

SOUTH DAKOTA CRIME VICTIMS' COMPENSATION COMMISSION MEETING
Meeting held via Zoom Conference
Tuesday, October 4th, 2022

Meeting Minutes

1:00pm (Central Time)

1:00 P.M: Introduction (via zoom)

- **Rollcall**
- Keith Hansen (KH)
- Brian Mueller (BM)
- Rebecca Kiesow-Knudsen (RKK)
- Lisa Heth (LH)
- Becky Rasmussen (BR)
- Ann Holzhauser (AH)

Also, present:

- Chazzy Smith, SDVS Program Assistant (CS)
- Cora Olson, SDVS Program Director (CO)
- Heather Anderson, SDVS Assistant Program Specialist (HA)
- Kami Thompson, SDVS-CVC Claims Specialist (KT)
- Jon Bierne- DPS Division Director (JB)
- Craig Price- Secretary of DPS (CP)

Keith offers to be hearing officer of this meeting

- **BM** motioned to approve
- **BR:** Seconded
- **Roll Call**
- *Motion to appoint Keith as hearing officer passes*

The meeting was called to order at 1:04 pm Keith Hansen served as the hearing officer. Roll-call attendance was taken, and a quorum is present.

Review of minutes:

The meeting minutes from April 27th, 2022, were reviewed.

- **KH:** motioned for approval
- **BR:** seconded
- **LH:** Agrees
- **Roll Call Vote**
- *Motion to approve minutes passes*

Program Update:

CO provides a program update.

Our program has hired a new Claims Specialist that will be starting on Tuesday October 12th. The new online system continues to show efficient claims processing. On average it used to take around 6 months to approve a claim, we are now seeing an average of 27 days from date of receiving the application to the claim being approved.

Commission questions: None

Public questions: None

1:10pm- Keith requests motion to follow administrative rules for hearing procedures

- **RKK:** Motions to follow hearing procedure rules
- **BR:** Seconds
- **Roll Call Vote**
- *Motion passes*

Questions from the state: None

Commission Questions: None

- **KH:** Motions to go into closed session for the review of claims for purposes under SDCL 1-27-1.5
- **BM:** Seconds
- **RKK:** Agrees
- **Roll Call Vote**
- *Motion passes*

1:11pm-Review of claim 2021-00009 begins

Claimant is let into zoom meeting from the waiting room. New individuals present for hearing of claim #2021-0009 are as follows.

- (LN) – Claimant
 - **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?
Hearing None
 - **KH:** Calls on investigator to give summary and program decision as well as take oath.
 - **CO:** Will be presenting on behalf of a previous claim's specialist.
 - **KH:** *Gives Oath*
 - **CO:** *Takes Oath*

Investigator reads summary and decision on claim: Cora Olson

General overview of the claim and decision made by claim's specialist, approved by CVC for transportation and Security devices. Please note, Claim Specialist recognizes stolen property as a financial loss; however, these items are not compensable under the CVC program. Payment has been made for the maximum amount allowable for security devices in the amount \$500. Payment has also been made for transportation in the amount of \$88.20. Total requested for security devices is \$10,000.

Commission Questions: None

Victims/Claimant Questions: None

- **KH:** Any further witnesses for the State?
Hearing none, statement is submitted into evidence.

Victim/Claimant Statements:

KH: Gives oath

LN: Takes oath

LN: Gives statement

Commission Questions: Yes

BM: Was the \$500 security device cap discussed with you early on in the process.

LN: Yes, it was.

Questions from the state: Yes

KT: We had talked about the amount awarded and why you went with the more expensive equipment compared to lesser options, can you explain that further.

LN: Explained to the commission why the security system was higher and that other options were tried first. LN first purchased a Ring system; however, the offender stole the devices after they were placed. LN then purchased security system/devices that could not be easily stolen again for the protection of her and her children.

No further questions at this time

1:28pm: Hearing none, evidence was admitted.

No further evidence or witnesses at this time.

LN: Gives closing statement and thanks.

LN Leaves zoom meeting.

1:29pm: Review of claim #2021-00009 complete

➤ ***Executive Discussion to follow***

1:30pm: Commission Review of Claim #2021-00009

Commission Decision:

- **LH:** Motions to approve an additional \$4,000 towards the cost of security devices.
- **BR:** Seconds
- **Roll Call**
- **BM:** Does not agree.

Majority vote agrees, motion passes.

➤ ***1:49pm: End of Executive Discussion***

1:50pm: Review of claim #2022-00194 begins

Claimant is let into zoom meeting. New individuals present for hearing of claim #2022-00194 are as follows;

- *(MG) – Claimant*
 - **KH:** Are there any pre case motions needed for commission members to excuse themselves due to conflict of interest?
None
 - **KH:** Calls on investigator to give summary and program decision as well as take oath.
 - **KT:** Is the claims specialist assigned to this claim and will be reading the summary and decision.
 - **KH:** *Gives Oath*
 - **KT:** *Takes Oath*

1:53pm- Investigator reads summary and decision on claim: Kami Thompson

General overview of the claim and decision made by claim's specialist. Claim was approved for medical, and funeral/burial. Claim was paid out at maximum allowable for funeral/burial at \$8,000. Remaining amount for funeral expenses is \$173.88. Also requesting \$5,914.14 for headstone expenses.

BM: Hearing investigators summary, discloses a conflict of interest and removes himself from voting.

Commission Questions: None

Victims/Claimant Questions: None

No further questions

1:55pm: Hearing none, evidence was admitted.

Victim/Claimant Statements:

KH: Gives oath

MG: Takes oath

MG: Gives statement

Commission Questions: None

Questions from the state: None

No further questions

1:58pm: Hearing none, evidence was admitted.

No further evidence or witnesses at this time.

No further statements from victim/claimant at this time.

MG Leaves zoom meeting

1:59pm: Review of claim #2022-00194 complete

➤ ***Executive Discussion to follow***

2:00pm: Commission Review of Claim #2022-00194

Commission Decision:

- **BM:** Motions to hear all claims and have open discussion on how to proceed with the funeral and burial costs at the end.
- **BR:** Seconds
- **Roll Call Vote**
- *Motion passes*

➤ ***2:32pm: End of Executive Discussion***

2:32pm: Review of claim #2022-00135 begins

- **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

None

- **KH:** Calls on investigator to give summary and program decision as well as take oath.
- **CO:** Will be presenting on behalf of a previous claim's specialist.
- **KH:** *Gives Oath*
- **CO:** *Takes Oath*

Investigator reads summary and decision on claim: Cora Olson

General overview of the claim and decision made by claim's specialist, approved for funeral and burial expenses. Claim was paid out at the maximum allowable for funeral/burial in the amount of \$8,000. The total for funeral/burial and headstone is \$13,941.05, leaving the remaining balance of \$5,491.05.

CO: Reads the request for reconsideration form sent in by claimant.

Commission Questions: None

Victims/Claimant Questions: None

No further questions or evidence at this time.

2:37pm: Hearing none, evidence was admitted.

2:38pm: Review of claim #2022-00135 complete

2:39pm: Review of claim #2022-00181 begins

- **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

None

- **KH:** Calls on investigator to give summary and program decision as well as take oath.
- **KT:** Is the claims specialist assigned to this claim and will be reading the summary and decision.
- **KH:** *Gives Oath*
- **KT:** *Takes Oath*

Investigator reads summary and decision on claim: Kami Thompson

General overview of the claim and decision made by claim's specialist, claim approved for funeral and burial expenses. Funeral/Burial was paid out in the amount of \$7,985. Claimant is asking for an additional \$4,460 for headstone expenses.

KT: Reads request for reconsideration sent in by claimant.

Commission Questions: None

Victims/Claimant Questions: None

No further questions

2:40pm: Hearing none, evidence was admitted.

2:41pm: Review of claim #2022-00181 complete

2:42pm: Review of claim #2022-00217 begins

- **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

None

- **KH:** Calls on investigator to give summary and program decision as well as take oath.
- **KT:** Is the claims specialist assigned to this claim and will be reading the summary and decision.
- **KH:** *Gives Oath*
- **KT:** *Takes Oath*

Investigator reads summary and decision on claim: Kami Thompson

General overview of the claim and decision made by claim's specialist, claim approved for funeral and burial expenses. Funeral/Burial was paid out in the amount of \$7,084.61. Claimant is asking for an additional \$7,355 for headstone expenses. There is still \$915.39 available to be used towards funeral/burial before the maximum is met of \$8,000. The actual amount being requested after that adjustment would be \$6,439.61.

KT: Reads request for reconsideration sent in by claimant.

Commission Questions: None

Victims/Claimant Questions: None

No further questions

2:45pm: Hearing none, evidence was admitted.

2:45pm: Review of claim #2022-00217 complete

2:46pm: Review of claim #2022-00231 begins

- **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

None

- **KH:** Calls on investigator to give summary and program decision as well as take oath.
- **KT:** Is the claims specialist assigned to this claim and will be reading the summary and decision.
- **KH:** *Gives Oath*
- **KT:** *Takes Oath*

Investigator reads summary and decision on claim: Kami Thompson

General overview of the claim and decision made by claim's specialist, claim approved for funeral and burial expenses. Funeral/Burial was paid out at the maximum allowable in the amount of \$8,000. Total cost of the funeral expenses were \$15,913.39. This leaves the remaining amount of \$7,913.39 that is being requested.

KT: Reads request for reconsideration sent in by claimant as well as an email sent in that the victim requested KT read on her behalf.

Commission Questions: None

Victims/Claimant Questions: None

No further questions

2:50pm: Hearing none, evidence was admitted.

2:50pm: Review of claim #2022-00231 complete

➤ **2:52pm: Open Discussion closed- Executive discussion to follow**

2:53pm: Commission Review of Claims

- 2022-00194
- 2022-00135
- 2022-00181
- 2022-00217
- 2022-00231

BM: Motions that the program pays the \$8,000 funeral/burial maximum and deny anything above that. Also requests that the department draft some type of letter to legislation in regard to inflation of prices and the reconsideration of expense caps.

2nd to the motion was not received - motion does not pass.

3:07pm- Discussion continues

- **RKK:** Motions that the program look into the expense caps and inflation of prices as well as complete a review of the amended totals to take to legislation or look at getting ride of the caps on certain or all categories.
- **BR:** Seconds
- **Roll Call Vote**
- *Motion Passes*

LH: Motions that the program pay half of each expense being requested over the \$8,000 cap for funeral/burial.

AH: Questions if LH means an exact amount for each claim or a certain percentage of the amounts for all.

2nd to the motion was not received - motion does not pass.

3:20pm- Discussion continues

- **LH:** Motions to amend her previous motion from paying half of the excess amount requested, to instead awarding \$3,040 relative to an estimated inflationary increase since the cap was set in statute to each victim over the \$8,000 funeral/burial cap.
- **BR:** Seconds
- **Roll Call Vote**
 - **BM:** Does not agree
 - **RKK:** Does not agree
 - **KH:** Agrees
 - *Majority vote agrees, motion passes*

➤ **3:24pm: End of Executive Discussion**

3:25pm: Scheduling next Commission meeting

- **CO:** Recommends that we try for the first or second week of January 2023. Will send out a poll closer to time to figure out a date and time that will work for everyone.

3:38PM: Meeting Adjourned:

KH: Motion to adjourn

BR: Seconded.

Roll Call

Motion passes, meeting is adjourned

Note: Upon the attempt to post the meeting minutes to the Boards and Commissions website, it was discovered that the meeting which had originally been posted, was no longer on the page. The meeting notice was publicly posted at the physical location being the DPS Sutherland Building, 118 West Capitol Avenue, Pierre at the public entrances.