

Report on the

Licensure Board for Interpreters and Transliterators

State of Alabama

Montgomery, Alabama

October 1, 2018 through September 30, 2020

Filed: July 16, 2021



Department of Examiners of Public Accounts

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Rachel Laurie Riddle, Chief Examiner



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Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Alabama Licensure Board for Interpreters and Transliterators, Montgomery, Alabama, for the period October 1, 2018 through September 30, 2020. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

Rodney Wagstaff
Examiner of Public Accounts

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Department of
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SUMMARY

**Licensure Board for Interpreters and Transliterators
October 1, 2018 through September 30, 2020**

The Alabama Licensure Board for Interpreters and Transliterators (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-16-1 through 34-16-16. By law, the Board exercises license/regulatory authority over the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled.

This report presents the results of an examination of the Board and a review of the Board’s compliance with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed to determine whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

FINDING

The following instance of noncompliance with State laws and regulations and other matters was found during the examination, as shown on the Schedule of State Legal Compliance and Other Findings and it is summarized below.

- ◆ 2020-001 relates to the Board charging a \$125.00 renewal fee for an Educational Permit that is not authorized by statute.

EXIT CONFERENCE

Board members and the Executive Director were invited to an exit conference held via telephone on June 30, 2021. Individuals in attendance were Board members: Nancy Hayes, Nancy Adams, and Melvin Walker; and Keith Warren, Executive Director, along with Maria L. Catledge and Rodney Wagstaff from the Department of Examiners of Public Accounts.



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COMMENTS

**Licensure Board for Interpreters and Transliterators
October 1, 2018 through September 30, 2020**

The Alabama Licensure Board for Interpreters and Transliterators (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-16-1 through 34-16-16. By law, the Board exercises license/regulatory authority over the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled. The Board licenses and permits the providers of interpreting and transliterating services; and establishes and monitors interpreting and transliterating standards in Alabama.

The Board consists of nine members appointed by the Governor. The Board is composed of the following:

- ◆ Four members certified as interpreters or transliterators at a professional level by a nationally recognized certification, one of whom works in an educational setting and selected from persons nominated by the Alabama Registry of Interpreters for the Deaf (ALRID).
- ◆ Three deaf or hard of hearing members who are knowledgeable in the field of professional interpreting and selected from persons nominated by the Alabama Association for the Deaf (AAD).
- ◆ Two members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.

All members must be citizens of the United States and residents of Alabama. Members serve four-year terms and may continue to serve until their successors are appointed and qualified. No member may serve more than two consecutive terms.

The Board contracts with Warren and Company, Inc. for administrative service, and Keith Warren serves as the executive director. Warren and Company, Inc. provides office space, office personnel, and other services.

The Board operates from Special Revenue Fund 0959 maintained in the State Treasury. The Board's operating funds are derived from fees collected by the Board in carrying out its statutory mission. At the end of each fiscal year, the Board retains funds up to \$250,000.00 to meet any emergency that may affect the efficient operation of the Board. Any funds remaining at the end of the fiscal year exceeding \$250,000.00 are required to be available to provide for the education and training of interpreters and transliterators in postsecondary education programs. The Board does not own any nonconsumable personal property.

*Schedule of State Legal
Compliance and Other Findings*

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2020

Ref. No.	Finding/Noncompliance
2020-001	<p><u>Finding:</u> The Board is charging Educational permit holders a \$125.00 renewal fee that is not authorized by statute. According to Attorney General Opinion Number 87-00222, agencies may not charge fees that are not authorized by statute. As a result, the Board collected \$1,875.00 in unauthorized renewal fees during the examination period.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-16-7 states, “The following persons shall be exempt from licensure or permitting pursuant to this chapter: (6) All other public education personnel hired prior to March 15, 2000, who provide interpreting and transliterating services to students. These personnel shall apply for and receive a permit specifying that their permits are restricted to interpreting and transliteration services provided in the public education setting only. The application for this permit shall be submitted to the board prior to October 1, 2000. <u>It shall be the responsibility of the permit holder to annually renew the permit by earning continuing education units in compliance with the requirements of the interpreters and transliterators licensure law.</u> If personnel, who have been grandfathered in pursuant to this subdivision, for any reason should allow their permits to lapse or expire, those personnel shall lose all privileges of this exemption and shall adhere to all requirements of the interpreters and transliterators licensure law to renew their permits.”</p> <p>Opinion to Honorable Randall C. Johnson, Executive Director of the Surface Mining Commission, dated June 23, 1987, Attorney General Opinion Number 87-00222 states that, “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.”</p> <p><u>Recommendation:</u> The Board should discontinue charging the unauthorized fee.</p>

***Schedule of Cash Receipts, Disbursements and Balances
For the Period October 1, 2018 through September 30, 2020***

	2019-2020	2018-2019
<u>Receipts</u>		
Licenses and Permits	\$ 45,030.00	\$ 51,525.00
<u>Disbursements</u>		
Travel, In-State	534.13	1,693.01
Rentals and Leases	27.84	17.28
Utilities and Communication	149.95	395.40
Professional Services	22,138.18	24,038.44
Supplies, Materials and Operating Expenses	1,821.85	1,674.00
Total	<u>24,671.95</u>	<u>27,818.13</u>
Excess of Receipts Over Disbursements	20,358.05	23,706.87
Cash Balances at Beginning of Year	<u>66,828.93</u>	<u>43,122.06</u>
Cash Balances at End of Year	87,186.98	66,828.93
Reserved for Year-End Obligations	<u>(14,000.00)</u>	<u>(21,400.00)</u>
Unreserved Cash Balances at End of Year	<u>\$ 73,186.98</u>	<u>\$ 45,428.93</u>

Board Members and Official
October 1, 2018 through September 30, 2020

Board Members		Term Expires
Hon. Melvin Walker	Chairman	2021
Hon. Michael Deuel	Member	2022
Hon. Judith Gilliam	Member	2020
Hon. Nancy L. Hayes	Member	2022
Hon. Belinda Montgomery (1)	Member	2016
Hon. Elizabeth Overland	Member	2020
Hon. Pat Smartt (1)	Member	2016
Hon. LaShawn Washington	Member	2021
Hon. Nancy Brown Adams (1)	Member	2017
Hon. Tammy Adams (2)	Member	2017
Hon. Sharon Canada-Emann (3)	Member	2016
Hon. Sam Feibelman	Member	2018
Hon. Ben Hollingsworth (3)	Member	2016

Official

Mr. Keith Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
Phone: (334) 269-9990
www.albit.alabama.gov

- (1) Continues to serve.
(2) Continued to serve until September 2020
(3) Served until August 2020