



North Bay
Regional Center

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August 1, 2024

Ms. Sophia Agafonow
Department of Developmental Services
1215 O Street
Sacramento, CA 95814

Via Email: Sophia.Agafonow@dds.ca.gov

Re: Mitigation Plan for Joanne Giardello

Dear Ms. Agafonow,

Per Title 17 § 54534. Conflict Resolution Plan Review Procedures, NBRC is submitting a mitigation plan for Joanne Giardello, who serves as a member of our Board of Directors. We have reviewed Ms. Giardello's situation and her conflict of interest status. We will comply with the plan as stated below.

If you should have any questions, please feel free to contact me.

Sincerely,

Jennifer L. Crick, SPHR, PHRca, SHRM-SCP
Director of Administrative Services
North Bay Regional Center
jenniferc@nbrc.net
707-256-1271

August 1, 2024

Nancy Bargmann, Director
Department of Developmental Services
1215 O Street
Sacramento, CA 95814

RE: Request for Waiver for Potential Conflict of Interest for Joanne Giardello

Dear Ms. Bargmann:

Pursuant to Section 54523 of Title 17, California Code of Regulations, this letter serves as a request by North Bay Regional Center for a waiver of a potential conflict of interest for our Board Member Joanne Giardello.

Enclosed please find the following:

1. A copy of Ms. Giardello's Conflict of Interest Disclosure Statement;
2. A Disclosure Conflict of Interest, Request for Waiver and Plan of Action.

The limitations proposed by North Bay Regional Center are set forth in the plan of action and no other limitations are proposed.

This Waiver packet is also being served upon the North Bay Regional Office and State Council as required by Title 17.

Thank you for your consideration of Waiver Request. We look forward to hearing from you.

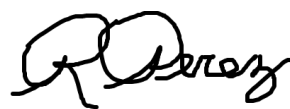
Sincerely,



Gabriel Rogin
Executive Director



Joanne Giardello
Director, Board



Rosemarie Perez
President, Board

Cc: Human Resources
NBRC Board of Directors

[Reset Form](#)**CONFLICT OF INTEREST REPORTING STATEMENT**
DS 6016 (Rev. 08/2013)

The duties and responsibilities of your position with the regional center require you to file this Conflict of Interest Reporting Statement. The purpose of this statement is to assist you, the regional center and the Department of Developmental Services (DDS) to identify any relationships, positions or circumstances involving you which may create a conflict of interest between your regional center duties and obligations, and any other financial interests and/or relationships that you may have. In order to be comprehensive, this reporting statement requires you to provide information with respect to your financial interests.

A “conflict of interest” generally exists if you have one or more personal, business, or financial interests, or relationships that would cause a reasonable person with knowledge of the relevant facts to question your impartiality with respect to your regional center duties. The specific circumstances and relationships which create a conflict of interest are set forth in the California Code of Regulations, title 17, sections 54500 through 54530. You should review these provisions to understand the specific financial interests and relationships that can create a conflict of interest.

Please answer the following questions to the best of your knowledge. If you find a question requires further explanation and/or there is not enough space to thoroughly answer the question, please attach as many additional sheets as necessary, and refer to the question number next to your answer. If the regional center identifies a conflict involving you, it will be required to prepare a conflict resolution plan. Some relevant definitions have been provided in the footnotes to assist you in responding to this statement.

You are required to file this Reporting Statement within 30 days of beginning your employment with the regional center or from the date that you are appointed to the regional center board or advisory committee board. You are then required to file an annual Reporting Statement by August 1st of every year while you remain employed with the regional center or while you are a member of the regional center board or advisory committee board. You must also file a Reporting Statement within 30 days of any change in your status that could result in a conflict of interest. Circumstances that can constitute a change in your status that can require you to file an updated Reporting Statement are described below in footnote one.

A. INFORMATION OF REPORTING INDIVIDUAL

Name: Joanne Giardello Regional Center: North Bay

Regional Center Position/Title: ☒ Governing Board Member ☐ Executive Director
☐ Vendor Advisory Committee sitting on Board ☐ Employee
☐ Contractor ☐ Agent ☐ Consultant

Reporting Status: ☒ Annual ☐ New Appointment (date): _____
☐ Change of Status¹

If a change in status, date and circumstance of change in status:

1. Please list your job title and describe your job duties at the regional center.

Board of Director, Risk Reduction Advisory Committee and Nominating Committee chair member.

¹ Change of status includes a previously unreported activity that should have been reported, change in the circumstance of a previously reported activity, change in financial interest, familial relationship, legal commitment, change in regional center position or duties, change in regional center, or change to outside position or duties. See California Code of Regulations, title 17, sections 54531(d) and 54532(d).

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

2. Do you or a family member² work for any entity or organization that is a regional center provider or contractor? ☒ yes ☐ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers. If the provider or contractor is a state or local governmental entity, provide the specific name of the state or local governmental entity and describe your job duties at the state or local governmental entity.

In Harmony Music LLC - Social Recreational Services

3. Do you or a family member own or hold a position³ in an entity or organization that is a regional center provider or contractor? ☒ yes ☐ no -- If yes, provide the name of the entity or organization, describe what services it provides for the regional center or regional center consumers, and describe your or your family member's financial interest.

My daughter owns In Harmony Music LLC - Social Recreational Services

4. Are you a regional center advisory committee board member? ☒ yes ☐ no -- If yes, are you a member of the governing board or owner or employee of an entity or organization that provides services to the regional center or regional center consumers? ☐ yes ☒ no -- If yes, provide the name of the entity or organization and describe what services it provides for the regional center or regional center consumers.

5. If you are a regional center advisory committee board member and answered yes to all the questions in Question 4 above, do any of the following apply to you: (a) are you an officer of the regional center board; (b) do you vote on purchasing services from a regional center provider; or (c) do you vote on matters where you might have a financial interest? ☐ yes ☐ no -- If yes, please explain.

N/A

² Family member includes your spouse, domestic partner, parents, stepparents, grandparents, siblings, stepsiblings, children, stepchildren, grandchildren, parent-in-laws, brother-in-laws, sister-in-laws, son-in-laws and daughter-in-laws. See California Code of Regulations, title 17, sections 54505(f).

³ For purposes of this question, hold a position generally means that you or a family member is a director, officer, owner, partner, employee, or shareholder of an entity or organization that is a regional center provider or contractor. For a specific description of positions that create a conflict of interest in a regional center provider or contractor see the California Code of Regulations, title 17, sections 54520 and 54526.

6. Do any of the decisions you make when performing your job duties with the regional center have the potential to financially benefit you or a family member⁴? [Note: Governing board members do not have to answer "yes" to this question if the financial benefit would be available to regional center consumers or their families generally].

☒ yes ☐ no -- If yes, please explain.

See attached mitigation plan

7. Are you responsible for negotiating, making,⁵ executing or approving contracts on behalf of the regional center? ☒ yes ☐ no -- If yes, please explain.

The Board of Directors approves contracts over \$250,000.

I will recuse myself from any such votes involving social recreational services.

See attached mitigation plan.

8. Do you have a financial interest in any contract⁶ with the regional center? ☐ yes ☒ no -- If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☐ no -- If yes, please explain.

9. Do any of your family members have a financial interest in any contract with the regional center? ☒ yes ☐ no
If yes, did you negotiate, make, execute or approve the contract on behalf of the regional center? ☐ yes ☒ no
If yes, please explain.

I will recuse myself from any such votes involving social recreational services due to having a family member that works for In Harmony Music LLC, a Social Recreational Services provider.

See attached mitigation plan.

⁴ Generally, a decision can financially benefit you or a family member if the decision can either directly or indirectly cause you or a family member to receive a financial gain or avoid a financial loss. For a specific description of the types of decisions that can result in a financial benefit to you or a family member see the California Code of Regulations, title 17, sections 54522 and 54527.

⁵ California Code of Regulations, title 17, sections 54523(b)(2) and 54528(b)(2) describes the types of conduct which constitute involvement in the making of a contract.

⁶ For purposes of questions 8 and 9, a financial interest in a contract generally means any direct or indirect interest in a contract that can cause you or a family member to receive any sort of financial gain or avoid any sort of financial loss irrespective of the dollar amount. California Code of Regulations, title 17, sections 54523 and 54528 define when financial interests in a contract will occur.

<input checked="" type="checkbox"/> Governing Board Member
<input type="checkbox"/> Vendor Advisory on Board
<input type="checkbox"/> Executive Director
<input type="checkbox"/> Employee/Other

10. Do you evaluate employment applications or contract bids that are submitted by your family member(s)?
☐ yes ☒ no -- If yes, please explain.

11. Your job duties require you to act in the best interests of the regional center and regional center consumers. Do you have any circumstances or other financial interests not already discussed above that would prevent you from acting in the best interests of the regional center or its consumers? ☐ yes ☒ no -- If yes, please explain.

B. ATTESTATION

I Joanne Giardello (print name) HEREBY CONFIRM that I have read and understand the regional center's Conflict of Interest Policy and that my responses to the questions in this Conflict of Interest Reporting Statement are complete, true, and correct to the best of my information and belief. I agree that if I become aware of any information that might indicate that this statement is not accurate or that I have not complied with the regional center's Conflict of Interest Policy or the applicable conflict of interest laws, I will notify the regional center's designated individual immediately. I understand that knowingly providing false information on this Conflict of Interest Reporting Statement shall subject me to a civil penalty in an amount up to fifty thousand dollars (\$50,000) pursuant to Welfare and Institutions Code section 4626.

Signature  Date 8/1/2024

INTERNAL USE ONLY

Date this Statement was received by Reviewer: _____

The reporting individual ☒ does ☐ does not have a ☒ present ☒ potential conflict of interest

Signature of Designated Reviewer



Date Review Completed

8/1/2024

Law Concerning Governing Board Member Conflict of Interest

The prohibition against a Regional Center governing board member having a conflict of interest is derived from Welfare and Institutions Code section 462(a). The conflict of interest definition is set forth in more detail in the California Code of Regulations, Title 17.

Title 17 section 54520(a) “A conflict of interest exists when a regional center governing board member ... or a family member of such a person is any of the following for a business entity, entity, or provider as defined in section 54505 of these regulations, except to the **extent such position is permitted by Welfare and Institutions Code sections 4622 and 4626.**” (Emphasis added)

Section 54520 concludes: “(b) No regional center governing board member who has a conflict of interest shall continue to serve as a board member in violation of these provisions unless the board member has eliminated the conflict of interest or **obtained a waiver pursuant to these regulations.**” (Emphasis added)

Disclosure of Conflict of Interest for Ms. Joanne Giardello

Potential or Actual Conflict of Interest

Joanne Giardello was elected to the North Bay Regional Center Board by the Board of Directors in February, 2022. Ms. Giardello’s daughter owns In Harmony Music, LLC, a social recreation services provider. In Harmony Music provides socialization training, music and movement classes, drumming, rhythm activities, singing, composition, dancing and games. They provide services for children, ages 0 to 6, in Napa, Solano, Sonoma, Marin and San Francisco Counties.

In Harmony Music was recently vendorized by NBRC to provide private lessons and family classes. However, Ms. Giardello has no involvement with In Harmony Music. Moreover, as described in the mitigation plan, Ms. Giardello will recuse herself from any discussion regarding In Harmony Music and/or social recreation services.

Request for Waiver of Conflict of Interest

This information is being provided to the Department along with a proposed Waiver should the Department determine that Ms. Giardello has a conflict of interest as defined in the W&I Code and Title 17.

For the reasons that follow, pursuant to Title 17, section 54523, North Bay Regional Center requests a Waiver of any potential or actual conflict of interest given that:

- a) Ms. Giardello was elected by the Board of Directors;
- b) Ms. Giardello fulfills North Bay Regional Center’s compliance requirements and is a dedicated board member;
- c) Ms. Giardello does not have any financial interest in or decision-making authority related to In Harmony Music, LLC.

Proposed Plan of Action

North Bay Regional Center's suggested plan of action for resolving this "conflict of interest" is as follows:

1. As a governing North Bay Regional Center Board Member, Ms. Giardello will recuse herself from any discussion or vote of any matter involving Social Recreation Services and/or In Harmony Music LLC.
2. North Bay Regional Center's governing board and management staff will be informed of this Plan of Action and will be informed of the need to ensure that Ms. Giardello does not participate in any discussion or vote on any issue relating to Social Recreation Services and/or In Harmony Music LLC.
3. The Executive Committee of the North Bay Regional Center Board has been informed of and has approved the submission of this proposed Plan of Action for Waiver of Conflict of Interest.
4. North Bay Regional Center's Board of Directors itself will be responsible for ensuring that the above plan and limitations are applied and monitored.
5. This request for Waiver packet is being served to the Department of Developmental Services and the North Bay Regional Office of the State Council on Developmental Disabilities as required by Title 17, Section 54523.