**MINUTES OF THE MEETING**

**Achieving a Better Life Experience Program Committee**

Monday, April 2, 2018 at 1:00 pm

Victory Building Conference Room, Suite 275 -- Little Rock, AR 72201

A meeting of the Arkansas Achieving a Better Life Experience Program Committee (“Committee”) was held on Monday, April 2, 2018 at 1:00 pm in the Victory Building Conference Room, Suite 275. Present at the meeting were Grant Wallace with the Treasurer’s Office; Director of 529 Programs and Financial Education Emma Willis; 529 Programs and Financial Education Administrative Assistant Chris Scott; Dave Mills Department of Human Services Program Administrator (Designee for Director of Human Services); Joseph Baxter Deputy Commissioner Arkansas Rehabilitation Services (Designee for the Commissioner of Arkansas Rehabilitation Services Department of Career Education) and Charles Lyford from Arkansas Rehabilitation Services

The press was notified in compliance with the Freedom of Information Act.

Grant Wallace called the meeting to order at 12:59 pm.

Grant Wallace stated that the committee had received bids for legal representation. He stated that we wanted to present those to the committee to have an open discussion about the bids. Grant said that afterwards, he would like to authorize Emma, on behalf of the committee, to seek a letter of engagement and then move forth.

Grant stated that the funds that would be used are from the Treasurer’s office that were appropriated in fiscal year 2018.

Emma then confirmed the committee had received the bids from Dover Dixon Horne and Friday Eldridge & Clark law firms prior to the meeting. Emma stated that the committee had originally discussed Dover Dixon Horne and their experience, but also thought it necessary to give the committee an opportunity to see another firm’s proposal. Emma advised that the committee should not just look at the pricing component of the proposals but also the experience that each firm could bring. Emma then opened the conversation to opinions from the committee on the both of the firm’s proposals.

Grant Wallace stated that, in full disclosure, Dover Dixon Horne is contracted with the 529 College Savings Program as legal representation.

Joseph Baxter wanted to confirm that the legal representation would be on an ‘as needed’ basis, which was confirmed by Emma Willis and Grant Wallace.

Dave Mills asked what kind of services would be provided. Grant responded that initially it would be getting the program set up, including reviewing contracts with program managers, interstate agreements, and things of that nature. Grant stated that he would personally like to have the selected legal firm take one ‘run-through’ of the program rules and regulations to assure that we didn’t miss anything prior to the ABLE hearing at the Bureau of Legislative Research. Grant continued that once those items were established, the legal firm would then take over the ‘advise and counsel’ aspects as issues came up, which could include re-structuring investment opportunities, revising the program, examining fee structures, security, and things of that nature. Grant stated that they would also be responsible for being the ‘balance’ to the committee’s budget, keeping a record book and serving as a ‘second set of eyes’ on all bank account activities.

Joseph Baxter stated that costs seemed to be the only thing separating the two firm’s proposals, with the exception of the College Savings Program and the ABLE program requiring a similar skill set. Emma stated that while it does require a similar skill set, the ABLE program would be dealing with individuals with disabilities.

Joseph Baxter asked that, with that difference withstanding was there a different area of expertise dealing with individuals with disabilities that the committee was seeking. Emma stated that there was a need for understanding the reporting between Social Security, Housing, Urban Development, the Medicaid structure, as baselines that the committee would need for legal counsel.

Emma stated that one thing she needed to be sure to hear from the firms or their attorneys were their areas of knowledge was at least up to date with the standards around ABLE. Emma stated that the firms both have experience in estate planning, which would be a good resource.

Grant stated from his perspective, state government operates very differently than that of the private sector, and that he wanted to be sure that the committee was operating with a firm that understood both state government, and a state government program.

Charles Lyford asked the committee if they had been pleased with Dover Dixon’s representation on the College Savings Program, to which Emma explained their involvement from inception in 1999, their roles and responsibilities as such, and how they would be similar to those with ABLE. Emma continued stating that Dover Dixon also assists with the annual audits the College Savings Program conducts through a third party.

Dave Mills asked that, if we choose Dover Dixon as legal representation, would the contract be an extension of the contract with the College Savings Program or if it would be its own separate contract. Emma clarified that it would be a different contract and clearly separate from each other. Emma went on to explain that our chief legal counsel from Dover Dixon would be TJ Lawhon, who has assisted with audits on other aspects of ABLE programs, showing working knowledge on the area.

Grant stated that in fairness to both of the firms, both of the proposals included language on willingness to negotiate the pricing rates.

Joseph Baxter stated he was comfortable with Dover Dixon’s proposal as they have proven experience, and that separated their proposal from Friday Eldridge & Clark’s.

Grant stated that there was a motion to designate Dover Dixon Horne as legal Counsel. Dave Mills seconded the motion, Grant asked if there was any further discussion, to which he himself mentioned that his only request would be that TJ Lawhon would be the primary representation and that John Peace would serve as ‘back-up’. Emma confirmed that would be the case, and with there being no further discussion, the motion carried through a verbal vote.

Grant stated that Emma was now authorized to receive a letter of engagement from Dover Dixon Horne.

Grant moved to the next order of business, preparation for the ALC hearing at the Bureau of Legislative Research. Grant stated that there was already a spot reserved for legal counsel, and that they will now be prepped, ready for, and attending the hearing at the Bureau of Legislative Research.

Emma clarified some details of the ABLE program launch that may be answers to questions the Bureau could ask including eligibility, onboarding time, estimated date of launching the program, etc.

Dave Mills took the meeting as an opportunity to make the committee aware that he was no longer the Program Administrator for Medicaid eligibility, and that he is now Business Manager for the office of Policy Development.

There being no further business, Grant Wallace moved to adjourn the meeting and the meeting adjourned at 1:18 pm.

Respectfully submitted,

Emma Willis, Director of 529 Programs and Financial Education