

STATE RECORDS COMMISSION
MINUTES

May 18, 2016
Springfield, Illinois

A meeting of the State Records Commission was held at 9:30 a.m., May 18, 2016 in the John Daly conference room of the Margaret Cross Norton Building in Springfield.

Commission members present were: Chairman David Joens, designee of Secretary of State Jesse White; Steve Klokkenga, representing State Comptroller Leslie Geissler Munger; Lynn Patton, representing Attorney General Lisa Madigan and Matthew Sebek, representing acting director Michael Hoffman of the Department of Central Management Services.

State Archives staff members present were: Rochelle Joseph, Lynn Kahbeah, Steve Jones, Bob Boots and Pat Davis.

Commission member absent was: G. Allen Mayer, representing State Treasurer Michael Frerichs

No Records Officers were present.

The meeting was called to order by Chairman Joens at 9:30 a.m. The first item on the agenda was a review of the April 20, 2016 minutes. Ms. Patton moved to approve. Mr. Sebek seconded the motion. The motion carried and the minutes from the April 20, 2016 State Records Commission were unanimously approved as written.

NEW BUSINESS

Mr. Joens introduced the new supervisor of the State Records Center, Pat Davis, to the Commission.

The first item of new business was Application 15-86 from the Office of Executive Inspector General for the Agencies of the Illinois Governor. Mr. Klokkenga moved to approve. Mr. Sebek seconded the motion. The motion carried and Application 15-86 was unanimously approved as written.

The next item of business was Application 14-19A from the Inspector General for the Agencies of the Illinois Governor. Mr. Sebek moved to approve. Mr. Klokkenga seconded the motion. The motion carried and application 14-19A was unanimously approved as written.

Application 16-32 from Commerce and Economic Opportunity (Management Operations)

was the next to be considered. Ms. Patton asked for clarification on the recommendation. She said this recommendation is similar to the wording on Application 16-34, which is later on the agenda, but unlike 16-34 this doesn't mention image verification. Mr. Jones said the wording should be the same. Ms. Patton suggested making the language consistent in both recommendations. She suggested adding "hard copies" after the word "destroy," then adding "provided images have been verified" after the word "manner." Mr. Sebek moved to approve as amended. Mr. Klokkenga seconded the motion. The motion carried and Application 16-32 was unanimously approved as amended.

The next item of business was Application 16-09 from the Department of Insurance (Financial Corporate Regulatory). Ms. Patton moved to the description of item #1 "Service Contract Act Registration Files." She said in line 2 the reference to "Illinois Service Contract Act" the word "Illinois" is not part of the title and should be removed. She said in the same line the citation should read "215 ILCS 152" not "215 ILCS 5/152" as listed. Mr. Klokkenga moved to approve as amended. Mr. Sebek seconded the motion. The motion carried and Application 16-09 was unanimously approved as amended.

Application 12-70A from the Illinois Department of Revenue (Administrative Hearings) was next on the agenda. Ms. Patton moved to the recommendation of item 2 "Correspondence." She asked what happens to the referrals that are granted by the Tax Tribunal. Ms. Joseph said she was unsure. Ms. Patton suggested making a notation like used for the "Late Discretionary Hearing" which has the phrase "Correspondence related to referrals granted to Independent Tax Tribunal become part of etc.." After deliberation the commission decided to defer this application. Ms. Patton moved to defer. Mr. Sebek seconded the motion. The motion carried and Application 12-70A was unanimously deferred.

The next item of new business was Application 16-07 from the Illinois Department of Revenue (Account Processing and Audit Bureau Division). Mr. Joens said the suggested three year retention for item 1 was based on the agency's retention for a similar tax file regarding tobacco. Mr. Sebek said due to the newness of the type of record, tax records for medical cannabis, he felt the three year retention was not sufficient. Mr. Joens said the audit files are being retained for six (6) years in item 2 and said perhaps 6 years would be better. Ms. Patton said if an item is being audited the records should be available to review. She said she would increase the retention to at least six (6) but recommended ten (10) years. She said if a problem arises when the records are being audited then the returns would be available for review. Mr. Sebek said since this is a substantial change in the proposed retention, we

should defer this application and staff should confer with the agency regarding the change. Ms. Patton suggested amending the retention once the time frame is settled to “date return is filed with department” etc....Mr. Klokkenga moved to defer. Mr. Sebek seconded the motion. The motion carried and Application 16-07 was unanimously deferred.

The next item on the agenda was Application 16-18 from the Office of the Secretary of State (Illinois State Library). Ms. Patton moved to approve. Mr. Sebek seconded the motion. The motion carried and Application 16-18 was approved unanimously as written.

The next item of business was Application 16-34 from the Office of the Secretary of State (Accounting Revenue). Ms. Patton moved to the retention. She suggested for consistency inserting the words “after date of generation” after the word “years” but before the comma. Mr. Klokkenga moved to approve as amended. Ms. Patton seconded the motion. The motion carried and Application 16-34 was unanimously approved as amended.

Application 16-39 from the Office of the Secretary of State (Archives and Records) was next to be considered. Ms. Patton moved to approve. Mr. Klokkenga seconded the motion. The motion carried and application 16-39 was unanimously approved as written.

The next item of business was Application 16-40 from the Office of the Secretary of State (Archives and Records). Mr. Klokkenga moved to approve. Ms. Patton seconded the motion. The motion carried and Application 16-40 was unanimously approved as written.

The last item of business was Application 16-22 from the Illinois Toll Highway Authority (Finance). Ms. Patton moved to the first paragraph of the retention. She said the retention states that if the video files are evidence in a criminal, civil, or administrative proceeding they may only be destroyed with a court order. Ms. Patton said administrative proceedings may not end up in court and an action would have to be filed to get the records destroyed. She also said in other cases court orders may be burdensome to get. She suggested language comparable to the attorney generals law case files – evidence and revising the last sentence to read “If the recordings are deemed evidence in any criminal, civil, or administrative proceeding then the records may be destroyed upon a final disposition of the proceedings for “X” number of years. The commission wasn’t sure how long to make the retention and so staff will look up a comparable retention. Ms. Patton moved to defer. Mr. Klokkenga seconded the motion. The motion carried and Application 16-22 was unanimously deferred.

PUBLIC COMMENT

There was no public comment.

The date of the next scheduled State Records Commission meeting is Wednesday, June 15, 2016 at 9:30 a.m. in the John Daly Conference Room of the Margaret Cross Norton Building, Springfield, Illinois. Mr. Klokkenga moved to adjourn. Mr. Sebek seconded the motion. The motion carried and the May 18, 2016 State Records Commission adjourned at 9:58 a.m.

The following applications were submitted to the State Records Commission members for consideration:

- 15-86 Inspector General for Agencies of the Illinois Governor
Approved as Written

- 14-19A Inspector General for Agencies of the Illinois Governor
Approved as Written

- 16-32 Commerce and Economic Opportunity
 (Management Operations)
Approved as Amended

- 16-09 Department of Insurance
 (Financial Corporate Regulatory)
Approved as Amended

- 12-70A Illinois Department of Revenue
 (Administrative Hearings)
Deferred

- 16-07 Illinois Department of Revenue
 (Account Processing and Audit Bureau Division)
Deferred

- 16-18 Office of the Secretary of State
 (State Library)
Approved as Written

- 16-34 Office of the Secretary of State
 (Accounting Revenue)
Approved as Amended

16-39 Office of the Secretary of State
(Archives and Records)
Approved as Written

16-40 Office of the Secretary of State
(Archives and Records)
Approved as Written

16-22 Toll Highway Authority
(Finance)
Deferred