

**SEX OFFENDER MANAGEMENT BOARD (SOMB)
MINUTES**

Friday, August 18, 2017

SOMB Members

Allison Boyd	Bev Casey	Pat Harris
Angel Weant	Brandon Mathews	Pat Harris
Brie Franklin	Carl Blake	Pat Quickle
Carl Blake	Carolyn Kesterson	Patricia Ognie
Jeff Jenks	Cynthia McKay	Randy Davison
Jeff Shay	David Nahum	Rick Ostring
Jessica Curtis	Debbie Baty	Roger Kincade
Jessica Meza	Dottie Blake	Sara Horn
John Odenheimer	Dr. Chris Renda	Susan Walker
Kandy Moore	Jacque Sumida	Tami Floyd
Kim English	Jamie Yoder	Tom Casey
Korey Elger	Jane Quickle	Tom Nelson
Leonard Woodson III	Jeff Carpenter	Valerie Estrada
Marcelo Kopcow	Jeff Geist	
Mary Baydarian	Jo Stack	
Merve Davies	John Fischer	
Missy Gursky	Laurie Kepros	
Norma Aguilar-Dave	Lindsay Sova	
Richard Bednarski	Natasha Walter-Fisk	
Tom Leverage	Nicole Leon	

Absent SOMB Members: Alli Watt, Amy Fitch, and Rick May,

Staff:

Chris Lobanov-Rostovsky, Raechel Alderete, Michelle Geng, Marina Borysov, Kelly Hume, Jill Trowbridge

SOMB Meeting Begins: 9:06

INTRODUCTIONS:

Introductions were made by all in attendance.

FUTURE AGENDA ITEMS:

None

ANNOUNCEMENTS:

Kelly Hume introduced herself as the new Staff Researcher and Statistical Analyst to the Sex Offender Management Board (SOMB). She asked for SOMB input of any policy changes or issues to be included in the next Legislative Report.

Susan Walker announced that the next CSOR meeting will be on September 6, from 11:30-1:00 and noted that Department of Corrections (DOC) sex offender classifications codes will be discussed. She also mentioned that the Grand Junction police website has removed the no known cure language.

Marina Borysov announced the new Division of Criminal Justice website can be found at www.Colorado.gov/dcj.

APPROVAL OF MAY AND JULY MINUTES:

Motion to approve the May Minutes: Korey Elger; Carl Blake 2nd (**Question #1**)

13	Approve	0	Oppose	3	Abstain	Motion Passes
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Motion to approve the July Minutes: Korey Elger; Carl Blake 2nd (**Question #2**)

12	Approve	0	Oppose	5	Abstain	Motion Passes
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APPROVE AGENDA:

Approved by consensus

WHITE PAPER ON SEX OFFENDER REGISTRATION AND NOTIFICATION FOR JUVENILES ADJUDICATED FOR A SEX CRIME (DECISION ITEM): Carl Blake (Handout provided)

Carl Blake presented background and highlighted the information included in the white paper on sex offender registration and notification for juveniles adjudicated for a sex crime (SORN). He reviewed the most recent changes and recommendations, and noted that if these revisions are approved by the SOMB, then they will be presented to the Mental Illness in the Criminal Justice System Task Force.

Raechel Alderete mentioned the she and Tom Leversee were invited to speak to the Task Force last year before the Task Force submitted bills to the Legislature. She indicated that this task force and the general public had misinformation regarding SORN, and noted this research-based white paper should help clarify any misconceptions. Raechel noted that personal information of the juvenile registrants is used in the school setting, and that this information is being released outside the school. She mentioned that the latest active juvenile registration data from CBI indicates there are 2,074 registrants as of August 14, 2017.

Carl Blake stated that the recommendations presented to the task force to be considered in their legislative proposal are: #1, 2, 3, and 4 – CIII.

Board Comments:

Jessica Meza made a motion to approve this document. Carl Blake 2nd Jessica's motion for approval.

Judge Kopcow asked if this white paper is ready to be endorsed and approved by the SOMB. He indicated that this has very valuable information, and should be made available quickly.

Allison Boyd agreed that changes are necessary to juvenile registration requirements, but expressed her concerns. Some of her concerns included the need to have a more neutral tone, that it does not read like a research based paper, and suggested including more victim perspective information for community protection. Allison also suggested changing the "age of waiving" to under 13 years instead of 14 years.

Tom Leversee discussed the process in creating this paper, the research that was followed, and disagreed with Allison regarding the neutrality of the paper. He indicated that the amount of research is robust at this time which indicates that registration negatively impacts juvenile offenders in various ways.

Jeff Shay, as a representative of law enforcement, noted that the current deregistration process is cumbersome and supports these recommendations.

Chris Lobanov-Rostovsky indicated the Committee worked hard to make this paper as balanced as possible, and reminded all of the two subcomponents, namely the registry component and the public notification component. He indicated that the original intent of the registry was as a tool for law enforcement, and did not include public notification until the passing of Megan's Law.

Raechel Alderete mentioned that there was a Bill in the draft process to do away with registration all together once the sentence is complete. She noted that the Committee has devised a way for some juvenile offenders to remain on the registration when most appropriate, and those that are doing well, will be removed when their sentence is complete.

Judge Kopcow noted that from the judicial perspective, deregistration is a costly and intimidating process.

Judge Kopcow reiterated that the issue today is to endorse and publish the white paper as written

Audience Comments:

Patrick Quickle noted that the process to be removed from registration is long and arduous, and asked how and when the research was done. He noted that there is conflicting research indicating that removal from the registry raises recidivism. Mr. Quickle agreed with Allison Boyd that this paper is heavily weighted in favor of the offender, and expressed that he is not in favor of lifting the registration requirement when the sentence is completed. Carl Blake responded that the recidivism research was from 2008, 2011, and 2016.

Allison Boyd expressed her appreciation of notification when the courts have a hearing removing offenders from the registry, and that victims are notified when an offender petitions for a deregistration hearing.

Motion to approve White Paper on Sex Offender Registration: Jessica Meza; Carl Blake 2nd **(Question #3)**

17	Approve	2	Oppose	0	Abstain	Motion Passes
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FAMILY RESOURCE GUIDE (ACTION ITEM) – Dr. Chris Renda and Roberta Ponis, Co-Chairs, Family Engagement Committee (Handout Provided)

Dr. Chris Renda, co-chair of the Family Engagement Committee, gave a brief update of the background and purpose of this Committee. She indicated that this Committee was formed in response to family members’ lack of information regarding the whole process from arrest through the end of treatment. Dr. Renda noted that the purpose of this document is to provide an informative guide/resource for families of accused or convicted of a sex offense that is written in family friendly language. She noted that the guide is being written by advocates, offenders, victims, members of DOC (SOTMP), probation, therapists, and SOMB members and staff. Dr. Renda indicated the first 15 pages of this draft document will be distributed via email to the SOMB for review and input. She noted that Part 1 was written to and from family members, and Part 2 will be written by professionals which will include the official requirements. Dr. Renda mentioned that this draft will be emailed from the SOMB first of next week, and requested that comments be sent back to Michelle Geng by September 15th. She also indicated that this family friendly draft will also be sent out for review and feedback through the advocacy groups to reach their stakeholders.

Board Comments:

Judge Kopcow asked if this will be translated into other languages (e.g. Spanish). Dr. Renda responded that the Committee has discussed this, and are looking into the possibility of other translations depending upon available resources (e.g. interpreters and funding). She also noted that subsequent chapters will be released for comment as they become available.

Chris Lobanov-Rostovsky thanked Dr. Renda and Roberta Ponis for their hard work and dedication on this project. He suggested this document might be better served coming through the advocacy groups, with some sort of support as co-collaborators from the SOMB. Dr. Renda noted that Angel Weant is viewing this guide as a possible judicial training tool.

Carl Blake asked if the Committee is looking to create a similar guide for juveniles. He expressed concern that this guide is offering legal advice, and asked if legal counsel has been contacted regarding this. Dr. Renda

responded to Carl's legal question that Laurie Kepros has worked tirelessly addressing this issue, and noted that the content is only informational. Chris Lobanov-Rostovsky responded to Carl that the Committee is currently working on a guide for families with juvenile offenders, and will bring in the appropriate juvenile professionals.

Audience Comments:

None

BREAK: 10:24 – 10:39

SECTION 6.000 ADULT POLYGRAPH STANDARDS REVISIONS (DECISION ITEM) – Jeff Jenks and Chris Lobanov-Rostovsky (Handout Provided)

Chris Lobanov-Rostovsky discussed that the changes made to this section are in keeping with the Best Practices Committee recommendations. He outlined and highlighted the revisions made on pages 5 – 15 that were recommended by the Best Practices Committee, and noted that pages 1-4 were previously approved. Chris indicated that today's vote will be on pages 5 – 15 only.

Chris Lobanov-Rostovsky noted that the use of the word offender can be changed to "client" if there is SOMB consensus.

Jeff Jenks indicated that in Section 6.012, sex history polygraph exams are still required, but noted the timeframes are more flexible.

Jeff Jenks discussed that the American Polygraph Association (APA) endorsed Successive Hurdles approach is already being used, but have not labeled this process as such. He indicated that Successive Hurdles is used when an issue shows up on an exam, then the next exam given will be more specific to that issue.

Board Comments:

Carl Blake sent in feedback to Chris Lobanov-Rostovsky that suggested adding in the other polygraph examination options (i.e., stretch out polygraphs to 9 months or 1 year; or to discontinue altogether) to Section 6.013 for consistency throughout the document.

Chris Lobanov-Rostovsky also noted feedback received that shows the need for the Community Supervision Team (CST) flexibility to address the use of polygraph as both a treatment and supervision tool.

Tom Leverage asked for clarification of Carl Blake's suggestion. Chris Lobanov-Rostovsky responded by reviewing the changes affected by Carl's suggestion.

Angel Weant made a motion to approve the revisions as discussed. Kim English and Kandy Moore 2nd the motion.

Audience Comments:

Laurie Kepros noted that Section 6.013 addresses maintenance and monitoring polygraphs as a "shall" employ, and noted that the SOMB does not have purview over supervision. She suggested changing it to "should" employ.

Angel Weant indicated that this section is new, and has guidance for the CSTs to work collaboratively. She indicated that Section 5.000 will have more specific detail for the supervising officers and the entire team, and suggested keeping it "shall" employ.

Jeff Jenks mentioned that with maintenance polygraphs, most are requested through treatment providers, and noted that monitoring exam requests are from probation or parole. He indicated that treatment providers also need information from monitoring exams.

Chris Lobanov-Rostovsky noted that each of the CST members have input in all requests.

Motion to approve Section 6.000 Adult Polygraph Standards Revisions as Amended: Angel Weant; Kim English, Kandy Moore 2nd **(Question #4)**

17 Approve 1 Oppose 0 Abstain Motion Passes

Agenda order changed due by SOMB consensus.

SEX OFFENDER SURCHARGE FY 2019 (DECISION ITEM) – Chris Lobanov-Rostovsky, Angel Weant, Carl Blake, Korey Elger, and Lenny Woodson

Chris Lobanov-Rostovsky outlined the Sex Offender Surcharge Fund spending allocations fiscal year 2018-2019. He noted that if approved, the recommendations for expenditures letters will be sent to the various budget directors that will be impacted. Chris also noted that the approved letter will be uploaded to the SOMB website.

Board Comments:

Jessica Meza noted that the Division of Youth Corrections has changed to the Division of Youth "Services".

Audience Comments:

Laurie Kepros noted that the SOMB does not discuss how the monies should be allocated and serve those most in need.

Chris Lobanov-Rostovsky responded that the four impacted agencies discuss this on a regular basis, and decide how best to allocate these resources. He noted that that group consists of Korey Elger, Leonard Woodson, Carl Blake, Jeff Geist, and Angel Weant. Chris also mentioned that the fund has increased, and noted that the impacted agencies will review and request higher allocations in the coming years.

Susan Walker asked if the individual offender surcharge will be increased. Chris Lobanov-Rostovsky responded that the surcharge has not increased for the offender, and noted that the spending has been limited from the revenues allocated.

Korey Elger mentioned that the Department of Human Services (DHS) also meets monthly to address the spending of these monies.

Motion to approve the Sex Offender Surcharge FY 2019: Richard Bednarski; Merve Davies 2nd **(Question #5)**

18 Approve 0 Oppose 0 Abstain Motion Passes

LUNCH 11:30 – 12:17

SECTION 5.000 ADULT COMMUNITY SUPERVISION TEAM STANDARDS REVISIONS (DECISION ITEM) – Angel Weant and Jeff Geist (Handout Provided)

Angel Weant and Jeff Geist presented background information and reviewed some of the changes made to Section 5.000 through Section 5.621. Angel Weant noted that changes were made to the flow of the document, and indicated that strengths-based language has been incorporated throughout the entire document. She mentioned that this language stresses risk-need-responsivity concepts, individualized treatment, risk assessment through evidence based practices, response to treatment, and team collaboration.

Jeff Geist then discussed the creation and process of the TEAMS model at the beginning of Section 5.000. He reviewed the most recent changes to Section 5.200 (Responsibilities of the Treatment Provider within the Team) that were not previously sent to the SOMB for review. Angel Weant indicated that these changes were based on feedback from Carl Blake.

Chris Lobanov-Rostovsky suggested deferring Section 5.200 for a later date after the SOMB has had time to review, and to bring back as a decision item next month.

Angel Weant reviewed all the other sections that are to be voted on at this meeting. She noted the following revisions:

- Section 5.050 – incorporated risk-need-responsivity, team collaboration, team individualizing cases; and also incorporated the 16 dynamic factors of the SOTIPS which are target criminogenic areas.
- Section 5.100 – added TEAMS model language,
- Section 5.110 – added the two-choice provider requirement,
- Section 5.110 – added a Discussion Point that indicates a provider has the right not to accept a referral,
- Section 5.115 – added Interstate Compact Agreement language along with the link to this website,
- Section 5.130 – added and modified language encouraging and reinforcing pro-social and positive behaviors, along with response to violations language,
- Section 5.150 – added and modified language concerning early termination as long as not statutorily prohibited,
- Section 5.165 – added language that hones in on the risk factors that led to an unsuccessful discharge,
- Section 5.000 – the Low Risk Protocol has been deleted,
- Section 5.175 – the list of trainings for various agencies has been deleted from this section, inserted training topics, and added a discussion point regarding supervising officers attending group or individual treatment sessions
- 5.025 E. – added a discussion point regarding each CST member being present at the CST meeting/staffing, should maintain communication with the CST, victim representation will be more active in victim involved cases, and the victim representative should always be included for consultation on safety concerns, clarification, and reunification.

Jessica Meza asked about the costs of the victim representative, and who would bear those costs. Allison Boyd responded that some victim therapists will work pro bono, there are some grant funds available, and noted that there may be treatment providers that could charge an extra fee to help cover the cost of the representative.

Jessica Meza also asked if anyone is working on a resource list of pro bono providers. Chris Lobanov-Rostovsky responded that some resources have been identified, but may not be pro bono. Kandy Moore noted that in Larimer County, local agencies like SABA, will volunteer to help on a case-by-case basis, and will look for grant opportunities.

Angel Weant noted that some judicial districts are contracting with various victim representatives to fill this need.

Jeff Geist highlighted Section 5.600, the use of Polygraph within the CST and indicated that much of the “should” language has been changed to “shall”.

Jeff Jenks noted that in Section 5.635, it might be useful to insert “technical” polygraph results in the language. Chris Lobanov-Rostovsky noted that “technical” results have not been used in any other sections, and suggested adding qualifiers to results (e.g. no deception indicated, deception indicated, and inclusive/no-opinion results).

Magistrate Curtis asked why this language is not mirroring the Juvenile Standards language. Jeff Jenks responded that he will discuss further off-line with Magistrate Curtis.

Jeff Geist noted the addition of Section 5.665, once an offender has successfully completed treatment and the supervising officer’s discretion to remove any requirement for polygraph testing.

Angel Weant mentioned that there were many crosswalk references throughout this document

Jeff Geist noted that not all the research has been updated yet.

Board Comments:

Missy Gursky suggested adding more information to the Responsibilities of the Treatment Provider within the Team in Section 5.200, and made a motion to approve the entire Section 5.000 with the exception of Section 5.200. Judge Kopcow noted that Section 5.200 could be reviewed, revised and brought back for a vote at the next SOMB meeting in September.

Kim English and Kandy Moore 2nd Missy Gursky's motion to approve.

Kim English mentioned the inconsistent use of "person or individual" throughout Section 5.000, and indicated a preference that these terms be used instead of offender. Missy Gursky responded that the SOMB had previously voted on the use of the word offender, and explained the reasons why client and offender are used.

Tom Lerversee asked where the TEAMS Model came from. Jeff Geist responded that Jesse Hansen had created the SOMB Rehabilitation Model. Jeff mentioned that he took this information, and enhanced it to encompass all aspects.

Allison Boyd noted an error in the Section 5.160 Discussion Point which should read "focus on victim protections and community safety". She also suggested adding "victim and community safety" after protective factors in Section 5.055. There was discussion between Jeff Geist, Allison Boyd, Chris Lobanov-Rostovsky regarding the "relevance or nature" of the violation in Section 5.660. Chris suggested changing the language to "the severity of the violation".

Angel Weant mentioned that she and Jeff Geist tried to present checks and balances for the CST in this section, and noted that the tone of this section is more about using critical judgement and professional discretion in looking at other methods for non-compliance.

John Odenheimer agreed to Chris Lobanov-Rostovsky's suggestion of the term "severity" in Section 5.660, noted an incongruity with the use of "shall", and recommended a change to "should". Angel Weant responded that the use of "shall" is in compliance with what is in Probation's Standards.

Tom Lerversee noted that the use of "relevance" is appropriate, and asked it be kept in this section.

Kim English suggested adding the Teams Model approval date on the first page of Section 5.000.

After continued SOMB discussion, the following is the revised language to Section 5.660:

"If the supervising officer receives information that an offender is not in compliance with supervision following completion of treatment or while the offender is in aftercare, the supervising officer should determine the appropriate methods of discovering the information. The supervising officer should also consider the individual risk and protective factors of the offender, and the nature of the information being sought. If it is determined that a polygraph exam is the most appropriate way to verify compliance, the supervising officer should consult with the polygraph examiner prior to the polygraph exam. The polygraph examiner will then determine which type of test should be conducted to assist in obtaining the information sought."

Audience Comments:

Susan Walker mentioned her approval of the use of "However" in this section, and strongly embraces the use of the TEAMS model.

Laurie noted her approval of the positive language and tone that encourages success. She indicated that the discussion regarding competency of the client which arises during supervision is not included in this section, and asked if this will be added at a future date. Laurie indicated that the role of victim representative on the CST and the mandate to include this has not been passed on to the treatment providers. She noted that this added cost will be passed on to the client, mentioned that there are times where there is no specific victim when a victim representative is not needed, and asked if this is the most appropriate way to spend resources.

Board Comments:

Jessica Meza reiterated her concern about smaller communities that do not have the resources for the victim representative, and asked if the Standards are addressing this.

Chris Lobanov-Rostovsky responded that this Section will go out for public comment, and noted that this concern could be addressed at that time.

John Odenheimer noted that Section 5.025 addresses the victim representative as part of the CST as “deemed appropriate and applicable”, which addresses this issue of costs and resources. Mary Baydarian responded that “appropriate and applicable” does not address the financial ramifications, only if appropriate and applicable to a particular case.

Judge Kopcow reminded the SOMB that this has already been voted on, and noted this Section will be open for feedback.

Motion to approve Section 5.000 as amended with exception of 5.200 Adult Community Supervision Team Standards Revisions: Missy Gursky ; Kim English and Kandy Moore 2nd (Question #6)

15 Approve 3 Oppose 0 Abstain Motion Passes

Chris Lobanov-Rostovsky noted that this document will be sent out for 20-day public comment, and will be brought back for possible ratification on the September SOMB agenda.

BREAK: 1:37 – 1:50

SECTION 3.000 ADULT TREATMENT STANDARDS REVISIONS (ACTION ITEM) – Missy Gursky and Michelle Geng

Judge Kopcow announced that there will be a Section 3.000 Committee meeting on September 7th from 12:00 noon – 1:00 pm at 710 Kipling Street, Lakewood. Missy Gursky noted that the purpose of this meeting is to discuss the entire Section 3.000 revisions.

Missy Gursky gave a brief synopsis of Section 3.000, reviewed some of the revisions made, and indicated that the general tone of this section has changed.

Michelle Geng indicated that in Section 3.160 the Committee worked diligently to include concepts of the interventions, rather than include the previous itemized list. She went on to review some of the Core Treatment Concepts included in this section. Michelle mentioned that in order to address the legislative mandated revisions, that the 3.000 and 5.000 Adult Standards Committees were divided by sections to improve the process in a timely manner. She noted that after the Section 3.000 revisions were completed and all homework assignments were submitted, the product was sent to the Committee for feedback with the exception of Section 3.160 – 6 C. (clarification) and Section 3.175 (Safety Planning). Michelle noted that there will be revisions forthcoming for those sections.

Missy Gursky noted that this Section 3.000 is now “client”-centered.

Chris Lobanov-Rostovsky asked for feedback from the Committee and SOMB members.

Raechel Alderete informed the SOMB that the Best Practices Committee is discussing the revisions based on the Legislative mandate. She noted that they will review and make recommendations to the Committee.

Board Comments:

Tom Leversee asked if the Best Practices recommendation of victim clarification treatment based on the Center for Sex Offender Management (CSOM) definition has been included. Missy Gursky responded yes it has.

Tom Leversee noted that the Best Practices Committee has not looked at the treatment contract section yet. Missy Gursky noted that the Committee has received feedback for the treatment contract from stakeholders, and indicated this will be available for review at the September 7th committee meeting.

Tom Leversee also indicated that the Best Practices Committee recommended that if the offender demonstrated a non-deviant profile during the initial plethysmograph (PPG) testing, that ongoing PPG testing should be removed. Missy Gursky responded that there are times that a clinician would continue ongoing PPG testing.

SOMB Meeting Adjourned: 2:09

Session Name: New Session 8-18-2017 9-18 AM

Date Created: 8/18/2017 9:09:02 AM **Active Participants:** 19 of 24

Average Score: 0.00%

Questions: 6

Results By Question

1.) Motion to approve May minutes (Multiple Choice)

Responses		
	Percent	Count
Yes	81%	13
No	0%	0
Abstain	19%	3
Totals	100%	16

2.) Motion to approve June minutes (Multiple Choice)

Responses		
	Percent	Count
Yes	71%	12
No	0%	0
Abstain	29%	5
Totals	100%	17

3.) Motion to approve white paper (Multiple Choice)

Responses		
	Percent	Count
Yes	89%	17
No	11%	2
Abstain	0%	0
Totals	100%	19

4.) Motion to approve Section 6.00 as amended (Multiple Choice)

Responses		
	Percent	Count
Yes	94%	17
No	6%	1
Abstain	0%	0
Totals	100%	18

5.) Motion to approve the allocation (Multiple Choice)

Responses		
	Percent	Count
Yes	100%	18
No	0%	0
Abstain	0%	0
Totals	100%	18

6.) Motion to approve the revisions as amended (Multiple Choice)

Responses		
	Percent	Count
Yes	83%	15
No	17%	3
Abstain	0%	0
Totals	100%	18

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Date Created: 8/18/2017 9:09:02 AM Active Participants: 19 of 24

Average Score: 0.00%

Questions: 6

Results Detail

Name	Q1	Q2	Q3	Q4	Q5	Q6	Total Points
Answer Key	-	-	-	-	-	-	0.00
Aguilar-Dave, Norma	-	-	1	1	1	2	0.00
Franklin, Brie	1	3	2	1	1	1	0.00
Baydarian, Mary	1	3	1	1	1	1	0.00
Bednarski, Rick	1	3	1	1	1	2	0.00
Blake, Carl	1	1	1	-	-	-	0.00
Boyd, Allison	1	1	2	1	1	1	0.00
Curtis, Jessica	-	3	1	1	1	1	0.00
Davies, Merve	3	1	1	1	1	1	0.00
Elger, Korey	3	1	1	1	1	1	0.00
English, Kim	1	3	1	1	1	1	0.00
Gursky, Missy	1	1	1	1	1	1	0.00
Jenks, Jeff	1	1	1	1	1	1	0.00
Leversee, Tom	1	1	1	1	1	1	0.00
Meza, Jessica	-	-	1	2	1	2	0.00
Moore, Kandy	3	1	1	1	1	1	0.00
Odenheimer, John	1	1	1	1	1	1	0.00
Shay, Jeff	1	1	1	1	1	1	0.00
Weant, Angel	1	1	1	1	1	1	0.00
Woodson III, Lenny	1	1	1	1	1	1	0.00
Participant List Averages	-	-	-	-	-	-	0.00