

STATE OF NEW MEXICO  
CRIME VICTIMS REPARATION COMMISSION

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GOVERNOR



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STATE OF NEW MEXICO  
CRIME VICTIMS REPARATION COMMISSION  
6200 Uptown Blvd. NE Suite #210  
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**Video Conferencing Platform – Zoom Meeting**

In accordance with the COVID-19, State of New Mexico Public Health Emergency- Executive Order 2020-004 Crime Victims Reparation Commission Virtual Meeting information was posted with detailed instructions on the CVRC Website for members of the public to attend and listen via telephone, live streaming or other similar technologies.

**Virtual Meeting Called to Order**

On April 29, 2021, Commission Chair Lee called the March virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:08 a.m. Commission Chair Lee announced the names of those members of the public body who are participating remotely.

The following Commission Members were present via webcast:

Marron Lee, Commission Chair  
Mark Myers, Commission Vice Chair  
Erica Jorgensen, Commission Member

The following NMCVRC staff members were present via webcast:

Frank Zubia, Director  
Moises Valdez, Compensation Bureau Chief  
MaryEllen Garcia, Grants Bureau Chief  
Lourdes McKenna, VOCA Grant Administrator  
Marivel Baca, State Grant Administrator  
Cindy Mok, Chief Financial Officer  
Debra Yepa, State Investigator  
Rose Martinez, Compensation Management Analyst

The following agencies were present via webcast:

Sheila Lewis, Solace Crisis Treatment Center  
Bianca Perez, The Phoenix House  
Delilah Tenorio, Attorney General's Office

**Review Agenda**

The agenda was reviewed by Commission Chair Lee and Commission Members and was unanimously approved by all Commission Members.

**Review and Approval of March 25, 2021 Commission Meeting Minutes**

The Commission meeting minutes were reviewed for March 25, 2021 by the Commission. Commission Member Jorgensen made a motion to approve the meeting minutes. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

**Public Comment**

**STOP VAWA Request for Proposal Protests**

Commission Chair Lee welcomed two agencies who were formally notified of the preliminary award recommendation by the peer review committee to not support their request for competitive funding through the STOP VAWA award.

**Solace Crisis Treatment Center**

Sheila Lewis represented Solace Crisis Treatment Center in their formal protest regarding the preliminary award recommendation to not support their agency with STOP VAWA funding for FY2022. Ms. Lewis was given three to five minutes to address the New Mexico Crime Victims Reparation Commission members. Ms. Lewis asked the Commission to identify reasons for the denial and what the agency could have done better with the submission of the grant proposal.

Commission Chair Lee stated that she was on the committee which reviewed the applications, under the STOP VAWA Request for Proposal (RFP). Commission Chair Lee informed Ms. Lewis that CVRC adhered to the RFP policies, procedures and practices throughout the entire process. Unfortunately, with limited funding the committee had difficult decisions to make. Commission Chair Lee reassured Ms. Lewis that Solace Crisis Treatment Center did not do anything wrong in their application. Commission Chair Lee stated that it was a thoughtful process and knew that good projects and good agencies with long standing relationships would be disappointed. Along with limited funding, CVRC had to be very strategic with covering the whole state and ensuring that there were no gaps in services.

Commission Chair Lee reassured Ms. Lewis that it is understood by CVRC the need to assist victims by Solace. Ms. Lewis thanked the Commission for their time and thoughtfulness.

Ms. Garcia also thanked Ms. Lewis for engaging in the RFP protest process. This process is in place for those agencies that were not selected for funding. Ms. Lewis stated to the Commission that she did not believe that CVRC violated any RFP technical violations. Ms. Garcia stated that the availability of funding was limited. She continued stating that STOP VAWA proposal can be complex. With limited funding and breaking down services into subcategories can be difficult to meet the specific needs of the RFP. Ms. Garcia stated that once the culturally specific programming was met, there was even less funding remaining for other projects.

Mr. Zubia thanked Ms. Lewis for her participation in the RFP process. He shared with Ms. Lewis and the Commission that there was a total of \$1.2 million dollars in requests, and our agency had approximately \$350,000 to distribute to victim services. CVRC had to deny many projects. Mr. Zubia stated that he concurs with Commission Chair Lee and Ms. Garcia's statement regarding the RFP process and meaningful way the committee members discussed each application.

Mr. Zubia informed Ms. Lewis that the voting process scoring sheets will be available tomorrow. These scoring sheets will provide Solace information on how peer review committee members scored their application. Mr. Zubia reiterated that the Solace Crisis Treatment Center did not do anything technically wrong, which would have affected the outcome.

**The Phoenix House**

Bianca Perez, Victim Coordinator represented The Phoenix House in their formal protest regarding the preliminary award recommendation to not support their agency with STOP VAWA funding for FY2022. Ms. Perez was given three to five minutes to address the New Mexico Crime Victims Reparation Commission members. Ms. Perez asked the Commission to identify reasons for the denial and what the agency could have done better with the submission of the grant proposal. Ms. Perez stated that the Phoenix House is willing to correct deficiencies and is looking to the Commission to reconsider. She also stated that House Bill 35 was also brought forth and provided an advocate for District Attorney's office and police to assist victims in the Hobbs area with high needs and this application was to further support those efforts.

Commission Chair Lee explained to Ms. Perez the process involved with submitting grant proposals. Commission Chair Lee stated that agencies are deemed ineligible for funding if they left out important information, components that are considered pass or fail. In this case the Phoenix House did not submit agency by-laws which are a mandatory element of the application. In the past, all proposals were submitted by fax, mail or drop off at the office. These proposals were checked physically for missing information. At the present time, proposals are submitted by web-based grant system, and the system will be able to catch missing items and reject the application until all necessary information is submitted. The Phoenix House application that was submitted required copies of by-laws that were not attached, because the agency never had them.

Commission Chair Lee informed Ms. Perez that with very limited funding and the peer committee had to look at the complete applications and make difficult decisions. During the review process, it was the consensus of the review committee to eliminate proposals that adhere to the requirements. Unfortunately, the Phoenix House did not submit required documents and that affected their score and eligibility.

## Commission Meeting April 29, 2021

Commission Chair Lee stated that the state has a lot of rural areas and there is a great need. Commission Chair Lee encouraged Ms. Perez for her agency to reapply. Also, it is important to ask questions to CVRC to ensure that the agency can assist with the application.

Ms. Garcia did concur with Commission Chair Lee and highlighted that the scores is what is looked at when determining funding approval and due to the by-laws that were left out that was a crucial requirement, and it affected the outcome. Ms. Garcia informed Ms. Perez that the scoring sheets will be available tomorrow.

Mr. Zubia also thanked Ms. Perez and encouraged her to reapply. Mr. Zubia stated that Ms. Garcia has made a YouTube video assisting subgrantees with the submitting process and included is a checklist. Mr. Zubia reiterated how important it is to communicate and contact CVRC with questions. This will assist and possibly catch deficiencies early.

### **Agency Financial Report**

Ms. Mok updated the Commission regarding the FY2021 budget position report on victim payments for the period of July 1, 2020 through April 28, 2021. The victim payment budget started in the amount of \$2,503,589. The total amount for victim payouts as of April 28, 2021 is \$1,940,387. The remaining available budget is \$563,202 with nine weeks remaining to close out the fiscal year. At the current rate of payouts, CVRC projects a remaining budget balance of \$141,136 that will be carried over into the next fiscal year.

Ms. Mok reviewed with the Commission the Crime Victim Fund payments status report. As of today, Ms. Mok informed the Commission that CVRC has collected \$544,321 in payments which is below the target amount projected from the beginning of the fiscal year. Ms. Mok informed the Commission that AOC penalty assessment increased in the month of March. Ms. Mok informed the Commission that she is looking forward to possible revenue increase going forward.

FY 2021 Crime Victim Fund payments received for the period of July 01, 2020 to April 28, 2021 by type:

Restitution: \$34,710

Corrections: \$310,783

Civil Settlement: \$22,493

Penalty Assessment: \$176,335

Total received: \$544,321

### **FY 2022 Approved Operating Budget**

Ms. Mok informed the Commission that the FY 2022 operating budget has been signed into law by the Governor. The FY 2022 State General Fund budget was flatlined with existing FY 2021, therefore there is no budget reduction to all State General funded victim service programs, which includes the sexual assault service programs, the human trafficking programs, civil legal helpline and Intimate Partner Death Review Team. In addition, the Governor has signed a 1.5% salary increase to all state employees. The State provided additional \$14,500 to support these salary increases to the state general funded positions. The FY 2022 Crime Victim Fund budget including using fund balance and FY 2022 projected revenue is \$1.5 million. The Federal Fund which comes from all the federal awards received a total of \$16.3 million. The total FY 2022 operating budget is \$24.5 million.

Ms. Mok informed the Commission that the FY 2022 budget is due on Monday, May 3, 2021

Commission Chair Lee thanked Cindy for all her hard work.

### **New Business**

#### **Agency Personnel Matters**

Mr. Zubia informed the Commission that the agency was contacted by State Personnel Office (SPO) that the Shared Human Resource Services contract will be expire on June 30, 2021 and it will not be renewed in FY 2022. CVRC is working closely with SPO to hire our own Human Resource Representative. Mr. Zubia stated that our agency will use the Crime Victim Fund balance to support the position.

Ms. Mok informed the Commission that our agency will be requesting additional State appropriation to our FY 2023 budget, we are requesting the funds that were taken from our agency for financial austerity. She also stated that there are critical positions to fill in the agency.

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Ms. Zubia updated the Commission that the budget authority language that was originally proposed by our LFC Analyst has been vetoed by the Governor. This action allows CVRC to utilize the fund balance to support positions.

### **Business**

#### **Victim Information Notification Everyday (VINE) Status**

Mr. Zubia informed the Commission, CVRC was ready to sustain the VINE project for two fiscal years. Our agency received an email from the Secretary of DoIt. In his email, the agencies that proposed pulling out of the funding the project were instructed by the Governor's office to continue supporting the VINE project as appropriated in their agency budgets. They are not allowed to re-appropriate the VINE funds for other projects.

Commission Chair Lee was pleased that CVRC would not have to sustain this project alone.

#### **Grants Update (VOCA, VAWA, SASP and State)**

Ms. Garcia, Grants Bureau Chief, informed the Commission of the following:

The Grants Bureau Chief continues to participate on the Board of the Association of VAWA Administrators.

The Grants Department continues to provide technical assistance to program and projects that are funded through CVRC state and federal funding.

The SASP Advisory Committee was held March 19, 2021 with the New Mexico Coalition of Sexual Assault Programs.

The FFY2022 VOCA Victim Assistance Continuation Solicitation will be issued on May 3, 2021. All current subrecipients are eligible to apply for funding at the FFY2021 allocation. Increased funding requests will not be supported under this solicitation.

The FY2021 STOP VAWA, SASP and State Civil Legal funding recommendations are being presented for final approval from the Commission.

#### **STOP VAWA Request for Proposal Protest Determination (Voting Item)**

Ms. Garcia informed the Commission about the process and Proposal protest determination and the Commission unanimously voted to uphold the decision that was made by the Proposal Review Committee.

#### **Fiscal Year 2022 STOP VAWA Final Award (Voting Item)**

Commission Chair Lee and Commission reviewed the Fiscal Year 2022 STOP VAWA award. Commission Member Jorgensen made a motion to approve, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

#### **Fiscal Year 2022 SASP Final Award (Voting Item)**

Commission Chair Lee and Commission reviewed the Fiscal Year 2022 SASP final award. Commission Member Jorgensen made a motion to approve, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

#### **Fiscal Year 2022 State Civil Legal Assistance Final Award (Voting Item)**

Commission Chair Lee and Commission reviewed the Fiscal Year 2022 State Civil Legal Assistance final award. Commission Member Jorgensen made a motion to approve, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

### **SAFE House**

Ms. Garcia updated the Commission about formal complaints from former employees related to allegations of a hostile work environment, all of which constituted potential violations with human resources and employment practices. The Board of SAFE House obtained an independent law firm who investigated the alleged allegations. According to the attorney's investigative report with regard to the allegations, the firm confirmed that no probable cause was found that the Executive Director or executive leadership broke any laws or violated any personal rights. The report stated that the agency upheld the policies and procedures of SAFE House, all of which adhere to current federal and state guidelines. The board felt it was necessary to have an outside firm investigate the allegations. CVRC agrees that SAFE House Executive Director has adhered to policies and procedures and considers this matter closed.

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Mr. Zubia informed the Commission that SAFE House was very responsive and supported this investigation and showed transparency and our agency supports the recommendation from the law firm.

Commission Chair Lee and the Commission are also pleased with the outcome.

### **Executive Session**

Mr. Zubia informed the Commission that there are no claims that will be reviewed today.

### **Actions on Items Discussed in Executive Session (Voting Item)**

None

The next Commission meeting has been scheduled for Thursday, May 27, 2021 at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. The Commission meeting could change to a virtual meeting depending on direction from the Attorney General.

### **Adjourned**

Commission Member Jorgensen moved to adjourn the Commission meeting. Commission Vice Chair Myers seconded the motion. The motion to adjourn passed unanimously.

The virtual meeting adjourned at 10:58 a.m.

APPROVED: *Marron Lee* DATE: 5/27/21  
Marron Lee, Commission Chair