

## **JOINT PERFORMANCE REVIEW COMMITTEE**

**JANUARY 7, 2014**

### **MINUTES**

The Joint Performance Review Committee met Tuesday, January 7, 2014 at 1:00 p.m. in Room A, MAC Building, Little Rock, Arkansas.

Committee members present were Senators Jane English, Senate Co-Chair, Jimmy Hickey, Keith Ingram, Uvalde Lindsey, Jason Rapert, Larry Teague, Jon Woods, and David Wyatt. Also attending were Representatives Terry Rice, House Co-Chair, Randy Alexander, Bob Ballinger, Charlie Collins, Harold Copenhaver, Jon Eubanks, Justin Harris, Debra Hobbs, Douglas House, Mark Lowery, Josh Miller, Nate Steel, Warwick Sabin, Brent Talley, Bruce Westerman, and Richard Womack.

Other members present were Senators Cecile Bledsoe, Alan Clark, Jonathan Dismang, Joyce Elliott, Bruce Holland, Johnny Key, Jeremy Hutchinson, Bobby Pierce, and Eddie Joe Williams; plus Representatives Denny Altes, Charles Armstrong, Scott Baltz, Nate Bell, Ken Bragg, John Burris, Ann Clemmer, Bruce Cozart, Andy Davis, Jim Dotson, Charlotte Vining Douglas, Joe Farrer, David Fielding, Charlene Fite, Jeremy Gillam, Kim Hammer, David Hillman, Sheila Lampkin, Andrea Lea, Greg Leding, Kelley Linck, Stephanie Malone, Andy Mayberry, Walls McCrary, George McGill, David Meeks, Stephen Meeks, Reginald Murdock, Micah Neal, Jim Nickels, Betty Overbey, Sue Scott, Mary Lou Slinkard, Tommy Thompson, John Walker, Butch Wilkins, James Word, and Marshall Wright.

#### **Call to Order**

Representative Rice called the meeting to order.

#### **Opening Comments – Senator Jane English and Representative Terry Rice, Co-Chairs**

Representative Rice read the duties and responsibilities of the Joint Performance Review (JPR) Committee. Representative Rice explained that each presenter was invited by the Co-Chairs to testify at the JPR Committee meeting and all presenters voluntarily agreed to participate.

#### **Issuance of Subpoena**

The Co-Chairs requested approval from the Committee to issue one subpoena to Brad Choate, former UAF Vice Chancellor of Advancement. Following discussion by committee members regarding issuing the subpoena, Representative Rice informed legislators that the Senate and the House members will vote separately according to their corresponding Chamber. A motion to approve issuance of the subpoena was made by Senator Wyatt and seconded by Senator Ingram.

The vote on the motion by Senate Committee members carried. The vote on the motion by House Committee members carried.

Representative Rice asked Bureau of Legislative Research staff to convey the subpoena to Captain Lindsey Williams, Arkansas State Police, who delivered it to Mr. Choate.

Representative Rice asked the presenters scheduled to testify before the JPR Committee to stand, state their name, employer, and position. Representative Rice then asked each person to raise their right hand and swear the following oath:

“Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth”

Brad Choate, former UAF Vice Chancellor of Advancement, stated “I do”

John Diamond, former UAF Associate Vice Chancellor of University Relations, stated “I do”

Joy Sharp, former UAF Advancement Division Budget Director, stated “I do”

UAF Chancellor David Gearhart stated “I do”

Jean Schook, UAF Associate Vice Chancellor for Financial Affairs, stated “I do”

Don Pederson, UAF Vice Chancellor for Finance and Administration, stated “I do”

### **Discussion of the Management of Advancement Division Funds at the University of Arkansas Fayetteville (UAF) [Exhibit D]**

Representative Rice gave an overview of the duties established by law, of the JPR Committee, which directs the committee to conduct investigations into specific problem areas of the administration of state government. Representative Rice said that even though questions may be raised today that may be similar to those raised in a criminal investigation, legislators should not ask questions for the purpose of determining whether a crime has been committed, but instead should address whether or not a problem exists in the administration and operation of the UAF Advancement Division.

Representative Rice asked Chancellor Gearhart to describe the process utilized by the University in its response to Freedom of Information Act (FOIA) requests beginning with receipt of an FOIA request through final compliance by the University. Chancellor Gearhart replied saying that generally various university personnel are assigned to handle FOIA requests. The UAF person assigned the FOIA request discusses it with university attorneys to determine an appropriate response. Representative Rice recognized Brad Choate, former UAF Vice Chancellor of Advancement. Mr. Choate read his 17-page written statement, which he had

provided to the Committee [Exhibit D-1]. He emphasized key points in his written statement. He stated his positions and objections concerning actions by the administration of the University.

Representative Rice recognized John Diamond, former UAF Associate Vice Chancellor of University Relations. Written testimony by Mr. Diamond was distributed to legislators (Exhibit D-2). Mr. Diamond read his 9-page written statement.

Representative Rice recognized Joy Sharp, former UAF Advancement Division Budget Director. Ms. Sharp gave a brief statement regarding her participation in the budgeting procedures within the UAF Advancement Division.

Representative Rice recognized Chancellor David Gearhart. Chancellor Gearhart gave a statement concerning the budget problems found within the Advancement Division at the UAF and the steps being taken by the UAF administration to remedy the problems.

Representative Rice opened the meeting to questions by legislators. Legislators asked questions of all the presenters, focusing on the past and current handling of Advancement Division funds, plus general questions about the overall fiscal operations of the University.

Representative Rice announced that a Joint Performance Review Committee will be held Wednesday, January 8, 2014 at 1:00 p.m. in Room A, MAC Building.

There being no further business, the meeting adjourned at 5:00 p.m.