

- William Straus: [00:00:10](#) Let me call the joint committee hearing back to order before turning to the witness. I was, with regard to one of the documents that was referred to when we began. We've identified it as document #2 today. Specifically, it's a memo on Fast Enterprise's letterhead. And I've been advised by the group that's here from Fast Enterprises, to note, so I want to make that clear.
- William Straus: [00:00:48](#) Although, the document has transmitted, and then ultimately provided, from the administration, carries the date of "February 22, 2019". In fact, and I have no doubt that the record reflects this. The correct date should be "February 22, 2018". The difference, frankly, could be, you know, of significance, so it's important to note, since that, was posted by the committee, and will in some fashion, add a note to the online posting...that we've been advised that, it was a just a printing error in the, original document. And again, that should read F"ebruary 22, 2018". That said, we're back in.
- William Straus: [00:01:41](#) The committee, staff had, as a courtesy, we had been in touch with the former Registrar. Prior to last week we did receive a letter and it was clearly sent before, sent to the committee, from Ms. Deveney. It was sent to us prior to the hearing, but it was not received 'til like a day after. But that was in transit so to speak, and the so-called snail mail to us, declining for last week the invitation.
- William Straus: [00:02:33](#) When we rescheduled this, because the committee had in the correspondence received an email address. We reached out to notify, the former Registrar that we were rescheduled. And she had responded and is here today and we appreciate that greatly, given the task that everyone wants to pursue. Which is, ... Many have already identified the purpose of finding ways to ensure that the Registry of Motor Vehicles operates at the highest level and excels in every way possible. So, the chairs want to extend, because so much has been mentioned already today, the ability to, Ms. Deveney to open up your appearance here with some words of your choosing. So, the floor is yours.
- Erin Deveney: [00:03:44](#) Thank you Chairman Straus, Chairman Boncore, and through you to the members of the committee. For the record, I am Erin Deveney and I am appearing today as a private citizen because I am no longer employed with the Commonwealth. Notwithstanding that fact and my employment status, the Registry of Motor Vehicles is an organization that I love very much, and I have been endeavoring to cooperate as best I can with all of the respective reviews and efforts to continue to improve the Registry of Motor Vehicles.

- Erin Deveney: [00:04:16](#) In 2015, I was entrusted with the privilege of leading the Registry of Motor Vehicles. In an exchange for that privilege was the expectation that I would do everything that I could to improve the Registry of Motor Vehicles, the services that it provided, and the ways in which it serves the customers of the Commonwealth.
- Erin Deveney: [00:04:40](#) In essence, it was expected that all aspects of the Registry of Motor Vehicles would be reviewed. There would either be business process improvements, business process redesigns, complete renovation of things that were being done that were not affording the citizens of the commonwealth the services that they deserved, as well as the obligation to find new and better ways of doing business.
- Erin Deveney: [00:05:10](#) To be clear, since my first employment with the Registry of Motor Vehicles in September of 2000, I am not aware of any prior effort to process and enter paper violations that were received by the Registry of Motor Vehicles regarding out-of-state violations. In 2015, when the Registry embarked upon its overall business process improvement initiative, as part of that effort, I recognized it as an opportunity to start to address the out-of-state violation process that had been received.
- Erin Deveney: [00:05:55](#) As has been testified here today already, those violation notices traditionally were sent to the Driver Control Unit. The Driver Control Unit did not have data entry staff, nor did it have a significant amount of administrative staff. The decision was made, and I approved that decision, to make the transfer of the data entry from the Driver Control Unit, which had never historically processed that information, to the Merit Rating Board. The reason for doing that was because the Merit Rating Board had staff that was already entering in violation information for Massachusetts violations. It made the most sense to utilize existing resources to enter in that same type of information, and then the system would process and adjudicate the appropriate suspensions which the driver control hearing staff would be able to address with customers who receive suspension notices.
- Erin Deveney: [00:07:06](#) That process was undertaken, and because the backlog existed for many, many years, the decision was made that it was important to start making progress that had not previously been made, and to begin a point in which to move forward. I take responsibility for making that decision.
- Erin Deveney: [00:07:28](#) In the midst of making these process improvements, the Registry of Motor Vehicles was undertaking a significant

organizational change to replace its over 30-year-old mainframe system. That system has to be replaced as a matter of necessity before it exhausts its useful life. As with any organization that undertakes that type of organizational change, there were challenges that the Registry faced and work that it needed to do to stabilize its operating functionality.

Erin Deveney: [00:08:11](#)

There were issues and problems which were impacting the Merit Rating Board staff. We worked to stabilize them and I did make the decision to prioritize processing Massachusetts violations, because if we didn't process Massachusetts violations with the Merit Rating Board, there was no back-up for that information to be recorded. Unlike with out-of-state violations, in which the Registry of Motor Vehicles has always received information through the National Driver Registry, as well as through the Commercial Driver's License Information System, or CDLIS. There were, admittedly not complete, but there was a mitigation strategy that was in place to address, at least in part, out-of-state violations; whereas no such process existed if the Registry was not processing Massachusetts violations.

Erin Deveney: [00:09:18](#)

On June 24, 2019, I learned for the first time of a procedural lapse in the processing of electronic messages that the Registry of Motor Vehicles received. The Registry of Motor Vehicles had received an electronic message which indicated that the operator in the New Hampshire fatality had had an out-of-state issue. That information had not been acted upon by the Registry of Motor Vehicles. I immediately identified the source of the problem. I consulted with team members to find the immediate way that that problem could be rectified, and within the course of 24 hours we looked at all of the existing out-of-state violation electronic notices that had been received and made sure that they were processed.

Erin Deveney: [00:10:12](#)

Notwithstanding that fact, in the midst of all of this, seven families experienced an unimaginable tragedy. And they didn't deserve explanations or excuses. They deserve to have someone be accountable and acknowledge that the service that the Registry of Motor Vehicles provided was unacceptable in this instance. And for that reason, I tendered my resignation. I remain committed and applaud your efforts to continue to improve the Registry of Motor Vehicles, and I'd be happy to take any questions you may have.

William Straus: [00:10:48](#)

Thank you. Senator Boncore.

- Senator Boncore: [00:10:50](#) I want to thank you for your public service, and you know, you are here as you said as a private citizen. You're in no obligation to be here. You're here on your free will, and the committee, I know the chair and I and the committee do appreciate the same. Just wanted to ask you a few questions about the processes of the Registry of Motor Vehicles. You said you had been an employee of the Registry since 2000?
- Erin Deveney: [00:11:17](#) I've served at three different times in the Registry of Motor Vehicles. My first tenure was September of 2000 to December of 2005.
- Senator Boncore: [00:11:27](#) Mm-hmm (affirmative)-
- Erin Deveney: [00:11:28](#) I returned in February of 2009 until March of 2014. And my most recent tenure was March of 2015 until June of 2019.
- Senator Boncore: [00:11:39](#) So up until 2015 when you became Registrar, what was the department responsible processing out-of-state suspensions?
- Erin Deveney: [00:11:49](#) There were not resources that were allocated to processing paper out-of-state violations received.
- Senator Boncore: [00:11:57](#) Who, but who was the department? Was it DCU? Or was it Merit Rating Board up to 2015?
- Erin Deveney: [00:12:03](#) The mail was received and stored in keeping with the public records retention laws, at the Driver Control Unit.
- Senator Boncore: [00:12:12](#) Okay, they had no responsibility to process that information?
- Erin Deveney: [00:12:19](#) There were not resources that were available or committed to the manual paper processing of those violations.
- Senator Boncore: [00:12:29](#) And that was for the entire periods of times you were employed at the RMV? Or before 2015, was there personnel under DCU who inputted paper notifications?
- Erin Deveney: [00:12:42](#) No, I'm not aware that at any point in time that there was staff that was allocated, until the Merit Rating Board staff took on that work in 2016.
- Senator Boncore: [00:12:54](#) But it was still a function of the Driver Control Unit to do that? Even if it wasn't staffed properly, and I concede I'd agree (laughs) that it wasn't staffed properly, it was their function to process that, correct?

- Erin Deveney: [00:13:06](#) The mail was received and stored at the Driver Control Unit.
- Senator Boncore: [00:13:10](#) When Mr. Constantino came on board, did anyone make him aware of that function? Or did you guys have a discussion around this out-of-state notifications mail that was there?
- Erin Deveney: [00:13:27](#) When Mr. Constantino joined as the director of the Driver Control Unit, he took on the responsibility that all of us in management at the Registry had to assess the current operational state and status of the business area. And in the course of that review, he confirmed that there had been no change and no progress had been made on recording the out-of-state paper violation notices.
- Senator Boncore: [00:13:55](#) Okay. Did you hear his testimony earlier that he was unaware that there was a function of the Driver Control Unit to process such information?
- Erin Deveney: [00:14:04](#) Yes.
- Senator Boncore: [00:14:05](#) You heard that.
- Erin Deveney: [00:14:05](#) Yes.
- Senator Boncore: [00:14:06](#) Okay. But he did send a, a guess what's been called a "project on paper" at some point, saying that the Driver Control Unit could no longer process that function. Correct? That's the gist of that document?
- Erin Deveney: [00:14:24](#) It was identified that the Driver Control Unit did not have resources to process the paper notices, and the recommendation was made that we utilize first existing resources that we had within the Merit Rating Board to maximize the use of resources that we already had, to take on the need that we had identified to address this issue.
- Senator Boncore: [00:14:56](#) Okay. And that was in, sometime in July of 2016 that Mr. Constantino made you... Did he make you aware of that at that point, or is this something you already knew?
- Erin Deveney: [00:15:08](#) I was aware that prior to 2015, I was aware that the Registry of Motor Vehicles had not been processing paper out-of-state violation notices, and Mr. Constantino confirmed for me that there had been no change in that status.
- Senator Boncore: [00:15:29](#) So, what was the process for that paper as it came into the Registry? Prior to 2015 or prior to 2016, was there a standard

operating procedure around what to do with these paper mail notifications?

- Erin Deveney: [00:15:46](#) No. There were no resources specifically directed to handle that process. There were no standard operating procedures and that's what we endeavored to take on, was a way to address, what was up until that point an unmet business need.
- Senator Boncore: [00:16:06](#) Mm-hmm (affirmative). And did you discuss with Mr. Constantino that unmet business need prior to him accepting the job as director?
- Erin Deveney: [00:16:15](#) No, the expectations that were set for Mr. Constantino was that he would use his legal background and his understanding that he had previously acquired of suspensions, and that as with all managers at the Registry, we were to take a top down, an overall comprehensive review of the Registry's operational state to find ways that we could improve it.
- Senator Boncore: [00:16:44](#) All right. In regards to these, at some point Mr. Constantino sent you a memorandum kind of discussing the problem, correct?
- Erin Deveney: [00:16:53](#) Yes.
- Senator Boncore: [00:16:53](#) And do you recall that that memorandum said, "This backlog of citation data," and I'm quoting directly from the document, "... represents thousands, greater than 100,000 of outstanding license suspension actions and significant revenue losses." Do you remember that memorandum?
- Erin Deveney: [00:17:15](#) I don't have it, I don't have it in front of me, but as you are, attributing the information in the memorandum it would be consistent with my recollection because the Registry, as I've stated, had not processed those paper violations.
- Senator Boncore: [00:17:31](#) Right. And at that time Mr. Constantino also said, "The failure to process the out-of-state citations and take proper suspension actions, seriously jeopardizes the public safety and public trust, and our ability to remove dangerous drivers from the commonwealth road." You'd agree the document said that, too? Or that was the understanding of you and Mr. Constantino in these, this important function not happening?
- Erin Deveney: [00:18:00](#) Yes. It was my understanding. It was my agreement that it was an important business area that we needed to make progress on and start to address.

- Senator Boncore: [00:18:10](#) Right. And you transferred that memo into a memorandum from your office to the governor's office sometime... I'm sorry, the governor's legal department, MassDOT's legal department, sometime in October of 2016, correct?
- Erin Deveney: [00:18:28](#) Um-
- Senator Boncore: [00:18:28](#) Can I pass-
- Erin Deveney: [00:18:29](#) I'm sorry.
- William Straus: [00:18:29](#) Is there cutoffs, or?
- Senator Boncore: [00:18:40](#) You can hand her this one.
- Erin Deveney: [00:18:55](#) Thank you for the copy. If I may... To give you context on how the Registry was approaching its continuous operation improvement efforts, those efforts started in 2015. The addressing of the out-of-state violations came subsequently in 2016. We had, we were given support and resources to help the Registry's leadership to improve our ability to execute and make improvements, project deliverables.
- Erin Deveney: [00:19:40](#) At a certain point in time, I would say it was the earlier part of 2016, the Registry's leadership team was entrusted to take on that responsibility directly. And the general direction that I had received was the expectation is that the Registry will make the important business decisions that need to be made to continue to improve operations. And so-
- Senator Boncore: [00:20:09](#) Can I just a... Who were you given that support by?
- Erin Deveney: [00:20:13](#) The support was given to the Registry from the Governor's office; from Secretary Pollack and her team as well as enterprise service leaders throughout the Massachusetts Department of Transportation, as well as through the provision of the Accela Consulting Services.
- Senator Boncore: [00:20:34](#) And who, particularly, in DOT, MassDOT gave you that directive and that support?
- Erin Deveney: [00:20:41](#) The expectation that the Registry of Motor Vehicles would initially receive support and then be expected to continue to manage and make improvements as our responsibilities as leaders, came from the Governor's office and from Secretary Pollack.

- Senator Boncore: [00:21:02](#) All right, and who particularly in the governor's office did you have conversations... I have no emails provided to me from the Governor's office, so I'm just curious if there was someone in particular? A group of people? So on and so forth.
- Erin Deveney: [00:21:15](#) It was the expectation that was set as part of us establishing an agile, a modified agile scrum methodology of project management at the Registry of Motor Vehicles. It initially started with members of the governor's office, who were making sure the methodology took hold and was being followed by Registry managers. And the business leads for that were myself and Secretary Pollack. And then in 2016 I took on the primary responsibility of making sure that that effort continued throughout the Registry of Motor Vehicles.
- Senator Boncore: [00:22:06](#) And prior to, so prior to this memorandum going to the Governor's office or the Secretary, were they aware of the issue of out-of-state notices not being processed? Had it been discussed prior to, with you, between their team and you at any time prior to October 2016?
- Erin Deveney: [00:22:26](#) No, it was not one of the initial focuses of the business process improvement, where the Secretary and the Governor's team were more directly involved. It was in the subsequent and deeper dives of process improvements that the Registry undertook. It was-
- Senator Boncore: [00:22:48](#) Can I... I- I don't want to mean to cut you off, but early, so earlier in testimony, Mr. Constantino and Mr. Bowes testified that they had identified this issue sometime in February of '17. and they had had some discussion about it, and they were aware of it. They have also testified they made you aware of it. I guess my question to you would be who then, did you make aware of this situation of 100,000 notifications not being processed at the Registry? Or did you handle it by yourself internally with the directors?
- Erin Deveney: [00:23:31](#) As I previously stated, I had always been aware that there had never been an administration in the Registry of Motor Vehicles that had addressed this issue. It was identified in 2015 as an area that needed to be addressed. And as part of the expectations for me as, as the leader of the organization, that's when I took it as part of our overall Registry improvement, to start doing something that hadn't been done.
- Senator Boncore: [00:24:11](#) Okay. So back to the memorandum I had placed in front of you, ... In that memorandum you talk about the RMV securing the

financial and human resources to meet this data entry backlog challenge. What did you mean by that?

- Erin Deveney: [00:24:27](#) That we had identified a way in which we could utilize the existing resources that we had in the Merit Rating Board, and that we had found ways that we could use the resources that we had to take on this, this previously unaddressed initiative. And that was through the collaboration of the Driver Control Unit and the Merit Rating Board staff.
- Senator Boncore: [00:24:59](#) So you talked to Director Bowes at that time about him onboarding, this backlog and dealing with this issue going forward?
- Erin Deveney: [00:25:10](#) The need to address the issue predated Mr. Bowes tenure with the Registry of Motor Vehicles.
- Senator Boncore: [00:25:19](#) That's not really my question. My question is did you talk to Mr... Before sending this memorandum, which he wasn't aware of during his testimony, his name's signed on to... Before this memorandum went out, did you have a conversation with him about the new responsibility he was going to be assuming at the Merit Rating Board?
- Erin Deveney: [00:25:39](#) Yes. Yes.
- Senator Boncore: [00:25:40](#) Okay. And it was your understanding also in this memorandum that it would take about three to six months to process this work. Were you aware of how many boxes there were at the Registry at that time?
- Erin Deveney: [00:25:56](#) The timeline was for a reasonable expectation of what could be addressed from the backlog. It certainly wasn't to imply that we were going to address every single out-of-state paper violation that had ever been received by the Registry of Motor Vehicles. Rather, it was an identification of the violations that had been received that was reasonable to expect to be able to process, while processing new notices that had come in from that point going forward.
- Senator Boncore: [00:26:38](#) Okay. So there was an expectation that the Merit Rating Board would process some deal of the backlog going forward after this brought, after it was, you know, okayed by your higher-ups. There was an expectation the Merit Rating Board would process some of the backlog?

- Erin Deveney: [00:26:57](#) There was an expectation that the Merit Rating Board would process a portion of the backlog, focusing on the most serious of offenses that had been reported.
- Senator Boncore: [00:27:10](#) Okay. Was it surprising for you to hear today that that was not done by the Merit Rating Board? That there was no backlog processed?
- Erin Deveney: [00:27:23](#) It was, it was my understanding that they were making progress on entering the paper out-of-state violations. Respectfully, the term backlog has been used multiple times in the course of today's testimony. So my understanding was that the transition of receipt of paper violations had taken place between the Driver Control Unit and the Merit Rating Board. And I do know that they were processing those violations because we received inquiries from customers who were impacted when they received suspension action notices for out-of-state offenses.
- Senator Boncore: [00:28:14](#) And of the 100,000 I guess unprocessed documents in the 72 boxes that were referenced in the memorandum of October 7, 2016, what happened to those boxes, do you know? If you know?
- Erin Deveney: [00:28:32](#) My understanding is that all of the paper violations that were received historically by the Registry of Motor Vehicles would be boxed and labeled so that they could be identified for storage, pursuant to the agency's obligations under the state record conservation requirements.
- Senator Boncore: [00:28:57](#) And where were they to be stored? Was that in Quincy or Concord, or?
- Erin Deveney: [00:29:00](#) The Registry has had documents since coming under the auspices, of MassDOT. Documentation was stored previously in a warehouse facility in Franklin and I believe it's also a larger MassDOT storage facility in Concord.
- Senator Boncore: [00:29:19](#) Mm-hmm (affirmative)-
- Erin Deveney: [00:29:20](#) And that would be in addition to any records that were immediately retained in any of the Registry's office locations, be it service centers or the administrative headquarters.
- Senator Boncore: [00:29:32](#) Okay and when an out-of-state license was suspended in Massachusetts, are the privileged to drive, because you can't suspend the actual license was suspended in Massachusetts, who's responsible for notifying the licensing state?

- Erin Deveney: [00:29:52](#) The Registry of Motor Vehicles up until, I'm speaking 'til June 25th of 2019, did not have a process for sending out paper notifications. Information about loss of privileges for out-of-state residents would be shared with the National Driver Register, and if the person was a commercial driver license holder, it would be entered into the Commercial Driver's License Information System. So the Registry used electronic communication mechanisms to share that information.
- Senator Boncore: [00:30:29](#) So even our own Massachusetts registry will only check the National Driver Register upon renewal of their license today, right?
- Erin Deveney: [00:30:38](#) It will check to determine eligibility when a customer wants to perform a transaction-
- Senator Boncore: [00:30:46](#) Right.
- Erin Deveney: [00:30:46](#) ... whether it's initial, believe also with a duplicate transaction. If the person wants to do a renewal, it will also be checked if there's any type of activity on the record; for instance, as was testified earlier, hearings officers would check if there's some type of activity on the driving record also.
- Senator Boncore: [00:31:06](#) But another state would have no paper knowledge other than that unit, or if the person had a CDL, that their right to drive in Massachusetts was suspended, correct? There was no process in place to mail other states notifications of suspensions or revocation?
- Erin Deveney: [00:31:25](#) As of June 25th of 2019 there was not a systemic process for mailing out-of... paper violation notices. However, if another jurisdiction contacted the Registry and asked for information on a driver, we would share that information with them.
- Senator Boncore: [00:31:52](#) When the ATLAS system came online, I understand there were some challenges with bringing the system, ...
- PART 1 OF 7 ENDS [00:32:04]
- Senator Boncore: [00:32:03](#) ... to meet the needs of the Registry of Motor Vehicles, at the time. Do you know how many changes were made to that system in the first year of that system being online?
- Erin Deveney: [00:32:17](#) I don't want to give inaccurate information to you, so I don't want to reference a specific number. What I can say about the ATLAS system is that it does provide a flexibility that the

mainframe system never would be able to provide the Registry of Motor Vehicles.

- Erin Deveney: [00:32:38](#) And as any problems were identified, or requests to make improvements to the business processes there is a process in which those requests would be made. They'd be reviewed, and they would be prioritized.
- Erin Deveney: [00:32:59](#) There were decisions made by the Registry to be able to focus its attention, and give support to the requests that were made by the Merit Rating Board, as well as the Driver Control Unit, to make the changes that they sought.
- Senator Boncore: [00:33:18](#) Mm-hmm (affirmative) But you don't know if these requests were made daily, weekly, or monthly? Or was it an ongoing...?
- Erin Deveney: [00:33:24](#) It had varied, the first change, configuration change that I was aware that was made, was made on the first day of implementation within four hours of us going live with the new system.
- Erin Deveney: [00:33:39](#) So it had varied based upon the criticality of the change being sought, and the issue that was looking to be resolved. And then there became a prioritization process to look at all of the changes that were being requested by the different business areas, and to prioritize those, and those changes were made on a two-week cycle. And the reason for that cycle was to allow for adequate quality assurance and quality control testing, to make sure that the changes were having the desired impact.
- Senator Boncore: [00:34:27](#) Okay, there are national standards that registries must comply with, correct?
- Senator Boncore: [00:34:32](#) And Is there an agency that oversees those national standards?
- Erin Deveney: [00:34:38](#) If you're referencing the American Association of Motor Vehicle Administrators, or AAMVA-
- Senator Boncore: [00:34:44](#) Yeah.
- Erin Deveney: [00:34:45](#) ...that is a trade association for motor vehicle administrations. With respect to standards, the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, sets forth the minimum obligations that all states must meet for commercial driver license purposes, and then the United States Department of Homeland Security sets out the minimum

standards that states need to meet, for purposes of issuing real IDs.

- Senator Boncore: [00:35:15](#) Mm-hmm (affirmative) We've heard some testimony today regarding a need for more workforce at the Registry from a couple of your directors. Did you, when you came in and you wanted the Registry to perform better, was there ever a thought of hiring more people?
- Erin Deveney: [00:35:38](#) The obligation that the Registry had was not to simply say, "Staff is the answer to all problems." The obligation that the Registry had was to look at the way that business was being done and see if there were better ways that we could perform that business, and offer those services with the resources that we had.
- Senator Boncore: [00:36:03](#) Mm-hmm (affirmative)
- Erin Deveney: [00:36:04](#) In instances in which the Registry demonstrated that it had made improvements to the best of its ability, with the resources that it had, and service still didn't meet expectations, then more staff was hired.
- Senator Boncore: [00:36:24](#) Okay, so, and within that role you'd rely on your directors who are in charge of certain departments within the Registry, correct?
- Erin Deveney: [00:36:33](#) Yes.
- Senator Boncore: [00:36:36](#) And if a director had asked you for more staff, would you take that into consideration? Did you take that into consideration when Mr. Bowes asked you for, that he needed more staff to backfill and perform essential functions now placed on the Merit Rating Board?
- Erin Deveney: [00:36:52](#) Yes. All of the department heads had the ability to advocate for what they believed would be necessary to improve the operations of their business areas. Those requests were then taken and looked at, in its entirety, and then staff would be hired and allocated to best try to meet what could be competing business needs.
- Senator Boncore: [00:37:30](#) And what would make that decision to hire more staff? Was that a function of your office?

- Erin Deveney: [00:37:39](#) It was my responsibility to be able to present information, to MassDOT as to staffing and, staffing and hiring requests and recommendations.
- Senator Boncore: [00:37:55](#) Okay. Did you ever tell Mr. Bowes that there was a head-freeze, or a hiring freeze, at the Registry of Motor Vehicles?
- Erin Deveney: [00:38:05](#) The Registry of Motor Vehicles had, as part of its budget, annual budget process, was given a FTE count, and that we would work in. Which would be consistent with what our annual operating allocation would be. And then there would have to be a request made if we wanted to make recommendations for positions.
- Senator Boncore: [00:38:41](#) And what was the FTE? What's that stand for?
- Erin Deveney: [00:38:44](#) My apologies. A full-time employee-
- Senator Boncore: [00:38:47](#) Okay.
- Erin Deveney: [00:38:48](#) ...member.
- Senator Boncore: [00:38:49](#) And who would make those decisions as far as budgetary decisions and whether or not you could hire a full-time employee? Who particularly?
- Erin Deveney: [00:39:02](#) The ability to hire within the annual budget allocation and, the ability to use resources within the number of full-time employees that were allocated to the Registry of Motor Vehicles, was left to division administrators. So, anything to seek employees above that number would require Secretariat approval.
- Senator Boncore: [00:39:38](#) Okay. And did the Secretary ever tell you there was a hiring freeze? I mean those aren't my words, I heard those words today, so I'm just asking a question.
- Erin Deveney: [00:39:53](#) The Secretary was receptive to requests for additional staffing, and the number of staff that was allocated to the Registry of Motor Vehicles when I arrived in 2015-
- Senator Boncore: [00:40:09](#) Mm-hmm (affirmative)
- Erin Deveney: [00:40:09](#) ...and the time I left in 2019 was higher. however-
- Senator Boncore: [00:40:15](#) When Mr. Bowes asked you for more staff, did you make an ask of the Secretary for more full-time employees?

- Erin Deveney: [00:40:24](#) The vacancies that have occurred through attrition for the Merit Rating Board were identified as part of the overall staffing for the Registry of Motor Vehicles.
- Senator Boncore: [00:40:34](#) But they were never filled during your tenure there, correct?
- Erin Deveney: [00:40:39](#) there has been hiring which has taken place in the Merit Rating Board since I returned in 2015.
- Senator Boncore: [00:40:51](#) But since 2016? When the Merit Rating Board had more responsibility and more tasks? And I don't want to belabor the point but when Mr. Bowes asked you, and when he was asked, I guess, during his testimony, he said he was asked and he was told that there was a hiring freeze.
- Senator Boncore: [00:41:09](#) But I have no further questions. Thank you.
- William Straus: [00:41:16](#) Thank you. let me begin by echoing the comments of my co-chair, just pointing out what, is now clear you are here as a private citizen. To come and make yourself available for questions. Likely difficult ones, and I'm sure you anticipated that.
- William Straus: [00:41:42](#) Today, all as a consequence after the tragedy in June, that took place in New Hampshire. And, it's hard for us to express the respect that we have for you doing that. You've been in front of the committee many times over the years, so we have a familiarity with you, and the dedication that you have shown for years to the Registry, its work force, and its mission.
- William Straus: [00:42:16](#) So, in that sense, it's difficult, if not awkward to pursue these issues, but the seriousness of what occurred, and I know you appreciate this, is what brings us here today.
- William Straus: [00:42:33](#) So, not directly related to you but I think anyone who's been watching us so far today, engaged with the different witnesses sees, and it's frustrating for everyone that there is a language of government, a terminology, words, language, that, is something of a barrier for the rest of the world to understand, what occurs.
- William Straus: [00:43:09](#) The language tends to, in the references, smooth out the difficulties. And so, our challenge today, and my goal in my questions is to, help have you describe in accessible terminology, the kinds of things that happened on a micro-level, and then a broad picture.

- William Straus: [00:43:36](#) So, my questions go to both some micro-issues and then broad issues, that were also, covered in my co-chair's comments. So, if I could start with kind of a micro-decision, which was a typical manager's decision about directing and allocating a work responsibility between different units.
- William Straus: [00:44:04](#) It's not so much, I think, for the public interest, which one, but really why? And, that was the recommendation came to you, and you've indicated responsibility, and taken responsibility for a decision that in hindsight, has been questioned. Had been questioned by auditors, certainly questioned, out there, which was to, take a responsibility from the Driver Control Unit, and give it to the Merit Rating Board.
- William Straus: [00:44:38](#) In and of itself the labels just don't necessarily mean something, but we do have, the committee has received, a separate audit recommendation to change that. And we've had testimony that the decision to make that transfer included no additional resources staff for the rating board itself.
- William Straus: [00:45:12](#) So you received, a request, or recommendation, because as my co-chair points out, it's not as if Mr. Costantino, as the director of the Driver Control Unit, had authority on his own, to send a workload responsibility somewhere else.
- William Straus: [00:45:30](#) So it went up the chain to you. And I'm curious at this point, in making that decision, whatever that decision was, and it was clear it was to accept the recommendation and move the workload.
- William Straus: [00:45:45](#) Did you, yourself, consult anyone else?
- Erin Deveney: [00:45:54](#) If I understand the question phrased a different way, did I specifically seek approval to transfer a business responsibility from one area to another? Is that-
- William Straus: [00:46:09](#) Well not approval, because I think the responsibility within the organization fell upon you, but did you seek advice and council, and I don't mean legal counsel, from anyone else? Did this make sense from a policy and a mission standpoint?
- Erin Deveney: [00:46:28](#) It was a conversation that took place amongst my leadership team. My approach to managing issues and making decisions about how to approach challenges, was to seek input from my managers, and listen to their recommendations, to make an informed opinions and decisions. I also relied upon my historical

understanding of the business issues that I had acquired my many years in working for the Registry of Motor Vehicles.

- Erin Deveney: [00:47:14](#) And because the Merit Rating Board staff entered in Massachusetts violations, that would, in some instances, trigger suspensions, it made sense to me to have them undertake similar work for out-of-state violations.
- Erin Deveney: [00:47:40](#) So whether you got a Driving to Endanger in Virginia, or a Driving to Endanger charge in Massachusetts, the Merit Rating Board was already entering that information for the Massachusetts violations, which made sense for them to take on this responsibility for out-of-state.
- William Straus: [00:48:02](#) Okay, so that's your, the consultation and advice process you undertook after receiving a request and recommendation from one of your individual managers, Mr. Costantino. But since you raised it, there is the issue of the October 16th memo, under your joint authorship, to the Governor's office and legal counsel department and it appears that the Governor's office, the long memo that you have in front of you, clearly, and I think, my colleague was trying to get, this question. I sensed some tension in the exchange.
- William Straus: [00:48:55](#) So that memo goes to the Governor's office, presumably shared with the Secretary's office in some way.
- Erin Deveney: [00:49:06](#) I'll- I'll clarify.
- William Straus: [00:49:07](#) Okay.
- Erin Deveney: [00:49:11](#) For a period of time, when the Registry initiated its Business Process Improvement Effort, we had a higher level of consultation and requests for approvals to proceed.
- William Straus: [00:49:28](#) Let me help you along here. The coming computer change to ATLAS, and the switch to, it was the document we had introduced last week, a customer-centric approach, which goes back years within the Registry.
- William Straus: [00:49:48](#) As I understand it, sure, made the Registry a higher profile agency within the orbit of the administrative responsibilities overall. Not just for MassDOT, but for the administration in total. And so I'm curious, when this memo went up, or these kinds of issues went up. Was there specific team first within the Secretary's office, of individuals, who tended to deal with you on Registry issues?

- William Straus: [00:50:27](#) You didn't call everybody in MassDOT. There must have been people you, over practice, began to say, "Okay, when I need to talk to the Secretary's office, here are the one, two, three, four people." And the same with the Governor's office.
- William Straus: [00:50:45](#) Who were those people?
- Erin Deveney: [00:50:53](#) If I may answer- I think the first question, that both chairs have posed to me.
- Senator Boncore: [00:50:58](#) Whatever you want, as long as [crosstalk 00:50:59]
- William Straus: [00:50:59](#) as long as the answer concludes with, "Who were those people?"
- Erin Deveney: [00:51:05](#) The initial continuous improvement process started with the Governor's former Chief of Staff, Steve Kadish. Secretary Pollack was, involved as well. There were other members of the Governor's team who had, whom I understood their roles and responsibility to be to help agencies, not just the Registry, find innovative ways of performing their functionality.
- Erin Deveney: [00:51:42](#) So different members of that office participated. Um-
- William Straus: [00:51:48](#) I mean, types?
- Erin Deveney: [00:51:49](#) Correct.
- William Straus: [00:51:49](#) Yeah.
- Erin Deveney: [00:51:51](#) How to think about making government work smarter, not harder. The Deputy Chief of Staff for Customer Service Mindy d'Arbeloff participated. In addition to that, from the MassDOT enterprise service level, we would have the MassDOT Director of HR, we would have a MassDOT HR, Human Resources partner. The MassDOT CIO, Deputy CIO, and then managers throughout the Registry of Motor Vehicles.
- William Straus: [00:52:31](#) My effort here was not to just, was not some tricky thing, I think it's important for the public to know that other serious minded people had been involved, in what is a big picture approach to how the Registry has been operating, vis-a-vis its customer service function, and what is the focus here, its public safety function.

- William Straus: [00:53:06](#) So that's the purpose. As I say, I sensed a tension when the Senator was inquiring in the same general area, so I just felt in my questioning I'd, re-enter that with you.
- Erin Deveney: [00:53:22](#) The objective for the Registry of Motor Vehicles was not limited to customer service, it was find ways to improve everything that the Registry of Motor Vehicles provides as a service to the Commonwealth.
- Erin Deveney: [00:53:39](#) To the point about seeking approval or discussing which improvements were to be made, at the point in which this issue about who would start to process the out-of-state violations, that was not a conversation that I specifically had with the Secretary.
- Erin Deveney: [00:54:08](#) I sought the general guidance of, at the point we were at the improvement process, did we need to request the approval to proceed with recommendations and direction?
- Erin Deveney: [00:54:21](#) And the guidance I received was, if this will improve the services that the Registry provides, you're empowered to do that.
- William Straus: [00:54:31](#) And, that really is a perfect transition from a micro-topic, which of your internal departments receives a particular work assignment, an important one, but that kind of internal decision to the bigger picture, which I frankly think has driven all of this. Which as, my co-chairmen went through what we received as a statement from Mr. Bowes, that he had made requests for more staff. It's something that department heads tend to do.
- William Straus: [00:55:15](#) But the responsibility of the mid-level managers, and ultimately to the top of the management structure the executive branch is to make, what are difficult decisions; to say, " We have a defined amount of resources." And then within each Secretariat, and then within each of the agencies, fit within that system.
- William Straus: [00:55:43](#) And so, as the Registrar, you're in charge, but you work within a structure. And so, the question becomes, at your management level, with what you've been assigned, consistent with the Secretary's decisions, consistent with the Governor's office decisions, where are the existing defined fixed resources allocated?
- William Straus: [00:56:15](#) And so, my questions really go to, frankly second-guessing, but asking you to reflect on the allocation of resources to the customer service areas in the service centers, important tasks,

because it translates, often, into waiting times and line speeds, which is always a topic, to the so-called back office, critical Public Safety Task. Regardless of whether they're assigned to the Merit Rating Board, the Driver Control Unit, or somebody else, those are just the boxes available to you. So, for these back office functions, why was the balance of allocations in what appears, to me, limited vis-a-vis these public safety functions?

- Erin Deveney: [00:57:24](#) With the resources, and the opportunity to fill positions, consideration was given to trying to find ways to meet needs across all business areas which would include hiring of additional Hearings Officers, hiring additional Road Test Examiners, hiring a new business team within the Quincy headquarters to take on new business processes that were identified transitioning to REAL ID compliance. Back-filling positions in Vehicle Safety and Compliance.
- Erin Deveney: [00:58:14](#) So there was an effort to take the positions that we had to fill, and try to allocate them across the organization with adding positions to meet the demands that customers had and expectations for service in the service centers.
- William Straus: [00:58:43](#) I'm impressed with your owning the responsibility and not shirking it for having made the decision. I just don't want to see that you try and, or that you do take responsibility for things that were not yours.
- William Straus: [00:59:02](#) I just want to leave this area with that thought. I did have, I wanted to return and then conclude my questioning to one other micro-area with regard to the implementation of ATLAS, and what it meant here in terms of electronic messaging for out-of-state infractions.
- William Straus: [00:59:26](#) So, there are three additional documents, which, we've labeled them 8A, 8B, and 9, which I wanted to provide to you. These were provided to us last night as part of the records, request available. So, I just want to describe them and give you a chance to read through them.
- William Straus: [00:59:51](#) 8A is a email chain that concludes, because these do seem to print out backward in time, so it concludes at the top as an email from a Fredrick Apel. I'm guessing at the pronunciation.
- William Straus: [01:00:10](#) On May 7th, 2019 at 11:40 a.m. to a Donna Cabey, and it works its way backwards, in what was the initiation of the whole conversation, as an email from Mr. Apel the day before on Monday, May 6th at 1:30 in the afternoon. And it had a

circulation list that included Mr. Bowes, Donna Cabey, Keith Costantino, and Scott Freeman.

- William Straus: [01:00:44](#) 8B is a similar email string, and I think these are being handed out to the committee, that ends also on May 6th, Monday, at 4:32 p.m. It ends with Mr. Apel sending an email to you, with the CC to Nicole Spriggs.
- William Straus: [01:01:10](#) The title of it, the subject is: Reporting of DWI's and Other Violations from New Hampshire. And it concludes, but we'll get to it, that last message:
- William Straus: [01:01:22](#) "Hi Erin,
- William Straus: [01:01:23](#) I'm going to give you a call, because there may be another problem related to this.
- William Straus: [01:01:28](#) Best Regards,
- William Straus: [01:01:29](#) Fred" That sequence was also initiated as 8A was, so they're linked, but different people who had CC's sent the messages out.
- William Straus: [01:01:42](#) And number 9 was what started the whole string from Mr. Apel. We've redacted the author, but it was an April 29th letter addressed to you, and I think we can cover some of the initial ground before we get into questions, is why a letter from you generates, an email string from Mr. Apel.
- William Straus: [01:02:08](#) And I will read this, but not provide the name, but I think you're likely familiar with the letter:
- William Straus: [01:02:17](#) "I'm a psychologist in the community, who has specialized in treating addictions for the past 30 years. I'm alerting you to a problem. Some of my Massachusetts patients, who have had DWI's in New Hampshire, are not having their Massachusetts licenses revoked. They have ALWAYS," always is in caps, "been revoked in the past, but there has been a change for the last 8 months, or roughly since the new licenses have been instituted.
- William Straus: [01:02:50](#) This is a dangerous situation. I've called the Registry and sent emails with no response. This is a serious problem, as I have many people driving in Massachusetts without penalty or caution.
- William Straus: [01:03:05](#) Please advise me if there has been a change in the law."

- William Straus: [01:03:09](#) So my first question is, Mr. Apel seems to have a title of agency ombudsman?
- Erin Deveney: [01:03:16](#) That's correct.
- William Straus: [01:03:17](#) Okay. So, am I correct that in all likelihood, the correspondence directed to you, would have, as appropriate, been given to the agency ombudsman to look into?
- William Straus: [01:03:30](#) Is that fair, or not? If you know.
- Erin Deveney: [01:03:35](#) The ombudsman would handle emails, phone calls, general correspondence, either because it was directed to generally to the Registry of Motor Vehicles, or also as an Office of Dispute Resolution, when someone had received, information and they wanted to have it reviewed further.
- William Straus: [01:04:01](#) So as you can see Mr. Apel
- PART 2 OF 7 ENDS [01:04:04]
- Erin Deveney: [01:04:03](#) ... have reviewed further.
- William Straus: [01:04:03](#) So as you can see, Mr. Apel, for whatever reason, sent this correspondence to those various people on a Monday and it seemed to generate quite a lot of comment. So if we could just focus on the substance of the issue of Massachusetts drivers with infractions, including what we call "OUIs," operating under the influence, and New Hampshire apparently calls "DWIs," driving while intoxicated, but the same basic crime. And in some way, the New Hampshire messages, from the email strings you have in front of you, the New Hampshire notices since the time of ATLAS 1 going online in March of 2018, not being accounted for in ATLAS.
- William Straus: [01:05:03](#) Under ALARS, the prior system, wasn't there a distinct, again, forgetting paperwork issues and written notices, didn't we have a special electronic arrangement just for these kind of offenses where Massachusetts drivers with infractions in New Hampshire, Massachusetts people drive a lot in New Hampshire, so we set up a special deal, so to speak, a special agency-to-agency arrangement with New Hampshire. Did we not?
- Erin Deveney: [01:05:35](#) That's correct.
- William Straus: [01:05:37](#) And that was electronic communication.

- Erin Deveney: [01:05:39](#) We exchanged-
- William Straus: [01:05:42](#) Go ... or describe it. I'm sorry.
- Erin Deveney: [01:05:42](#) We exchanged magnetic data tapes with the state of New Hampshire. The state when I received this information, and that is included in the April 29th, 2019 letter, I inquired of the status of our data exchanges with New Hampshire. Like Massachusetts, New Hampshire also replaced its driver licensing system and I believe that work was completed in 2017.
- Erin Deveney: [01:06:14](#) I was informed that in 2017, the state of New Hampshire stopped transmitting electronic records to Massachusetts. Massachusetts has continued to transmit electronically to the state of New Hampshire any violations for New Hampshire residents that take place in Massachusetts. So my understanding of this issue is not that it was a problem that was created due to the implementation of the first release of ATLAS, that this was something that coincided with the changes of the system in New Hampshire.
- William Straus: [01:07:02](#) So on that point, what was in 8-A. In this email string, and I'll just go into the middle, there's an exchange between Donna Cabey and Mr. Apel. Who is Donna Cabey?
- Erin Deveney: [01:07:18](#) Ms. Cabey is a Merit Rating Board employee.
- William Straus: [01:07:21](#) Long-time employee?
- Erin Deveney: [01:07:22](#) Correct.
- William Straus: [01:07:22](#) She'd been the acting director at one point, right?
- Erin Deveney: [01:07:25](#) Correct.
- William Straus: [01:07:28](#) And Mr. Apel writes on May 6th at 3:10 PM, so I want to be clear on the timing because this is a rapid exchange, "It is very possible that it doesn't work in ATLAS. Best regards, Fred." One minute later, Donna Cabey writes back, "It is possible that it's not working, which should be a major concern if New Hampshire's unaware that the violations and sanctions are not being added to operators' records. It is also a definite public safety concern. I hope that it is working." Mr. Apel then writes back one minute later, "I agree." Ms. Cabey writes back one minute later to Mr. Apel, "Sound the alarm."

- William Straus: [01:08:28](#) So I indicated at the beginning, Mr. Apel wrote to you just over an hour after Ms. Cabey says to him, "Sound the alarm" at 3:15. He sends you an email at 4:32, an hour and a quarter later, "I'm going to give you a call because there may be another problem related to this." Did he call you?
- Erin Deveney: [01:08:55](#) Actually, because his office was in my same business suite, I actually believe he came into my office to speak to me on this issue.
- William Straus: [01:09:04](#) Okay. Which alone should've told you this was something that he felt was significant and important.
- Erin Deveney: [01:09:11](#) Yes.
- William Straus: [01:09:13](#) And did he bring up this New Hampshire issue?
- Erin Deveney: [01:09:15](#) He did bring up the New Hampshire issue, which I then brought back to the ATLAS team in Quincy and I inquired of the status of the exchange with New Hampshire. While I respect the speculation that is contained in this, these emails, I wanted to ascertain what the exact problem was and I was informed that we had communicated to New Hampshire the way in which they could continue, albeit in a new way, to exchange information with us electronically, but New Hampshire had not followed up on that.
- Erin Deveney: [01:09:59](#) I also confirmed that Massachusetts was continuing to send electronic files about their residents to New Hampshire. And then subsequently, in May, between, I think, the 13th and the 12th and the 14th of May of 2019, I had the opportunity to raise this issue with my colleague in New Hampshire to inquire about how we could resume the process with New Hampshire to start getting that information electronically again.
- William Straus: [01:10:31](#) So and- I assume it's been fixed. I assume this is no longer an open issue.
- Erin Deveney: [01:10:41](#) I apologize. I can't confirm whether New Hampshire has resumed sending the information electronically.
- William Straus: [01:10:47](#) Okay. Which means from May 6 to the date of your departure, June 25th, no indication that it was resolved, so that New Hampshire and Massachusetts could return to what was a level of communication with regard to these offenses?

- Erin Deveney: [01:11:10](#) I confirmed that Massachusetts was continuing to send the information it always had to New Hampshire but, unfortunately, I didn't have any authority to compel New Hampshire to resume their electronic sharing of information with Massachusetts. I did raise it as an issue and a concern with New Hampshire.
- William Straus: [01:11:32](#) Okay. And final question. Who internally within the Registry of Motor Vehicles, who would've been our, ATLAS 1 Fast liaison, contact person, to receive an issue like, or to handle an issue like this?
- Erin Deveney: [01:11:59](#) My inquiry that I directed to get information was, to what would be considered a production support team, the team that had taken over after implementation for monitoring the system and making sure there was no problems with the system or overseeing any updates or changes made to the system.
- Erin Deveney: [01:12:22](#) I also had a conversation with Ben Goodman, who is the Massachusetts ATLAS technical lead for Fast Enterprises, who confirmed for me that Massachusetts, even after going to ATLAS, was continuing to share information, that we had the capacity to receive the information electronically from New Hampshire, but they were not sharing that with me. Which was also confirmed by the production support team that works for MassDOT.
- William Straus: [01:12:52](#) Okay. I have no further questions. I look to members of the committee. Senator Lesser.
- Eric Lesser: [01:13:01](#) So, thank you, former Registrar. I do want to just reiterate what the Chairs have said, which is you are a private citizen. You have no obligation to be here. And so we appreciate that and it's not lost on us that you are voluntarily coming in your private capacity to speak to us. So, we appreciate that. And it's been very helpful and edifying to hear your take on everything.
- Eric Lesser: [01:13:24](#) I want to just follow up on your opening testimony where you said that on June 24th, was the, quote, "first time you had heard about a procedural lapse." can you clarify that? Are you saying that that was the first time you were aware of the accident or are you saying that that was the first time you were aware of a procedural lapse with the processing of out-of-state notifications?
- Erin Deveney: [01:13:49](#) On June 24th I learned for the first--I was aware of the crash. On Sunday, June 23rd, I had a conversation with one of our team members and reviewed the offenses that were on the

operator's record. On Monday, June 24th, the Registry received information suggesting that the operator had been involved in an OUI on Connecticut that was not reflected on his record. And I requested and directed that a series of steps be taken to ascertain what exactly may have happened in the state of Connecticut.

- Erin Deveney: [01:14:39](#) What I learned was that there was an electronic notification that had been sent to the Registry of Motor Vehicles on May 29th, of 2019, regarding the Connecticut incident. ATLAS is set up to record those types of notices automatically and to generate suspensions automatically. It did not happen in this particular case because of how the information was received.
- Erin Deveney: [01:15:15](#) But that information was in a work cue or, if you will in layperson's terms, an email box, for manual review by staff. It was on June 24th that I learned that that work was not prioritized despite that information being available to Massachusetts. And that's what I found to be an unacceptable lapse in process.
- Eric Lesser: [01:15:43](#) Okay. And the, the audit that Brie-Anne Dwyer testified about earlier today, were you aware of that audit?
- Erin Deveney: [01:15:53](#) I requested that audit.
- Eric Lesser: [01:15:54](#) So if you requested that audit, you saw the, you obviously saw the results that she sent back then and you read the memo dated April 3rd?
- Erin Deveney: [01:16:03](#) Yes. I had in common practice consulted with the MassDOT Internal Audit Department to examine business areas where it was good due diligence to make sure that staff were complying with policies and procedures. We have used that team also if we've had concerns about suspected fraudulent activity. But I also was aware of challenges that the Merit Rating Board team had faced associated with the implementation of ATLAS. I requested the audit to be conducted because I wanted recommendations for management on where we should be targeting our effort to make the most valuable improvements.
- Eric Lesser: [01:16:51](#) And so zooming out, you're in charge of the RMV and you, as you acknowledged and you said in your opening statement, you understood that there was this issue that had not been addressed in the past of out-of-state notifications. So you took it upon yourself, which we applaud and recognize, to try to

begin to close the backlog with those out-of-state notifications.
Correct?

- Eric Lesser: [01:17:18](#) And what part of the process of trying to get that backlog closed, you did a certain number of things. You requested the audit. You also moved the processing of those out-of-state notifications from the DCU to the Merit Rating Board, because as you yourself said, the Merit Rating Board had the capability that the DCU did not to process them. Is that correct?
- Erin Deveney: [01:17:43](#) Correct. Yes.
- Eric Lesser: [01:17:43](#) Yeah. So you made the decision to move them, to try to get a handle on this backlog.
- Erin Deveney: [01:17:49](#) Correct.
- Eric Lesser: [01:17:51](#) And, Mr. Costantino from the DCU testified earlier today that he sent this photo of dozens and dozens of boxes containing as many as 10,000 or more unprocessed records to you and to Mr. Bowes. Do you remember getting this photo?
- Erin Deveney: [01:18:10](#) Yes.
- Eric Lesser: [01:18:11](#) So I understand it's a complicated issue. There's a lot of moving pieces. This is clearly a big project, right? And it's actually two, it's two walls. It's all of these boxes and the wall after it. Did you ask Secretary Pollack for more resources to get the boxes processed?
- Erin Deveney: [01:18:34](#) To clarify. My understanding of those boxes was that it was not the backlog because the backlog had existed for years and years. I understood that to be what had been cataloged and organized by the Driver Control Unit. With respect to taking on the Merit Rating Board taking on this new process, since we had not attempted to undertake it with existing resources, the objective was to see what we would be able to accomplish with existing resources, to then make a legitimate business argument that we couldn't do the job with what we had and therefore we needed to have some more staff.
- Eric Lesser: [01:19:32](#) Okay. So is it fair to say that part of the reason why resources weren't surged to get those boxes checked, is because the RMV was focused on the customer-oriented processing of reducing wait times at RMV branches?

- Erin Deveney: [01:19:50](#) It was part of an obligation to first do something before we said we couldn't do it.
- Eric Lesser: [01:19:58](#) But once ... I mean, quite frankly, once tragedy happened, the RMV zipped through those boxes right away. MassDOT sent three public updates that are on the MassDOT web site that identified, they admitted that once they found this backlog, they surged resources and they worked over the weekend to get through them all and process them. Frankly, that's part of the reason why we know the scope of what happened, is because they surged resources to get the boxes checked and have people go through them all weekend long. Correct? I think the entire backlog was checked, within 72 hours or so after after it was first identified and after the updates started coming out.
- Erin Deveney: [01:20:44](#) Re- respectfully, I can't speak to how MassDOT has addressed this situation since my departure.
- Eric Lesser: [01:20:52](#) Okay. so did you ever mention to the Governor that there was, that there were dozens of boxes sitting in, sitting in a room at the RMV facilities that weren't being processed that could potentially contain records of dangerous drivers?
- Erin Deveney: [01:21:10](#) I had no conversations with the governor on that matter.
- Eric Lesser: [01:21:14](#) Did you let anyone in the governor's staff know?
- Erin Deveney: [01:21:22](#) I did not have a direct conversation about the out-of-state paper violation issue with any members of the governor's team. And the conversations that I had had with MassDOT and the governor's team were on issues that the Merit Rating Board team experienced after the transition to ATLAS, which led to my decision to once again, prioritize processing Massachusetts violations until we stabilized that to resume processing the paper violations from the other states again.
- Eric Lesser: [01:22:18](#) Okay. okay. Thank you.
- William Straus: [01:22:27](#) Okay. Sorry. Anyone else? Representative Tuck- well, let me, let me ... We haven't heard from Senator Tran in a while. Senator Tran?
- Dean Tran: [01:22:45](#) I think I'd just like to see the 10 seconds. Okay. Game on. Thank you, Mr. Chairman. Ms. Devaney, thank you very much for joining us today. You mentioned that, on June 24th that you went through some electronic messages and, you realized that

there were lapses within the system are, in regards to the out-of-states, out-of-state citations. Who was responsible for reviewing those electronic messages and who was responsible for prioritizing them?

- Erin Deveney: [01:23:20](#) The electronic out-of-state conviction notices were assigned to a work cue or, again in layperson's terms, an electronic mailbox that was assigned to the State Pointer Exchange team called SPEXS. That was a new team that was developed. I believe they actually started working in May of 2018.
- Erin Deveney: [01:23:55](#) They receive several types of notices, including notices that there may be the existence of a duplicate license for a non-commercial driver in another state, in addition to notices about out-of-state convictions. That team is located in Quincy headquarters and it's part of the overall Driver Licensing Department of the Registry.
- Dean Tran: [01:24:29](#) And who oversee that division?
- Erin Deveney: [01:24:32](#) There is a director of Driver Licensing who reports to the chief operating officer, who reported to the registrar.
- Dean Tran: [01:24:41](#) Is that team a permanent fixture of that division or is it an outsource?
- Erin Deveney: [01:24:46](#) The staff that work in that team are full-time state employees.
- Dean Tran: [01:24:53](#) Okay.
- Erin Deveney: [01:24:54](#) And that is a new team that was implemented and intended to stay after we implemented the ATLAS system.
- Dean Tran: [01:25:03](#) Ms. Devaney, can you tell us when you started, the position as the Registrar of Motor Vehicles?
- Erin Deveney: [01:25:11](#) I was appointed on an interim basis on March 15th of 2015 and I was given the privilege of serving in that in a non-internal capacity in December of 2015 until my resignation on June 25th.
- Dean Tran: [01:25:35](#) So, are you aware of the 2008 audit that was done, that was done on RMV's, information technology?
- Erin Deveney: [01:25:45](#) I was not employed by the Registry in 2008.
- Dean Tran: [01:25:50](#) So when you came on board in 2015, no one made you aware of the 2008 audit?

- Erin Deveney: [01:25:55](#) I don't recall the 2008 audit-
- Dean Tran: [01:26:00](#) Okay. So accord-
- Erin Deveney: [01:26:02](#) ... when I came back in 2000 and-
- Dean Tran: [01:26:03](#) ... according to the 2008 audit are the RMV's information technology controls, there was significant problems identified with how long it took for driving violations to be input into the ALARS system. And the problem seemed to stem from a long delay between when the courts informed the RMV of the criminal citation and the time the RMV inputted that information into the ALARS.
- Dean Tran: [01:26:27](#) The audit stated, and I quote, " Under these circumstances, state agencies and others who may use ALARS may not always obtain a current and accurate record of a licensee's driving history, which had, which would adversely affect public safety. Moreover, given the sheer volume of criminal citations, tickets could be lost or removed at any time during the process without detection." End quote.
- Dean Tran: [01:26:54](#) So the audit goes on to say, "Based on all the new criminal citations for 2005 and 2006, we determined that effective suspension and revocation dates for thousands of criminal citations were on average one to four years after the courts' adjudication."
- Dean Tran: [01:27:13](#) So it seems like the 2008 audit foresaw what happened on June 21st, 2019. Now, we implemented the ATLAS system in 2016. Am I correct?
- Erin Deveney: [01:27:29](#) March 26th of 2018.
- Dean Tran: [01:27:32](#) 2018. And the ATLAS system was supposed to address these issues.
- Erin Deveney: [01:27:36](#) Respectfully, I'm not familiar with the 2008 audit. The ATLAS system does provide the Commonwealth with a greater ability to share information electronically than the previous ALARS system.
- Dean Tran: [01:27:59](#) Are you aware of anybody at the RMV who has knowledge of the 2008 audit?
- Erin Deveney: [01:28:11](#) Because I did not participate in that audit, I don't think I can speak to that.

- Dean Tran: [01:28:18](#) Mm-hmm (affirmative). So Ms. Devaney, the reason why I'm bringing this up is you heard about the testimony on the audit that was done, on the, MRB and a memo was sent on April 3rd, 2019 to the director of MRB and it was not acted upon. Now, I just mentioned to you and, disclosed the 2008 audit that basically said the system has the same problems that they saw 11 years ago still exist now. Now, what I'm pointing out is that what's the point of doing an audit if we ignore them and not act on them?
- Erin Deveney: [01:29:20](#) With respect to communications between the Massachusetts trial court system and the Registry of Motor Vehicles, regarding Massachusetts violations, I am aware that there have been improvements made, including increased automation and electronic sharing of that information. With respect to the preliminary but unfinalized recommendations from the MassDOT audit team in 2019, respectfully, I didn't have the opportunity to implement that.
- Dean Tran: [01:30:11](#) Mm-hmm (affirmative).
- Erin Deveney: [01:30:12](#) My tenure didn't last long enough for me to take action on those recommendations.
- Dean Tran: [01:30:19](#) So two problems, two problems that we saw or heard from the testimonies, that were given tonight. One is that there will be changes that need to be made with the ATLAS system, and two, has to do with human intervention. Right. So I commend you for coming forward after the accident, held yourself accountable, be responsible for your actions or lack thereof and stepped down. Based on the testimonies we heard tonight, there seems to be other people who need to take accountability and that's not my job to point out those individuals. But I do commend you and thank you very much for being here tonight.
- Erin Deveney: [01:31:15](#) Thank you.
- William Straus: [01:31:16](#) I think, Rep. Tucker and then I'll come to Rep. Howitt and then I'll get back.
- Paul Tucker: [01:31:32](#) Thank you, Mr. Chairman. Ms. Devaney, thank you for coming. I give tremendous credit that you're here answering frankly and without any preconditions and I personally thank you for that. Just a few questions if I could clear up some of the answers I heard previously. Vice Chairman Lesser asked you a question, a few questions about the photograph and the boxes. And if I heard you correctly, you said you were under the impression

that those were not related to a backlog. I'm just wondering what the context of why you would've received them, what your thought was when you received such a photograph?

Erin Deveney: [01:32:11](#)

My understanding of those boxes was that it reflected the historical submissions of paper documents and violation notices that the Registry had not acted upon. But not necessarily the previously received notices that the Merit Rating Board was going to work to be able to enter into the system in addition to entering newly-received paper out-of-state violation notices moving forward.

Paul Tucker: [01:32:53](#)

Okay. I appreciate that. We've focused all of our attention today on, Massachusetts' actions as to these out-of-state suspensions. I think an area that we haven't covered yet, and I'm just wondering your thoughts on this, is Massachusetts as a sending state.

Paul Tucker: [01:33:12](#)

For instance, when somebody in New Hampshire or Vermont commits a serious Chapter 90 offense in Massachusetts, are we having the same issues in reverse as Massachusetts as a sending state? Or is that something that we don't need to delve any further into?

Erin Deveney: [01:33:30](#)

As I stated previously, prior to June 25th of 2019, Massachusetts was not sending paper notifications to other states unless upon specific request. Massachusetts though, however, has always been sharing that information electronically with both the CDLIS system as well as with the National Driver Registry. I'm not aware that there were problems with the Commonwealth sharing that information with those systems electronically.

Paul Tucker: [01:34:06](#)

So it's fair to say that we have reciprocity of information with 49 other states as pertains to driver's license infractions and, are less having to do with motor vehicles. We have that reciprocity now.

Erin Deveney: [01:34:22](#)

Massachusetts would recognize offenses from other states. I can't speak to if all other states would grant the same to us.

Paul Tucker: [01:34:30](#)

Okay. All right. Fair enough. Chairman Boncore asked you a couple of questions and I'm not quite certain I heard the final answer, so to speak. He asked you a number of times about was there a hiring freeze and I know he asked you a couple of different ways. If I remember Mr. Bowes' testimony correctly, at one point when he took over, he had 67 or 68 employees. That

number dropped down, I believe, to 62. So he's missing at least five people.

Paul Tucker: [01:34:56](#) And his testimony was that he went to you and said, "Hey, I need help." I haven't heard from you, and by the way he said that he was told there was a hiring freeze. I heard you talk about FTEs, what the budget would sustain. My guess, the simple question is did you tell him there was a budget freeze and who was the person, if it's not you, that could say, "Hire someone"?

Erin Deveney: [01:35:24](#) Mr. Bowes, like other managers within the Registry of Motor Vehicles, would submit requests for additional staff, either for new positions or as there was attrition within the organization. Those requests would be reviewed within the number of full-time employee positions allocated to the Registry of Motor Vehicles by MassDOT, consistent with the money that we had to spend on employees.

PART 3 OF 7 ENDS [01:36:04]

Erin Deveney: [01:36:03](#) And then, decisions would be made on how to...fill those positions and which departments were going to be able to backfill.

Paul Tucker: [01:36:15](#) I appreciate that, but let me just boil it down as simply as I can. Did you tell Mr. Bowes, "There is a hiring freeze. You can't have those people"?

Erin Deveney: [01:36:28](#) I don't recall using the terms "hiring freeze." I do know that I spoke to Mr. Bowes and other managers and would have to inform them if we had...the number of full-time employees on the payroll that was allocated to the Registry of Motor Vehicles. I didn't have the authority to say, " You can hire...and fill that other position."

Paul Tucker: [01:37:04](#) So, how far up would that go? I can't imagine that you would call Secretary Pollack and say, "Can I have permission to hire a data entry clerk?" But, you're probably also not going to hire somebody that's at a much higher level pay grade without some consultation above you, is that fair to say?

Erin Deveney: [01:37:24](#) We had a standard process where we would identify all of the requested positions within the Registry of Motor Vehicles, that would be considered our...requested hiring plan. And that would be submitted to MassDOT human resources for-

- Paul Tucker: [01:37:45](#) Well, certainly, your...influence or your opinion would go a long way, I would imagine.
- Paul Tucker: [01:37:54](#) Maybe not.
- Erin Deveney: [01:37:55](#) I would take the request and the recommendations from the managers within the various business units and I would...advocate for those positions...
- Paul Tucker: [01:38:13](#) Okay.
- Erin Deveney: [01:38:13](#) ...being allocated to the Registry. But, ultimately, the request of the Registry of Motor Vehicles were part of all of the requests in MassDOT.
- Paul Tucker: [01:38:23](#) If I can switch gears, just my last minute.
- Speaker 1: [01:38:25](#) Uh...
- Paul Tucker: [01:38:27](#) Or am I done?
- William Straus: [01:38:28](#) You had your last minute... more than a minute ago. (audience laughs)
- William Straus: [01:38:31](#) I'm sorry.
- Paul Tucker: [01:38:33](#) Thank you, Mr. Chairman.
- William Straus: [01:38:34](#) Rep. Howitt.
- Rep. Howitt: [01:38:37](#) Thank you, Mr. Chairman. I was just curious, it seemed that some people that had spoken previously weren't 100 percent sure of their responsibilities. So, I'm just curious, is there or- is there or was there an organizational flow chart, and did that flow chart specifically label what their responsibilities were, besides who they reported to?
- Erin Deveney: [01:39:08](#) Employees, individually had job descriptions which would include their duties. What happened, however, is...the Registry in some instances would become siloed, so one business area would not necessarily know the duties and responsibilities of another business area, and that was one of the improvements that we attempted to make at the Registry, which was to not only improve internal communications amongst our own staff, but also, improve external communications with our customers.
- Rep. Howitt: [01:39:49](#) Thank you and thank you for your service.

- William Straus: [01:39:52](#) Senator Brownsberger?
- S. Brownsberger: [01:39:58](#) Oh, let me say that again with the mic on. Thank you for service and thank you for being here today. So, just to confirm, I understand that sort of since time immemorial, these, until an effort was made beginning in October 2016, we just didn't process these paper notifications about state violations?
- Erin Deveney: [01:40:20](#) Correct.
- S. Brownsberger: [01:40:21](#) So it wasn't just three years of violations backlogged, it was...forever, basically.
- Erin Deveney: [01:40:29](#) Correct.
- S. Brownsberger: [01:40:31](#) What is the volume of in-state violations that you need to process versus out-of-state violations, if you can comment on that at a high level.
- Erin Deveney: [01:40:48](#) For in-state violations... I believe the Merit Rating Board processes approximately, 800,000 Massachusetts citations and violations annually, from law enforcement in Massachusetts. Historical estimates would be that we would process over 100,000 license suspension sanctions, that's number of sanctions, not necessarily number of operators, but, I can't attribute how many of those, suspensions were due to out-of-state violations.
- S. Brownsberger: [01:41:31](#) Okay, but do we have some kind of volume flow estimates of the number of out-of-state violations coming in? Do we, it was...several thousand a month, I can't recall. Well, maybe we'll get that later in the testimony. One of the things I didn't quite understand was...I heard that I believe it was you who said, "We prioritize the in-state violations because there is another mitigation mechanism for the out-of-state violations." Did I hear that right, and what did that mean?
- Erin Deveney: [01:42:07](#) Yes. The Merit Rating Board is the only entity that could process Massachusetts tickets.
- S. Brownsberger: [01:42:16](#) So they all have to come in Ma- that's how it gets done. All those tickets come in and are handled manually by the Merit Rating Board from the in-state violations?
- Erin Deveney: [01:42:25](#) Massachusetts tickets are either sent in and manually processed by the Merit Rating Board unless the police department utilizes

the electronic citation application and that information on the Massachusetts tickets would come in electronically.

- S. Brownsberger: [01:42:40](#) And pausing on this, what percentage or, what's the mix, electronic versus manual for in-state?
- Erin Deveney: [01:42:47](#) I don't have the current estimations, but the largest processing departments, in the Commonwealth, for citations have migrated to the electronic citation form-
- S. Brownsberger: [01:43:00](#) So perhaps more than half the volume is electronic at this point in-state?
- Erin Deveney: [01:43:05](#) I believe the potential would be- it could- it may be approaching that.
- S. Brownsberger: [01:43:10](#) All right, it's give or take, I don't want to ask you to speculate. All right, so what's the mechanism that mitigates the out-of-state? Why are they less critical, if they're less critical?
- Erin Deveney: [01:43:20](#) The mitigating factor was that we were receiving information about out-of-state violations via, traditionally, to electronic systems, which would be, the National Driver Registry and the Commercial Driver License Information System. And then, with the implementation of ATLAS, we also had the...if you will, mailbox for out-of-state conviction notices that went to the team within the driver licensing department.
- S. Brownsberger: [01:43:59](#) So, are you saying that the system... for many states or the-these things were coming in electronically so that, they flowed in electronically, or you could look them up if you were renewing or conducting a hearing about someone?
- Erin Deveney: [01:44:24](#) The information, there were electronic communication systems that would alert the Registry if a Massachusetts operator had lost their privileges in another state.
- S. Brownsberger: [01:44:41](#) If they had lost their privileges?
- Erin Deveney: [01:44:44](#) If they had lost their privileges-
- S. Brownsberger: [01:44:46](#) And we're not talking- we're talking about a general license, not just a commercial license?
- Erin Deveney: [01:44:48](#) Correct.
- S. Brownsberger: [01:44:50](#) And so, with those electronic...did those work? I mean-

- Erin Deveney: [01:44:56](#) Yes- yes. The electronic notice systems did work, did provide the Registry of Motor Vehicles with information. Admittedly, it was not the totality of information available from other jurisdictions, but...if the Merit Rating Board hadn't processed the Massachusetts violations, no one would have had that information, not Massachusetts, not any other state.
- S. Brownsberger: [01:45:29](#) So, fair enough- so a percentage of the out-of-state violations come in electronically and were automatically ...flowed into the process that would lead to a Massachusetts license suspension, is that true? Some percentage came in electronically and-
- Erin Deveney: [01:45:45](#) Yes.
- S. Brownsberger: [01:45:45](#) ...flowed on through the process-
- Erin Deveney: [01:45:46](#) Yes.
- S. Brownsberger: [01:45:47](#) ...but then a percentage didn't flow through and only came in on paper?
- Erin Deveney: [01:45:51](#) That's correct.
- S. Brownsberger: [01:45:53](#) We have a sense of the mix?
- Erin Deveney: [01:45:55](#) I do not know, I'll defer to the MassDOT team who may be able to shed more light on that.
- S. Brownsberger: [01:46:02](#) And what was the, now, one of the things that was commented earlier that there's this queue of 12,000 items that had not been processed and, the, gentleman who testified previously couldn't really say what that queue was. Are you able to speak to what that queue of 12,000 was?
- Erin Deveney: [01:46:27](#) Respectfully, I don't want to speak to that because I haven't reviewed that documentation more recently, so I'd rather not give you misinformation by going by my memory.
- S. Brownsberger: [01:46:43](#) Thank you.
- William Straus: [01:46:44](#) Thank you, anyone else on the Committee? Rep. Orrall?
- Rep. Orrall: [01:46:52](#) Thank you, Mr. Chairman. Again, Ms. Deveney, we do want to thank you for being here, and your testimony started with three different, time periods at the RMV. The first one, I understand was between September 2000-December 2005, could you tell us what that position was, that you held?

- Erin Deveney: [01:47:15](#) I started as a legal counsel in September of 2000, and I was promoted to general counsel in May of 2001, and then I was promoted to a Deputy Registrar for policy and planning in December of 2004, and held that position until December of 2005.
- Rep. Orrall: [01:47:34](#) Great, and then in 2009 to 2014?
- Erin Deveney: [01:47:37](#) I served as Chief of Staff.
- Rep. Orrall: [01:47:39](#) Chief of Staff. And then as interim and then Registrar. So, also in your testimony, you say that in those time periods which, thanks to you, you're here, a great resource for us. In those time periods, it was your understanding that these boxes, these paper copies were not entered by anyone, I'm just making sure I understand that is the testimony.
- Erin Deveney: [01:48:07](#) That is correct.
- Rep. Orrall: [01:48:08](#) So, in those positions that you were in at the high levels of the RMV, those hadn't...then you take on the current, or what you just left as a position in 2015, and you or someone identified a process to fix that, or that was an issue that needed to be dealt with? Did that come-
- Erin Deveney: [01:48:34](#) That's correct.
- Rep. Orrall: [01:48:35](#) And, at that point, or somehow during all of that, the secretary and the Governor sent resources, and staff to help identify that along with other processes that could be improved and come up with a plan to do that? Is that...basically correct?
- Erin Deveney: [01:48:58](#) The obligation was on the Registry leadership team to come up and identify what we believed were the areas that need to be improved and to make recommendations on ways to implement those improvements, and we had the support of the governor's office and MassDOT, to make sure we had appropriate project management in place to see those initiatives through.
- Rep. Orrall: [01:49:27](#) And then, that was completely turned over at some point within your staff to move forward with those recommendations. So, this issue of backlog of these paper versions was identified...you then embarked on a process to improve them. So, I guess what's still lacking in my mind is what happened after it was turned back over to the RMV that led to then still in an audit done just this past spring, it still being an issue?

- Erin Deveney: [01:50:08](#) The Registry was able to make important progress prior to the changes that the organization underwent associated with the transition, and then between the former operating mainframe system to the new system. There were organizational challenges required, staff to learn how to do their jobs differently, there were opportunities identified for ways to further enhance the new system, and so the goal and the objective was to support that team so they could do their long-standing traditional processing of Massachusetts violations, and then get them to a point where they could, once again, resume processing the paper out-of-state violations.
- Rep. Orrall: [01:51:08](#) Which had never been done in your previous, time periods at the RMV. So, you're tackling a problem that no one had tackled before?
- Erin Deveney: [01:51:17](#) Correct.
- Rep. Orrall: [01:51:18](#) All right, thank you.
- William Straus: [01:51:21](#) Thank you, Representative. Any other members of the Committee? Rep. Blais.
- Rep. Blais: [01:51:23](#) Thank you, Mr. Chair. I just want to follow up on a question [inaudible 01:51:31] from Senator Lesser and Rep. Tucker. According to a July 19 interim progress report issued by Marie Breen and Jamey Tesler, an automatic process system using ATLAS will be in place by the end of this month to generate outgoing paper notifications to other states when Massachusetts takes any action or enters any information about an out-of-state non-CDL driver record. If this is a function of ATLAS, why was it not implemented when the system went live?
- Erin Deveney: [01:52:07](#) Respectfully, I will defer to the acting Registrar to be able to speak to the conversations that led to that. I'm not able to speak to that since that was- those conversations were after I left the agency.
- Rep. Blais: [01:52:20](#) But you were there when ATLAS went live, when we made the transition to ATLAS?
- Erin Deveney: [01:52:25](#) Correct. But what I can't speak to is whether that is new functionality that is created or whether it was part of a core product that was available while I was there, so I'll defer to MassDOT on that.

- Rep. Blais: [01:52:39](#) But Fast never informed you that this was a function that was available to RMV...at that time?
- Erin Deveney: [01:52:48](#) I personally never had conversations with Fast about that feature.
- Rep. Blais: [01:52:53](#) Okay. Thank you and thank you for being here today.
- William Straus: [01:52:56](#) Okay. Anyone else? Rep. Hecht.
- Rep. Hecht: [01:53:05](#) Thank you for your testimony, for being here and for, being, so cooperative with us today. I was very struck by your October 7, 2016 memo to the governor's legal team and the MassDOT legal team for a number of reasons. But I guess, at the end of the day, I'm sort of left with a question in my mind of whether you ever followed up on this memo to inform those same people about the problems that you subsequently encountered in achieving the goals that you refer to in this memo for addressing the out-of-state notifications.
- Erin Deveney: [01:54:00](#) Again, in an effort to be clear, in 2016, the direction that I sought was whether or not the Registry needed to seek approval to handle and address either problems or ways to do... services or perform business that it had not been performing, and the general guidance that I received was if it's something that the Registry should be doing or something that could help the customers, then it was expected that I would make that happen. The conversations that I had regarding the ability of the Merit Rating Board to process violations more specifically focused on the challenges that it faced after March of 2018. That was impacting the ability to process Massachusetts violations and the ramifications of that, so, I take responsibility for decisions made with the process...to try to address the unmet need historically of the out-of-state paper violations.
- Rep. Hecht: [01:55:49](#) But, there was also a problem after March of 2018 with ATLAS and its ability to process some of the electronic notifications that you were receiving. I guess again, I mentioned I was very struck by this memo and the language of it is very, very different in many ways, I think from the language that you've been using here today. In particular...the reference to, well, it begins by talking about public safety. It doesn't talk about addressing a business need or a business area, it talks about addressing public safety, which, I think of as very different, governmental responsibilities.

- Rep. Hecht: [01:56:37](#) And I'm struck that having identified this as a public safety need, not a business need, a public safety need, and having made the case for how the Registry could address this public safety need, then when you encountered problems in addressing this public safety need, evidently you didn't seek... additional...guidance, you didn't seek additional resources, you had to make some hard decisions, regarding the in-state violations versus the out-of-state notifications within the constraints of the resources you had available to you, but again, it just seems to me, hard to understand why having identified this as a public safety problem, having, taken the initiative to address a long-standing problem relating to this public safety...issue, then when you encountered problems after March of 2018 that resulted in our inability to continue making progress in identifying and acting on the out-of-state notifications. There doesn't seem to have been... the sort of urgency or even the sort of communications that I would expect would follow on from the spirit of this October 2016 memo. Is there something I'm misunderstanding or missing in all of this?
- Erin Deveney: [01:58:17](#) There was a continuation of focus on public safety issues because Massachusetts violations...like out-of-state violations, are public safety issues. And there were communications that took place within MassDOT, as well as within the administration about the work that we were undertaking to address and resolve the public safety challenges that we were experiencing processing the Massachusetts violations. I don't profess that it was an ideal decision to be made, but the focus and the attention was on making sure that we were properly recording the public safety violations in-state first to work to restore that stability and then resume processing these additional notices. So, it was not a situation where the focus ever came off public safety. It was just focusing on, unfortunately one subset of public safety and not having the ability to fix it all at the same time.
- Rep. Hecht: [01:59:37](#) Okay, ...I understand that. So, do I take that to mean that when you had to make the decision to focus your resources on the in-state violations, there were communications with others in the administration... making sure that they understood that that meant that there was another subset of public safety problems that, perhaps, would be, at least in the near term, unaddressed?
- Erin Deveney: [02:00:12](#) The conversations focused on the problems that we encountered with the processing of the Massachusetts violations. Unfortunately, there were issues including people being erroneously suspended in Massachusetts, for tickets and

violations that had been resolved, so the conversations focused on those issues that we had prioritized. But, in fairness, it was not presented to MassDOT or to the administration of an either/or situation; it was making sure that they were aware of the problems that we were experiencing and what we were doing on the Massachusetts violations to fix that problem first.

- Rep. Hecht: [02:01:11](#) Okay, thank you.
- William Straus: [02:01:12](#) I think we'll move on. Any other Reps. who we haven't called, Rep. DeCoste.
- Rep. DeCoste: [02:01:15](#) Waiting for the [inaudible 02:01:16]. I can put on my parade voice, Mr. Chair-
- William Straus: [02:01:30](#) I know I [crosstalk 02:01:30] i- it should come on, did you press it?
- Rep. DeCoste: [02:01:48](#) There we go. First of all, I would like to echo the sentiments of my colleagues, it speaks very well to your character that you're willing to come here in the capacity as a private individual and speak for your previous, for what you've done previously as a public employee and I appreciate that. Thank you. I just have, since we've gone a little bit over to the public safety, I have three quick questions in regards, a database that, you folks maintain in terms of fraudulent licenses. And I come from a district with, I'm told I have more active duty police officers than any of the 160, other- 159 other districts in the state, but I hear quite a bit about a database that you maintain, it's called Triplex database that, maintains listings of fraudulent licenses. Are you familiar with that?
- Erin Deveney: [02:02:47](#) I'm sorry, what's the description of the database?
- Rep. DeCoste: [02:02:50](#) The database is, a listing of fraudulent licenses or licenses, fraudulent licenses that exist that you've caught. And, it's maintained.
- Erin Deveney: [02:03:05](#) Within the previous ALARS system and the ATLAS system...
- Rep. DeCoste: 02:03:09 Correct.
- Erin Deveney: 02:03:10 ... if an individual has, been suspended or revoked for attempting to fraudulently obtain a driver's license-
- Rep. DeCoste: [02:03:19](#) Well, that's a bit of another issue. These are fraudulent driver's licenses that you know about that have been suspended.

- Erin Deveney: [02:03:28](#) If you have been suspended-
- Rep. DeCoste: [02:03:30](#) Right.
- Erin Deveney: [02:03:31](#) ...for fraud to obtain a license-
- Rep. DeCoste: [02:03:34](#) Right.
- Erin Deveney: [02:03:34](#) ...that would be reflected on the individual's driving record. The Enforcement Services Department of the Registry of Motor Vehicles would maintain data on administrative cases that they had worked on either independently or in conjunction with the Massachusetts State Police-
- Rep. DeCoste: [02:03:58](#) All right.
- Erin Deveney: [02:03:58](#) ...where they had identified that type of activity.
- Rep. DeCoste: [02:04:01](#) I have got to... there's just where you have identity fraud, where they're claiming to be one person, but in fact, they're not that person. Three quick questions having to deal with that. Number one, have you made any attempts, had the Registry make any attempts to contact those people, the people who have had their identities stolen?
- Erin Deveney: [02:04:25](#) ...yes. In instances in which the Registry's able to ascertain if there's two Erin Deveneys, that unit would contact...both the individual suspected of committing the fraud and if they were able to identify the potential identity theft victim, they would make overture to that person as well. It's not always possible, though, to ascertain who the real Erin Deveney may be and where they are.
- Rep. DeCoste: [02:05:03](#) Okay. have you made any attempts or were there any attempts being made that you know of to share that information of the identity fraud with either the folks who administer the EBT system or the folks who identify MassHealth to make sure that people weren't fraudulently drawing benefits from the state?
- Erin Deveney: [02:05:22](#) Yes, when the Registry of Motor Vehicles, identified any type of fraudulent activity, we would contact out to other benefit agencies to share that information, so that they would be able to use it to identify if there was further fraudulent activity.
- Rep. DeCoste: [02:05:44](#) Okay, do you have a rough idea of how many people were on this database? Just roughly, is it hundreds? Thousands? Tens of thousands?

- Erin Deveney: [02:05:55](#) With respect to the identified cases of fraud that had been processed, it was, I believe typically several hundred cases per year that had been identified.
- Rep. DeCoste: [02:06:17](#) Thank you very much.
- William Straus: [02:06:19](#) Okay, anyone else? If not, thank you for your attendance, here today. We appreciate it. I can tell from the comments from colleagues, we think it's been helpful in our quest for information on what happened months and months before and, how it affects what's going ahead. So, thank you, and your testimony's completed.
- Erin Deveney: [02:06:48](#) Thank you.
- William Straus: [02:06:49](#) We will now turn to Secretary Pollack and the acting registrar. There are statements that they have provided to the Committee which are now up on the Committee's website, and I believe we'll have kind of a summary presentation before beginning the questioning, from the two witnesses.
- William Straus: [02:07:15](#) We're just mindful of the clock and watching it and, weighing, we know we have, three witnesses holding. Chairs will be conferring while questioning is going on of these witnesses, as to the, frankly the practicality of going beyond these two witnesses, so we'll make that decision as quickly as we can, and let people know. With that, as, I've indicated, Secretary Pollack, acting registrar, Tesler, please begin your presentation to the Committee.
- Secy. Pollack: [02:08:01](#) Thank you. And I will not cover a lot...
- PART 4 OF 7 ENDS [02:08:04]
- Secy. Pollack: [02:08:03](#) Thank you. And I will not cover a lot of the material in my written testimony, because I know you have many questions. I would like to spend a couple of minutes though with pieces of it that I think directly go to the questions you've been asking this afternoon and hopefully will answer some of those, that have been asked.
- Secy. Pollack: [02:08:19](#) and in particular, I want to quickly run through a timeline that I think will be helpful to the committee. First, however, I want to address two key pieces of background information that I think will help you understand what you've been hearing this afternoon. Massachusetts has 5.2 million, active drivers, with 300,000 plus that are suspended at any given time. The vast

majority of events that trigger suspensions occur in Massachusetts.

- Secy. Pollack: [02:08:45](#) The Registry processes over half a million such citations against Massachusetts and out-of-state drivers every year. Registry staffs suspend around 25,000 people a month, hold between 75,000 and 100,000 hearings per year on these suspensions and receive more than 750 pieces of mail weekly from other states.
- Secy. Pollack: [02:09:05](#) Just to give you a sense of how the out-of-state fits in that in-state, as one of our reports pointed out, in the first weeks after we started really tackling the mail on a real-time basis, we received 1,477 out-of-state notices. Only 98 actually regarded suspensions. So there's a lot of mail that's about failure to pay or failure to show up for a hearing and failure to pay in the mail.
- Secy. Pollack: [02:09:32](#) Of the state's 5.2 million drivers, approximately 110,000 also hold a commercial driver license or CDLs. It's important for you to understand that for CDL drivers, there is a nationwide computer system, The Commercial Drivers License Information System or CDLIS, which ensures that each commercial driver has only one license and one complete driver record.
- Secy. Pollack: [02:09:52](#) Since March of 2018, Massachusetts has used its new Atlas Software platform to manage communications about CDLs through CDLIS. The notice from Connecticut was not in the out-of-state notification queue. That was referred to in the audit. CDLIS notices are in a separate queue that are mostly processed automatically. So, those who are concerned that Mister Zhukovskyy notice was in the queue that the auditor referred to, that's not the queue CDLIS notices go to.
- Secy. Pollack: [02:10:26](#) It is possible that occasionally a state would send a paper notice about a CDL, but they should not because they can do it electronically and in most cases, actually 98.7% of cases according to Fast, the automatic CDL notifications are in fact processed automatically and do [not] require any manual review whatsoever. So, it is important to distinguish how CDLs are processed, which is different than the out-of-state notifications, which are about non-CDL drivers.
- Secy. Pollack: [02:10:56](#) Second, I do want to say a brief word about Atlas. The first release of Atlas in March 2018, which handled all matters related to driver licensure, involved a number of struggles in no small part because Massachusetts simultaneously went live with Atlas and with the implementation of federally required Real ID.

- Secy. Pollack: [02:11:15](#) With fast enterprises, those issues were worked through. The Atlas System and the staff of Fast has been an invaluable part of our work over the past month to respond to the problem of unprocessed out-of-state notifications. Without Atlas, we would not currently be comparing our 5.2 million driver records to the National Driver Registry. Without Atlas, we would not be able to at long last regularly send outgoing notifications to other states when Massachusetts takes actions against their drivers.
- Secy. Pollack: [02:11:43](#) The transition to a modern up-to-date automated and electronically capable licensing system is long overdue and the answer to many of the Registry's broken business processes. But as I often say to my staff, automating a dysfunctional process does not necessarily fix the process. It is the Registry's job to put the right business processes in place and Atlas's job to help us implement them through automation.
- Secy. Pollack: [02:12:08](#) Now let's turn to the issue at hand and the timeline regarding how to process the thousands of pieces of paper per month the Registry receives from other states about infractions serious and not so serious committed by Massachusetts drivers in those states.
- Secy. Pollack: [02:12:24](#) This set of responsibilities has been handled poorly for a long time as it is clear from our discovery of unprocessed out-of-state notifications dating at least as far back as 2011 and from the absence of any regular process for sending outgoing notifications to other states. I now know, although I did not until recent weeks, that both the senior leadership of the Registry and the offices required to process out-of-state notifications were aware of the Registry's persistent inability to keep up with the flood of mail or to triage and prioritize it to ensure that at least those notices that required suspension actions were being acted on expeditiously. It appears that until recently, there was an institutional belief that this was not a serious safety problem because the CDLIS system took care of suspending drivers who were commercial drivers and the use of the National Driver Registry and its Problem Driver Pointer System would handle serious offenses requiring suspension at least upon renewal or another interaction with the Registry.
- Secy. Pollack: [02:13:25](#) We now see clearly that neither CDLIS nor the National Driver Registry is a substitute for the work that is the Registry's responsibility. The work of maintaining accurate and up-to-date driver's records for each of Massachusetts's 5.2 million drivers including information on offenses committed in other states.

- Secy. Pollack: [02:13:44](#) Nothing less than that can ensure the safety of drivers in Massachusetts and around the country, and we are committed to doing whatever it takes to at long last put in place the processes and resources needed to ensure that the Registry both processes incoming information from other states about serious issues and provides outgoing notices to those states when such information is in our possession.
- Secy. Pollack: [02:14:06](#) I will now briefly review the timeline about the Registry's handling of out-of-state notifications that is presented in more detail in my written testimony. While our investigation is not complete and we have not yet received the preliminary written report from Grant Thornton that is due the week of August 12, a picture is emerging of larger systemic issues related to out-of-state notifications which have been present at the Registry for a long time.
- Secy. Pollack: [02:14:31](#) I am not however comfortable speculating as to why certain decisions were made and what the thought processes were behind them, so I'm going to stick to the facts as I have learned them in the past weeks. They can be proven by the documents we have provided to the committee.
- Secy. Pollack: [02:14:44](#) Here is what we know as of now. Prior to the fall of 2016, the responsibility for out-of-state notifications was assigned to the Driver Control Unit of the Registry. Keith Constantino, who you heard from today, became director of that unit in June of 2015. We know that out-of-state notifications had already gone unprocessed before he took over the DCU. This is not only consistent with his testimony, it is consistent with the mail we found stored at the Concord Archive, which contained notifications dating back to 2011.
- Secy. Pollack: [02:15:15](#) You have heard about the plan from the fall of 2016 for moving responsibility for entering out-of-state offenses into driver's histories to the Merit Rating Board, which is the office responsible for entering the near half a million citations issued to Massachusetts drivers each year. The rationale behind this move seems to lie with the fact that the Merit Rating Board already had the ability to process large amounts of similar documents in the form of in-state citations, and this move would ensure the information was correctly added to driver's records.
- Secy. Pollack: [02:15:45](#) In the fall and winter of 2016 and 2017, the Driver Control Unit and MRB leadership continued to refine the process that would be followed going forward. It is important to understand that a large focus of concern appeared to be the insurance premium

impact of old citations suddenly being applied to driver records and decisions were made about going back only six months because of surcharges suddenly appearing on people's records.

Secy. Pollack: [02:16:14](#)

We know that there were conversations in the fall of 2016 with officials at the Division of Insurance regarding the backlog of out-of-state citations and how entering old offenses would negatively impact driver histories. We have no evidence that this issue was ever framed as being about anything other than old traffic citations and surcharges.

Secy. Pollack: [02:16:37](#)

At this time, the beginning of October 2016, Mr. Constantino prepared a draft memo to be sent from himself, Tom Bowes and the Registrar to the governor's legal department as well as the Mass Dot legal regarding the policy decision to begin applying old out-of-state citations to current driver records.

Secy. Pollack: [02:16:55](#)

The memo you have been talking about this afternoon was attached to a cover message from Mr. Constantino to the Registrar. That cover memo refers to it as a draft not once but twice and actually offers to redraft the memo if necessary. We provided you the cover email not just the draft memo.

Secy. Pollack: [02:17:20](#)

This draft memo specifies there is a backlog of out-of-state citations without describing the size of the backlog. We have located no record that this draft memo was ever sent beyond the RMV or received by Mass Dot or received by the governor's legal office. It was a draft sent to the Registrar, but there is no evidence she ever resent it to its intended recipients.

Secy. Pollack: [02:17:46](#)

Instead, a decision was made at the Registry to proceed with the migration of handling out-of-state records from the Driver Control Unit to the MRB. And some time in late March or April of 2017, MRB began entering these records on a going forward basis. We do know that by April of 2017, the Merit Rating Board was entering some out-of-state notifications. We have recovered a number of emails between Registry officials, which we have provided to the committee, discussing the process by which MRB would enter out-of-state notifications including emails referring to quality control issues with the entering of data, which at least suggests that out-of-state notifications were being entered by MRB.

Secy. Pollack: [02:18:27](#)

We believe MRB continued to enter out-of-state notifications while seemingly accumulating a new backlog. By February of 2018, according to a draft of an email prepared by Mr. Bowes but never sent to the registrar and provided to the committee,

that backlog had reached seven or eight months worth of notifications.

- Secy. Pollack: [02:18:44](#) Atlas Release One went live in March of 2018 and it appears that the MRB continued trying to enter out-of-state notifications, but by the summer of 2018, it is quite apparent the effort had been abandoned. We also know that Bri-Anne Dwyer, a longtime Registry employee who had moved over to Mass DOT's internal audit team in January 2019, began a routine audit of the Merit Rating Board as her first assignment. Her audit was largely focused on the process of clearing motor vehicle hearing payments, but it did look at other MRB processes.
- Secy. Pollack: [02:19:14](#) In February of this year, she identified an open queue of work orders in Atlas representing 12,829 tasks. Again, not related to commercial drivers licenses. She came to discover these tasks represented roughly 2,500 out-of-state notifications that had been scanned multiple times but not adjudicated. So, not 12,800 separate notifications, 2,500 notifications. In other words, less than a month's worth since we now know that we get about 7,500 pieces of mail a month.
- Secy. Pollack: [02:19:52](#) Again, that queue had nothing to do with commercial drivers license, which are handled separately by CDLIS. And Atlas generates clearly separate queues and work orders concerning CDLIS. The audit was one warning sign in recent months. Another referred to by Chairman Straus was a letter sent to the Registry in late April by a doctor who had patients in New Hampshire indicating his concern that patients who had received OUIs in New Hampshire had been having their licenses suspended in Massachusetts. It had the [sic] been the case in previous years.
- Secy. Pollack: [02:20:25](#) The letter was received by the RMV, and there are emails that you have referenced between staff concerned about the implications. As you are aware, New Hampshire is the one state that did have a system of exchanging electronic records with our Registry, but that system had apparently stopped working at some point for reasons we are still trying to understand. What we do know is that we received paper notifications from New Hampshire. They were included in the notifications that we have been processing.
- Secy. Pollack: [02:20:51](#) Tragically however, these warning signs were not heeded. And again, I must repeat my deep sorrow regarding the events of June 21 and my most sincere apologies for the Registry's failures. It is unacceptable that the senior leadership of the

Registry failed to address these known problems with processing out-of-state notifications or to elevate these problems to my office.

Secy. Pollack: [02:21:10](#)

Since finding out however, I can assure this committee and the public that Mass DOT acting registrar Jamey Tesler and his team have worked tirelessly to at long last put in place changes that will ensure that the Registry fully complies with all of its safety related responsibilities, including the responsibility to act on information provided by other states and to notify other states about serious driver violations and citations that require action. Outgoing notifications will begin this week.

Secy. Pollack: [02:21:38](#)

We will correct these failures. These past weeks I have personally witnessed the hard work and commitment of men and women from both the Merit Rating Board and Driver Control Unit and other parts of the Registry and Mass DOT who have come in early, stayed late, and even worked over weekends to eliminate the backlog of notifications requiring suspension actions and put in place new systems both to process incoming notifications and begin sending outgoing notifications.

Secy. Pollack: [02:22:04](#)

We continue to develop new protocols and will hire new personnel as needed to ensure the public safety mission of the Registry is given the appropriate attention it deserves. While I know that we will have to prove it, I have no doubt that the registry for all its shortcomings is capable of simultaneously and successfully reinventing itself and getting the job done.

Secy. Pollack: [02:22:23](#)

The acting Registrar will add a few things. And then we're here for your questions.

Jamey Tesler: [02:22:31](#)

Thank you. Similar to the Secretary, I'm going to read a very abbreviated version of the prepared testimony in the interest of time. Chairman Straus, Chairman Boncore, honorable members of the committee, my name is Jamey Tesler.

Jamey Tesler: [02:22:42](#)

On June 25 of this year, I was appointed acting Registrar of the Massachusetts Registry Motor Vehicles by Secretary Pollack and directed to begin an in-depth review of the RMV state-to-state data sharing processes.

Jamey Tesler: [02:22:57](#)

Every business day, hundreds of Massachusetts's licenses are suspended by the RMV following procedures designed to ensure dangerous drivers no longer have driving privileges, that driver's status and actions are reflected in the National Driver

Registry and that there are appropriate opportunities to request a hearing and appeal those decisions.

- Jamey Tesler: [02:23:19](#) The Registry also, receives numerous volumes of notices each day by mail, some of which address issues that should trigger immediate suspensions and others which involve less critical matters including traffic citations and non-payment and other administrative issues.
- Jamey Tesler: [02:23:39](#) On my first day as acting Registrar, 53 bins containing tens of thousands of unprocessed incoming out-of-state notifications dating back to March 28, 2018 were identified in a document storage room. We also quickly identified five additional boxes that dated back, further in time. In a due diligence search of storage archives and facilities identified the 72 boxes, which have been discussed earlier, of out-of-state notices dating as far back in some cases to violations from 2011 for which it could not be determined that all had been properly processed.
- Jamey Tesler: [02:24:20](#) To address these swiftly, teams examined, sorted and acted on thousands of documents through a three-step triage process in search of the, National Driver Registry's Pointer System detailed in prior testimony, which focused on high priority and dangerous offenses that could trigger immediate suspensions, like operating under the influence. The result was 2,039 suspension actions taken against 1,607 unique drivers.
- Jamey Tesler: [02:24:52](#) Suspension notices were generated and priority mailed to drivers and made available on the driver's NDR records, which other states can see immediately in the event that they were pulled over by law enforcement anywhere.
- Jamey Tesler: [02:25:06](#) A new process was also implemented for the same day review of incoming mail, the incoming mail that comes from other states with a goal to process all suspensions for significant offenses that are required the day they are received or within a business day thereafter.
- Jamey Tesler: [02:25:24](#) These out-of-state notices result in a small fraction of the total suspensions the RMV issues over a given period of time. However, it is critical for the safety of those on our roads that we process and act on them expeditiously. That responsibility for now will be assumed by a new out-of-state notifications processing unit reporting to the registrar.
- Jamey Tesler: [02:25:49](#) We initiated with the American Association of Motor Vehicle Administrators, AAMVA, a comprehensive and unprecedented

review of 5. 2 million Massachusetts licensure records against the NDR's Pointer System. This process will help us ensure state records accurately reflect all suspensions taken by other states in the NDR and that are needed ... that any needed actions affecting licensure status are taken expeditiously rather than waiting until a driver applies for re-licensure.

Jamey Tesler: [02:26:26](#)

Our reports and previously submitted testimony outlining greater details to our findings as to the two primary ways in which the RMV has historically notified other states when Massachusetts takes action against a driver record, including through CDLIS, which the Secretary referenced for commercial license holders on a reliance on other states to use the NDR Pointer System for non-CDL holders.

Jamey Tesler: [02:26:49](#)

We determined that there was no evidence that the RMV has, at least not for many years, had a consistent practice of sending real-time mail or electronic notification of non-CDL violations or suspension, suspensionable actions relative to events that occurred in Massachusetts to other states.

Jamey Tesler: [02:27:10](#)

Clearly in the interest of safety, that has to change. We also determined that it unfortunately in 2019, to our surprise, there is no capability for the RMV to institute a notification system electronically for non-CDL drivers, to send these to all 49 other states. For this reason, it's our hope that Massachusetts can learn from this experience, educate others, and lead on changing that practice so we can have a modern truly automated system like we have for the CDLs. But for now, we need to send them by mail. So that leaves physical mail. In other states, which other states send to us, as we've discussed, as the only current option for conducting this safety critical task with respect to changes made or suspensions issued against a non-commercial driver's record.

Jamey Tesler: [02:28:02](#)

The ATLAS team instituted an automated processing system that as of yesterday, we have tested and this week is generating and mailing these out of, outgoing paper notifications on a go forward basis and for changes made to driver records within the NDR retroactive to March 2018 to ATLAS's launch.

Jamey Tesler: [02:28:24](#)

In conclusion, through our efforts to engage an independent review through Grant Thornton, who's here today, and our oversight partners, who we continue to work closely with, through efforts to strengthen state laws relative to commercial driver's licenses to the proposed legislation, that the governor filed. Hiring additional staff to bolster resources for our public

safety focus. Conducting an unprecedented review of 5.2 million Massachusetts licensure records to ensure they are accurate. And by being a leader on bringing these necessary state-to-state communications into the 21st Century, we believe that the RMV has demonstrated its desire to learn from its mistakes and failures in a determination to fix what went wrong.

Jamey Tesler: [02:29:11](#)

I assure you that in working with this committee and with others, the RMV is committed to move more effectively ... committed to more effectively prioritizing our focus on the safety of our roads in regaining the trust of the traveling public that uses them every day. Thank you.

William Straus: [02:29:27](#)

Thank you. Thank you both, for your statements. As I've indicated those statements have been posted, on the committee website for access, by the public.

William Straus: [02:29:43](#)

One of the documents we posted, last week, at the beginning of the hearing, was a CDLIS manual, procedures manual. And, just again so I don't fall into bureaucratic language, that's the Commercial Drivers License Information System or Service. But it is that database that's critical to a state like ours and other states in, being connected to the other jurisdictions around the country, with regard to the Commercial Drivers License System.

William Straus: [02:30:25](#)

And that is a root cause why we're here today. Within that manual that we posted last week is a system that I don't think anyone has really discussed yet today, which is that the American Association of Motor Vehicle Administrators, AAMVA, which administers CDLIS under an agreement or, an arrangement with the Federal Government within the, US Department of Transportation, sets up a secondary communications system according to the manual, the CDLIS manual that we got from AAMVA. And it does require, according to that manual that, we've shared, that if AAMVA does not receive confirmation for CDLIS out-of-state infraction notice sent to a member state like ours, a member jurisdiction within 96 hours, it's kind of like a, a timer.

William Straus: [02:31:41](#)

CDLIS sends Massachusetts a notice with regard to a commercial drivers license. The federal regulations require that AAMVA is to notify the state of record, that would be us. It's a federally mandated safeguard that when a state goes on silent mode as we did since March of 2018 with regard to these electronic messages through the CDLIS system that AAMVA sends us a notice that they have not gotten confirmation from us. "We didn't hear back from you." That's according to the CDLIS manual. It's been on our website for the last week. Who

receives the AAMVA notices in the commonwealth of Massachusetts that are described in that manual?

- Jamey Tesler: [02:32:40](#) Do you want to answer? My understanding is that, just to, just to clarify, those are ... If Massachusetts is communicating with another state through the CDLIS System, sends electronic transmission to another state about their CDL driver, if it doesn't cross through because of improper information or some form of failure to go through, then it generates into that 96 hour queue, which then they are supposed to be correct and retransmitted.
- Jamey Tesler: [02:33:13](#) My understanding is unlike the mail we've been discussing and unlike other matters related to regular drivers that we have been transmitting through that system, notices to other states electronically through CDLIS.
- William Straus: [02:33:33](#) Not us as the sender for their violators, their license holders who violate in our state, but our license holders who commit an infraction in another state ... common situation. It's the Zhukovskyy situation. The manual indicates that there is, I will use the phrase, a "fail safe" that is flagged for AAMVA when the receiving state, the jurisdiction of record, state of record, that would be Massachusetts in that fact pattern, has not confirmed receipt of the CDLIS message.
- William Straus: [02:34:22](#) Who receives those AAMVA alerts? "We haven't heard from you, Massachusetts. It's been 96 hours." Something tells me this is news to you.
- Jamey Tesler: [02:34:34](#) No. The ... My ... I have a different understanding of it, but the-
- William Straus: [02:34:38](#) Fair enough. I could-
- Jamey Tesler: [02:34:39](#) So, let me attempt to answer. The group that would receive what you're referring to, the 96 hour notices, is the specs groups that Erin Deveney referred to, former Registrar Deveney referred to before.
- Jamey Tesler: [02:34:55](#) My understanding and how it's been explained to me is the things that go there are when we send something and it fails to go through. It goes into that group for which we then are responsible in that 96 hour window to correct it, to make sure it immediately gets to another state. If it-
- William Straus: [02:35:14](#) And if, and if my understanding of the federal regs is wrong, then you have my apology in advance.

- Jamey Tesler: [02:35:19](#) I'm not sure-
- William Straus: [02:35:19](#) So, we'll all look at that. But I want to make clear SPEXS, and again, I hate the alphabet soup, that's the state Pointer Exchange System that began with the implementation of Atlas in March 2018.
- Jamey Tesler: [02:35:35](#) That's correct.
- William Straus: [02:35:37](#) And that is a function really for the most part of the real ID function that Massachusetts obviously is now active and a successful, participant of nationally. Is that correct?
- Jamey Tesler: [02:35:54](#) That's my understanding as well.
- William Straus: [02:35:55](#) So, just to get the boxes in order for the SPEXS unit within the Registry of Motor Vehicle, it doesn't sit within the Merit Rating Board?
- Jamey Tesler: [02:36:06](#) No.
- William Straus: [02:36:07](#) Is it under the Driver Control Unit?
- Jamey Tesler: [02:36:10](#) No.
- William Straus: [02:36:11](#) No. Who supervises the SPEXS Unit?
- Jamey Tesler: [02:36:16](#) The SPEXS Unit is in the Driver Licensing Division or Driver Licensing Unit. That Drivers Licensing Unit reports to the Chief Operating Officer.
- William Straus: [02:36:28](#) Okay. And so, Chief Operating Officer today is?
- Jamey Tesler: [02:36:32](#) Alan MacDonald.
- William Straus: [02:36:33](#) Alan MacDonald. He has someone who reports to him who supervises the SPEXS Unit?
- Jamey Tesler: [02:36:39](#) That is correct.
- William Straus: [02:36:39](#) And that would be Sue Crispen?
- Jamey Tesler: [02:36:41](#) Correct.
- William Straus: [02:36:41](#) Okay. So, we really have three boxes in the puzzle that the committee is trying to sort out. We've talked of two throughout

the day, Merit Rating Board, Driver Control Unit, now Driver Licensure.

- Jamey Tesler: [02:37:06](#) I believe it's Driver Licensing.
- William Straus: [02:37:08](#) Okay, Driver Licensing. Okay. The first witness of the day, covered the audit, preliminary audit recommendation that was the, April document reflecting her March 2019, meeting and summary meeting, at that stage of her audit work with Mr. Bowes. And she was very clear that there was, kind of a 60 day implementation based on the recommendation that she was making.
- William Straus: [02:37:45](#) And I think that 60 day implementation period took us just pretty much to the end of June 2019. So, my question to you as the acting Registrar: has her audit recommendation with regard to the retransfer or return of the out-of-state reporting system, has that now been taken from the Merit Rating Board and sent back to the Driver Control Unit?
- Jamey Tesler: [02:38:19](#) So right now, in the wake of these events, we did not implement that and instead did a variety of things. One, we engaged Grant Thornton to do a review here, which within their scope will be recommendations on, the system and accountability internally.
- Jamey Tesler: [02:38:45](#) I've also been charged with looking at the org chart, looking at responsibilities and necessary changes. So, in the interim, the incoming mail and the responsibilities we have moved out of any of those units until we complete those reviews and decide really where the responsibilities should lie long-term.
- William Straus: [02:39:06](#) So ... yeah.
- Secy. Pollack: [02:39:06](#) Yeah. And I want to, I just want to be clear on this. There's actually a fourth unit, which is commercial driver license we haven't talked about. I made the decision that it would go directly under the Registrar temporarily so that I knew it was getting done and he knew it was getting done and the public knew it was getting done.
- Secy. Pollack: [02:39:24](#) Grant Thornton is likely to make organizational recommendations. This committee may make organizational recommendations.
- William Straus: [02:39:30](#) It's likely.

- Secy. Pollack: [02:39:31](#) Rather than sort out the DCU, MRB, CDL specs thing, the most important thing was that suspensions are occurring where they need to spend, incoming mail is being opened, outgoing notices are being spent. So, there is a ... for temporary ... and, by the way, I also have said that we are going to hire a deputy registrar for safety, and that person will also help us decide which safety critical functions go.
- Secy. Pollack: [02:39:55](#) So, for now, those responsibilities for both incoming and outgoing rest with a temporary out-of-state notification ...
- PART 5 OF 7 ENDS [02:40:04]
- Secy. Pollack: [02:40:03](#) ... unit, reporting directly to the Registrar. That will change. We look forward to the committee's recommendation. But for now, we know the work is being done, and the reason that you heard from our head of MRB and DCU that it was, you know, not happening in their units is because it's not happening in their units; it's happening under the registrar's direct supervision.
- William Straus: [02:40:25](#) The only thing I could say was I frankly was surprised that neither of those two units had seemed to be all that clear on when, why, and where it had gone. That's just an observation. But, fair enough on the temporariness while this is being reviewed for obvious reasons. And it takes me back to an exchange I had earlier with Erin Deveney--that from the public's standpoint and the public safety standpoint, what box is labeled what, is largely irrelevant. It's really the proper operation of the administrative task and that it has the staff and mechanical computer support services to perform that task, and so that a successful outcome is obtained.
- William Straus: [02:41:32](#) But let me just ask, we did have testimony from Mr. Bowes that he requested I'll say, it sounded to me something like four or five people. I understand his request was for that to go into the Merit Rating Board. But wherever it ends up, isn't that a reflection, given what the administration has now done within ... last few days a week or so? There's posted positions, roughly five of them, isn't that an acknowledgement by the administration that yes in fact this added staff resource for back of the office functioning of a public safety responsibility is required?
- William Straus: [02:42:22](#) I'm not saying that makes Mr. Bowes a hero, but it does indicate that in terms of personnel, scope, wherever it ends up, he was kind of on the money.

- Secy. Pollack: [02:42:35](#) So, I respectfully disagree with that interpretation for the following reasons. How much staff you need depends on how your business processes work. If you change your business' process, it changes staffing needs. When half of the citations, because both the state police and the City of Boston police are on E-citations are no longer being scanned and manually entered. That is a change in staffing needs that needs to be taken into account when you decide the Merit Rating Board. When you automate things it changes.
- Secy. Pollack: [02:43:04](#) So, what the overall needs of the agency are needs to be determined not just by here's one additional task, but you also have to ask the questions, have other tasks changed?
- Secy. Pollack: [02:43:14](#) I also look forward to working with the committee to delve a little deeper into this question. Because we did provide the committee at your request, in the very first crunch of information with both head counts and financial information which clearly demonstrate that the Merit Rating Board's total budget, which was in fiscal 17 when Mr. Bowes began, 9.5 million was increased to 9.9 million, and is 10.4 million for fiscal 19 and tentatively set at 10.6 million for 20.
- Secy. Pollack: [02:43:47](#) And more importantly, that just employee compensation and benefits, which should reflect a problem if we're not staffing it up, was 3.7 million in FY 17, 4 million in FY 18, and 4.3 million in FY 19, which is inconsistent. The head counts we gave you for FTEs do not reflect a significant change in the staffing levels at the Merit Rating Board, and I did check with both my human resources and financial departments which indicated to me that since 2015, seven people have left the Merit Rating Board and six have been rehired.
- Secy. Pollack: [02:44:25](#) So, there does seem to be some inconsistency in what we're hearing this afternoon, and we will work with the committee to understand. The Merit Rating Board has its own separate budget line. It's approved by the General Court every year. And so we know what the real budget numbers are, and we also know what the real expenditures are. So happy to work with you on that, but...
- William Straus: [02:44:45](#) And let me say we share that, but please think through what you've just told us. So let's say those numbers, and you've got them in front of you, if they've got plenty of money, the Merit Board, and they have plenty of staff over the last three years, and they had a back log of several thousand, doesn't that return us to the ultimate management question here as to where was the supervision?

- Secy. Pollack: [02:45:12](#) I think that these are all questions that we are asking ourselves and that you were clearly asking, and we do need to understand. And I'm not saying that when we're all done we will not conclude that we maybe need some additional staffing. The six-person hire is to deal with backlog, not just daily incoming. We don't yet really know what the steady state staffing need is for dealing with incoming and outgoing messages because we're not in a steady state yet.
- William Straus: [02:45:40](#) I just had one last question, for either of you. With regard to the CDLIS notices that came in electronically and ended up in this queue because there wasn't a match. They were rejected. I think it's been said, but I want to confirm. Was there anyone in the registry in motor vehicles assignment since March 2018 to go check that queue of, I'll call them error messages, but you know the ones I'm referring to? Was that anyone's assignment, or did those go unread since March 2018 until the tragedy?
- Secy. Pollack: [02:46:23](#) As far as we know, no one was assigned to look at that queue. Atlas, one of the advantages of an automated system is it can issue as many reports as you want it to with as much information for different managers. One of the initiatives that the Registrar, was working on, was to take a bunch of the output and turn it into dashboards for managers so that the parts of the system that were their responsibility, they would have daily information on sort of what had happened the previous days. Were queue developing, it would generate, this is 30 days overdue, 60 days, 90 days. Unfortunately, that project had not yet been completed, although we are committed to finishing it.
- Secy. Pollack: [02:47:11](#) So, there does not appear anyone was assigned to that and that is one of the problems that needs to be fixed, and I've also asked the acting Registrar to look at all of the other various queues and work orders that are generated to make sure that everyone knows of the ones that come out, who is responsible.
- Secy. Pollack: [02:47:31](#) Because it's not like Atlas sort of spits them out and they all go to one person. There's not an Atlas person. Some of them are for the CDL group. Some of them are for the Merit Rating Board. Some of them are for the Driver Control Unit. We need to do a better job of making sure managers understand which ones they are responsible for tracking and acting on them.
- William Straus: [02:47:49](#) Okay, yeah, I'm sorry. I want to give you a chance on that too.

- Jamey Tesler: [02:47:53](#) All I would add is to speak after June 25th is that somebody is assigned to check it every day and to ensure that there is nothing in that queue that is not acted upon.
- William Straus: [02:48:02](#) That's, okay. That's great. Let me turn it over to Senator Boncore.
- Senator Boncore: [02:48:07](#) Thank you, and I just want to thank you both for being here both times and patiently waiting as we go through this oversight exercise. So Madam Secretary, you testified earlier that you are now aware of two memorandums, one from Mr. Constantino, which says that there are 100,000 citations sitting unprocessed and that the suspension actions and our failure to take any action seriously jeopardized the public's safety and public's trust in our ability to remove dangerous drivers from the Commonwealth. You're now aware of that. You hadn't previously been aware of that.
- Secy. Pollack: [02:48:43](#) No.
- Senator Boncore: [02:48:44](#) The registrar at some point sends a memorandum to the office of the governor's legal department and the MassDOT legal department. How regularly did she send memorandums to those two legal departments?
- Secy. Pollack: [02:49:04](#) As I stated in my opening testimony, Mr. Constantino drafted a memo which he sent to the Registry which he believed was going to be sent to the governor's legal department and/or the MassDOT legal department. There is no e-mail that we have been able to find from the Registrar resending that memo.
- Senator Boncore: [02:49:22](#) I ask... well [crosstalk 02:49:23] that's stated and accepted.
- Secy. Pollack: [02:49:24](#) There is no incoming e-mail received by those two departments.
- Senator Boncore: [02:49:28](#) So the memorandum that was sent to or... I'm sorry. So there was a memorandum from Erin Deveney sent that never got to the governor's legal department?
- Secy. Pollack: [02:49:40](#) No.
- Senator Boncore: [02:49:40](#) Or the MassDOT legal department?
- Secy. Pollack: [02:49:41](#) There was... accompanying the document that you have been referring to as the memo was the e-mail that that document was attached to. That e-mail was from Mr. Constantino to the

Registrar Deveney. It said here is a draft. It referred to it twice as a draft, and had offered to redraft it.

- Senator Boncore: [02:50:00](#) And I'm sorry if I'm confusing you, but I just want to refer to the document marked October 7, 2016, which is a memorandum from Erin Deveney to the office of the governor's legal department and the Mass legal department. That document was received, correct?
- Secy. Pollack: [02:50:19](#) No. It was nev... it was received by the Registrar from Mr. Constantino as a draft to be resent with no evidence that it was ever sent.
- Senator Boncore: [02:50:28](#) All right. So we do have another document in which an e-mail refers to an October 3rd memo as a draft that was sent. And that document is the one I alluded to earlier. But there was no memorandum sent to the governor's legal department or, and, just for the record, and no memorandum sent to MassDOT's legal department?
- Secy. Pollack: [02:50:48](#) We, in the searches we have conducted to date, and as we told you, we are being extra thorough. There are millions of potentially responsive documents.
- Senator Boncore: [02:50:56](#) Yeah.
- Secy. Pollack: [02:50:56](#) We have found no outgoing e-mail in-in Registrar Deveney's Outlook e-mail box and no incoming to any attorney in either MassDOT legal or the governor's legal office reflecting that draft memorandum.
- Senator Boncore: [02:51:09](#) So no one at MassDOT or the governor's office was aware of the conversion of functions from the Driver Control Unit, to the Merit Rating Board?
- Secy. Pollack: [02:51:21](#) No. As the Registrar explained, we launched a business process improvement process with the registry in the early stages of process...
- Senator Boncore: [02:51:30](#) Right.
- Secy. Pollack: [02:51:31](#) People from the governor's office and people from the secretary's office including sometimes myself, provided outside consulting through this company, Accelare, and other resources to help the registry organize itself. So that's where the idea of the project on a page or the POP came from and the four

factors, all of that was part of a large business process, redesign process that was launched in 2015.

- Secy. Pollack: [02:51:53](#) By this point in 2016, we had basically handed that process back to the registry staff for them to continue to run it, and we were focusing on other things both elsewhere in the agency, implementation of Real ID, re-procurement of what would become the Atlas software. There were lots of other projects going on. So I was unaware at that point the registrar and her senior staff and her business process team were really running that entire process and I do not recall, nor have we been able to find any documentary evidence that I ever was sent or saw that memorandum.
- Senator Boncore: [02:52:33](#) Okay. Now, there was a point when the registrar had spoken, talked about, customer service at the registry. Now there was a seemingly, what we heard today as a focus on customer service at the Registry, with Real ID coming online. I think the AAMVA recognized Massachusetts registry is having good efficiencies and customer service, and they received an award last year, so would you agree there was a focus on customer service at the registry?
- Secy. Pollack: [02:53:08](#) We are certainly very proud of the progress we have made in customer service, but I would say that the focus on the registry was on fixing many broken business processes, one of which involved the process of coming in to get your license or your registration, but others of which focused in other areas.
- Senator Boncore: [02:53:25](#) And to that end that you were successful, and, I guess to the other end we understand there was a failure. But the registry was apparently more efficient than when the registrar got there in the customer service aspect of things, correct?
- Secy. Pollack: [02:53:42](#) Yes, because...
- Senator Boncore: [02:53:43](#) And with the documents you provided to us, there was a I guess no added staff, to the registry as a whole over the past five years, correct? That's the document you provided.
- Secy. Pollack: [02:53:59](#) So I'm not sure what evidence you're referring to. In fiscal 15 there were 736 FTEs.
- Senator Boncore: [02:54:07](#) Right.

- Secy. Pollack: [02:54:08](#) That dropped in 16 and 17. We had tough budget years you may recall. We increased that staffing level in fiscal 2018 and 19 in total between two... fiscal 15
- Senator Boncore: [02:54:22](#) Yes.
- Secy. Pollack: [02:54:22](#) Which was the first fiscal year when I was secretary, and the current fiscal year we added 34 staff, 20 of those staff were added in the branches
- Senator Boncore: [02:54:30](#) Mm-hmm (affirmative)
- Secy. Pollack: [02:54:31](#) Fourteen of those staffs were added in what you have referred to in the back office. There is no evidence that we took staff out of back office functions to increase staffing in the branches. We increased staffing once we had resources starting in fiscal 17, we added staffing in the branches and elsewhere in the organization.
- Senator Boncore: [02:54:50](#) And what's the current staffing level?
- Secy. Pollack: [02:54:52](#) So for fiscal 19 it's around 776 people.
- Senator Boncore: [02:54:56](#) Okay. And since this incident happened you've hired Grant Thornton to do an audit. Short of them completing that audit, the decision has been made to add a deputy registrar for safety, and has been made to post how many positions? How many positions have been posted?
- Secy. Pollack: [02:55:21](#) Six.
- Senator Boncore: [02:55:22](#) Six. And so is that for what function? I think you said to deal with the backlog, correct?
- Secy. Pollack: [02:55:29](#) To deal with out-of-state notifications including daily incoming mail, outgoing mail, and then, one of the things that I think last week's testimony and this week's testimony makes clear, is that one of the steps that we have taken is to prioritize safety, meaning the first cut at all of the documents we are dealing with from other states, is to look at safety.
- Secy. Pollack: [02:55:53](#) The good news is every document received from another state has a clear code on it. If it's an alcohol-related office, the code starts with the letter A. If it's nonpayment or nonappearance, which for out-of-state notifications, it should not come as a surprise to you that people get a ticket, they then don't appear,

they then get a default judgement. They then get a suspension for nonappearance. We haven't dealt with those yet because-

- Senator Boncore: [02:56:17](#) Understood.
- Secy. Pollack: [02:56:17](#) ...we focused on the ones that required suspension.
- Senator Boncore: [02:56:19](#) And just to reiterate my, the chairman's message, you don't see the hiring of seven new people to deal with that issue as an admission that there weren't enough people previously to deal with that issue?
- Secy. Pollack: [02:56:30](#) We see it as an immediate response to the need to put in place processes that have been missing from the registry for years, if not decades, and once we get to a steady state and we understand how with current automation and with the processes that need to remain on paper, we know what, how many people we need, we will figure it out.
- Secy. Pollack: [02:56:50](#) In the time that I've been secretary we have had under staffing problems with hearing officers. We have hired a hearing officer. We had under staffing problems with driver's license testers. We have added people.
- Senator Boncore: [02:57:03](#) Okay.
- Secy. Pollack: [02:57:03](#) It is part of my job. It is part of all of manager's jobs, to look at all the tasks before them and to decide how to allocate resources. We have been lucky enough that for the last three budget cycles, we have been able to increase total staffing, which means the question has been how to allocate the additional resources.
- Senator Boncore: [02:57:23](#) Mm-hmm (affirmative) And Mr. , thank you for being here... I just want to ask you a couple questions, in regards to the follow from what happened, transpired at the registry over the last month or so.
- Senator Boncore: [02:57:36](#) At some point I think you've referred to, the RMV decided to conduct a comprehensive review of the 5.2 million licenses in Mass, in the Commonwealth, through the National Driver Registry. Is that correct?
- Jamey Tesler: [02:57:49](#) Yes.
- Senator Boncore: [02:57:49](#) And what has that bore? What results has that, how many suspensions? What have we missed?

- Jamey Tesler: [02:57:56](#) So it was a multi- step process, and no one has done this before so we worked with AMVA and the NDR to figure this out. When you run that many records, what we've learned is we have to take a number of additional steps to make sure to validate it. We don't want to get the wrong person, so there's a lot of extra steps than we initially intended. So we're basically nearing the end in the next few days. So we haven't taken any actions yet from that.
- Jamey Tesler: [02:58:26](#) The validation process, just to give you an example, there are a lot of common names, so when you have that many records there's a risk that you'll get somebody with the same name, the same birthdate that isn't our person. So we're taking the extra caution to make sure we get it right, that we don't get the wrong person.
- Jamey Tesler: [02:58:45](#) But it's nearing the end this week.
- Senator Boncore: [02:58:47](#) I mean how many, I understood in one of your memorandums that it'd be broken up into five batches.
- Jamey Tesler: [02:58:55](#) Yep.
- Senator Boncore: [02:58:56](#) And the five batches would be reviewed over five days, right?
- Jamey Tesler: [02:59:02](#) Correct.
- Senator Boncore: [02:59:03](#) With the results coming a day and a half afterward and so how many of the batches... have any of the batches been reviewed?
- Jamey Tesler: [02:59:11](#) We've run all those batches.
- Senator Boncore: [02:59:13](#) Okay.
- Jamey Tesler: [02:59:13](#) Then those batches then go up against the thing you've seen in our testimony called the pointer sys... the PDPS, which is the problem driver pointer system.
- Senator Boncore: [02:59:22](#) Mm-hmm (affirmative)
- Jamey Tesler: [02:59:23](#) That tells you if they are "eligible or not eligible." And in simple terms that means their right to operate or their privilege to operate in another state has been suspended or revoked for something that happened there. So that second tier has also been run.

- Jamey Tesler: [02:59:43](#) From there, we get to the point where I've been describing, is we then need to make sure it's actually the right person.
- Senator Boncore: [02:59:49](#) Right.
- Jamey Tesler: [02:59:50](#) It's not the wrong social security number, it's very technical. So I've talked to the head of AMVA. A lot of other states are watching closely because this is a brand new process that we've come up with as an extra precaution. So we don't have any final results from it today. My hope is soon.
- Senator Boncore: [03:00:07](#) So the July 5th memorandum that you made public, a report of how this is processing, when you said it would only take a day, I guess you were misinformed as to how long the process would take at that point?
- Jamey Tesler: [03:00:18](#) That step took a day.
- Senator Boncore: [03:00:19](#) Okay.
- Jamey Tesler: [03:00:20](#) There was other steps.
- Senator Boncore: [03:00:21](#) All right. And since this fallout and you stepping up as the acting registrar, you've been to the registry. I understand you were there for a good deal of a weekend, a whole weekend, you know, most of the time. Who have you brought on to help, mitigate the situation?
- Senator Boncore: [03:00:44](#) We've heard of your team referenced. So...
- Jamey Tesler: [03:00:47](#) Yeah.
- Senator Boncore: [03:00:48](#) So who does that encompass?
- Jamey Tesler: [03:00:49](#) So during the first few days we actually had, so we had a bunch of... we had a number of people come from a number of areas within the registry to either, volunteer to work on overtime to help us go through the mail.
- Jamey Tesler: [03:01:07](#) We also had a number of people come from various areas of 10 Park Plaza, MassDOT headquarters, to also help us given the, interest in getting through this as quickly as possible. So we had for the last step in the process requires certain skills and I know a number of you asked questions, in her testimony about this.
- Jamey Tesler: [03:01:27](#) So we added hearing officers, or people with hearing officer skill who can take the suspension action, come and volunteer. But

for the initial paper sort we had a range of people come from MassDOT headquarters who aren't RMV employees to help through the weekend. Through the first weekend and I believe the second weekend as well, we had a number of people come to help.

- Senator Boncore: [03:01:48](#) Okay. I have nothing further.
- William Straus: [03:01:50](#) Okay. Senator Lesser.
- Eric Lesser: [03:01:55](#) Thank you both for coming. I have a tremendous respect for both of you and appreciate you both being here. I'm almost at a loss because it feels like through hours of testimony here, every person that comes up to speak who on paper all report to you, Secretary Pollack, all seem to tell us a different set of stories about what happened.
- Eric Lesser: [03:02:16](#) But I want to get into that, but just to kind of cut to the chase and to backtrack what, Chair Boncore was saying. Once you became aware that you had this backlog, you basically circled the wagon, put out an alarm, and you went through 72 boxes of violation notices dating back to 2011 that you retrieved from the Concord archives, and in total issued 2039 suspensions and you did that in a week? How long did that total process take? You said people were called and they came in on the weekend. They...
- Jamey Tesler: [03:03:00](#) Yeah, so we started on Thursday, I think that was the 27th?
- Eric Lesser: [03:03:05](#) Of June?
- Jamey Tesler: [03:03:06](#) Of June.
- Eric Lesser: [03:03:06](#) Yep.
- Jamey Tesler: [03:03:07](#) And that, what you were referring to - we were done, we had completed that step by July 12th.
- Eric Lesser: [03:03:13](#) By July...?
- Jamey Tesler: [03:03:13](#) By Friday, July 12th.
- Eric Lesser: [03:03:15](#) 12th. So between June 27th and July 12th, you basically wiped clean, you wiped clean the backlog of these boxes that were sitting in the archives and at the RMV?

- Secy. Pollack: [03:03:27](#) So I think this is another thing we need to be really clear on. Part of the system we used and why it is possible to get through so much more than past attempts, involved triaging based on safety concerns.
- Eric Lesser: [03:03:42](#) Right.
- Secy. Pollack: [03:03:42](#) Every piece of mail has a code. Every code is associated with what the underlying reason for the notice is. We developed a list of codes, which we have provided to the public and to the committee, that went to safety issues or went to whether someone potentially needed to have their license suspended.
- Eric Lesser: [03:04:00](#) No I...
- Secy. Pollack: [03:04:01](#) And we have only gone through the backlog. We have sorted it by code, and then we went through the backlog for the codes that involved OUIs, refusal to take a chemical test, reckless driving, leaving the scene of a fatal... the serious stuff.
- Eric Lesser: [03:04:16](#) You could've gone through that coding and that process on April 3rd when you were first notified of serious issues that your own auditors, and that Brie-Anne Dwyer testified to this, earlier today.
- Eric Lesser: [03:04:31](#) You were put on notice that there were 12,829 open tests. So why didn't you call everyone in the moment you got that notification and have everyone come in over the weekend to clear it up with the triage system?
- Secy. Pollack: [03:04:42](#) So I want to say a word about the audit department at MassDOT. MassDOT by statute has an independent auditor. He is independent of the Secretary. His name is Jim Logan. He is the boss that was referred to earlier today. I do meet with him and we talk about risks and we talk about audit plans. But he works directly and independently with the staff of individual units. They go through the audit process. They develop initial recommendations. Those are provided to the managers. The managers are then expected to provide, what they call remedial action plans. What are they going to do about the preliminary audit findings.
- Secy. Pollack: [03:05:21](#) And then after that process is done, the auditor briefs me on the results of the audit. I had not yet been briefed on the results of the MRB audit. The registrar was. I had not been briefed on the results of the audit because the audit had not reached that

point because as you heard testimony today, they were waiting for the 60 days to see if the remedial action plan.

Secy. Pollack: [03:05:45](#) Now, this is one of the many issues that have come to light in this process that we may want to think about how we do audits.

Eric Lesser: [03:05:52](#) Okay.

Secy. Pollack: [03:05:52](#) And whether when there are high-risk findings, there needs to be a better process for sounding the alarm. But that is not the process that was followed with this audit.

Eric Lesser: [03:06:01](#) So it never got to you? What we were briefed on this morning, earlier in this hearing, the notification that the internal MassDOT audit that notified the RMB of this backlog and gave them 60 days to finish it. Because that 60 days had not been completed, you as the secretary, did not know that that had happened?

Secy. Pollack: [03:06:22](#) No.

Eric Lesser: [03:06:22](#) Okay.

Secy. Pollack: [03:06:22](#) I do meet with every auditor who completes an audit and with the senior staff who was audited, to go through all of the findings. Most of the high-end, medium-risk findings, and to ask questions and to make sure that in fact the remedial action plans are being followed. But we had not yet reached that point in the process for this audit.

Eric Lesser: [03:06:38](#) And were you ever shown the picture that, Mr. Constantino sent, the picture of the boxes that he sent to the Registrar?

Secy. Pollack: [03:06:48](#) I saw it for the first as part of the document production for this hearing.

Eric Lesser: [03:06:51](#) Okay. But there was another audit done in 2016 of the Merit Review Board, which we talked about earlier which was a completely independent, done by Auditor Bump.

Secy. Pollack: [03:07:02](#) Correct.

Eric Lesser: [03:07:02](#) And that audit had several findings related to data management and management of, notifications to the RMB. Are you aware of that audit?

- Secy. Pollack: [03:07:12](#) I was aware of that audit. I discussed it with the registrar, and it was one of the reasons why the registrar decided to ask our internal auditor to conduct a very thorough and sort of open-ended review of the Merit Rating Board because none had been conducted and it was important to understand whether there were issues that went beyond those identified by the state auditor.
- Eric Lesser: [03:07:31](#) But again, fixing... we've heard that fixing it, it sounded like it was just an issue of rounding people up for a couple days to get the boxes checked, so when Auditor Bump's report came out, I understand you wanted to have a process in place to make systematic changes. But why didn't you say to the RMB and say to Erin Deveney, hey get this fixed? Bring your folks in over the weekend if you have to. Get this fixed, and then we'll talk about what needs to be changed? That never happened did it?
- Secy. Pollack: [03:08:03](#) I became aware of the issue on the day that the Registrar resigned. We had some indication over the weekend and on Monday because we had had inquiries about Mr. Zhukovskyy's driver record and things that seemed not to be in that driver record when we issued it because it is a public document with appropriate redactions.
- Eric Lesser: [03:08:27](#) A page 11...
- Secy. Pollack: [03:08:28](#) So I did sound the alarm and get all the resources in place and asked someone that I know was going to be good at putting rapid processes together and fixing, business processes. But unfortunately people chose to try to solve this problem on their own without elevating it.
- Eric Lesser: [03:08:47](#) Okay. I do want to state, you know, for the record, and I would like to get your response to this because it's a vital issue. We have an entire auditor's office which is independent and an independently elected for really exactly this reason.
- Eric Lesser: [03:09:02](#) On page 11 of that 2018 audit, it says, "The audit finds MRB, which is the entity responsible for processing these out-of-state notifications, did not have policies and procedures - did not have policies and procedures - in place to classify data and maintain a data inventory. Without policies and procedures to guide the data classification and data inventory process, MRB is not aware of what data could be missing or lost."
- Eric Lesser: [03:09:36](#) That didn't sound an alarm?

- Secy. Pollack: [03:09:41](#) That is why I said to you that the real focus of our work at the registry for the past four years has been finding and fixing fundamental problems with business processes throughout the organization. You heard from the former registrar who had three different stints there. This is not an agency that has a lot of written standard operating procedures.
- Eric Lesser: [03:09:59](#) Right.
- Secy. Pollack: [03:09:59](#) And it was also an agency that was functioning on a mainframe cobalt functioned software platform. Atlas was not just the purchase of a piece of software. There's been a process under way since 2015 to use the fact that we were going to automate it to actually document business practices. We had a process that we called end-to-end reviews. Each operating division of the registry was actually asked to come into a space and lay out from one end to the other how their processes worked.
- Secy. Pollack: [03:10:30](#) But one of the reasons that we had end-to-end reviews the way we did them as we prepared for Atlas was that there is very little written documentation.
- Eric Lesser: [03:10:40](#) Right.
- Secy. Pollack: [03:10:40](#) Not just at the Merit Rating Board and the Registry and the preparation for Atlas became an opportunity to document what the practices had been and to begin to regularize them.
- Eric Lesser: [03:10:50](#) So that was clarified in the actual report. And again, I have a copy of it. I mean if people can google it and look it up right now. But it says right here, so actually the auditor asks, they ask you, or the RMB, why? You know, why don't you have the system in place? And the MRB said, and this is a direct quote, page 12 of the audit, "MRB management told us that they were not aware that they were responsible for developing data classification and data inventory procedures. They instead assumed MassDOT IT was responsible."
- William Straus: [03:11:25](#) I'm going to step in. I just think positions have been, you know, stated and I do have to recognize the time constraints. I apologize.
- Eric Lesser: [03:11:33](#) You just want to respond to that? Or is it? Do you want to respond to...?
- William Straus: [03:11:36](#) If you like and we can move on. I apologize but there are time constraints.

- Secy. Pollack: [03:11:41](#) Senator, you're very right to point out the findings, and this is part... remember, that audit, MRB was under different leadership. We brought in new leadership. That had been a very longstanding person in charge and things had not changed...
- Eric Lesser: [03:11:54](#) Okay.
- Secy. Pollack: [03:11:54](#) In a very long time and we are making changes and trying to put it in. I am not going to tell you that we have finished the work and I think this....
- PART 6 OF 7 ENDS [03:12:04]
- Secy. Pollack: [03:12:03](#) has been a sobering experience for me and for all of the senior leadership at MassDOT. And one of the reasons quite frankly that we brought in Grant Thornton to do a forensic audit, is the difficulty-
- Speaker 2: [03:12:15](#) Okay.
- Secy. Pollack: [03:12:15](#) ... that you have heard this afternoon of getting a straight story when you have three people who say different things and the thing that they say is different from the piece of paper, and that is actually the process. And, and I want to be clear, this process is equally important and we look forward to its results and to its recommendations. But what you've heard this afternoon is one of the reasons why we took that approach because in the absence of that kind of careful interview-everyone, get documents, interview them again, put timelines together, it is unfortunately difficult to ascertain exactly how, uh-
- Speaker 2: [03:12:52](#) And then just [crosstalk 03:12:53].
- William Straus: [03:12:56](#) I've been more than generous like double time here, so I apologize. I really do, but I've got to move on-
- Speaker 2: [03:13:04](#) No problem.
- William Straus: [03:13:05](#) ... with respect to other members of the committee. Anyone else with questions? Rep. Tucker.
- Paul Tucker: [03:13:13](#) Thank you, Mr. Chairman. I'm going to be extremely brief. I just have one simple question. We've heard from, what I consider to be some good people here today; Ms. Dwyer, Mr. Bowes, Mr. Constantino, and former Registrar Deveney. You are very frank Madame Secretary in your opening remarks. You said, "This was a failure of senior leadership at the RMV." To date, the only

person who's actually left has been Ms. Deveney on her own. When you said that there was a failure of senior leadership, were you referring to just Ms. Deveney or anyone else?

Secy. Pollack: [03:13:49](#)

I have said all along that there will come a time when people who had responsibilities that they did not fulfill need to be held accountable. But it is very important to get the facts straight. That's what we've been doing all afternoon and, again, I appreciate the committee as well that is why we commissioned Grant Thornton. I don't yet know exactly (murmur in background) who made what decisions, for what reasons, under what information they were acting on. If someone made a well-intentioned decision with incorrect information and was trying their best has very different situation than someone who simply shirked the responsibility.

Paul Tucker: [03:14:39](#)

I appreciate that but it just caused me to, to write this down because it was so stark and you were so forthcoming. You said, "There was a failure of senior leadership." I find it hard to believe that it would only be one person, the person of Ms. Deveney that would have shouldered this entire blame. You had to have something to be able to make that statement, a failure of senior leadership.

Secy. Pollack: [03:15:04](#)

It is my experience when things go as bad as they clearly have gone in this situation (murmur in background) that it is multiple failures. (murmur in background) Its usually a failure of prioritization, which we have acknowledged, not enough priority was given to safety. It is often a failure of process or processes, and it is many times a failure of people. That's what we're trying to sort out, priorities and processes and people. We've already taken action on priorities to reprioritize safety, to bring in a full-time person who thinks about nothing else, and the acting registrar is prioritizing it. We are starting to fix processes and we will get to people, but we will not get to people until the record is complete.

Paul Tucker: [03:15:46](#)

I appreciate that. I appreciate the complexity and the responsibilities of your job. But as I said, and I'll close with this and you don't need to comment on it. I just find it extraordinary that when the Secretary of Transportation that fit the position that you hold with a broad brush talk about failures of leadership across the board, that Ms. Deveney, on her own. And, if that's actually what happened on her own she left, I just find that extraordinary [inaudible 03:16:16]. Thank you.

William Straus: [03:16:18](#)

I'll continue to recognize members of the committee. I just want to indicate, Senator Boncore and I have conferred on

scheduling, given that we will easily exceed, seven hours of hearing today, merited clearly. But in fairness to the remaining three witnesses, they're free to stay of course because I hope it's been helpful to them. But we will indicate that the questioning of the Secretary and the acting registrar will be it for today for witnesses. There's clearly from those who've been following the flow of information today, back and forth that, there's information that's come to the committee that allow us to continue our work.

- William Straus: [03:17:19](#) So we will be back in touch. I apologize sincerely. We had hoped to get through everybody today, but we don't, also don't think it's fair to go for the remaining witnesses into the late night. So, I would say thank you to FAST; thank you to Grant Thornton; thank you to the State Police, but we just won't be able to fairly get to you tonight.
- William Straus: [03:17:47](#) So with that, let me continue recognizing members of the committee. Rep. Howitt.
- Rep. Howitt: [03:17:53](#) [inaudible 03:17:53].
- William Straus: [03:17:53](#) Oh, I'm sorry, I thought he was pointing at you. Okay.
- Rep. Howitt: [03:17:56](#) [inaudible 03:17:56].
- Rep. Orrall: [03:18:02](#) Thank you. Thank you, Mr. Chair. Thank you, Rep. Howitt, for yielding.
- Rep. Orrall: [03:18:07](#) Of the seven victims that were identified (murmur in background) that we are in hearing about today, two of the Massachusetts, the ones that were from Massachusetts are from hometown Lakeville. And their contributions to the community, et cetera, are just sorely missed and on their behalf, the other victims and their families and friends' behalf, I think we will move forward to figure out what happened, but I think what I mostly interested in is what's been done since and you've, both touched upon different areas, but could you summarize for us so that we have some sense of, comfort that currently and, and moving forward, there is, to the best of our abilities, process in place that this doesn't happen again to the best of our abilities.
- Rep. Orrall: [03:19:26](#) So if you could just summarize for us. It's been a long hearing, a lot has been said, but I'm just, my question would be to if you could summarize what's been done since, since this tragic event.

- Secy. Pollack: [03:19:41](#) So briefly (murmur in background) we began by, simultaneously working through the backlog of out-of-state notices to ensure that there were no more notices in there that needed to be acted on for serious violations that require the immediate suspension of a license and putting in place from day one new process to make sure that the mail was being opened. So move forward in real time, move backwards into the backlog of paper out-of-state notifications. There was also, as we noted, a separate problem with how the CDL automated system. So this was being used that required correction and clearing backlog of unused tasks.
- Secy. Pollack: [03:20:26](#) I will also say that the driving history of Mr. Zhukovskyy gives one pause. And so working with the governor's legal office, we looked at a number of things that we felt like if we could change the law, we could help increase our chances in the future, not only that we would suspend people who should not be driving but that there would be sort of multiple processes to make sure they were not actually driving. Because we all need to acknowledge here today that sadly just suspending someone does not mean they stop driving. This is a gentleman who was in fact suspended for part of 2013, all of 2014 and part of 2015 but was caught driving in Ohio during 2014 when his license was suspended.
- Secy. Pollack: [03:21:17](#) So the CDL legislation that was filed by the administration is designed also to build on the learnings from this experience, and I'm sure the committee may have others as the process is completed, which we would welcome and say, "Our job at the registry is to comply with and follow the law and make sure that we are doing everything we are required to do." The legislation allows us to go beyond existing law and say, "Is there more we could be doing," because we all need to ask ourselves what more could we be doing to make sure that something like this never happens again to any other family.
- Rep. Orrall: [03:21:55](#) Thank you.
- William Straus: [03:21:56](#) Senator Chandler.
- Sen. Chandler: [03:22:01](#) Thank you very much for your testimony and for your efforts (clears throat) to try to basically make transparent what's has been very untransparent for a long time and that leads me to my question. I have been asked by my constituents. In the backlog of what they're saying here that they're questioning, how many times the RMV has been asked by external entities to hand over... You have the power to do this. I mean, you have the facility to do this to hand over the driver's license database,

including visual images. And the question is, did you comply? Would you comply?

Secy. Pollack: [03:23:00](#) Could I ask you to clarify the question? I just want to make sure that we answer the question that you're asking.

Sen. Chandler: [03:23:06](#) Please. I'm asking the question you have access to 50, or is it 5.2 million drivers' licenses? And the question is basically have you been asked by any external entities to use that database for their use, not our use. I think you understand what I'm talking about.

Secy. Pollack: [03:23:29](#) Yes, I think I do.

Sen. Chandler: [03:23:30](#) And I think, it's really for my constituents and perhaps for others here, for their constituents, the feeling of trying to understand what is actually happening, how is this database being used, as simple as that.

Secy. Pollack: [03:23:45](#) Yeah. I think that the concern you're raising is with the use particularly of the pictures and the visual-

Sen. Chandler: [03:23:51](#) The facial.

Secy. Pollack: [03:23:51](#) ... images associated.

Sen. Chandler: [03:23:52](#) Yes.

Secy. Pollack: [03:23:53](#) So there are circumstances in which specific law enforcement agencies in connection with a specific concern asked for information. We have not and do not intend to share the entirety of the database more broadly, because we don't think that that's appropriate from a personal privacy perspective. I do want to just be clear. When we say that we are comparing all 5.2 million drivers' records to the National Driver Registry that's a matter of safety. That has nothing to do with the images or sharing the images.

Sen. Chandler: [03:24:26](#) That is not what we're talking.

Secy. Pollack: [03:24:27](#) That's the actual information about citations or suspensions that we all want to make sure is accurately-

Sen. Chandler: [03:24:33](#) Yup.

Secy. Pollack: [03:24:33](#) ... in people's records. But as far as the visual images, there is a process by which law enforcement can ask about them in

specific cases. The entirety of the database we are not, we have no intention of sharing.

- Sen. Chandler: [03:24:45](#) Thank you. Thank you for your answer as well.
- William Straus: [03:24:49](#) Thank you, Senator.
- William Straus: [03:24:50](#) Rep. Howitt.
- Rep. Howitt: [03:24:51](#) Thank you Mr. Chairman.
- Rep. Howitt: [03:24:54](#) As someone who has a CDL license; I'm probably one of the few up here that does, I just have a few CDL questions. Now that we are focused on the registry, what steps have you taken to, make sure the CDL process is working correctly? First question.
- Jamey Tesler: [03:25:15](#) Most importantly, what people refer to is the queue where, Mr. Zhukovskyy's record was reviewed daily to ensure that there's things that need to be acted upon or entered, that, those are done promptly. The Secretary referred to the legislation that in addition to taking that action that the governor's file that would enhance the CDL Laws of the Commonwealth and that would give us additional tools. And we have, this is an area where we have federal oversight from Federal Motor Carriers you may know. And we have met with them to ensure that we are fulfilling all the requirements of the federal program.
- Jamey Tesler: [03:26:02](#) Unlike the non-CDL system, it's worth noting that it's very specific about how the CDL program has to be performed here in Massachusetts as well as everywhere else in the state. There are standards and, monthly reports and various specific things that need to be complied with in that program. So we met with them in July to ensure that we are meeting all those needs.
- Rep. Howitt: [03:26:32](#) And while the CDL is, used electronically across the country, when I renew a CDL license I have to put, or actually not even when I renew my license. Every two years I have to submit medical health certificate and that has to be done by mail. Is any way of changing that type of submission because we have discussed the, computers and electronics and the backlog of papers? But that's a paperwork because of the HIPAA laws as well, it creates a problem. So I'm just curious if there are anything moving in that direction?
- Jamey Tesler: [03:27:11](#) That's something we're happy to look at and talk to you further, Representative.

- Rep. Howitt: [03:27:13](#) Thank you. Thank you, Mr. Chairman.
- William Straus: [03:27:15](#) Any others? Rep. Blais and then Senator Tran.
- Rep. Blais: [03:27:22](#) Thank you. I'm wondering if you can confirm for me that the state has been checking the CDLIS system when issuing, renewing, upgrading or transferring a CDL.
- Secy. Pollack: [03:27:33](#) Yes.
- Rep. Blais: [03:27:34](#) Yes. And has the state been transmitting convictions for out-of-state drivers to the state or the driver as licensed?
- Secy. Pollack: [03:27:44](#) For CDL drivers or?
- Rep. Blais: [03:27:45](#) Drivers.
- Secy. Pollack: [03:27:46](#) Okay. So ask the question again please?
- Rep. Blais: [03:27:48](#) Has the state been transmitting convictions for out-of-state drivers to the state or the driver as licensed?
- Secy. Pollack: [03:27:55](#) [inaudible 03:27:55].
- Jamey Tesler: [03:27:56](#) So, as I discussed in my testimony in more detail, this week we're actually-
- Rep. Blais: [03:28:02](#) But we have not been. There's been-
- Jamey Tesler: [03:28:04](#) Not that we are aware of.
- Rep. Blais: [03:28:04](#) ... no system in place.
- Jamey Tesler: [03:28:06](#) Can I just add to that-
- Rep. Blais: [03:28:06](#) Yup.
- Jamey Tesler: [03:28:07](#) ... in order to clarify? They're CDL... The Representative has asked me the question. There was an automated system for CDLs, so we do do that for CDLs. And as been discussed throughout the day, there is a national database referred to as the NDR where when we enter into our system a serious offense, it is visible there and to other states. But to your specific question, we are not sending US postal mail until this week. We have not been doing that.

- Rep. Blais: [03:28:34](#) In a July 19th interim progress memo from yourself and Marie Breen, a meeting occurred with US DOT and the Federal Motor Carrier Safety Administration about the Massachusetts CDL program.
- Jamey Tesler: [03:28:47](#) Yes, ma'am.
- Rep. Blais: [03:28:47](#) Are you aware of any federal implications that could occur given the RMV's failings?
- Jamey Tesler: [03:28:55](#) By doing additional mailings?
- Secy. Pollack: [03:28:57](#) No-
- Jamey Tesler: [03:28:58](#) Oh.
- Secy. Pollack: [03:28:58](#) ... but from the meeting with US DOT and Federal-
- Rep. Blais: [03:29:00](#) If there are any federal implications that the state could be facing, any's federal ramifications that the state could be facing?
- Jamey Tesler: [03:29:07](#) I'm not aware of any, that is what you refer to as annual program review meeting that they had been scheduled to do before but in these events it was accelerated to ensure that...their federal oversight is as focused as it can be right now.
- Rep. Blais: [03:29:24](#) Mm-hmm (affirmative).
- Jamey Tesler: [03:29:24](#) But now, I'm not aware of any, I'm not aware of any meeting to your question.
- Rep. Blais: [03:29:29](#) Okay. So if for federal regulations, there is a decertification of state CDL programs and one of the conditions that can lead to finding of substantial non-compliance, or decertification is the state not transmitting convictions for out-of-state drivers to the state where the driver is licensed.
- Secy. Pollack: [03:29:50](#) Right. But for the CDL program, we do transmit those and have between CDL systems, so that's why I asked for clarification. For CDL drivers which is the only thing the federal program covers, we absolutely do transmit those violations.
- Rep. Blais: [03:30:04](#) So there are two conditions. The first is that the state computer system does not check the commercial driver's license information system nor national driver registry problem driver pointer system as required of this subchapter when issuing,

renewing, or upgrading a CLP or issuing, renewing, upgrading, or transferring a CDL. The third condition (murmur in background) that can lead to substantial non-compliance or possible decertification is when the state does not transmit convictions for out-of-state drivers to the state where the driver is licensed.

Secy. Pollack: [03:30:37](#) Why don't we, try to get you a more specific answer to that question. I do not believe that issue was raised by Federal Motor Carrier in that initial meeting, but we will continue the conversation.

William Straus: [03:30:54](#) Senator Tran.

Dean Tran: [03:31:11](#) Thank you, Mr. Chairman. Just one comment and one question then I should be done.

Dean Tran: [03:31:16](#) Madam Secretary, thank you very much for joining us tonight. From other testimonies that we've heard today, it seems as though there's a shortage of process and the lack of ownership of responsibilities, and that raises a concern with me. I'm very concerned that, as you know, the legislature has passed two bills this past session. One is the Automatic Voters Registration, another one is the Gender X Bill. Now my question to you is how are you planning to manage and balance these implementations and at the same time work on the remedy to the problems that we've identified here tonight and will be identified in the investigation.

Secy. Pollack: [03:32:31](#) Those are two very important things. Voter, Automated Voter Registration is obviously fully enacted and takes effect on January 1st. The non-binary has not yet been enacted by both Houses. But we are well aware of its priority for the legislature and we are making appropriate preparations to be ready to comply when that time comes. The registry has a lot of different responsibilities and part of our job that we clearly need to do better is deliver on all of them. So the Automated Voted Registration work is under way for our regular check ins, not only just between my office and the registry. They were before this occurred and continued to be, but actually among the Secretary of State's Office and with the Executive Officer of Health and Human Services, which also has responsibilities in the, Automated Voted Registration.

Secy. Pollack: [03:33:27](#) So I understand having heard what you've heard today why you would be concerned and my job and the acting registrar's job is to show that we can do better and that we can manage all of the responsibilities that the legislature's conferred and that very

much includes voter registration and it will very much include providing a non-binary option for people applying for driver's license.

- Dean Tran: [03:33:54](#) Thank you. Thank you.
- William Straus: [03:33:55](#) Okay. Anyone else? I just wanted to ask because I think the calendar is going to give us an overlap potentially. If either of you could just indicate the, and you have publicly already that anticipate schedule of deliverables or report in terms of Grant Thornton: what you expect will be whether to report, whether there's content to it, things like that. And just, couple of minutes worth of your time to, put that out there again.
- Secy. Pollack: [03:34:34](#) Yeah. The scope of work which you've been provided, which I am sure Grant Thornton came prepared to talk about, includes both a preliminary report at a mutually agreed upon date and then the final piece of work product. We have mutually agreed to get that preliminary report on week of August 12 and we will provide it to this committee as soon as we get it from Grant Thornton. And that will allow both of us and you and others to review it so that before the final work product is complete if there are additional questions or information that can be reflected. That was one of the reasons we wanted to make sure there was a preliminary report.
- William Straus: [03:35:11](#) Well, good. As I say, I wanted that out there. I would say in closing, I know, in a sense, the legislature has seen through this Joint Committee of the House and Senate, a week ago seemed, in something of, disagreement if not conflict, with the administration over the ability to have simultaneous review occurring. I would say for anyone who's watched, over the seven or so hours of today's hearing and whatever still comes.
- William Straus: [03:35:52](#) Without sounding too sappy, it's a little bit of win to me, in so far as the State Constitution is concerned, that we can have parallel, simultaneous, reviews that the legislature can do each work in a thoughtful way with a serious topic while the investigation that the administration wants to undertake, can also occur. And so we've, I think, successfully established an important notion of government today.
- William Straus: [03:36:28](#) So, with that said, and I don't know if my co-chair had anything else to say, who-
- Co-Chairman: [03:36:33](#) Nothing further. I just want to thank the committee for their time today in this most important oversight and thank all the

witnesses who are here who testified, and those that did not. We appreciate your time. We really do and, it's very important, so thank you.

William Straus: [03:36:48](#)

I'll entertain a motion to, adjourn right now. I see it, second it. All in favor. Thank you everyone for your participation.

PART 7 OF 7 ENDS [03:37:15]