

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
GOVERNOR



FRANK ZUBIA
DIRECTOR

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
6200 Uptown Blvd. NE Suite #210
Albuquerque, NM 87110

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 September 24, 2020, Commission Chair Lee called the September virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:02 a.m. 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
Cindy Mok, Chief Financial Officer
Rose Martinez, Compensation Management Analyst

Additional Guests were present via webcast:

Delilah Tenorio, Assistant Attorney General-Open Government Division
Diana Romero, Victim Advocate, La Casa, Inc. Las Cruces, New Mexico

Review Agenda

The agenda was reviewed by Commission Chair Lee. Commission Member Jorgensen made a motion to the approve the agenda, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Review and Approval of August 27, 2020 Commission Meeting Minutes

The Commission meeting minutes were reviewed for August 27, 2020 by Commission Chair Lee. Commission Member Jorgenson made a motion to approve the meeting minutes. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Public Comment

Diana Romero, Victim Advocate with La Casa, Inc. is from Las Cruces. She works in the rural and outreach office in Anthony, New Mexico and the southern areas as well.

Agency Financial Report

Ms. Mok updated the Commission on the FY 2021 budget position in victim payments for the period of July 1, 2020 through September 23, 2020. The victim payment budget begins with the amount of \$2,503,589. The total amount for victim payouts to date is \$567,084. With 40 weeks remaining in the fiscal year and the weekly batch averaging \$51,000, the agency anticipates having a negative balance \$105,516. The agency will request budget authority during the legislative session in January, this would allow us to move funds from the Crime Victim Fund balance to offset the difference.

Ms. Mok updated the Commission on the FY 2021 Crime Victim Fund. When the budget was created the agency projected \$79,000 to be collected in monthly fees, however, due to the closure of the courts and other factors, we are not receiving what was projected for the year. As of August 2020, the agency has received \$33,672 less than what was projected.

Payments received for the period of July 1, 2020 to September 23, 2020 in Crime Victims Fund by Type:

Restitution: \$10,432

Corrections: \$77,502

Civil Settlement:\$0

Penalty Assessment: \$38,558

Total received: \$126,492

Commission Chair Lee expressed her concern with the agency not receiving the penalty assessment fees and is asking what needs to be done. Mr. Zubia informed the Commission that the agency is looking at an independent agency to conduct research to determine why our agency is not receiving the penalty assessments at the rate we originally estimated. The agency was advised that the New Mexico Sentencing Commission is proposing legislation at the upcoming session to do away with fines and fees for offenders. CVRC will be presenting to the New Mexico Sentencing Commission and other committies about the impact of the penalty assessment since the legislative changes in 2015. These funds have created the ability to expand services throughout the state for victims of violent crime. CVRC enhanced services to victim such as Rent and Relocation, Priority Processing and many other crime victim initiatives. CVRC was able to proceed with these projects because of the revenue from the penalty assessments received from the Administration Office of the Courts (AOC). A possible reason for the decrease in revenue is that the courts are not functioning at full capacity, due to the health pandemic.

Mr. Zubia stated we are looking at other organizations to conduct the gap analysis to determine which districts are collecting the fee. Mr. Zubia also informed the Commission that he and Mr. Valdez are members of a committee with the Office of Victim of Crimes and the information is that all the other states are experiencing the same issues with funding levels decreasing. Mr. Zubia will present new findings at the next October Commission meeting regarding a new grant.

Commission Chair Lee is concerned with the significant drop in fees and would like a breakdown of how many districts are providing funding and what districts are not. Mr. Zubia will provide the Commission with this information. Commission Chair Lee thanked Ms. Mok for doing a great job.

New Business

Proposed Statue Changes

Remove Requirement of applying to victim compensation in 2 years-31-22-14-(A)

Mr. Zubia presented to the Commission the challenges and barriers associated with two-year requirement. Beginning in 2015, through legislative changes, a victim of crime can submit a good cause letter indicating why they had not applied within the two years of the date of the incident. CVRC has not seen an increase in applications since the passing of this statue. Mr. Valdez stated to the Commission that there is not a huge amount of compensation applications coming through as good cause requests. Constant training throughout the state has helped eliminate the applications that are over the two-year limit. Commission Chair Lee stated that when it comes to children that is a big factor in the statue change. Commission Vice Chair Meyers agrees that children should not be penalized when they were victimized as a child and were unaware of our services until they became

adults. Commission Member Jorgensen agreed with Commission Chair Lee and Commission Vice Chair Meyers. The Commission agrees that the language must be changed to include any child not just CYFD children can submit an application when they become aware of CVRC services. Commission Chair Lee and Commission Members agreed to table this statute until next meeting. Commission Member Jorgensen made a motion to table the proposed statute changes, and Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Remove cash donations as a collateral source- 31-22-3 (B) (7)

Mr. Zubia presented to the Commission the challenges associated with cash donations as a collateral source. State Investigators work very hard with victims to obtain collateral sources and also with the challenges associated with “Go Fund Me” accounts and other cash donations. Some of the victims had no idea that there was someone collecting money with regard to their victimization. Our agency has directed victims to contact law enforcement to make a police report. Mr. Zubia stated that some of our counterparts have removed the language from their statutes, or have found work-arounds. Life insurance is not considered a collateral source. Mr. Valdez stated that these victims of homicide’s children could utilize these funds for their family and other expenses we cannot consider, however it is challenging for staff to research possible collateral resources.

Commission Chair Lee expressed concern that in the state that we live in with limited financial means as an issue, this is not a favorable time to remove this statute. With the possibility of fines and fees being removed. The fraud aspect and the financial gain that is unknown to the victim’s family makes it difficult to remove this statute at this time. Commission Vice Chair Myers expressed concern with the fraud issue that should be reported to authorities, the extra money could assist the family. Commission Chair Lee asked for a motion to table this proposed statute change. Commission Member Jorgensen made a motion to table, and Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Add statute protecting crime victim from bills being sent to collections

Mr. Zubia presented to the Commission the following: When a person files a claim, all health care providers that have been given notice of a pending claim shall refrain from all debt collection activities relating to medical treatment received by the person in connection with such a claim until an award is made on the claim or until a claim is determined to be not compensable pursuant to the provisions of this act.

The statute of limitations for collections of such debt shall be tolled during the period in which the applicable health care provider is required to refrain from debt collection activities under this subsection. For the purposes of this subsection, “debt collection activities” means repeatedly calling or writing to the claimant and threatening either to turn the matter over to debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term shall not include routine billing about the status of the claim.

Mr. Zubia stated to the Commission that the compensation staff is doing a great job ensuring that victims are not forced to pay any remaining balance after the account has been settled or paid by our office.

Commission Chair Lee reviewed the information and is in favor of adding the statute to assist victims from being re-victimized with collections. Commission Member Jorgensen made the motion to approve adding a new statute and Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Request an Exemption from State Procurement Code for State Appropriations

Mr. Zubia presented to the Commission challenges in administering state victim services funds through the State Procurement Code. Ms. Garcia also described the current barriers it creates with getting these important victim services dollars to providers across the state in an efficient manner. Both Mr. Zubia and Ms. Garcia outlined the need to have our state funds and follow the same procurement process as our administration of the federal dollars, which are exempt from State Procurement.

Commission Meeting September 24, 2020

Commission Chair Lee reviewed the information and is in favor of adding the statute to be exempt from the State Procurement Code. Commission Member Jorgensen made the motion to approve adding a new statute and Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Business

Grants Update (VOCA, VAWA, SASP and State)

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

The Grants Department continues to hold weekly zoom meetings to facilitate immediate access to resources, best practices and trauma informed services during the COVID-10 health pandemic.

The FFY2020 VOCA Continuation Applications were approved by the Commission at the August meeting and the VOCA Grant Administrators are working to set up their awards for an October 1st start date.

The Grants Bureau Chief has participated in the national calls with the Office on Violence Against Women to address concerns related to the COVID-19 crisis.

The 2020 VOCA National Training Conference was held August 31, 2020 through September 4, 2020. The Grants Bureau Chief presented at the conference regarding multiyear funding and working to establish sustainability within funding for programs.

The Grants Bureau Chief will be attending the Annual SASP Administrators meeting September 17, 2020

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

Commission Chair Lee and Commission Members thanked Ms. Garcia for the great job she is doing and her great leadership.

Executive Session

At 10:56 a.m., Commission Vice Chair Myers made a motion to enter into Executive Session. Commission Member Jorgensen seconded the motion.

A poll of the Commission Members was made as follows: Commission Vice Chair Myers, aye, Member Jorgensen, aye, Commission Chair Lee, aye.

At 10:58 a.m., Commission Member Jorgensen made a motion to come out of Executive Session. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Commission Chair Lee stated that pursuant to Section 10-15-1(J) NMSA 1978 the matters discussed in the closed meeting (Executive Session) were limited only to those specified in the motion for closure.

Actions on Items Discussed in Executive Session (Voting Item)

203683- Good Cause

Commission Chair Lee reviewed with the Commission Claim #2036683 for Good Cause. Commission Member Jorgensen made the motion to approve claim #203683, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

The next Commission meeting has been scheduled for Thursday, October 22, 2020 at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. This meeting could change to a virtual meeting depending on direction from the Attorney General.

Adjourned

Commission Meeting September 24, 2020

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 11:02 a.m.

APPROVED:  DATE: 10/22/21
Marron Lee, Commission Chair