

## President's Message

Kieran Coe

Greetings and Welcome to a New Year.

It's a new year and we have an amazing nine months ahead of us. Our Committee worked diligently through the summer and have lined up eight of our nine luncheons with great speakers with interesting topics. I'd like to thank Priscilla Suggs for spearheading this effort. Our Membership Chair, Khiry Burke, is working on planning our networking event(s) as we speak; if you would like to assist in the planning efforts, or have any ideas please reach out to him at [Khiry.burke@us.gt.com](mailto:Khiry.burke@us.gt.com).

I'd also like to thank our September speaker, Jameila "Meme" Styles, who visited with us to raise awareness to MEASURE Austin. MEASURE Austin generates groundbreaking research on racial disparities and empowers communities to improve local agency services to meet their needs. If you would like to know more about this non-profit organization, feel free to check them out at [www.measureaustin.org](http://www.measureaustin.org). Thank you, Jameila Styles, for sharing your story with us.

The next luncheon will be held on October 11th. Our guest speaker will be State Senator Kirk Watson. If you missed it, our new luncheon location is at the new Pappadeaux off of 183. We have a lot more room in our new venue so feel free to join us!

As always, we are looking for additional participation on the board and committees. Please reach out to any of our committee members if you would like to get involved. Thank you in advance for your continued support of the chapter. See you all on October 11th!

## Key Dates:

<b>October 10, 2018</b>	Webinar – Internal Control, Leveraging IT to Detect Fraud, Waste and Abuse ( <a href="http://www.agacgfm.com">www.agacgfm.com</a> )
<b>October 11, 2018</b>	CPE Luncheon – Kirk Watson, Texas State Senator
<b>November 8, 2018</b>	CPE Luncheon – Dr. Noel Landuyt, Associate Director and Lecturer, UT Austin School of Social Work
<b>December 13, 2018</b>	CPE Luncheon – Dr. Jeremy Suri, Professor, UT Austin School of Public Affairs
<b>January 10, 2019</b>	CPE Luncheon - R.J. DeSilva, Communications Officer, Legislative Budget Board
<b>March 14, 2019</b>	CPE Luncheon - Leita Hart-Fanta, YellowBook-CPE.com
<b>April 11, 2019</b>	CPE Luncheon - Terry Follmer, Vice President of Internal Audit, Capital Metropolitan Transit

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 @AGACGFM

# October CPE Luncheon

## State Senator Kirk Watson

By Priscilla Suggs

The AGA Austin Chapter will host it's October 2018 luncheon at Pappadeaux Seafood Kitchen located at 11617 Research Boulevard, Austin, TX. We welcome State Senator Kirk Watson as our speaker for this event.

State Senator Kirk Watson represents Travis and Bastrop counties in the Texas Senate. He was elected to the Texas Senate in 2007 and previously served as the mayor of Austin. He is currently an attorney with the law firm Husch Blackwell, LLP.

Senator Watson serves on the Senate committees overseeing Finance, Health and Human Services, Higher Education and Nominations. He is also a member of the Texas Sunset Commission. He served as chairman of the Texas Senate Democratic Caucus beginning in 2011 and continued in that position through the 2015 legislative session.

His priorities center on education, health care, transportation, government transparency, and state employees.

In 2011, Senator Watson laid out ten goals in ten years to transform the health and economy of Austin and Travis County. Substantial progress has been made on each of the goals, including the creation of the Dell Medical School at the

University of Texas and a new modern teaching and safety-net hospital, Dell Seton Medical Center at the University of Texas. Building on those successes, Watson is leading a community-based effort to develop a center for world-class brain health treatment, research and education in conjunction with the overhaul of Austin State Hospital. The American Medical Association recognized Sen. Watson's contribution to health care with the prestigious Dr. Nathan Davis Award for Outstanding Government Service in 2017.

Senator Watson graduated first in his class from Baylor Law School, and he holds an undergraduate degree from Baylor University. He has been awarded the "Pro Texana – Medal of Service" from his alma mater.



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## Membership News

By Khiry Burke

The Chapter reported 101 active members at the end of September, including 9 new members that joined in the current 2018-2019 chapter year. The following members joined the Chapter between the months of May and September: Ms. Eva Dorman, Mrs. Phyllis Dunn, Ms. Lauren Henry, Mrs. Viktoriya Jensen, Dr. Christopher Johnson, Ms. Patricia Pratt, Mr. Shawn Riggs, S. Salvador and R. Riggs.

In September 2018, Ms. Adrienne Melton and Mr. John Barnes celebrated their 1 and 5 year anniversaries, respectively with the Chapter.

Membership can be renewed at [www.agacgfm.org](http://www.agacgfm.org).

Full time college students who are not employed can now enroll in a **free** electronic membership. Student membership is available to any individual enrolled as a full-time student at an accredited higher education institution.

**Our goal is simple:  
help you succeed.**

[explore the value of AGA membership](#)

# Past Event

By Bhakti Patel

The Chapter hosted its September CPE luncheon at Pappadeaux Seafood Kitchen on September 13, 2018. Ms. Jameila “Meme” Styles, founder and President of MEASURE Austin, educated the Chapter on her organization’s initiative to build trust, increase transparency and measure progress in underserved communities through creating methodologies that provide performance measures for community policing. The luncheon was held at the first time at the new Pappadeaux location and boasted 27 attendees, including 3 students.



The winner of the \$25 Amazon.com giftcard raffle was Doris Gilbert, a student at Park University.



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## CEC Meeting Minutes

### September 27, 2018

By Sharita Jefferson

1. Roll call—at 12:02pm; In attendance via conference call: Khiry Burke, Kieran Coe, Bhakti Patel, Priscilla Suggs, David Vasquez and Sharita Jefferson
2. Monthly Luncheons
  - a. Debrief of September Luncheon
    - September luncheon went really well; there were a lot of new faces and plenty of room for which attendees utilized to network prior to the training
    - Having the salad added to the luncheon was great; was an accident by the wait staff
  - b. Plans for next month
    - Kieran asks how much would it cost to add the salad to the luncheon meal; Priscilla states that she will find out the price, but remember, the price has already gone up from \$19.99 last year to \$21.99 this year
    - Is anyone opposed to increasing the luncheon costs by \$2 to cover the cost of luncheon for four students (one from each local University-- approximately four; we only had 3 students at September luncheon)?
    - Costs for attendees would go up from \$27 to \$29 for members & \$32 to \$34 for non-members; won't send out to Chapter for a vote, but will put the change in the Newsletter.

- Eddie will have to change the Square fee increase and update it to include the free option for students who attend
  - Will ask Eddie if he can change his computer settings so that it won't timeout on the speaker
  - October Luncheon speaker will be Senator Kirk Watson; Priscilla will reach out to his office to confirm & she will post the event on Eventbrite a day earlier
  - Priscilla will bring blank stickers to the luncheons for nametags and request to have a table up at the front of the room by the door for signing-in and filling out nametags
3. Status of monthly newsletter –
- a. Oct Newsletter
    - Bhakti will send newsletter as soon as committee members send in everything (due today; will extend to tomorrow); Sharita will put pics from the last luncheon up in Google Docs
4. Annual budget
- Khiry wants to know if his budget has been set up so he can do 2 networking events this year—one in November or December and one in the Spring
  - Kieran wants to know if Grant Thornton (GT) paid for the networking event from last year; says he put in a request for it to be paid to AGA Austin Chapter before he left GT; Bhakti states she is not sure, it will be paid by GT's national office, will have to check there
5. Recruitment
- Kieran would like to get the word out about recruiting students; wants to meet tomorrow with the Student Initiative Committee (LaTosha, Priscilla & Eddie) to discuss
6. University Initiative
- Khiry says the AGA Nationals website is reporting a new initiative that e-membership is free for students
  - Kieran would like to be able to easily identify students on the registration email by adding a check box to the sign-in sheet
7. Social Media
- Kieran wants to ensure all different social media resources are being utilized by AGA Austin Chapter
8. Other
- Katia (from AGA Nationals) will be in town November 6th-9<sup>th</sup>, 2018 and it would be nice if we could all go to dinner with her; She can't make it to the Austin Chapter training/luncheon because of the event she is in town attending, so plans to meet with her will have to be at dinner
  - Priscilla & Kieran will send out an invite to have dinner with Katia, after touching base with her
  - John Barnes & Ben Lyons have been removed from the Education/Programs committee and replaced with LaTosha
  - All CEC members were in agreement and elected to keep the speakers' free voucher to attend a subsequent training; Priscilla will start the voucher numbers with "FY19" for this fiscal year & Bhakti suggests using the AGA letterhead

## Committee Reports

- Treasurer (David)—David hasn't had time to review Treasury reports to see if we broke even last week or not
- Secretary (Morgan)--not present
- Communications Committee (Bhakti)
- Membership (Khiry)
- Professional Certifications Committee (Patti) --not present
- Education/ Programs Committee (Tosha) --not present
- Community Service Committee (Priscilla)—will send a list of community service events in the next two weeks for Chapter members to consider participating in for the Holidays
- Webmaster (Eddie) --not present
- Research (Debi) --not present
- Historian (Sharita)
  - Kieran has not sent in Historian Report to Nationals; Sharita sent it out to CEC on 8-8-2018
  - Discussion about whether to include students in the raffle drawing since their lunch is being paid for by the Chapter and if not, how do we go about excluding them
  - Bhakti suggests we fill out the raffle drawing names of paying attendees ourselves, taken from the sign-in sheet, and submit those names in the drawing, this way we don't have to ask attendees if they are students or not and students will be excluded
- Early Careers (Tosha) --not present
- Bylaws – VACANT

# Community Service Opportunities

By Priscilla Suggs

The Community Service Committee has identified several volunteer opportunities in the Austin. Below are the details including contact information for each of these events. If you participate in any of the activities below, or any other activities during the Chapter year, you may email details and pictures to Priscilla Suggs to be featured in upcoming Chapter newsletter.

## Habitat Restoration at the Vireo Preserve hosted by City of Austin - Wildland Conservation Division

When: Sun Oct 07, 2018, 10:00 AM - 12:00 PM

Where: BCP's Vireo Preserve.

Near 2244 on Hwy 360; Austin, TX 78746

Registration:

<https://www.austintexas.gov/wildlandevents>

Email [audrey.stewart@austintexas.gov](mailto:audrey.stewart@austintexas.gov) with questions.

Help out with all kinds of habitat restoration activities on this special section of the Balcones Canyonlands Preserve alongside biologist Jim O'Donnell and a great team of volunteers every Monday, Tuesday, and Sunday from 10am-noon. Whether it's building soil, propagating native plants, or building rain catchment devices, you're bound to learn something new and contribute to the wildlands in the process.

Tasks may include planting and caring for native plants, trail building, removing invasive species, building erosion controls, clearing debris along a creek, and/or seed collecting/planting. Please dress for the weather and bring a refillable water bottle.



## Volunteer for Concessions during ACL Weekend

When: Fri Oct 05, 2018 02:00 PM –

Sun Oct 14, 2018 11:00 PM

Where: 310 West Willie Nelson; Austin, TX 78701

Registration:

<http://www.sutglobal.com/get-involved/4594101538>

(First come, first volunteer basis)

Volunteers needed for the Austin Music Festival in Austin. We will be running a concession stand at the event. Volunteers must wear Black Pants or Shorts, 18 years old or older and have a valid I.D. Volunteers accepted on first Come First Serve Basis when the slots are filled no others will be added.

Simply United Together a global grassroots community service organization. SUT has over 300 chapters across the country as we serve Homelessness, Youth, Veterans and Senior Citizens.



## Volunteer at the Austin Heart Walk

When: Sat Oct 20, 2018, 07:15 AM - 11:00 AM

Where: The Long Center;

701 W Riverside Dr, Austin, TX 78704

Registration:

<http://www.heart.org/HEARTORG/volunteer/volunteerForm.jsp>

Please join us at the Austin Heart Walk as we advocate for healthier lives and communities throughout Texas! We are looking for volunteers that will help us talk with Heart Walk participants and ask them to support our heart healthy and stroke smart policies. Volunteers are a very important part of this effort, and we need YOU there for a successful event. We hope that you can be part of it.

Must be at least 15 years of age and we request shifts of 2-4 Hours. (Please indicate your availability)

## Eat, Drink & Be Scary Ball

When: Sat Oct 20, 2018 between 12:30pm- 11:30pm  
Where: Renaissance Austin Hotel,  
9721 Arboretum Blvd Austin, TX 78759

Email Nicole to sign up: [n.vinton@sammymyhouse.org](mailto:n.vinton@sammymyhouse.org)

The Eat, Drink & Be Scary Ball is a fundraiser that benefits Sammy's House, a nonprofit organization that provides education and care to children with special needs.

We need 30 volunteers to help us run the Eat, Drink & Be Scary Ball benefiting Sammy's House! The event is on October 20th and the Renaissance Austin Hotel and volunteer shifts range from 2-4 hours between 12:30pm- 11:30pm. This opportunity is great for individual volunteers or small groups! Volunteers are asked to wear all black. The event is a costume ball and is a TON of fun!

The following shifts are available: 12:30pm- 4pm - 4 Volunteers needed to help with setup; 5:00- 8:00 - 6 Volunteers needed for registration/check-in and assist guests with silent auction online bidding; 5/5:30- 8:30 - 17 Volunteers needed to run games; 5:00- 8:30 - 3 Volunteers needed to sell chips; 9:15- 11:00 - 3 Volunteers needed for check-out.



## Epic Battle

When: Sat Oct 27, 2018, 04:00 PM - 10:00 PM  
Where: Happy Trails Ranch, Austin, TX 78737

Registration:  
<https://epicbattle.greatfeats.com/>

Epic Battle is Jeremiah Program's biggest fundraising event of the year! Several teams, roughly 250 people, come to Happy Trails Ranch to compete in ridiculous games for a worthy cause.

Volunteers are needed to help out the evening of the event. Volunteer responsibilities will be helping out with parking, setting up dinner tables, monitoring games, and helping everyone have a really great time. This is a great volunteer opportunity for large groups or organizations. Individuals are welcome too! Food and drinks will be provided for all volunteers. Come on out to the beautiful Happy Trails Ranch and have a great time volunteering for a great cause!



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# The Sales and Use Taxation of Software – Software Accessed from the Cloud

By Tonya J. Switajewski, CPA, MST  
Submitted by: Debi Weyer

Since software was first invented, state tax authorities and taxpayers have spent a considerable amount of time and resources to determine its sales and use taxation. With the introduction of the “*Software as a Service*” distribution model, the taxation of software has become increasingly complex.

### *Software Taxation – Evolutionary Background:*

States initially struggled with whether software was tangible personal property, and thus, should be

subject to sales and use taxation or was intangible personal property and thus, exempt from taxation. States have eventually concluded that for sales and use taxation purposes, the sale of prewritten software programs (a.k.a. “canned” or “shrink-wrapped” software vs. “custom” software) that reside on a tangible storage medium, such as a CD-ROM (formerly a floppy disk), should be considered taxable. States argued that software should not be treated differently than the sale of any other tangible medium, such as a book or a record album, which incorporate intangibles.

Although all of the value of the purchase is within the intangible, i.e., the author's writing or musician's music, states have concluded that software should be similarly taxable if it is carried on a tangible storage medium. The District of Columbia and every state imposing a sales tax subjects the sale of prewritten software to taxation.

In addition, many states hold that software transferred via the *load and leave* method should be treated as the transfer of tangible personal property subject to sales and use taxation, even though no tangible medium is left behind. Furthermore, many states have passed laws that taxes electronically *downloaded* software as the transfer and possession of tangible personal property.

#### *Cloud Computing – Sales and Use Taxation:*

The latest evolution of accessing prewritten software is now within the so called "cloud". "Software as a Service" ("SaaS" transaction) is a recent software distribution model in which software applications are hosted by a service provider on its server and made available to customers over the internet. In other words, the purchaser does not take possession of the software either through a tangible storage medium or via a download of some fashion but rather only has access to it. As a result of this latest technological advancement, state tax authorities have been presented with a new dilemma: when software is accessed from the cloud, has the software been transferred in some manner to the purchaser or is the access to the software considered a service to the purchaser (i.e., a service provided for the right to access and use software without taking any form of possession)?

Although some states have ruled that non-downloadable computer software accessed from a remote server is not subject to sales or use tax, many states are leaning the other way by either taxing the SaaS transaction as a service or as a deemed transfer of the software.

Some states, such as Connecticut, may treat SaaS transactions not as a taxable transfer of tangible personal property (software) but rather as a taxable service. For example, Connecticut not only taxes the sale of tangible personal property (including software delivered on a tangible storage medium) but it also taxes many enumerated services including the sale of computer and data processing services, albeit at a reduced tax rate of 1% (rather than 6.35%). Although Connecticut has not specifically ruled on whether SaaS transactions are taxable, it is likely that Connecticut would tax such transactions as computer and data

computer and data processing services software that is either electronically downloaded (*PS 2004(2)*) or accessed through a computer via the internet (see *Cummings & Lockwood v. Commissioner of Revenue Services*, CT Superior Court, (7/20/1994).

However, New York taxes SaaS transactions differently. New York taxes SaaS transactions as though software was delivered to a purchaser's computers or servers in New York. Since 2008, the New York Department of Taxation and Finance has been a prolific author of rulings on the sales and use taxation of SaaS transactions. In New York, like other states, prewritten software is considered tangible personal property, the sale or license of which is subject to sales and use taxation regardless of the medium by which the software is conveyed to the purchaser. The taxation of remotely-housed software is not specifically taxed by statute, but rather New York finds an indirect way to tax it via its regulations. New York *Regulation 20 NYCRR §526.7(e)(4)* provides that the actual or "constructive possession" of property, as well as "the right to use, or control, or direct the use of tangible personal property," constitutes a transfer of possession that is subject to sales and use taxation. Accordingly, the vast majority of the dozen of advisory opinions issued by the New York Department of Taxation and Finance have held that accessing prewritten software that is housed remotely constitutes a transfer of software, because the New York purchaser gains "constructive possession" of the software, and gains the "right to use, or control or direct the use" of the software within New York. However, it is interesting to note that a few advisory opinions, based on the particular facts, have ruled that even if software is utilized to access and customize information, it may be considered a nontaxable "information service" rather than a taxable right to use prewritten software, if the information is "personal or individual in nature" (e.g., TSB-A-10(47)(S)).

Massachusetts taxes SaaS transactions as the deemed transfer of the software. Massachusetts has issued a Technical Information Release and Regulations which discusses the taxation of software installed on a remote server (*TIR 05-15* and *Mass. 830 CMR §64H.1.3*). Pursuant to the TIR and Regulations, transfers of taxable software are taxable regardless of the method of delivery, including "the right to use prewritten software installed on a remote server." That seems clear enough, but as *MA DOR Letter Ruling 11-2* demonstrates, it is still a foggy area of law. A company requested a letter ruling whether

its online services were subject to Massachusetts sales and use taxation. The online services were described in the ruling as (1) a subscription to the company's on-line database that provides certain information; and (2) access to several web-based "tools" that allowed the company's Massachusetts customers the ability to access its software, that was hosted remotely on the company's server, to manipulate and acquire certain data. The Massachusetts Department of Revenue concluded that although the two services were accessed via the internet and required the use of software, the two services should be taxed differently. The distinguishing factor was whether the Massachusetts customers could use the software to manipulate information (i.e., operate, direct or control the software and entry of data). The Department of Revenue held that where the object to the transaction is to access the company's software itself, a taxable sale of software has occurred, rather than a non-taxable access to information databases (see MA DOR Letter Ruling 12-6, where it was held that access to electronic newsletter software, which allowed companies to produce their own business newsletters, was subject to taxation because the object of the transaction was the sale of a license to use proprietary software hosted on a remote server; see MA DOR Ruling 11-4, where it was held that since the object of the transaction was to obtain database access rather than the use of software itself, the SaaS transaction was not taxable).

Rhode Island, like many states, taxes sales of prewritten computer software, whether delivered in tangible form, electronically or by load and leave. However, with respect to the taxation of SaaS, Rhode Island's sales and use tax Regulation specifically provides that "when an agreement exists for a vendor to host software from their equipment and may be accessed by a customer, the transaction is not considered prewritten computer software delivered electronically and, therefore, is not subject to tax, provided there is no downloading of prewritten computer software." (See Regulation SU 11-25 (Rule 7, §3); also compare Declaratory Ruling 2017-02 (nontaxable) with Declaratory Ruling 2017-01 (taxable)).

### Summary

The sales and use taxation of software is a very complex area. In many cases, the taxation of software hinges on its delivery method and where it is used. States are just beginning to issue interpretive sales and use tax regulations and rulings or modify their laws to address the "Software as a Service" distribution model. It is important to keep in mind that not all SaaS transactions are alike and as a result the taxation of SaaS transactions may vary due to their nature. SaaS transaction agreements and contracts must be carefully reviewed, in light of state tax laws, regulations, and rulings, in order to determine what the "true object" of the SaaS transaction is and thus its ultimate taxability.

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## Other Chapter and National News

### National Leadership Awards

National leadership awards are presented annually at AGA's National Leadership Training (NLT), primarily to recognize individuals for their contribution to the government financial management profession. Nomination forms are online and are due Nov. 30, 2018. Nominations can be made in the following categories:

#### Nominations Open for National Leadership Awards

AGA will honor two state, two local and two federal government officials, as well as two private sector financial executives, at the National Leadership Training in February. Nominate a leader by Nov. 30!

[learn more](#)

[aga.informz.net](http://aga.informz.net) | [aga.informz.net](http://aga.informz.net) | [aga.informz.net](http://aga.informz.net)

### Increase in CPE Luncheon Fee to Support Students

This year, we are focusing on raising awareness of government opportunities for students in the area. The Committee voted to sponsor up to four student's luncheon fees per month. To help defray the cost, we are increasing the luncheon attendance fee by \$2.00. We hope this is not much of an inconvenience to you; but we feel like this is a small price to pay to do our part in recruiting excellent talent in government accounting.

#### Professors!

The National Collegiate Leadership Program provides up to 10 full-time undergraduate students with an opportunity to attend NLT 2019.

Learn more at [www.aga.informz.net](http://www.aga.informz.net).

# Treasurer's Report

For the period ended August 31, 2018

By David Vasquez

<b>Beginning Bank Balance</b>	<b>8/1/2018</b>		<b>\$3,913.14</b>
<i>Funds Received:</i>			
8/1/2018	Dividend through	8/1/2018	\$0.34
	<b>Total Funds Received</b>		<b>\$0.34</b>
<b>Funds Available</b>			<b>\$3,913.48</b>
<i>Funds Expended:</i>			
<i>Date</i>	<i>Debit Card</i>	<i>USPS PO BOX</i>	
8/16/2018			\$96.00
	<b>Total Funds Expended</b>		<b>\$96.00</b>
<b>Ending Bank Balance</b>	<b>8/31/2018</b>		<b>\$3,817.48</b>
<b>Check Register Reconciliation:</b>			
<b>Ending Bank Balance</b>	<b>8/31/2018</b>		<b>\$3,817.48</b>
<i>Outstanding Checks:</i>			
<i>Date</i>	<i>Check No.</i>	<i>Description</i>	
	<b>Total Outstanding Checks</b>		<b>\$0.00</b>
<i>Outstanding Deposits:</i>			
	<i>Date</i>	<i>Description</i>	
	<b>Total Outstanding Deposits</b>		<b>\$0.00</b>
<b>Adjusted Ending Bank Balance</b>	<b>8/31/2018</b>		<b>\$3,817.48</b>
<b>Total Chapter Funds Available Per Check Register</b>	<b>8/31/2018</b>		<b>\$3,817.48</b>
<i>Cash On Hand:</i>			
		CU Min Savings Balance	\$5.00
		Luncheon Bank	\$40.00

# AGA Austin Chapter 2018-2019 Officers and Directors

**Kieran Coe**

President

e-mail: [Kieran.Coe@CohnRenick.com](mailto:Kieran.Coe@CohnRenick.com)

**Vacant**

President - Elect

**David Vasquez**

Treasurer

e-mail: [davvasquez@deloitte.com](mailto:davvasquez@deloitte.com)

**Morgan Mounts**

Secretary

e-mail: [Morgan.Mounts@us.gt.com](mailto:Morgan.Mounts@us.gt.com)

**Patti Roano**

Education Committee Chair

e-mail: [Patti.Roano@ers.gov](mailto:Patti.Roano@ers.gov)

**Khiry Burke**

Membership Committee Chair

e-mail: [Khiry.Burke@us.gt.com](mailto:Khiry.Burke@us.gt.com)

**Priscilla Suggs**

Community Service Committee Chair

e-mail: [Priscilla.Suggs@dfps.state.tx.us](mailto:Priscilla.Suggs@dfps.state.tx.us)

**Bhakti Patel**

Communications Chair

e-mail: [Bhakti.Patel@us.gt.com](mailto:Bhakti.Patel@us.gt.com)

**Eddie Chan**

Webmaster

e-mail: [Eddie.Chan@ers.texas.gov](mailto:Eddie.Chan@ers.texas.gov)

**Debi Weyer**

Research Committee Chair

e-mail: [debiweyer@gmail.com](mailto:debiweyer@gmail.com)

**Latosha Gourd**

Early Careers Committee Chair

e-mail: [Latosha.Gourd@dps.texas.gov](mailto:Latosha.Gourd@dps.texas.gov)

**Chapter Historian**

Sharita Jefferson

e-mail: [Sharita.Jefferson@dfps.state.tx.us](mailto:Sharita.Jefferson@dfps.state.tx.us)

**Regional Vice President**

Thandee Kywe

e-mail: [thandee.kywe@dallascityhall.com](mailto:thandee.kywe@dallascityhall.com)