.18.19</p> <ul style="list-style-type: none"> • Passenger Status • Quick Reference Guide <p>ATLAS New Supervision Clerk Training Manual – 4/18</p> <p>ALARS PILOT – Service Center Suspension Training</p> <ul style="list-style-type: none"> • Facilitator’s Guide (2019) • Participant Workbook <p>ATLAS Contact Center Supplemental Course Learner Guide</p> <ul style="list-style-type: none"> • Role Plays • Instructor Scenarios • Tier 3 Supplemental Class <p>ATLAS Quick Start Guides on Pre-Hearing Steps, Using Case Search Change an Address</p> <ul style="list-style-type: none"> • Student Workbook • DCU Hearings • Officers and Instructor Guide <p>Suspension Training Kick-off Webinar – ATLAS for Clerks</p> <ul style="list-style-type: none"> • Scripts and Dashboards • AAA Webinars – Licensing Checks and Stops • Atlas Skills Workshop – Summer, 2018

		<ul style="list-style-type: none">• CDL Reference Guide <p>Screen Shots:</p> <ul style="list-style-type: none">• Suspension Vocabulary Terms in ATLAS• Passenger Status Tour• Running an AAMVA inquiry• NDR Suspension• Clearing a Warrant Suspension• Common Printing questions• Script for the Debrief <p>ALARS Suspension Clerk Training Manual</p> <p>ALARS Training Guide for Service Suspension Center Class</p> <p>ALARS Service Center Suspension Class</p> <ul style="list-style-type: none">• Participant Workbook – June 2019 <p>ALARS Implementation Meeting Minutes 2005</p> <ul style="list-style-type: none">• CDLIS/NDR Checks <p>ALARS Changes needed because of Changes to CDLIS requirements</p> <ul style="list-style-type: none">• Project documents for New IT requirements - CDLIS/NDR Transaction Check <p>ALARS 2007 – Business Analysis Document – IT project for Business Systems Updates</p> <ul style="list-style-type: none">• Functional Specifications• CDLIS/NDR Transactions Checks• Implementation Testing Plan
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		<ul style="list-style-type: none"> • DRAFT Technical Design Document for Internet Citation Payment CDLIS/NDR License • CDLIS/NDR Licenses Transaction Checks Final – 2007 • Technical Design Document • Change Request Forms • CDLIS/NDR Checks Batch Renewal Process • CDLIS Status Rejection Letter generation process <p>MCSIA Compliance Initiative Project 11/05 Grant Application process</p> <p>Summary of High-level Business Impacts MCSIA</p> <p>ALARS - Final Statements of Work July 2004 for New CDL Major Offenses and Serious Traffic Violations</p> <ul style="list-style-type: none"> • Project Document to modify CDL Subsystem to meet new federal requirements • Final Technical Design for CDLIS/NDR License Checks 10.2007 • Final Business Analysis Document CDLIS/NDR License checks 10.2007 <p>MCSIA Report / Negate Out of State Withdrawal Transactions 6.2006</p> <ul style="list-style-type: none"> • Update functionality to batch process functionality <p>Business Analysis Document – August 2004</p> <ul style="list-style-type: none"> • New CDL Major Offenses and Serious Traffic Violations • Functional Specification Document may 2005 for same as above
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	<p>CDLIS/NDR License Transactions Checks</p> <ul style="list-style-type: none">• CDL Compliance• Final Statement of Work 9.15.2005• Draft Technical Design Document – School Bus Endorsement 5.2005 <p>ALARS – Final 2006 Business Function Analysis Document</p> <ul style="list-style-type: none">• Report/Negate Out of State Conviction Transactions• Changes required to satisfy MCSIA requirements to report Out-of-State Convictions and Negate Out-of-State Convictions Transactions• Enables a State of Conviction to transmit an Out-of-State Conviction Report to SOR <p>ALARS Process Documents to upgrade system to implement reporting requirements for MCSIA</p> <p>Final Technical Design Document – July 2006</p> <ul style="list-style-type: none">• Send New License Status on CDLIS Response Messages – Not eligible due to Non-ACD withdrawal• Individual has been withdrawn for an offense without ACD code <p>Final Technical Design Document</p> <ul style="list-style-type: none">• CDLIS check for Monthly Renewals – (CDL Compliance 5.2005) <p>Final Business Analysis Document – May 2006</p>
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		<ul style="list-style-type: none"> • PDPS DLN Survey (CDL Compliance) – Problem Drive Pointer System
3.	<p>for the period from January 1, 2016 to present, any and all emails, letters, memoranda and other communications from, to or otherwise received by an employee of MassDOT, the RMV or MRB that discuss the ability or use of ALARS or ATLAS to receive or process:</p> <p>(i) written or electronic notices received or delivered through CDLIS, (ii) written or electronic notices provided by other states with respect to traffic offenses committed in those states, or (iii) written or electronic notices provided by the RMV to other states with respect to traffic offenses committed in Massachusetts:</p>	<p>Will supplement with responsive records, subject to appropriate redactions in compliance with state and federal law. Personal information including names and addresses of license holders in Massachusetts are protected from disclosure under the federal Driver Privacy Protection Act (18 USC §2721 et. seq.) as well as the Massachusetts Public Records Law (MGL c. 4, §7, clause 26(c)). Documents in this category may also be withheld pursuant to G.L. c. 4, sec7(26)(f) as they contain investigatory materials necessarily compiled out of the public view by investigatory officials, the disclosure of which materials would probably so prejudice the investigation that such disclosure would not be in the public interest.</p>
4.	<p>for the period from January 1, 2018 to present, any and all emails, letters, memoranda and other communications from, to or otherwise received by an employee of MassDOT, the RMV or MRB that discuss suspension notices generated in error by the ATLAS system, whether or not such notices were mailed or otherwise delivered to the licensee</p>	<p>Will supplement with responsive records, subject to appropriate redactions in compliance with state and federal law. Personal information including names and addresses of license holders in Massachusetts are protected from disclosure under the federal Driver Privacy Protection Act (18 USC §2721 et. seq.) as well as the Massachusetts Public Records Law (MGL c. 4, §7, clause 26(c)). Documents in this category may also be withheld pursuant to G.L. c. 4, sec7(26)(f) as they contain investigatory materials necessarily compiled out of the public view by investigatory officials, the disclosure of which materials would probably so prejudice the investigation that such disclosure would not be in the public interest.</p>

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5.	the contract with Fast Enterprises, LLC and the list of deliverables to be completed by Fast Enterprises, LLC, as they may also have been subsequently modified or amended;	<ul style="list-style-type: none"> • RMV Core System Replacement Contract With FAST Enterprises LLC – 10/24/16 • Contract Amendment – 4/2017 – Additional Scope – • Contract Amendment – Funding - 12/2018
6.	organizational chart for the RMV for 2015, 2016, 2017, 2018 and 2019;	RMV organizational charts
7.	monthly staffing levels from 1/1/2015 to present for the (i) the RMV's driver control unit, (ii) RMV's CDL unit, and (iii) the MRB unit charged with processing out-of-state violations;	<ul style="list-style-type: none"> • Monthly Staffing Levels – 2015-present
8.	for the period from 1/1/2010 to present, any internal or external audits or reviews of systems or processes within the RMV or MRB for the recording and processing of in-state and out-of-state traffic offenses committed by Massachusetts licensees;	<p>MassDOT Internal Audit</p> <ul style="list-style-type: none"> • Internal Audit of RMV MRB Dated June 19, 2017 <p>Will supplement this response.</p>
9.	for the period from 1/1/2015 to present, any and all emails, letters, memoranda and other communications from, to or otherwise received by an employee of MassDOT, the RMV or MRB discussing the processing by employees of the MRB of written traffic offense notices received by the RMV or another Massachusetts agency or authority from another state;	<p>MRB Process Documents</p> <ul style="list-style-type: none"> • Process flowchart on MRB receiving paper citations from issuing agency – ALARS • Process flowchart on citations from Trial Court to MRB – ALARS • Process flowchart on CMVI hearing requests to MRB from violators • Same Hearing requests sent from MRB to Trial Court • Same Hearing requests from Trial Court to MRB • Criminal citation dispositions sent from Trial Court to MRB
10.	any interstate compacts or agreements to which Massachusetts is or was a party during the past 10 years that provide for the exchange of	<ul style="list-style-type: none"> • NRVC Non-Resident Violator Compact – Administrative Procedures Manual 1994

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	information related to traffic offenses committed by Massachusetts-licensed operators in another state;	
11.	any and all emails, letters, memoranda and other communications from, to or otherwise received by an employee of MassDOT, the RMV or MassDOT that contain, mention, or refer to discussions with officials from other states about the possibility of entering into an interstate compact or agreement providing for the exchange of information related to traffic offenses committed by Massachusetts-licensed operators in a another state;	At this time, there may be some documents in this category that are subject to ongoing investigatory review and therefore may be withheld pursuant to G.L. c. 4, sec 7(26)(f), as they contain materials necessarily compiled out of the public view as the disclosure could prejudice the investigation.
12.	any documents that contain or disclose policies related to compliance with section 62 of chapter 90 of the General Laws;	<ul style="list-style-type: none"> • January 4, 2015 DCJIS Memo to Chiefs of Police • January 6, 2016 Letter From Registrar Erin Deveney
13.	any documents that contain or disclose policies related to notice to or from Massachusetts courts of traffic offenses committed by Massachusetts or out-of-state licensees.	See No. 9