

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

Meeting Called to Order

On October 20, 2022, Commission Chair Summa asked for a motion to call the October meeting of the New Mexico Crime Victims Reparation Commission to order at 10:02 a.m. Commission Member Stewart made the motion to begin the Commission meeting and Commission Member Rogers seconded the motion.

Commission Chair Summa announced the names of the Commission members of the public body and acknowledged those who are participating in person and remotely.

The following Commission Members were present:

Allyn Summa, Commission Chair
David Karst, Commission Vice Chair (Via Web Cast)
Sheriff Kim K. Stewart, Commission Member (Via Web Cast)
Cody Rogers, Attorney, Commission Member (Via Web Cast)

The following NMCVRC staff members were present:

Frank Zubia, Director
MaryEllen Garcia, Grants Bureau Chief
Moises Valdez, Compensation Bureau Chief (Via Web Cast)
Cindy Mok, Chief Financial Officer
Debra Yepa, State Investigator
Leslie Valenzuela, State Investigator (Via Web Cast)
Rose Martinez, Compensation Management Analyst (Via Web Cast)

The following attendees were present via webcast:

Delilah Tenorio, Assistant Attorney General's Office
Andrew Burson, Public Comment Appeal
Jessica Schulz, NMSU Faculty

Review Agenda

Commission Members reviewed the agenda and Commission Chair Summa asked for a motion to approve the agenda. Commission Vice Chair Karst made the motion to approve. Commission Member Stewart seconded the motion. The motion to approve the agenda was passed unanimously.

Review and Approval of September 15, 2022, Commission Meeting Minutes

Commission Members reviewed the Commission meeting minutes for September 15, 2022. Commission Vice Chair Karst made a motion to approve the meeting minutes. Commission Member Rogers seconded the motion. The motion to approve the minutes passed unanimously.

Public Comment

Commission Meeting October 20, 2022

Andrew Burson, a CVRC claimant application addressed the Commission. Mr. Burson thanked Mr. Zubia and Ms. Yepa for their assistance during this time. Mr. Burson stated to the Commission that his appeal is request reconsideration to the Commission for the approval of his claim form the current 50%, to approval 100%. Mr. Burson expressed that the murder of his son has been difficult for his family and the financial assistance would be used for counseling for himself and his wife.

Mr. Burson informed the Commission that initial police reports received by CVRC did not accurately represent the case. He reported that there are nineteen police reports, fifty-seven witnesses, and numerous videos showing what occurred the day his son was murdered.

Mr. Zubia informed Mr. Burson that the Commission will review his appeal request during Executive Session and will contact him with the decision.

Mr. Zubia also asked Jessica Schulz, NMSU Faculty member if she had a public comment. Ms. Schulz stated to the Commission that she was an interested in learning what the Commission does and is also learning about campus violence and what is happening in New Mexico. Ms. Schulz stated to the Commission that she is new to the state, and she did not have a public comment.

Agency Financial Report FY22 Agency Audit

Ms. Mok informed the Commission that CVRC is in the middle of the FY22 audit which is being conducted by Baldwin Accounting and Consulting LLC. Ms. Mok informed the Commission that VOCA Assistance and VAWA are the two federal programs selected to be tested for single audit. There is no comment from the auditor at this time. The CVRC audit is due to the State Auditor's Office by November 1, 2022.

Ms. Mok informed the Commission that she will present the draft audit that was submitted to the State Auditor's at the next Commission meeting.

FY2024 Agency Budget Legislative Finance Committee (LFC) Hearing, Wednesday, October 19, 2022, at 9:30 a.m.

Ms. Mok informed the Commission that she, Mr. Zubia, Ms. Garcia, and Mr. Valdez went before the Legislative Finance Committee yesterday to present the FY2024 budget. In addition, CVRC also submitted the supplemental request for FY2023 to the shortfall in the personnel category. CVRC is working with State Personnel Office on the process of filling vacant positions.

Mr. Zubia informed the Commission that CVRC went before the Legislative Finance Sub-Committee in Santa Fe and met with various senators and representatives across the state to present the agency's proposed budget for FY2024, which begins July 1, 2023. Mr. Zubia updated the Commission from the previous meeting that our agency is asking for \$3 million for CVRC. As stated at the last Commission meeting, \$2 million to sexual assault programs, \$460,000 for human trafficking victims and programs, \$332,000 for agency personnel and operation costs, and \$208,000 for crime victim care and support which is for compensation.

Mr. Zubia informed the Commission that it was also addressed at the Legislative Finance Sub-Committee that CVRC has seen a decrease in fines and fees that are collected by the Administrative Office of the Courts (AOC) and New Mexico Department of Corrections (DOC). Mr. Zubia attributed the decrease due to the health pandemic and the courts closing, which resulted in the utilization of our Crime Victim Fund to meet the increased needs of the crime victims in our State.

Mr. Zubia informed the Commission that CVRC was asked to revert the unspent appropriation to the state in FY2020, which the reverted amount was approximately \$98,000, which was not reappropriated to CVRC. Mr.

Commission Meeting October 20, 2022

Zubia informed the Commission that early last year, CVRC was permitted to hire for the agency's vacant positions. CVRC is working with State Personnel to assist in hiring for the vacancies.

Mr. Zubia informed the Commission that CVRC has requested additional appropriation for personnel in FY2024 to put our agency in alignment. There were couple salary adjustments issued to all State's employees in the end of FY 2022 and early FY 2023. The State gave the agency additional appropriation to sustain the agency, however it is not enough when the agency is fully staffed.

Mr. Zubia informed the Commission that Alexandria Taylor, Deputy Director, New Mexico Sexual Assault Coalition, was a special guest at the hearing to answer questions from Sub-Committee. The Sub-Committee tabled this until January. This is a normal procedure, and it will be referred to the Legislature in January. Mr. Zubia stated to the Commission that he is optimistic about the request and will keep the Commission informed.

Commission Member Stewart inquired if CVRC is allowed to move budget from personnel care and support. Mr. Zubia stated that we have not done that for five years and it is a last resort option. Mr. Zubia stated Plan B or Plan C is an option but not likely.

Ms. Mok added to Mr. Zubia's statement and informed the Commission that in the past, if CVRC had any vacancy saving, CVRC would always put it toward care and support for our victims. In FY2020, our agency was not allowed to transfer any available budget to another category due to an Executive Order.

FY23 Victim Payment Budget Position and Crime Victims Fund Status

Ms. Mok updated the Commission regarding the fiscal year FY2023 budget position report regarding victim payments for the period of July 1, 2022, through September 23, 2022. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of September 23, 2022, is \$715,511. Ms. Mok informed the Commission that the rate of payouts that CVRC is experiencing, there is a 20% increase as compared to last year.

Ms. Mok presented the FY 2023 Crime Victim Fund Budget Status report to the Commission. Below are the payments received for the period of July 01, 2022, to October 4, 2022, by type:

Restitution: \$16,336

Corrections: \$71,510

Civil Settlement: \$5,881

Penalty Assessment: \$29,634

Total received: \$123,361

Mr. Zubia informed the Commission that CVRC approves payments to providers and victims weekly. CVRC projects the victim payment by calculating the average of the weekly victim batches. Hence, the projection fluctuates often per week. At the rate we are paying, CVRC will be at a negative balance of \$403,484. Mr. Zubia stated to the Commission that CVRC is seeking additional appropriations to cover these additional costs.

New Business

Proposed Commission Meeting Dates:

Mr. Zubia provided to the Commission proposed dates for next year's Commission meetings. The Commission meeting are usually the fourth Thursday of the month. The Commission Chair Summa and Commission will review the dates and vote at the next meeting.

The following dates are proposed meeting dates for 2023:

January 19, 2023, February 16, 2023, March 16, 2023, April 20, 2023, May 18, 2023, June 15, 2023, August 17, 2023, September 21, 2023, October 19, 2023, November 16, 2023

Commission Meeting October 20, 2022

Business

Grants Status Report (VOCA, VAWA, SASP and State)

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

The FVPSA Task Force continues to meet and met on October 12, 2022, to present the final draft of recommendations to amend the act. These recommendations will be submitted to Senator Antoinette Sedillo Lopez and the bill will be presented to the Legislature with recommendations for revisions, amendments, and trainings statewide.

The Sexual Assault Data Collection group met on September 29, 2022. This group will work to design data collection efforts for sexual violence services in New Mexico.

The Grants Bureau Chief continues to work with the VOCA Center around training and technical assistance for states in administering funds.

The VOCA Victim Assistance FFY23 VOCA Awards began October 1, 2022. All FFY2022 awards submitted their final invoices which are being processed for final payment and those awards are closing.

The VAWA, SASP and State FY2023 awards will be submitting their first quarterly progress reports.

The VOCA Victim Assistance FFY22 4th quarter Performance Measure Reports (PMT) will be submitted by October 15th.

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

Commission Chair Summa and Commission Member Stewart stated to Ms. Garcia and the committee that they are very happy with what the FVPSA Task Force is doing and thanked Ms. Garcia and the task force.

Ms. Tenorio will provide the verbiage to be used before entering Executive Session before the next Commission meeting.

Executive Session

At 10:33 a.m., Commission Chair Summa asked for a motion to enter Executive Session. Commission Vice Chair Karst made a motion and Commission Member Rogers seconded the motion.

A poll of the Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Vice Chair Karst, aye.

At 11:12 a.m., Commission Chair Summa made a motion to come out of Executive Session. Commission Vice Chair Karst seconded the motion. The motion passed unanimously.

Ms. Tenorio 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)

203978

230252

222427

Director Zubia reviewed with the Commission claim #203978 for additional counseling. The will of the Commission regarding claim #203978 for counseling. The roll call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, nay, Commission Member Rogers, aye. The motion to approve for counseling was passed by three of the four Commission members.

Commission Meeting October 20, 2022

Director Zubia reviewed with the Commission claim #230252 for good cause. The will of the Commission regarding claim #230252 for good cause. The roll call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Rogers, aye. The motion to approve was passed unanimously.

Appeal

Director Zubia reviewed with the Commission the appeal presented by Mr. Burson. The will of Commission was to affirm claim #222427 for 50% percent for funeral and approval for 100% for family counseling. The roll call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye. Commission Member Rogers, aye, Commission Member Rogers, aye. The motion to approve claim #222427 for 50% for funeral costs and 100% for family counseling was passed unanimously.

The next Commission meeting has been scheduled for Thursday, November 17, 2022, at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. This could change to a virtual meeting depending on direction from the Attorney General.

Adjourned

Commission Chair Summa asked for a motion to adjourn. Commission Member Stewart made a motion to adjourn, and Commission Member Rogers seconded the motion to adjourn the Commission meeting. The motion to adjourn passed unanimously.

The meeting adjourned at 11:17 a.m.

APPROVED:  DATE: 11/17/2022
Commission Chair Summa