



**THE STAFF OF THE  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF MISSISSIPPI 2007**

## A MESSAGE FROM ATTORNEY GENERAL JIM HOOD



Dear Fellow Mississippians:

It is with a great sense of accomplishment that I present to you our annual report for FY2007. This report encompasses the crux of the work we have accomplished during my fourth year in office.

Our investigative labors and increased manpower have yielded a record number of Home Repair Fraud arrests over the past year. I hope you will especially take time to review all of the good things coming from our Consumer Protection Division. It is the heart of what we do every day, working to serve you, the citizens of our state.

This fiscal year, we opened the doors to the Mississippi Cyber Crime Fusion Center, the first facility of its kind nationwide. The center houses federal, state and local law enforcement agencies dedicated to fighting internet crime. We must be diligent and progressive in our efforts to reduce this escalating area of criminal activity. It is at the forefront of my agenda during the next four years.

New to the Attorney General's Office is the Domestic Violence Division, a resource for law enforcement, prosecutors, judges and all other individuals or entities providing services to domestic violence victims within the State of Mississippi. This division brings a cohesiveness to the state's efforts in fighting domestic violence, for which Mississippi ranks 2nd in the nation.

I am proud to report to you that during the fiscal year, we retrieved almost \$27 Million of embezzled and misused funds owed to the state. It is our duty to look out for the best interests of Mississippi and one way we do that is through the recovery of funds that have been wrongfully taken.

Serving you is a job my staff and I take great pride in and one for which we are accountable to you. Let this report serve as our record of accountability and judge for yourself how we are doing. I am proud of the work being done by this office and I look forward to each and every day that I am able to serve you. It is a pleasure!

SINCERELY YOURS,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive, flowing style.

JIM HOOD  
ATTORNEY GENERAL

# TABLE OF CONTENTS

Mississippi Attorney General's Office Staff FY 2007	1	Department of Education	62
A Message From Attorney General Jim Hood	2	Department of Finance and Administration	63
Table of Contents	3	Mississippi Forestry Commission	64
Mississippi Attorney General's Executive Summary	4	Mississippi Gaming Commission	65
Executive Branch of the Mississippi Attorney General's Office	8	Mississippi Gaming Commission Hearing Examiner	66
Civil Litigation Division	10	Mississippi Department of Health	66
Audit Section	13	Human Services Division	69
Consumer Protection Division	15	Department of Insurance	71
Crime Prevention and Victim's Services Division	23	Department of Marine Resources	73
Criminal Litigation Division	39	Division of Medicaid	74
Domestic Violence Division	42	Department of Mental Health	74
Medicaid Fraud Control Unit	44	Professional Licensure and Regulatory Section	75
Opinion and Local Government Division	47	Public Employees Retirement System (PERS)	76
Prosecutor's Training Division	49	Department of Rehabilitation Services	76
Public Integrity Division	51	Secretary of State Public Lands Division	77
Cyber Crime Unit	56	Mississippi Department of Transportation	77
State Agencies	59	Universities Division	80
Agriculture Division	60	State Veterans Affairs Board	81
Department of Corrections	61	Department of Wildlife, Fisheries, and Parks	82
Mississippi Development Authority	61	Support Services Division	84

# MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

## **CIVIL LITIGATION DIVISION**

Special Assistant Attorney General Harold Pizzetta III is charged with the duty of overseeing the Civil Litigation Division in the Mississippi Attorney General's Office.

- Won 95% of civil litigation cases in federal and state courts.
- Won 98% of prisoner complaints filed in federal courts.
- Recovered over \$742,800 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties.

## **CONSUMER PROTECTION DIVISION**

Special Assistant Attorney General Grant Hedgepeth serves the State of Mississippi as the Director for the Consumer Protection Division. In addition to the Jackson office, Hedgepeth is also over the Consumer Coast office. In all Hedgepeth is ably assisted by 21 investigators, attorneys, and support staff. Below are their accomplishments for Fiscal Year 2007.

- Received 63,508 phone calls from consumers.
- 100% conviction rate of criminal cases
- Processed 2,743 Consumer Protection cases including:
  - 96 New Identity Theft investigations.
    - Obtained three Identity Theft convictions
  - Three Price Gouging Convictions
  - Opened 693 Home Repair Fraud investigations
    - 19 Home Repair Fraud arrests
  - Litigated 5 consumer cases.
- Recovered and/or disbursed \$767,026.81 in restitution.
- Recovered \$669,452.59 in costs/fees.
- Achieved a positive result in 88.5 consumer mediation cases.
- The Consumer Protection Division presented speeches on consumer issues across the State in an effort to create a public that is better informed and able to avoid problems before they occur. Presentations which were conducted with other state entities included speaking at the Secretary of State's "Scam Jam," The Secretary of State's "Jumpstart" program at high schools throughout the state, as well as numerous speaking engagements with community groups.

## **CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE**

The Youth Services Unit of the Crime Prevention and Victim's Services Division of the Mississippi Attorney General's Office strives to help the youth of Mississippi through various programs in the state such as The Boys and Girls Clubs of Mississippi, Big Brothers Big Sisters of Mississippi, Communities in Schools of Greenwood and Leflore, The YMCA Adolescent Offender Programs, The YMCA Prevention and Intervention Program, and The Families First Resource Centers.

### INDICATORS OF SUCCESS INCLUDE THE FOLLOWING:

- Grade Point Average for youths involved is 2.31 (2.37 in 05-06 sub-grant period).
- Average daily school attendance for youths participating is 91%.
- There were more than 4,500 additional youth served in this contractual period as compared to the total for last year.
- There were 11,691 youths participating in the programs that were promoted academically to the next grade level; this represents 98% of the total reported.
- There was a 40% decrease in the high school dropout rate between 2000 and 2004 for the entire state, according to the KIDS COUNT Mississippi Fact Sheet.

### VICTIM COMPENSATION

Through the victim compensation application process, financial assistance is available to help reduce the financial burden of crime by reimbursing innocent victims/family members for crime related expenses not covered by any other source of benefit. Compensation may be awarded to the victim, the dependents of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent. Benefits are awarded for medical care, rehabilitation, counseling services, work loss, loss of support for dependents of homicide victims, travel and funeral expenses. From July 1, 2006 through June 30, 2007, the Division received 950 claim applications and awarded \$1,566,668 in financial assistance.

# MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

## CRIMINAL LITIGATION DIVISION

### SIGNIFIGANT CASES IN FISCAL YEAR 2007

**Smith v. State, 956 So.2d 997 (Miss.2007):** The Mississippi Court of Appeals affirmed the aggravated DUI conviction and sentence of a defendant who, while drunk, seriously injured a mother and her four-year son when his car collided head-on with theirs.

**Jackson v. State, 2004-KA-01460-COA (Miss.App.2007):** The Mississippi Court of Appeals affirmed conviction and sentence of an attorney for the crime of sale of marijuana within a correctional facility.

**King v. State, 2005-DP-0419-SCT (Miss.2007):** The Mississippi Supreme Court affirmed the defendant's new death sentence after remand for resentencing in this capital murder case.

**Bacon v. State, 950 So.2d 250 (Miss.App.2007):** The Mississippi Court of Appeals affirmed the conviction and sentence of a defendant who had been convicted of the crime of fleeing from a law enforcement officer in a motor vehicle.

**Melton v. State, 950 So.2D 1067 (Miss.App.2007):** The Mississippi Court of Appeals affirmed multiple convictions and sentences of defendant for crimes relating to the possession and manufacture of methamphetamine.

**Larson v. State, 957 So.2d 1005 (Miss.App.2007):** The Mississippi Court of Appeals affirmed the conviction of and sentence of a grandfather for the sexual battery of his granddaughter.

**Fugate v. State, 951 So.2d 604 (Miss.App.2007):** The Mississippi Court of Appeals affirmed the aggravated domestic violence conviction and sentence of a defendant who had beaten his girlfriend, causing multiple facial fractures.

**Gilmer v. State, 2004-KA-2236-COA (Miss.2007):** The Mississippi Supreme Court affirmed the multiple convictions and sentences of a Madison County constable for the crime of "video voyeurism," resulting from the constable's surreptitious taping and photographing of a young woman through the glass door of her apartment.

## DOMESTIC VIOLENCE DIVISION

The Domestic Violence Division was created during FY 2007 and is currently funded by Grant #WE-AX-0054 in the amount of \$1.5 million awarded by the Office on Violence Against Women, U.S. Department of Justice. The Domestic Violence Division works in conjunction with other public entities and non-profit organizations for the promotion of domestic violence prevention. By serving as a resource to all those who come into contact with domestic violence victims, the Division brings the full weight of the State of Mississippi to combat the crime of domestic violence, and to achieve the joint goals of holding offenders accountable and ensuring that our victims remain safe from further violence.

### FY 07 ACCOMPLISHMENTS

- Sponsored or participated in 31 different training events that reached approximately 2000 individuals.
- Approximately 725 law enforcement officers received in-depth instruction related to proper responses to domestic violence incidents and the enforcement of domestic violence protective orders.
- 535 court personnel, including both judges and court clerks, received information related to the issuance and enforcement of domestic violence protective orders
- 125 private attorneys received information related to assisting clients obtain domestic violence protective orders.
- Collaborated with the Prosecutors Training Division of the Attorney General's Office, which enabled the Division to present topics related to domestic violence at both the Fall and Spring Prosecutors' Conferences, reaching approximately 250 prosecutors.

# MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

## **MEDICAID FRAUD CONTROL UNIT**

MFCU negotiated settlements with numerous providers whose misconduct (e.g., erroneous billing, etc.) had not risen to the level of criminal fraud, but which justified payment of restitution, civil penalties and/or investigative costs. In terms of participation in Global (multi-state) litigation, Mississippi's efforts netted \$1,573,858.97 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.

## **PUBLIC INTEGRITY DIVISION SIGNIFIGANT CASES**

### **RULEVILLE POLICE CHIEF PLEAS GUILTY TO EXTORTION**

*Ruleville Police Chief Ronald Robinson pled guilty in Sunflower Circuit Court to two counts of extortion while acting in his official capacity. Robinson was sentenced to two and a half years and ordered to pay a fine of \$2000. Robinson was also ordered to pay \$1000 to the Crime Victims Compensation Fund.*

### **ASSISTANT POLICE CHIEF OF RULEVILLE PLEAS GUILTY TO EXTORTION**

*Larry Mitchell, Assistant Chief of Police of Ruleville - contact jean to find out what he pled to and amount of fines.*

### **WEST POINT POLICE OFFICER PLEAS TO FILING FALSE INFORMATION**

*Ledrekko Williams, West Point Police Officer pled guilty to one count of False Information, § 97-9-79. Williams was sentenced to ten days, suspended, six months probation and fined \$500.00 plus court cost. Williams also resigned from the West Point Police Department.*

## **ALCORN STATE UNIVERSITY EMPLOYEE PLEAS GUILTY TO EMBEZZLEMENT**

*Mary Walls, employee of Alcorn State University pled guilty to one count of embezzlement. Walls was sentenced to two years supervised probation, restitution and fined \$3000 plus court cost.*

## **ADAMS COUNTY CIRCUIT CLERK PLEAS TO 3 COUNTS OF EMBEZZLEMENT**

*M.L. "Binky" Vines, the Circuit Clerk of Adams County, pled guilty in an open plea before the judge in Adams County Circuit Court to three counts of embezzlement involving \$228,760.50 in county funds. These funds had been repaid to the county before the guilty plea was entered. The judge invoked the provisions of Mississippi Code) § 99-15-26, the so-called non-adjudication law. The Judge withheld acceptance of the guilty plea, adjudication of guilt and imposition of sentence. As part of the case disposition, the Judge ordered Vines to fulfill several court-imposed conditions, including the payment of a portion of investigative cost and the payment of \$40,132.05 for interest and non-sufficient fund fees charged to Adams County.*

## **JACKSON MAYOR PLEAS GUILTY TO 3 COUNTS OF MISDEMEANOR FIREARMS VIOLATIONS**

*Jackson Mayor Frank Melton pled guilty in Hinds County Circuit Court to three counts of misdemeanor firearms violations. Melton was sentenced to six months, suspended and fined \$500 on each of the three counts.*

---

**TOTAL FUNDS RECOVERED**

**\$26,976,345**

# Mississippi Attorney General's Office



Executive Branch

Civil Litigation

Consumer Protection Division

Crime Prevention and Victim Services

Criminal Litigation

Domestic Violence Division

Medicaid Fraud Division

Opinions and Local Government

Prosecutors' Training

Public Integrity Division

State Agencies

Support Services Division

# EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Executive Branch of the Office of the Attorney General is comprised of Attorney General Jim Hood and his Executive Assistant Donna Matthes, Deputy Attorneys General Mike Lanford and Onetta Whitley, Chief of Staff Geoffrey Morgan and his assistant Cindy Burnham, Special Assistant Attorney General Mary Jo Woods, Public Information Officer Jan Schaefer and her assistant Kristen Powe and Receptionists Donna Thomas and Marilyn Robinson.

## ATTORNEY GENERAL

Attorney General Jim Hood was elected to serve the state as Attorney General by 62% of Mississippians casting votes on election day in 2003. He has served since being sworn into office in January 2004. The Attorney General is the chief legal officer and advisor for the state in both civil and criminal matters. General Hood is a progressive leader who believes prevention is the best way to tackle crime. During FY2007, Attorney General Hood is proud to have opened the Mississippi Cyber Crime Fusion Center, recognized as the first of its kind in the nation. The Cyber Crime Center brings together federal, local and state law enforcement agencies to tackle Internet crime. Under General Hood's leadership this fiscal year, the Office of the Attorney General established the Domestic Violence Division as a resource for law enforcement, prosecutors, judges and all other individuals or entities having legal duties related to domestic violence victims. Hurricane Katrina opened the door for Mississippi residents to fall prey to crooked contractors. During the past year, the Attorney General's Office has opened 693 Home Repair Fraud investigations.

Attorney General Hood is assisted by Donna Matthes, Executive Assistant to the Attorney General. She brings to the office the expertise gained from a background of 23 years in public service, having previously worked for General Hood when he was a Special Assistant Attorney General. She manages the General's schedule, appointments and speaking engagements. She works closely with the staff at the National Association of Attorneys General to coordinate General Hood's involvement with issues of national importance to prosecutors.

## DEPUTY ATTORNEYS GENERAL

Onetta Whitley and Mike Lanford serve as the two Deputy Attorneys General. As Deputies, they are authorized to perform the duties and execute the powers of the Attorney General on his behalf, and to serve in his place on boards and commissions.

The administration of the Attorney General's office is divided between the two Deputies. Onetta Whitley has responsibilities for the following divisions: Public Integrity, Medicaid Fraud Control Unit, Consumer Protection and various state agencies' representation. Mike Lanford has responsibilities for the following divisions: Opinions, Civil Litigation, Criminal Appeals and various state agencies' representation, including Departments of Transportation, Gaming, and Finance and Administration.

---

## CHIEF OF STAFF

The Chief of Staff, Geoffrey Morgan, handles office personnel issues and provides counsel to the Attorney General on a wide range of legal issues. The office also assists citizens with complaints and questions and handles outside counsel contracts through the SPAHRS system. Assisting the Chief of Staff in his daily duties is Cindy Burnham, who has over 28 years of service to the State of Mississippi.

# EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## EXECUTIVE COUNSEL

Special Assistant Mary Jo Woods serves as Executive Counsel, advising the Attorney General and his Executive Officers on a variety of legal issues. Mary Jo has 11 years in State service.

---

## PUBLIC INFORMATION OFFICE

The Mississippi Attorney General's Office recognizes the important role played by the press in our efforts to serve the people of our great state and supports an open relationship with members of the press. The Public Information Officer is Jan Schaefer, who has a Master's Degree in Communication and over 15 years experience in public relations, as well as print and broadcast journalism. She is assisted by Kristen Powe, a Mississippi College student majoring in Public Relations. The Public Information Office is responsible for writing and distributing news releases and agency publications, handling public inquiries and planning public events.

---

## SUPPORT STAFF

Receptionists Donna Thomas and Marilyn Robinson are an invaluable asset to the Attorney General and his staff. They are often the first contact callers have with this office and they cheerfully perform their duties each day. They answer numerous phone calls and direct the callers to the best person in the office who can address their questions. These ladies also greet the many visitors the office receives each day.



# CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## 2007 CIVIL LITIGATION DIVISION ACCOMPLISHMENTS

- Won 95% of civil litigation cases in federal and state courts.
- Won 98% of prisoner complaints filed in federal courts.
- Recovered over \$742,800 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties.

Significant or particularly successful litigation cases handled by the Civil Litigation Division or that are pending include the following:

### PROTECTING IMPORTANT STATEWIDE INTERESTS

**Jim Hood v. Miss. Farm Bureau Ins., et al. (Hinds County Chancery Court)** September 15, 2005, in the aftermath of Hurricane Katrina, the Attorney General initiated litigation against insurance companies conducting business in Mississippi seeking to enforce policy language that would require the companies to pay claims for hurricane damages caused by Katrina's unprecedented destruction. The Attorney General filed the lawsuit as a matter of statewide interest in order to protect the general public and reach a prompt resolution of the legal issues common to all affected Mississippi property owners. The day after the Attorney General filed his Complaint, the insurance company defendants removed the case to the United States District Court for the Southern District of Mississippi on the false premise of federal question jurisdiction. The Attorney General promptly filed a motion to remand the case to state court, which was finally granted on March 7, 2006. On March 21, 2006, the insurance companies filed motions asking the district court to reconsider its remand order. In December 2006, the federal district court agreed with the Attorney General and issued a final order remanding the cause to state court. Following remand, two of the insurance companies asked the court to transfer venue to Rankin County. In June 2007, the chancery court transferred the claims against Nationwide and Allstate to Rankin County, but retained the claims against Farm Bureau and USAA. The Attorney General's Office is pursuing the cases separately.

In a related matter, the Attorney General filed a complaint against State Farm after the company breached its settlement agreement with the State to reevaluate claims based on criteria approved by the U.S. District Court for the Southern District of Mississippi. This suit, which was filed in the First Judicial District of Hinds County Circuit Court on July 11, 2007, is in the early stages of litigation.

### RECOVERING FUNDS DUE TO THE STATE

**Mississippi Surplus Lines Association v. J.K. Stringer, Jr. (U.S. Dist. Ct., S.D. Miss.)** Pursuant to statutory authority, the Mississippi Commissioner of Insurance has enlisted the assistance of the Mississippi Surplus Lines Association (MSLA) in regulating certain insurance agents. By statute, the Commissioner authorized MSLA to collect a fee from agents in order to fund MSLA's operating expenses. By 2004, MSLA had accumulated a significant excess of statutory fees and legislation was passed requiring MSLA to transfer \$2 million of its excess statutory fees to the Budget Contingency Fund. MSLA filed suit in federal court asserting that the statutory fees were private property that could not be taken by the State. After extensive briefing by both parties, the federal district court ruled for the State and adopted the Civil Litigation Division's argument that the \$2 million in statutory fees are the property of the State. MSLA has appealed the decision to the Fifth Circuit Court of Appeals.

# Hood to sue State Farm

# CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## DEFENDING STATE AGENCIES AND STATE STATUTES

### **Denning, et al. v. Barbour, et al. (U.S. Dist. Ct., S.D. Miss.)**

In response to the significant increases in the cost of prescription drugs provided by the Division of Medicaid, effective July 1, 2005, the Legislature enacted a number of cost-saving measures including reducing the number of prescriptions covered by Medicaid to five per month for adult, non-institutionalized beneficiaries. A class of Medicaid beneficiaries filed suit in federal court seeking to prohibit the Division from enforcing the drug limitation. Plaintiffs alleged that the statutory changes violated the federal 1990 Medicaid Drug Rebate Act. The Civil Litigation Division has represented the Division of Medicaid and defended the statutory changes through extensive briefing and several court hearings. To date, our Office has persuaded the federal court not to order the drug limitation lifted, thereby saving the State millions of dollars per month. The court has not issued a final ruling.

### **United States v. State of Mississippi (U.S. Dist. Ct., S.D. Miss.); Morgan v. Sproat (U.S. Dist. Ct., S.D. Miss.); K.L.W. v. James (U.S. Dist. Ct., S.D. Miss.); J. A. v. Barbour (U.S.**

**Dist. Ct., S.D. Miss.)** The Civil Litigation Division is representing the Department of Human Services in multiple suits filed by the United States Department of Justice and private plaintiffs relating to the operation of the Columbia and Oakley juvenile training schools. The suits relate to the conditions of confinement and allege, in part, that the constitutional rights of juveniles were being violated because of staff abuse, inadequate medical and health care, and the failure to provide required educational services. Under the direction of the Governor and in consultation with the Legislature, the State has entered into a comprehensive settlement with the United States Department of Justice requiring the Department to improve the conditions of the juvenile training schools. The Division continues to represent the Department during the implementation phases of the agreements.

### **Olivia Y. , et al. v. Barbour, et al. (U.S. Dist. Ct., S.D. Miss.)**

The New York based Children's Rights, Inc. has filed suit alleging that the foster care system administered by the Department of Human Services violates federal law and the constitutional rights of children by failing to provide adequate protective services and other related foster care benefits. The Civil Litigation Division moved to dismiss the complaint and argued that the allegations raised by Children's Rights were not proper legal issues under federal law. The federal court agreed in large part and dismissed seven out of the eight claims. The dismissal significantly reduced the size of the plaintiff class from 15,000 to 20,000 children to the approximately 3,000 children in foster care. Because of the number of documents involved in this very large class action, the Civil Litigation Division has enlisted the assistance of outside counsel. In April 2007, the parties reached a partial settlement and negotiations on a final resolution are continuing. A trial is scheduled for December 2007 in the event a final resolution is not reached.

**Presley, et al. v. Epps, et al. (U.S. Dist. Ct., N.D. Miss.)** The Civil Litigation Division represents the Mississippi Department of Corrections in this class action lawsuit involving Unit 32 at the State Penitentiary at Parchman, Mississippi. The plaintiffs, represented by the American Civil Liberties Union, asserted claims similar to those brought against the MDOC in Russell, et al. v. Miss. Dept. of Corrections (U.S. Dist. Ct., N.D. Miss.). In Russell, the Court granted relief to approximately seventy (70) death row inmates regarding housing and medical claims. In Presley, the remaining nine hundred inmates housed in Unit 32 filed almost identical claims as those in Russell. An Agreed Judgment was entered in May, 2006; however, the plaintiffs have filed a Motion for Contempt and the parties are still engaged in negotiations.

# CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## **National Solid Waste Management Association, et al. v. Pine Belt Regional Solid Waste Management Authority, et al. (U.S. Dist. Ct., S.D. Miss.)**

The Civil Litigation Division intervened in this case to defend statutes in the Mississippi Solid Waste Law which permit certain governmental entities to implement waste flow control measures. Although the federal district court did not strike down the statute, its ruling significantly undermined its application. Accordingly, the decision was appealed to the Fifth Circuit by both Pine Belt and the Civil Litigation Division on behalf of the State. The Fifth Circuit issued its opinion reversing the district court's decision and rendering judgment in favor of Pine Belt and the State. The plaintiffs, who were private waste collection companies, petitioned the United States Supreme Court to take the case on appeal. The Civil Litigation Division opposed the petition. The Supreme Court has declined to hear the appeal, leaving the Fifth Circuit's favorable opinion in tact.

In addition to the above, the Civil Litigation Division is monitoring or participating in dozens of other state or federal cases in which the constitutionality of a state statute is being challenged. Also, the Division is actively involved in many other cases challenging the constitutionality of actions by various state agencies, including the Medical Licensure Board, the Board of Bar Admissions, the Department of Public Safety, and the Department of Health.



## ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS

In the weeks preceding the November 2006 election, eight suits were filed in which plaintiffs asked a court to issue immediate orders enjoining all or part of the election. Plaintiffs asserted arguments including alleged violations of the federal Voting Rights Act and the State and federal constitutions. In each case, the Civil Litigation Division successfully defended the action, and the election proceeded as planned. Jim Arnold v. State Election Commission (Hinds County Chancery Court); Shawn O'Hara, et al. v. Secretary of State (U.S. Dist. Ct., S.D. Miss.); Henry Boyd Jr., et al. v. Haley Barbour, et al. (U.S. Dist. Ct., S.D. Miss.); Floydist James Martin v. Haley Barbour, et al. (Consolidated with) Henry Kirksey et al. v. Haley Barbour, et al. (U.S. Dist. Ct., S.D. Miss.); George Dunbar Prewitt, Jr. v. State Board of Election Commissioners (Washington County Circuit Court); George Dunbar Prewitt, Jr. v. Eric Clark, Secretary of State, et al. (Washington County Circuit Court); George Dunbar Prewitt, Jr. v. State Board of Election Commissioners (U.S. Dist. Ct., S.D. Miss.); Leola Strickland, et al. v. Eric Clark, et al. (Hinds County Chancery Court). At the conclusion of the election, the Division obtained a writ of mandamus requiring the Noxubee County Board of Election Commissioners to canvass its election returns and report the results after the Board refused to certify the county's election. Jim Hood, et al. v. Slyvester Tate, et al. (Lauderdale County Circuit Court).

## EMPLOYMENT RELATED LITIGATION AND DEFENSE OF STATE OFFICIALS

The Civil Litigation Division devotes a significant amount of time and resources each year to defending state agencies and officials against discrimination actions, excessive force suits, and other litigation in which plaintiffs seek monetary damages.

CIVIL LITIGATION DIVISION  
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

AUDIT SECTION

In fiscal year 2007, the Office of the State Auditor has secured or assisted in securing indictments, arrests or guilty pleas for 39 public officials and/or public employees, along with Housing Applicant Fraud, and has recovered \$742,829.52 with the help of the Civil Litigation Division of the Attorney General's Office. Among the cases which the Audit Section of the Civil Litigation Division assisted are the following:

Recovered \$35,961.72 from Sammie Good, Circuit Court Clerk for Claiborne County, Mississippi. This amount includes principal, interest and investigative costs.

Recovered \$139,858.66 from Edwin Shelby, former Mississippi Department of Environmental Quality employee. This amount includes principal, interest and investigative costs.

Recovered \$116,632.76 on past and current members of the Jefferson County Hospital Board of Trustees. This amount includes principal, interest and investigative costs.

Recovered \$10,761.67 from Martha Thornton, Tax Assessor/Collector in Lafayette County, Mississippi.

Recovered \$17,031.20 from Angel Reed, former employee of Mississippi State University. This amount includes principal, interest and investigative costs.

Recovered \$17,347.69 on Dan C. McNeil, Jr., former Sheriff of Pearl River County, Mississippi. This amount includes principal, interest and investigative costs.

Recovered \$16,199.25 on Carrie Kirkland, former Deputy City Clerk for the City of Ruleville, Mississippi. This amount includes principal, interest and investigative costs.

Recovered \$23,338.25 from the members of the Board of Supervisors for Tishomingo County, Mississippi.

Recovered \$27,559 from Noreene Girard, Chancery Court Clerk for Yazoo County, Mississippi.

*These funds resulted from embezzlements, salary overpayments, unauthorized work, misuse of funds and fee cap violations.*



# CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## ACCOMPLISHMENTS FISCAL YEAR 2007

- Received 63,508 phone calls from consumers.
- 100% conviction rate of criminal cases
- Processed 2,743 Consumer Protection cases including:
  - 96 New Identity Theft investigations.
    - Obtained three Identity Theft convictions
  - 3 Price Gouging Convictions
  - Opened 693 Home Repair Fraud investigations
    - 19 Home Repair Fraud arrests
  - Litigated five consumer cases.
- Recovered and/or disbursed \$767,026.81 in restitution.
- Recovered \$669,452.59 in costs/fees.
- Achieved a positive result in 88.5 consumer mediation cases.
- The Consumer Protection Division presented speeches on consumer issues across the State in an effort to create a public that is better informed and able to avoid problems before they occur. Presentations which were conducted with other state entities included speaking at the Secretary of State's "Scam Jam," The Secretary of State's "Jumpstart" program at high schools throughout the state as well as numerous speaking engagements with community groups.

**Canton woman  
pleads guilty  
to accepting  
relief funds**

## Gas companies must pay

### SIGNIFICANT LITIGATION AND INVESTIGATIONS:

### ANTITRUST CASES AND INVESTIGATIONS

**OVCON:** The office is a part of a multi-state antitrust litigation against the makers of the oral contraceptive Ovcon. The lawsuit brought by Mississippi, thirty-three other states and the District of Columbia, charged Warner Chilcott and Barr Pharmaceuticals with antitrust violations that prevented generic versions of Ovcon, a prescription oral contraceptive, from reaching the marketplace. The suit alleges that Warner Chilcott paid Barr \$20 million to keep Barr from marketing a generic version of Ovcon. According to the lawsuit, Ovcon has been sold in the United States since 1976 as an oral contraceptive, and Warner Chilcott became the exclusive U.S. distributor of Ovcon in early 2000.

During 2003, Barr publicly announced that it planned to have a generic version of Ovcon on the market by the end of that year. The lawsuit alleges that Warner Chilcott paid Barr \$1 million in September 2003 for an option agreement designed to prevent Barr's generic product from coming to market. Under the terms of the alleged agreement, once Barr received FDA approval to market generic Ovcon, Warner Chilcott had 90 days to pay Barr \$19 million, after which Barr would refuse to bring the cheaper generic version to the market.

Our office, along with the other states in the litigation, reached a settlement with Warner Chilcott in June, 2007. As part of the settlement, Warner Chilcott will pay the states \$5.5 million.

# CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

**DRAM:** In July, 2006, our office, along with 36 other states, sued seven foreign and domestic firms that manufacture DRAM chips, along with their U.S. subsidiaries, as a result of their roles in a price-fixing scheme to fix the price of dynamic random access memory (DRAM) chips between 1999 and 2002. This antitrust lawsuit is seeking millions of dollars in damages to private citizens and governmental agencies that purchased DRAM chips and equipment that contained the chips. The complaint alleges that the companies were able to charge higher than competitive prices for DRAM chips as a result of the scheme, artificially restrained supply, allocated the production and markets for the chips among themselves and rigged bids for DRAM chip contracts.

In February, 2007, our office and 41 other states have signed a \$90 million settlement with Samsung Semiconductor, Inc. and Samsung Electronics Company Ltd. The agreement resolves allegations that the companies participated in this nationwide conspiracy.

## CONSUMER PROTECTION CASES:

### **CHOICEPOINT:**

In February 2005, Choicepoint notified California residents pursuant to California's notification law that it had credentialed fraudulent businesses that had accessed both fair credit reporting and public record information about consumers during the time period of January 2004 to October 2004. Mississippi, along with many other states, sent a letter requesting that ChoicePoint notify citizens in all of states that were impacted by the breach, and opened a multistate investigation.

Thereafter, a settlement agreement was reached which required Choicepoint to change its policies and practice. Additionally, the company paid the states \$500,000 to be used for attorney fees, investigative costs, and consumer protection education. Mississippi's share of such was \$5,500. The company was also required to implement a consumer redress program.

## CONSUMER PROTECTION CASES:

### **SONY BMG:**

During 2005, Sony distributed 79 CD titles that contained one of two Windows-compatible Digital Rights Management (DRM) software programs. This DRM software limited the copies that could be made of a CD, through the use of a computer. When consumers listened to these CDs on computers which used Windows software, consumers experienced problems. One version of the software used, eXtended Copy Protection or XCP, was designed to hide or "cloak" a number of the program's files and operations. This meant that consumers could not view files through standard Windows graphical tools. XCP created a security vulnerability on Windows-based computers by allowing a malicious code to hide from security software. Further, consumers could experience problems by trying to remove XCP from their computers. Another version of the software used, Media Max 5.0, also created some security vulnerabilities. Media Max 5.0, and an earlier version called Media Max 3.0, also installed onto a consumer's computer even if a consumer declined the End User Licensing Agreement (EULA). After a lengthy investigation into these business practices, Mississippi, along with 39 additional states, reached a settlement with Sony that required it to pay \$4.25 million to the States for investigative costs, attorney fees and consumer protection education. Mississippi's share was \$5,000. Additionally, the company was required to provide 100% restitution to injured consumers.

## CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

### **YP CORP., D/B/A YP.COM:**

YP Corp is a Nevada company operating out of Mesa, Arizona and Las Vegas which “publishes” an on-line yellow pages and sells “Internet Advertising Packages” to businesses and organizations across the county which are, essentially, enhanced listings in their on-line yellow pages. Telco Billing, Inc. is a wholly-owned subsidiary of YP Corp. YP uses as its primary solicitation device an Activation Check. An “Activation Check” is a real check that serves also as the contracting device: as soon as the recipient deposits the check, the maker deems a sale has been made and billing for services ensues. No other action is required by the recipient: Deposit is treated as “acceptance” of all terms and obligations. In YP’s checks, the terms and obligations are described in fine print on the back of the check and in separate enclosures mailed with the check, but nowhere on the front of the check. Mississippi, along with 33 other states investigated the company based upon reports that the company errantly deposited the Activation Checks and, because of the unorthodox methods used for billing, the consumers were unaware that they had purchased, and were paying for, the on-line “enhanced listing.” The States’ investigation revealed that many businesses either overlooked the disclosures that would have advised of the purchase obligation or their internal method of processing in-coming payments was not designed to “catch” these types of checks prior to deposit. A settlement was reached with the company which required them to permanently discontinue the use of Activation Checks. Additionally, the company was required to implement a restitution program for consumers and pay the states \$2,000,000.00, for investigative costs, attorney fees and consumer protection education. Mississippi’s share was \$15,000.

### **WILCHER AUTO SALES:**

This Mississippi car dealership went out of business and filed bankruptcy. Thereafter, consumers began to submit complaints that the car dealership failed to provide consumers the titles to the vehicles purchased from the company. The investigation revealed that the dealership’s floor plan lenders were holding the titles due to the dealership’s failure to pay the loans owed to the floor plan lenders. The Attorney General’s Office contacted the floor plan lenders and requested that the titles be released on the ground that the consumers were “bona fide purchasers.” Thus far, all lenders who have been identified and contacted have released the titles.

### **FINAL PLANS and GREENLAWN MEMORIAL GARDENS:**

Final Plans received money for grave markers and failed to provide the ordered merchandise; Greenlawn Memorial Gardens received money for burial services and failed to provide such; both companies are owned by the same person. Initially, agreements were entered into with the owner to provide refunds. As a result of such, restitution was provided on approx. eighteen complaints. A lawsuit was filed on July 10, 2006 with regard to the remaining complaints. A final judgment was entered on December 29, 2006, ordering complete restitution totaling \$29,467.37; civil penalties in the amount of \$42,500 and \$5,000 for costs and attorney’s fees. Because complaints against these companies are continuously being submitted, there is a provision in the final judgment that allows it to be amended, without notice to the defendant, to add new consumers to the restitution provision of the judgment.

# CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## IDENTITY THEFT:

The Consumer Protection division conducted 96 investigations into identity theft this fiscal year. Of those, 68 are still under investigation, two are awaiting Grand Jury action, 24 were referred to other agencies, nine are awaiting trial and three resulted in guilty pleas.

**TEMEKA BERRY** used the victim's name and social security number to apply for four credit cards. She was denied on each attempt. She pled guilty to one count of Identity Theft and was sentenced on September 25, 2006, to five years in the custody of the Mississippi Department of Corrections, five suspended, three years post conviction supervision and a **\$1000 fine**.

**JENNIFER HUNTER** was indicted on one count of Fraudulent use of identity and one count of credit card fraud. On March 26, 2007 Jennifer Hunter pled guilty and on count one, fraudulent use of identity, she was sentenced to five years in the Mississippi Department of Corrections with four years suspended and one year to serve on intensive supervised probation. On Count two, she was sentenced to three years in the Mississippi Dept. of Corrections with two years suspended and one year to serve, with sentence to run concurrent with the sentence in count one. She was also ordered to pay \$3323.16 in restitution to victim and \$356.50 in Court costs.

**JAMES HART STERN** was indicted on seven counts of wire fraud relating to identity theft activities which occurred in California. On June 11, 2007 Stern pled guilty to four counts of wire fraud and was sentenced to serve 25 years in the custody of the Mississippi Dept. of Corrections with 10 years suspended followed by five years post release supervision.

Zero tolerance  
for price-gouging

---

## HURRICANE KATRINA RELATED ISSUES

### **GASOLINE PRICE GOUGING INVESTIGATION:**

On August 27, 2005, by proclamation of Governor Haley Barbour, a "State of Emergency" was declared for the State of Mississippi due to the catastrophic effects of Hurricane Katrina, followed by Hurricane Rita. Upon such proclamation, the Attorney General for the State of Mississippi was authorized to enforce the provisions of Miss. Code Ann. Section 75-24-25 which provides for restrictions on prices charged for goods and services during a State of Emergency. Thereafter, the Consumer Protection Division of the Mississippi Attorney General's Office began receiving several reports that local retailers/suppliers were increasing their prices for gasoline in violation of the law. After a lengthy investigation into the rising cost of gasoline prices, settlements were reached with five retailers/suppliers: Moak Petroleum Products, Inc.; Sumrall Oil Services, Inc., Spaceway Oil Company, Inc.; Southern Oil Company; and Prince Oil Company, Inc. which resulted in the recovery of \$29,527.33 in restitution, \$36,437.65 in investigative costs and penalties of \$153,000.

Each settlement required the retailer/supplier to pay disgorgement (profits obtained in violation of the law), as well as penalties and attorney fees. Lawsuits have been filed against two other companies, Wilburn Oil Company, Inc. and Louisville Tire Center, Inc. d.b.a. Fair Oil Company. Both lawsuits are pending.

# CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## HOME REPAIR FRAUD:

The Consumer Protection Division began seeing a distinct rise in reports of Home Repair Fraud beginning about five months following Hurricane Katrina. In an effort to assist consumers and protect the public, the Attorney General has opened an office in Biloxi which is currently staffed with four employees from Consumer Protection including two investigators. A third investigator is expected to be hired in August 2007. The division 685 Home Repair Fraud complaints filed which resulted in 155 criminal investigations. The Biloxi office has been instrumental in the arrests of nineteen Home Repair Fraud suspects and has thirty-seven outstanding arrest warrants.

CHARLES W. BANYARD d/b/a RENAISSANCE CONSTRUCTION: Indicted and arrested on charges of false pretense and home repair fraud on 3 October 2006. Trial was continued until the September term of the Hinds County Circuit Court at the defendant's request.

TEDDY BRIAN BADURAK d/b/a SERENITY HOMES, INC.: Arrested October 10, 2006; charged with one count home repair fraud and is scheduled for trial in Biloxi July 30, 2007. He is also facing a felony home repair fraud in Hancock County and is pending Grand Jury action.

ERIC SCOTT FILMER a/k/a ARIEL FILMER d/b/a ARIEL & SONS CONSTRUCTION: Arrested and indicted in Stone County on one charge of home repair fraud. Trial was set for July 23, 2007, but was continued at the defendant's request.

MITCHEL BARIA was arrested and extradited from Georgia in June 2007. Baria is facing five counts of home repair fraud. Trial dates are to be scheduled.

CHARLES REEDER was arrested in St. Louis, MO pursuant to a felony arrest warrant for home repair fraud. His extradition is still pending. This office has warrants for two additional felony counts and one misdemeanor count of home repair fraud to serve on him once he is returned to Mississippi.

**Bay St. Louis man charged  
with home repair fraud**

**Gulfport contractor  
arrested for fraud**

**Man charged with  
pocketing \$25K  
for shoddy work**

# CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## HOTEL PRICE GOUGING:

Mississippi's Price Gouging statute, Miss. Code Ann. Section 75-24-25, as amended, which in essence states that whenever a State of Emergency is declared, "then the value received for all goods and services sold within the designated emergency area shall not exceed the prices ordinarily charged for comparable goods or services in the same market area at or immediately before the declaration of a State of Emergency..."

was activated when Governor Haley Barbour declared a State of Emergency on August 29, 2005, as a result of Hurricane Katrina. Actions enforcing the price gouging statute include:

**ECONO LODGE, Pearl, MS:** As a result of our office's investigation, arrest and 16 count indictment, one owner/operator of this hotel pled nolo contendere to charges of price gouging; the other two owners/operators entered into an Assurance of Voluntary Compliance with our office. Collectively they paid a total of \$21,090.30 in restitution, fines, penalties and costs.

**EXCELLENT INN/SCOTTISH INN, Natchez, MS:** These two hotels, owned/operated by the same two individuals, were investigated by our office pursuant to allegations of price gouging following Hurricane Katrina. The owners/operators pled guilty to price gouging and paid a total of \$12,604.48 in restitution, fines and costs.

**ECONO LODGE, Laurel, MS:** Following the receipt of consumer complaints alleging price gouging by this business establishment, our office initiated an investigation. We appeared before the Jones County grand jury and obtained a 15 count indictment. Trial is pending.

## Consumer Awareness

### Identity Theft Unit

We have participated in over forty training sessions for governmental and civic groups throughout the State of Mississippi including church, school and civic groups.



## Community "Shred-It" Day

On February 9 and 10, 2007, the offices of the Mississippi Attorney General, Secretary of State and Better Business Bureau teamed up with members of the Mississippi Consumer Education Partnership to hold Mississippi's first Community "Shred-it" Day in conjunction with National Consumer Protection Week. Consumers were invited to bring up to five bags of their sensitive documents to be shredded for free at one of the four locations across the state including Jackson, Gulfport, Hattiesburg and Southaven. Community Shred Day was intended to raise community awareness of the risks of identity theft and to provide citizens with access to one of the simplest yet most important methods of identity theft protection, document shredding. An estimated 20,000 pounds of personal documents was shredded. Additional sponsors of the event included Shred-it, Wal-Mart, The Home Depot, Coca-cola, and BancorpSouth.

Speeches on consumer issues have been presented across Mississippi in an effort to create a public that is better informed and able to avoid problems before they occur. Topics range from scams and identity theft to predatory lending and automobile sales.

## Mississippi Jump\$tart Coalition

We have partnered with the Mississippi Jump\$tart Coalition to improve the financial literacy of Mississippi teens by teaching personal finance skills, including money management, saving, investing, and consumer spending. For the 2006-2007 academic year, we participated in "Money Matters" seminars across the State of Mississippi for approximately 4,000 high school students. The seminars teach financial literacy skills and provide teachers with training and financial literacy resources.

CONSUMER PROTECTION DIVISION  
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE  
MISSISSIPPI ATTORNEY GENERAL'S BILOXI OFFICE

In order to be better prepared to immediately respond to consumer issues faced by the Mississippi Gulf Coast as a result of Hurricane Katrina, a Consumer Protection office has been opened in Biloxi Mississippi staffed with two investigators, one secretary and one part-time secretary/mediator. Plans are in place to hire one more investigators to focus on home repair fraud and other Katrina related issues.



*Attorney General Jim Hood and Director of the Consumer Protection Division open up the new Biloxi Office with a ceremonial ribbon cutting*



# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## YOUTH SERVICES

Youth Services supports prevention efforts that reduce juvenile delinquency, truancy, exploitation, and child abuse and neglect, through the creation and promotion of after-school programs, mentoring initiatives, training opportunities, and other proactive youth endeavors. The division partners with many state agencies, as well as nonprofit organizations, to expand the services available for at-risk children. Through grants, the legislative appropriation of Temporary Assistance to Needy Family (TANF) funds, and existing public funds the division was able to maximize funds and provide opportunities for growth in community programs.

Through a legislative appropriation of TANF funds, the division was able to partly support the efforts of the Boys and Girls Clubs of Mississippi, Big Brothers Big Sisters of Mississippi, Communities in Schools, and the Adolescent Offender Programs, Prevention and Intervention Programs and Families First Resource Centers of the Young Men Christian Association (YMCA).

---

## BOYS AND GIRLS CLUBS

The Boys and Girls Clubs of Mississippi mirror its mission from the national program, to promote and enhance the development of boys and girls by instilling a sense of competence, usefulness, belonging and influence.

- In FY 2007, the Boys and Girls Clubs of Mississippi supported in part by TANF funds served more than 24,600 youth, in 64 sites, covering 45 Mississippi counties in 323 schools. The clubs were allocated more than \$2.5 million in TANF funds.
- The Boys and Girls Clubs of the Mississippi Gulf Coast received a \$5 million donation from Qatar, an independent state in the Southern Arabian Gulf, to rebuild the Pass Christian Unit that was destroyed by Hurricane Katrina. The facility is expected to open in early 2009.
- The Oprah Winfrey Boys and Girls Clubs of Kosciusko and Attala County opened its new 32,000 square feet, \$5.5 million facility in September 2006. The grand opening celebration included a visit from the donor, media mogul and Kosciusko native, Oprah Winfrey. Ms. Winfrey challenged the community to embrace the club. "It's not my center, it's the dream I had for a center," said Ms. Winfrey. The facility has a state-of-the-art computer lab, gymnasium, reading room and teen center.
- Candice L. Knighton a four-year member of the Boys and Girls Club of North Mississippi, Lafayette-Oxford-University Community Clubhouse Unit, was selected as the 2007 Mississippi Youth of the Year. Candice is 18 years old and a senior at Oxford High School, where she is an honor roll student, member of the band, chorus, Student Council, Key Club and Mu Alpha Theta. At the Lafayette-Oxford-University Community Clubhouse Unit, Candice served as Torch Club president, and can always be counted on to lend a helping hand with the younger members. After the unexpected death of Candice's mother late last year, Candice was forced to grow up fast and assume the role of caretaker for her younger sister. Within the last year, Candice matured from the teen who was pampered to a young woman who is hard working and ambitious. Candice no longer has the luxury of coming home to a ready-made meal; instead she is now the one responsible for making the meals. While many teens are dating and planning for prom, Candice is working and making sure that she and her sister are well cared for.

Upon graduation from high school, Candice plans to attend the University of Mississippi and major in psychology.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## **BIG BROTHERS BIG SISTERS OF MISSISSIPPI**

Big Brothers Big Sisters of Mississippi is a premier mentoring program involving at-risk youth and competent adults. A Big Brother or Big Sister acts as a mentor and a role model to an at-risk youth called a Little. A Big can show a child that, no matter how difficult things get, there is a caring adult friend there for them, someone who will listen with an uncritical ear, who will give advice, if asked, and encouragement when needed, and who will help put things into perspective. The guidance of a Big Brother or Big Sister can transform or change the life of a child and ultimately help a child grow into a confident, competent and caring individual.

In several locations, Big Brothers Big Sisters of Mississippi utilizes junior and senior high school students as mentors. The feedback provided by school officials and high school mentors indicate that this relationship is very rewarding and beneficial not only to the Little, but also the Big. One school official indicated that he recognized how being a Big for one of his students really matured him and impacted his presence and abilities in the school. One high school student indicated that being a Big gave her a sense of responsibility and satisfaction knowing she was having a positive impact on a young person's life.

---

- Big Brothers Big Sisters of Mississippi has mentoring programs in 116 sites, located in 13 counties with 102 schools participating. During FY 2007, Big Brothers Big Sisters served more than 1,300 youths.

- A young boy was placed in foster care after being abandoned by his parents. He was shuffled through 11 foster homes before being adopted by his great-grandmother at age eight. He was taking medication for ADHD and depression. He tested very high on his aptitude test; however, he achieved very low grades in school. He had emotional problems, lacked friends and was extremely hyperactive. As he stated, "I was the worst kid in school – fights and bad grades."

The Little's great-grandmother is now 94 years old. The Big and his family have assured him that he will always have a place with them in their home. "My life changed a lot. To be included in another family, I can't describe it. It boosted my self-esteem a lot, and calmed me down, too," the Little stated. "Plus, you always need a father figure."

The young boy and a retired school principal, that ironically was the young boy's principal when he was in kindergarten, were matched on October 12, 1999. At this point, the Little's life begins to change immediately. His grades and behavior improved. The Big and Little have maintained a relationship that goes beyond a Big and Little and have developed a friendship that will continue for the rest of their lives, the Big expressed. The Big took the Little to get his driver's license and has made him a part of his family. The Little loves his great-grandmother but credits the Big for setting him on the right path.

The Little will graduate from high school next year. The Big thinks he has benefited from the program more so than the Little. He has had the opportunity to watch him grow from a child into a young man, straighten himself out and set his sights on college. The Big stated, "He's a great young man, very well-behaved and polite. I think it had a lot to do with who he is, not so much with me."

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## Some other successful matches between a Big and Little include:

- A young man, whose father is not involved with his life and his mother is disabled, was matched with a Big who taught him how to care for the yard and do simple things for the car. The Little can now do these things which keeps his mom from spending money to pay someone else.
- A young man, who failed a grade in school, was matched with a Big who was attending high school. The Big helped him with his reading and other subjects. Since their match, the Little has become a star reader and will test to be promoted to his correct grade this summer.
- Two brothers in kindergarten and 2nd grade lost their mother last summer. When interviewed by the Program Specialist, the brothers indicated they wanted a Big Sister. There were times prior to being matched that the Program Specialist would tell them that when a big brother became available she would match them. The little boys would quickly interrupt her and remind her that they wanted a big sister. When the 2nd grader was introduced to his Big Sister, he leaped into her arms, with joy, because it was what he needed and wanted. The match helped him deal with the loss of his mother. The other brother was also matched with a Big Sister. The teachers for both brothers praise the work of the Big Sisters and the impact the matches have had on the brothers.
- A young girl was said to have an attitude problem. She needed someone who was patient and could deal with her attitude. It was thought this would be a difficult match. She was eventually matched with a college student. She taught her Little how a young lady should speak and act and how having a bad attitude would not get her very far in life. Since the match, the Little's teacher commented that not only had her attitude changed, but her grades improved.

## COMMUNITIES IN SCHOOLS

Communities in Schools of Greenwood and Leflore provides academic excellence through the arts to create a lasting positive impact for adjudicated and high-risk youth, alternative schools, adolescent offender programs and other court-mandated settings in Mississippi. This unique intervention program utilizes creative writing and the visual arts to enhance academics and achievement among high-risk youth in alternative schools, adolescent offender programs, and the state training schools.

- During FY 2007, Communities in Schools of Greenwood and Leflore served more than 2,539 youth in 17 schools from 15 counties across the state.
- On February 27, 2007, Communities in Schools held its first parent summit at the Leflore County Civic Center. The theme was "No Parent Left Behind." The program informed parents about the education of their children and encouraged them to become active in both their children's education and legislation regarding their education. The entertainment was provided by the children.
- Communities in Schools accompanied 22 students to Delta State University to tour the Emmett Till Exhibit. A Community in Schools teacher stated, "It is important for the students to see the Till exhibit while it was here because it is part of their state's history, as I believe it will give them a deeper understanding of the meaning of Black History Month."
- At the annual festival, River to the Rails, students from Communities in Schools raised more than \$400 from their paintings. The public praised the work completed by the students.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

- Communities in Schools sponsored 15 boys, ages 6-18, to attend the "Pay It Forward Football Camp" held at South Panola High School in Batesville, Mississippi. The camp is sponsored by Deshae Townsend of the Pittsburgh Steelers. There were such players as Casey Hampton, Hines Ward, Clarence Batch and players from the Tennessee Titans in attendance. This was a rewarding experience for the young men attending the camp.

## YMCA ADOLESCENT OFFENDER PROGRAMS

The Adolescent Offender Program (AOP) is an alternative to incarceration for youth adjudicated by the youth court. The Youth Court Judge refers the young offenders to the program where they receive strict monitoring, mandatory school attendance, counseling and intensive behavior modification. The program provides counseling and intensive behavior modification to the young offenders and their parents.

- During FY 2007, the Adolescent Offender Program funded through the TANF appropriation to the Office of the Attorney General served 345 youths at 13 sites covering seven counties in 51 schools.

- A young girl using drugs, failing school, getting suspended from school every other week and not getting along with family members was court ordered to the Lincoln AOP. While completing the program, her grades improved enough for her to graduate; she was not suspended from school again; and she tested negative for drugs. Her mother praises her progress at home and the positive impact the program has had on her daughter and their family.

- Two young men with drug, alcohol and school attendance problems were court ordered to the Rankin AOP. Both young men were being raised by single mothers. Originally, the counselor had a difficult time getting through to the young men. One was considering dropping out of school. As they began to attend the group sessions and work with the counselor, a gradual change was recognized. As the counselor dealt with the drug and alcohol abuse and its impact on the human body, it was not long before the young men started turning their life around.

Both young men had relationship issues with their mother. The mother of one of the young men was suffering from emphysema, which had to be addressed if he was going to come to terms with his feelings. One day he stated, "I understand that our time together may be short, so I better tighten up." The young men graduated from the program with a change in behavior and attitude and tested negative for drugs.

After graduating from the program, the young men returned to inform the counselor that they were about to graduate from high school and both had jobs. Since graduating from the program, neither has been in trouble.

- One young man, a 10th grader when he entered the Hancock County AOP, was court ordered to the program in August 2006 for running away from home, suspected drug use and disputes with his stepfather. Since beginning the program in August 2006, his attendance has been excellent, he is achieving goals, his grades have improved and his communication with his family has improved.

During group sessions, he expressed his thoughts and shared his accomplishments with the group. He was always eager to share his improved grades and the improved relationship with his family, especially his stepfather.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

He participated in the Mississippi Gulf Coast Teen Career Mentoring and Exploration Workshop, where he took 2nd place in an essay writing contest through the Mississippi Gulf Coast Community College. Participants were competing for scholarships and had to write on the topic "Why I Deserve This Scholarship." John was awarded a \$500 scholarship for his 2nd place win.

- Another young man was court ordered to the Hancock County AOP because of behavioral issues and poor school attendance. He had given up on school, and realized that he was not going to pass the 10th grade. He wanted to get his GED, but his mother and the AOP Counselor felt that he was not serious about his future and felt that he would only get into more trouble. The AOP Counselor informed him and his family of a program offered through Camp Shelby, and suggested that this would be a good alternative for him. It would give him the structure he needs, and he could also obtain his GED.

He and his mother signed him up for Camp Shelby, but he knew that he needed to do his community service hours, in accordance to his Youth Court Order, before he left. The Youth Court Counselor told him that if he attended Camp Shelby, he would not have to do his community service; however, he wanted to finish his community service. He was going to work with a volunteer group that his mother signed him up for called AmeriCorps.

The AOP Counselor wrote him a letter of recommendation for AmeriCorps because he truly wanted to do this and it gave him something productive to do until he started Camp Shelby. He joined AmeriCorps and began volunteering his services to the organization. He was proud of his service to the community; he would even wear his AmeriCorps t-shirt proudly to AOP to show everyone that he was involved. He also worked a part-time job at a local video store. He was meeting his goals, and succeeding towards his future.

He graduated from the Hancock County AOP in June 2007. During his graduation, he asked if he could come back as a guest speaker. He continues to work with AmeriCorps and his part-time job, which has inspired him to become a video game designer. While volunteering for Americorps, he helped Hurricane Katrina victims rebuild their homes within the community, and he began earning college credit once his community service for the Youth Court was completed. He will be attending the Camp Shelby program, where he will earn his GED.

## **PREVENTION AND INTERVENTION PROGRAM**

The YMCA Community Action Program of Desoto County's mission is to improve the lives of youth offenders and their families. It is an early intervention program designed to redirect the lives of youth who have committed non-violent offenses or are at-risk of becoming involved in delinquent activities. Youth are transported from school to the program site where they are provided individual or group sessions, homework assistance and tutoring, life skills and role playing. The parents are provided educational information that will assist them in making desired behavior changes in youth that will improve the overall family structure.

- YCAP of Desoto County served 103 youth at two sites located in twocounties with 19 schools participating.

- A client was court ordered to Y-CAP for automobile burglary. He and another youth took a gun from a truck parked in a driveway. It was his first offense, so he was given probation. As part of his probation requirements, he was court ordered to complete Y-CAP. He was considered a good child by his parents and was thought to have been at the wrong place, at the wrong time, with the wrong people.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

When he came to the program, he was very respectful and participated in all the group discussions. During those group discussions, he shared with the group that he had engaged in other at-risk behavior, such as drinking, marijuana use and other drug use. The Y-CAP counselor worked with him and his family to reverse the course he was traveling. He was very surprised that Y-CAP was not a place to administer punishment, but a place to provide assistance and guidance.

He graduated from the program and has not had any other incidents. His parents wrote that he was doing well in school. He is participating in school sports, spending his time at home and listening better.

- A client had been referred twice to Youth Services as a Child In Need of Supervision (CHINS). However, she continued to associate with a bad element, missed her curfew, failed to check-in, being disrespectful and not doing what was expected. When she was referred a third time to Youth Services, she was placed on an informal probation and required to complete Y-CAP. Initially, she was non-compliant with the program and would not participate in the group discussions or other program requirements.

Eventually, she started to open up and a Y-CAP counselor worked closely with her on her behavior. She began to show signs of improvement, which was acknowledged by her mother. She also began to participate in school activities. She especially enjoyed dance. She graduated from the program after making significant progress. She is now participating in the Phase II Program, which is for graduates of Y-CAP Phase I. This was not a requirement of her informal probation; she chose to participate because the program made such an impact on her life. She wrote on her Youth Graduation Form that what she like best about the program was the support and caring of the staff.

## Families First Resource Centers

The Families First Resource Centers provide an array of services to children and families in Jackson, Hancock, Harrison and Hinds counties. These programs work in partnership with the Mississippi Department of Human Services, youth court counselors and social workers to ensure families remain healthy and intact. Some of the services provided through the center include: counseling, parenting support and skills groups, tutoring, computer literacy, GED, anger management for parents and children, supervised visitations and resources.

- The Families First Resource Centers funded through the TANF appropriation to the Office of the Attorney General served 814 youth at nine sites in five counties with 42 schools participating.

- The Metropolitan Jackson YMCA Families First served 23 students seeking to obtain their General Education Development (GED) certificate. Students participating in the GED class are required to take a pre-test and post-test for each subject area of the test. There are five areas: reading, writing, math, social studies and science. During this grant period, 25% of the students successfully completed the reading and writing pre-test. However, once instructed on the subject areas, 70% of the students successfully passed the post-test. Only 10% of the students passed the math pre-test. Math appears to be the most difficult area for students. Consequently, one student took the official GED test and passed every part except Math. The GED Instructor will work with her and other students on the math section. Hopefully, she will pass the math section on her next attempt to obtain her GED.

- The Metropolitan Jackson YMCA Families First offered four computer skills classes, which are 12-week courses, with much interest from the community. A total of 21 students successfully completed the computer skills class. Some of the participants included two senior citizens and a disabled woman. After completing the class, all three purchased a computer for their home.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

• A man was apprehensive in attending the Parenting Skills Class offered by the Mississippi Gulf Coast Families First. He felt that participants revealing their experiences through the group sessions helped other participants with their situation. As part of the class, he learned about using charts and rewards for disciplining children. He felt that this system of discipline taught children about responsibility and controlled behavior. This was the most beneficial part of the class according to him. He has a son and his fiancé has twins; consequently, the charts are working well with the children.

Programs Funded	Number of Sites	Counties Served	Schools Participating	Youths Served
Boys and Girls Clubs	64	45	323	24,694
Families First Resource Centers	9	5	42	814
Y-CAP of Desoto County	2	2	19	103
Communities in Schools	25	15	10	2,539
Adolescent Offender Program	13	7	51	345
Big Brothers Big Sisters	116	13	102	1,323
<b>TOTALS</b>	<b>229</b>	<b>61</b>	<b>475</b>	<b>29,818</b>

**THESE PROGRAMS SERVE THE MOST AT-RISK YOUTHS WITH THE FOLLOWING DEMOGRAPHICS:**

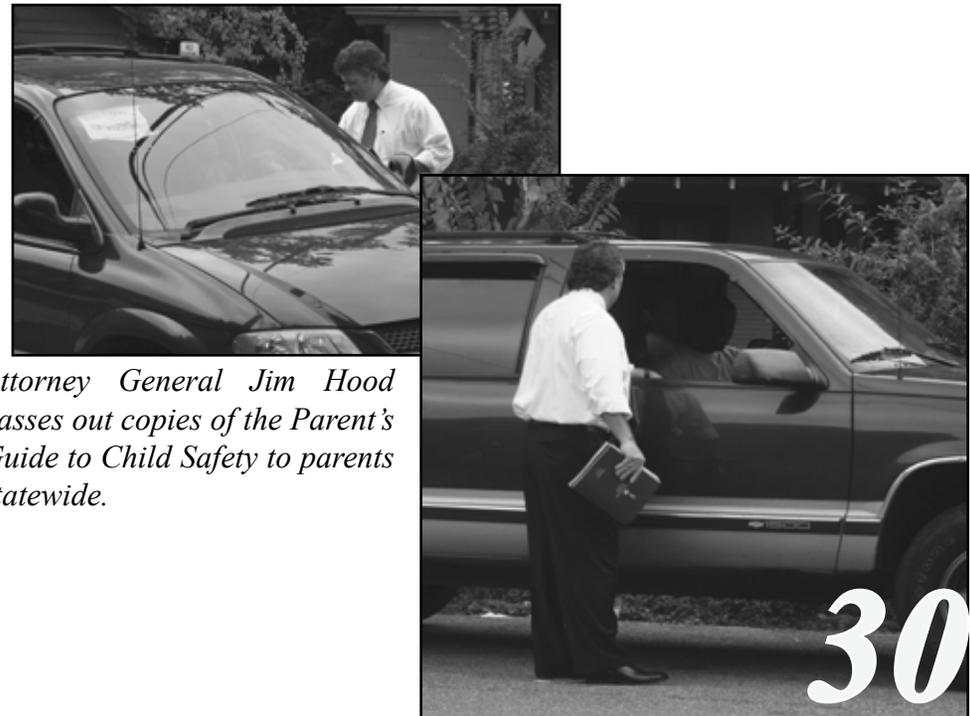
- 23,964 are African American
- 89% of youths served are TANF eligible
- 2,186 of youths participating had youth court involvement during year
- 3,889 behavior incidents of youths participating in the program
- 11,948 youths come from single parent families
- 344 youths have one or both parents incarcerated
- 884 of youths participating are enrolled in alternative school
- 18 of youths participating became pregnant during the reporting quarter
- 204 of youths participating were not promoted academically to next grade level

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## INDICATORS OF SUCCESS INCLUDE THE FOLLOWING:

- Grade Point Average for youths involved is 2.31 (2.37 in 05-06 sub-grant period).
- Average daily school attendance for youths participating is 91%.
- There were more than 4,500 additional youth served in this contractual period as compared to the total for last year.
- There were 11,691 youths participating in the programs that were promoted academically to the next grade level; this represents 98% of the total reported.
- There was a 40% decrease in the high school dropout rate between 2000 and 2004 for the entire state, according to the KIDS COUNT Mississippi Fact Sheet.
- In comparing the most recent Mississippi Department of Human Services statistical data available, FY 2006, to the baseline data established in FY 2003, 42 of Mississippi's 82 counties reported a decrease in juvenile crime. Of the counties reporting a decrease in juvenile crime, 30 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDHS website).
- In comparing the most recent Mississippi Department of Health statistical data available, FY 2005, to the baseline data established in FY 2002, 52 of Mississippi's 82 counties reported a decrease in teen births. Of the counties reporting a decrease in teen births, 29 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDH website).

- In comparing the most recent Mississippi Department of Education statistical data available, FY 2006, to the baseline data established in FY 2002, 57 of Mississippi's 82 counties reported a decrease of incidents in schools. Incidents include: possession of drugs, sexual harassment, vandalism, disorderly conduct, fighting, and weapons possession. Of the 57 counties, 40 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General.
- The June 2007 issue of Education Week released the graduation rates for the 50 states and the District of Columbia, as well as for individual school districts within the state for the 2003-2004 school years. The graduation rate in Mississippi was 62% compared to the national graduation rate of 70%. Mississippi rated in the bottom 10 states in the nation. There were 26 counties in Mississippi that reported graduation rates of 70% to 90%, of those 26 counties, 20 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General.



*Attorney General Jim Hood passes out copies of the Parent's Guide to Child Safety to parents statewide.*

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## UNIVERSITY OF MISSISSIPPI SOCIAL NORMS PROJECT

During a press conference held March 9, 2007, Attorney General Jim Hood, officials from the Anheuser-Busch Company and Chancellor Robert Khayat announced that the Mississippi Attorney General Office, Anheuser-Busch Company and the University of Mississippi was joining in a collaborative effort aimed at reducing underage drinking on campus. The Anheuser-Busch Company awarded the University of Mississippi a \$300,000 grant payable over a three-year period to establish the "Social Norms Project". Attorney General Hood stated, "The social norms approach to addressing alcohol issues has proved to be a very effective method of achieving positive behavior change and reducing harm associated with drinking at other universities across the country, and we are confident it will make a difference here as well."

The social norms approach is an area of research in the social sciences that focuses on the impact of norms on people's attitudes and behaviors. The social norms program will use multiple approaches capitalizing on the services and programs already provided on campus, such as drug and alcohol education groups and Rebel Ride, and will develop a new and aggressive public education campaign.

By the end of the three-year period, the program aims to increase the number of students who know the accurate norm reference for alcohol use at the University of Mississippi, decrease the amount of misuse and abuse of alcohol by students at the University of Mississippi, increase the percentage of students that use Rebel Ride and decrease the harmful behaviors associated with alcohol misuse and abuse.

## NETSMARTZ

In June of 2007, Attorney General Jim Hood announced the partnership of the Office of the Attorney General with the National Center for Missing and Exploited Children (NCMEC) to help kids stay safer on the Internet. To kick off the partnership, the Office of the Attorney General invited NetSmartz to the Mississippi Department of Education Conference held June 12-14, 2007, in Biloxi, Mississippi to conduct trainings for educators throughout the state participating in the conference.

NetSmartz teaches three important rules for online safety:

- 1) I will tell an adult I trust if anything makes me feel scared, uncomfortable, or confused
- 2) I will ask my parents or guardian before sharing my personal information
- 3) I won't meet in person with anyone I have first "met" online.

The NetSmartz trainings educate attendees about the issues of Internet safety and how to help prevent the online victimization of children and teens. Attendees are also equipped with the skills to confidently present and use NetSmartz resources in their classrooms. A link to NetSmartz is available to all educators through the Department of Education's webpage at <http://www.mde.k12.ms.us/MondayMemo/EducatorPlan.pdf>. For more information and resources visit NetSmartz at <http://www.netsmartz.org/>.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## YOUTH PATROLS

In an effort to improve school safety, the Office of the Attorney General, Mississippi Crime Stoppers, and the Department of Education are working to establish Youth Patrols in Mississippi's elementary, middle and high schools. Youth Patrols are student organizations empowered to assist school administrators in preventing and reporting crime on school campuses. Youth Patrols are supervised by designated faculty. Students patrol the schools in pairs and report potential problems or trespassers via two-way radios; however, students do not intervene. They simply report incidents or problems to the designated faculty member.

The program was initially funded through grants received from the Department of Public Safety Planning and Mississippi Crime Stoppers. Participating schools receive six two-way radios, identifying arm bands, training manuals and posters.

Patrols are required to work with local law enforcement or a School Resource Officer to learn basic reporting procedures. Crime Stoppers posters are maintained on school campuses providing a toll-free telephone number that students can use to anonymously report any situation putting school safety at risk. Crime Stoppers offers up to a \$1,000 reward for information leading to an arrest and conviction. The Office of Attorney General provides initial training and continual technical support. While the funding is now limited for this initiative, the Office of the Attorney General continues to support schools that express an interest in implementing a Youth Patrol in their school.

The Office of the Attorney General conducted regional trainings during the months of September-October 2006 in Philadelphia, Hattiesburg, Jackson and Tunica to train designated school personnel in establishing Youth Patrols in schools and to disseminate other school safety information. There were 109 school administrators and School Resource Officers in attendance at the regional training. Currently, there are 70 schools representing 21 counties participating in the program.

## WORKPLACE AND SCHOOL VIOLENCE PREVENTION

The Crime Prevention and Victim Services Division of the Attorney General's Office and the State Department of Education continue their collaborative efforts in order to provide training to school superintendents, school board attorneys, school resource officers, teachers and other school personnel on school-safety law, search and seizure issues, discipline, civil liability, drug testing and other school-law issues.

- In collaboration with the Mississippi Department of Education, Office of Healthy Schools, with funding through the University of Southern Mississippi, Department of Community Health Services, the Office of the Attorney General prepared the "School Law Primer for Educators and School Personnel: Everything You Need to Know about School Law and How it Affects the School Environment" for use and duplication. Trainings were provided across the state.

- The Attorney General's Office collaborated with the Hinds County Sheriff's Office and others in sponsoring the Workplace and School Violence Symposium on September 7, 2006. The goal of the symposium was to provide information to participants that would enable them to come up with a sound policy which addresses violence both in the workplace and in our schools, especially the prevention of these incidents to ensure the safety of our citizens and the safety of those most in need of our protection, our children.

- A press conference was held to announce the development and dissemination of the School Violence Prevention Guide. The Attorney General's Office received funding assistance from the Mississippi Association of Educators for making printed copies of the guide available. The School Violence Prevention Guide is designed to help teachers identify the warning signs of a potentially violent child and to help school administrators establish a protocol for students and teachers to report these signs before a violent act occurs.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## WORKPLACE AND SCHOOL VIOLENCE PREVENTION

- In September 2006, a School Violence Prevention Conference was sponsored through funding from the Division of Public Safety Planning. The participants included Law Enforcement, Youth Court Prosecutors and Court Appointed Juvenile Defenders.
- In October 2006, the Attorney General's Office invited law enforcement officers to attend a workplace violence prevention conference held in connection with the Prosecutors Conference.
- National Institutes Against Hate Crimes and Terrorism through the Museum of Tolerance selected a team from the Office of the Attorney General which included members of law enforcement and the Department of Education to attend an all expense paid hands-on, experiential program that engaged participants in discussions of tolerance, diversity, personal values and responsibility as they apply to the workplace, the school environment, the community and beyond. The program presented tools to strengthen ethical and bias-free decision making, enhance competency in inter-cultural communication and conflict resolution, develop progressive leadership practices and build capacity for inclusive and equitable organizations. This was part of the Office of Attorney General's commitment to enhance our ongoing commitment to professional development and implementation of new diversity strategies.



## DO THE WRITE THING

Attorney General Jim Hood is the Chair of the Mississippi "Do the Write Thing" Committee. The "Do the Write Thing Challenge" is an initiative aimed at confronting the many sources of violence targeted at or caused by American youth. Teachers lead a classroom discussion about the problem of youth violence and then participating middle school students write how violence impacts their daily lives. They are asked to expose the causes and impact of violence and identify what they will do to address these problems. The object is to empower young people to break the cycles of violence in their homes, schools and neighborhoods.

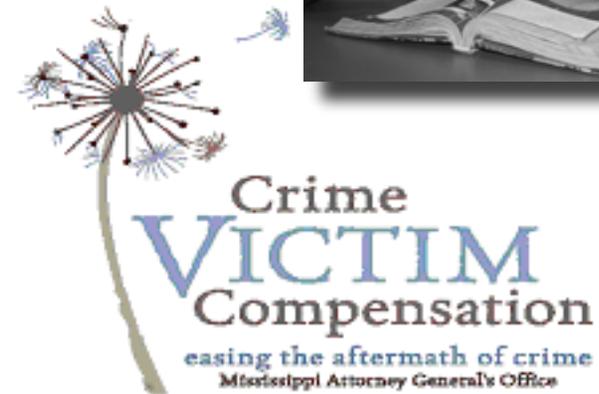
The program was originated by the Kuwait-American Foundation (KAF) with the focus to express gratitude toward the United States for liberating Kuwait from Iraq. KAF's members wanted to help make communities in the United States safer for American youth, thus establishing the National Campaign to Stop Violence, a private, non-profit organization. It started in 1994 and the Office of the Attorney General and the Department of Education has been involved for a number of years.

In July, the National Campaign to Stop Violence (NCSV) publishes a book containing the writings of all national finalists that is placed in the Library of Congress and organizes a national ceremony in Washington, D.C. to honor these students, their parents and teachers. During the 2007 school year, more than 40,000 seventh and eighth grade students participated in writing an essay on the causes of and solutions for youth violence and by pledging not to engage in violent acts. The two national finalists from each congressional district were honored at a national recognition ceremony in Washington, D.C. in July 2007. Justin Greene, Pearl River County Junior High, and Mia Knox, D. M. Smith Middle School, were the winners from Mississippi this year and were able to travel to Washington, D.C., along with their parents, for the recognition ceremony. All of the expenses were paid by the NCSV.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## OTHER WORK OF THE YOUTH SERVICES DIVISION INCLUDES COLLABORATION ON THE FOLLOWING:

- Champions for Children
- Mississippi Department of Human Services' Child Support Revenue Maximization Project
- Teen Courts
- National Association of Attorneys General Youth Access to Alcohol Task Force
- Department of Mental Health Children's Services Task Force
- Commission on Children's Justice
- Child Death Review Board
- MDHS' State Level Case Review Team
- MDHS' Citizen Review Board
- MS Model Youth Transition Innovation State Level Management Team
- State Drug Court Advisory Committee
- MS Commission on the Status of Women
- Southern Christian Services for Children and Youth, Inc. Lookin' to the Future Conference Committee
- Funding through a grant from the Department of Public Safety Planning to provide training for MDHS training school staff
- Training provided for TANF Subgrantees, Youth Court Judges and Referees, Prosecutors, Guardians Ad Litem, Attorneys, Social Workers and others
- National Association of Attorneys General Task Force on School Safety
- MS Alliance for Drug Endangered Children
- MS Youth Suicide Prevention Council



# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## VICTIM COMPENSATION

The Victim Compensation Division assists hundreds of victims of crime every year by providing financial compensation for expenses associated with emotional and physical injury resulting from violent crime. The Division also supports victims of violent crime by providing information and referral, victim advocacy and outreach programs. While no amount of money can erase the trauma and grief victims suffer, this assistance can be vital in a victim's effort to recover.

No tax dollars fund the Crime Victim Compensation Division. Revenue is collected from fees, fines and penalties imposed on state criminals, including court ordered restitution and reimbursement through subrogation rights. In addition, federal Victims of Crime Act (VOCA) funds are generated from fees, fines, and penalties imposed on federal criminals. The Division received a \$775,000 Victims of Crime Act (VOCA) Victim Compensation federal grant from the United States Department of Justice, Office for Victims of Crime in 2007.

Through the victim compensation application process, financial assistance is available to help reduce the financial burden of crime by reimbursing innocent victims/family members for crime related expenses not covered by any other source of benefit. Compensation may be awarded to the victim, the dependents of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent. Benefits are awarded for medical care, rehabilitation, counseling services, work loss, loss of support for dependents of homicide victims, travel and funeral expenses. From July 1, 2006 through June 30, 2007, the Division received 950 claim applications and awarded \$1,566,668 in financial assistance.

The 2007 Legislature passed House Bill 1522 which amends the Mississippi Crime Victims' Compensation Act increasing financial benefits to victims/survivors of violent crime through the Victim Compensation Program. In addition, passage of House Bill 1522 amends the Mississippi Crime Victims' Bill of Rights giving additional rights to victims of violent crime.

Effective July 1, 2005, the Division began paying for sexual assault medical forensic exams conducted in hospitals and clinics across the state. Counties are no longer responsible for this expense. From July 1, 2006 through June 30, 2007, the Division received 474 sexual assault exam payment requests from medical providers and paid out a total of \$97,529 for sexual assault medical forensic exams conducted. In order to facilitate the collection of forensic evidence and to ensure that all hospitals are paid uniformly, standardized sexual assault examination forms were created and disseminated for use. The Division collaborated with the Mississippi Coalition Against Sexual Assault, medical professionals, crime lab experts and members of the criminal justice system to develop and update sexual assault forensic exam forms and payment policies. Following the standards set by the US Department of Justice National Protocol for Sexual Assault Medical Forensic Examinations, the standardized sexual assault forensic exam forms guide medical professionals through all the steps of the National Protocol necessary to collect evidence and provide for the medical needs of a victim of sexual assault. The Division continues to work with medical professionals and others for quality assurance of this process.

Strong collaboration and partnerships with local, state, and federal agencies help strengthen support services to victims of violent crime. Working in partnership with the Mississippi Coalition Against Sexual Assault (MCASA), the Division's review of sexual assault exam payment requests help to identify locations where Sexual Assault Nurses Examiner (S.A.N.E.) training is needed. With these areas identified, S.A.N.E. training is offered and provided by MCASA resulting in more nurses being S.A.N.E. trained and employed in hospitals; thus, raising the standard of care and support for victims.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## VICTIM COMPENSATION

The Victim Compensation Division provides training to educate and inform professionals who work with and come in contact with victims of violent crime. Staff conducted approximately 27 Victim Compensation/Victim Assistance/Crime Victims' Bill of Rights training sessions and presentations across the state, including law enforcement training sessions and training sessions for victim advocates and victim service providers at the annual statewide "Putting Victims First Conference, MS Coalition Against Domestic Violence Meeting, Sheriffs' Association Conference, MS Department of Health training for social workers, Jackson State University Child Welfare Conference, Brentwood Behavioral Health Meeting, Youth Court Judges Conference, Workplace Violence Symposium, Mississippi Prosecutors' Training Conference, MS Funeral Directors and Morticians Association Conference, and Sexual Assault Nurse Examiner Training.

## VICTIM ASSISTANCE PROGRAM

Services provided by the Victim Assistance Program (VAP) have positively impacted the lives of thousands of Mississippi crime victims since the program began in 1999. Compassionate and dedicated advocates provide assistance to victims and their families whose lives have been traumatically affected by acts of violent crime. Victim advocates work with victims and their family members to help alleviate some of the frustration and confusion of the criminal justice process.

The VAP provides a toll free information and referral line, lends emotional support, provides immediate notification to victims when Supreme Court and Court of Appeals decisions are rendered, assists victims with invoking their rights, and obtains case and offender status. In addition, VAP provides victim assistance with completion of financial aid applications, collaborates with creditors, counselors and landlords to establish payment plans to lessen financial burdens associated with victimization.

Connecting victims and their families with support groups and related services, providing court and parole board hearing accompaniment and assisting with supplying written documentation to criminal justice officials regarding the impact of the crime and requesting court ordered restitution, is an integral component provided by victim advocates in the program.

In FY 2007, the VAP assisted 814 victims of violent and non violent crimes. Approximately 4,800 units of service were provided, including referrals, support, advocacy and information on the Crime Victim Compensation Division and the Mississippi Crime Victims Bill of Rights. Additionally, the VAP received a Victims of Crime Act (VOCA) grant for \$65,868 and awarded approximately \$2,719 to victims of violent crime who incurred crime scene cleanup, repair/replacement and court related expenses related to their victimization, bringing the cumulative program total through FY 2007 to approximately \$58,579.

Partnering with many state agencies and nonprofit organizations to promote awareness of victim issues, victim needs and victim services is an important aspect of the program. Advocates remain committed to serving crime victims by collaborating with organizations such as Mississippi Coalition for Homicide Survivors, Mississippi Coalition Against Sexual Assault, Mississippi Coalition Against Domestic Violence, Mississippians For Crime Victims' Rights, Mississippi Department of Public Safety and many others.

In addition, the VAP provides educational training and awareness for law enforcement and the public at large regarding crime victims' rights. While many victims in rural areas may not have access to local victim services, the VAP works to eliminate service gaps by providing and locating assistance for these victims.

# CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## OTHER VICTIM ADVOCACY OUTREACH PROGRAMS AND TRAININGS:

- The Mississippi Crisis Response Team (MS-CRT) increased membership by training additional volunteers in July bringing the member total to 30. Team members have been trained in crisis intervention by the National Organization for Victim Assistance (NOVA). Members of the team include victim advocates, law enforcement, mental health and medical professionals, and clergy. The MS-CRT responds to violent crime incidents where there are multiple victims and/or witnesses by providing crisis intervention to those most affected by the incident. Members of the team also provide on-site crisis intervention training for local law enforcement agencies and first responders to help meet the needs of those they serve.

- The Third Annual Tree Lighting Ceremony was held in December in honor and in memory of Mississippi crime victims. The ceremony was attended by victims, survivors, victim advocates, service providers and public servants across the state. All were encouraged to participate in the program by placing an ornament on the memorial tree in honor of a crime survivor or homicide victim.

- Co-sponsorship of Blood Drive in honor of Mississippi crime victims.

- Law Enforcement Regional Law Enforcement Trainings conducted statewide in April and May 2007.

- Development and distribution of Effective Responses to Victims of Violent Crime – A Guide for Law Enforcement handbook.

- Public Awareness Campaign for Victim Compensation was initiated and completed in Spring 2007. A thirty-second public service announcement was created highlighting real victims and survivors of violent crime in Mississippi. The public service announcement was aired on television and radio before/during Crime Victims' Rights Week. In addition, an ad was featured in all state and local newspapers promoting financial assistance for victims of violent crime through the Victim Compensation Program.

- Crime Victims' Rights Weeks activities in April 2007 remembered, honored and acknowledged crime victims, highlighted the statewide Victim Compensation public awareness campaign and recognized victims who participated in this campaign, honored victim advocates and a victim service agency with the Amy Clayton awards, presented Gubernatorial Proclamation, and held a candlelight vigil in honor of crime victims.

- Co-sponsorship of the Sixth Annual Retreat for Homicide Survivors.



*(Left) Attorney General Jim Hood helps a child put an ornament on the tree in honor of crime victims. (Right) Two children place ornaments on the tree*





# CRIMINAL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Criminal Division is comprised of some of the most experienced attorneys in state government. Because they rely so heavily on judicial precedent, these attorneys have a keen interest in the history as well as the future development of the law. All briefs filed by Criminal Division attorneys are carefully researched and precisely argued to ensure that lawful convictions and sentences are upheld by the courts.

The Criminal Division is divided into three sections: the Appellate Section, the Death Penalty Section, and the Federal Habeas Section. The attorneys in all three sections provide advice and research resources to fellow prosecutors, law enforcement officers, and other public officials, as well as answer general information questions from the public on criminal matters. These attorneys also provide instruction at the Mississippi Law Enforcement Training Academy and at various seminars and conferences for public officials throughout the State of Mississippi.

---

## APPELLATE SECTION

Appellate Section attorneys represent the State in all non-death penalty criminal appeals and other criminal proceedings in the Mississippi Supreme Court, the Mississippi, Court of Appeals, and the United States Supreme Court. This Section is also responsible for reviewing all extraditions in which Mississippi is either the asylum or the demanding state.

During Fiscal Year 2007, among other various matters, the attorneys in the Appellate Section filed 298 briefs, as well as numerous miscellaneous motions and responses in the Mississippi Supreme Court and the Mississippi court of Appeals, winning approximately 93.6% of the criminal cases disposed of by the Supreme Court and Court of Appeals. This section also processed 160 extraditions.

## DEATH PENALTY SECTION

The attorneys in the Death Penalty Section of the Criminal Division represent the State of Mississippi in all courts in defending the judgments entered in cases in which the death penalty has been imposed. The attorneys in this Section are also called upon to handle post-conviction evidentiary hearings in state circuit courts in death penalty cases.

During Fiscal Year 2007, among other various matters, the attorneys in the Death Penalty Section won eight post-conviction death penalty cases in the Mississippi Supreme Court, with the Court denying all relief requested, and claimed partial victories in two additional post-conviction cases, with the Court remanding for limited hearings on mental retardation and/or ineffective assistance of counsel. In addition, on October 18, 2006, all appeals were completed, and the death sentence was carried out, in the case of *Bobby Glen Wilcher v. State*.

# CRIMINAL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## FEDERAL HABEAS SECTION

The attorneys in the Federal Habeas Section of the Criminal Division represent the State of Mississippi in non-death penalty *habeas corpus* proceedings in all federal courts. During Fiscal Year 2007, the attorneys in the Federal Habeas Section of the Criminal Division filed 329 answers, briefs, motions, and responses in the United States district courts for the Southern and Northern Districts of Mississippi and in the Court of Appeals for the Fifth Circuit, obtaining a favorable result in 99.7% of cases handled.

---

## SIGNIFIGANT CASES IN FISCAL YEAR 2007

*Smith v. State*, 956 So.2d 997 (Miss.2007): The Mississippi Court of Appeals affirmed the aggravated DUI conviction and sentence of a defendant who, while drunk, seriously injured a mother and her four-year son when his car collided head-on with theirs.

*Jackson v. State*, 2004-KA-01460-COA (Miss.App.2007): The Mississippi Court of Appeals affirmed conviction and sentence of an attorney for the crime of sale of marijuana within a correctional facility.

*King v. State*, 2005-DP-0419-SCT (Miss.2007): The Mississippi Supreme Court affirmed the defendant's new death sentence after remand for resentencing in this capital murder case.

*Bacon v. State*, 950 So.2d 250 (Miss.App.2007): The Mississippi Court of Appeals affirmed the conviction and sentence of a defendant who had been convicted of the crime of fleeing from a law enforcement officer in a motor vehicle.

*Melton v. State*, 950 So.2D 1067 (Miss.App.2007): The Mississippi Court of Appeals affirmed multiple convictions and sentences of defendant for crimes relating to the possession and manufacture of methamphetamine.

*Larson v. State*, 957 So.2d 1005 (Miss.App.2007): The Mississippi Court of Appeals affirmed the conviction of and sentence of a grandfather for the sexual battery of his granddaughter.

*Fugate v. State*, 951 So.2d 604 (Miss.App.2007): The Mississippi Court of Appeals affirmed the aggravated domestic violence conviction and sentence of a defendant who had beaten his girlfriend, causing multiple facial fractures.

*Gilmer v. State*, 2004-KA-2236-COA (Miss.2007): The Mississippi Supreme Court affirmed the multiple convictions and sentences of a Madison County constable for the crime of "video voyeurism," resulting from the constable's surreptitious taping and photographing of a young woman through the glass door of her apartment.





## DOMESTIC VIOLENCE DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Domestic Violence Division was created during FY 2007 and is currently funded by Grant #WE-AX-0054 in the amount of \$1.5 million awarded by the Office on Violence Against Women, U.S. Department of Justice. The Domestic Violence Division works in conjunction with other public entities and non-profit organizations for the promotion of domestic violence prevention. By serving as a resource to all those who come into contact with domestic violence victims, the Division brings the full weight of the State of Mississippi to combat the crime of domestic violence, and to achieve the joint goals of holding offenders accountable and ensuring that our victims remain safe from further violence.

Since the creation of the Division in October of 2006, the Division has developed a number of informational publications. "Responding to a Domestic Violence Call: A Quick-Reference Guide for Mississippi Law Enforcement" was written to provide instant information to law enforcement officers responding to an emergency domestic violence call. The guide, spiral bound and laminated, is small enough to allow an officer to carry it with him/her when responding to a call, and offers valuable guidance for officers in completing a thorough report, making appropriate arrest decisions, and assessing potential lethality of a domestic violence incident. These guides are currently being distributed to every law enforcement agency in the State of Mississippi. Additionally, the Division has published "The Domestic Violence and Sexual Assault Prosecutor," a bi-annual bulletin containing useful tips for prosecutors who work in these areas. Still in development in the Division are a uniform offense report for domestic violence offenses, which will standardize the law enforcement response to domestic violence statewide and model domestic violence protective order forms, which will likewise standardize the response of the judicial system in protecting victims of domestic violence and to encourage enforcement of violations of those orders.

*Right: Denise Brown and Attorney General Jim Hood address the crowd at the Summer Domestic Violence Conference in Philadelphia Mississippi.*

A vital function of the Division is to provide statewide training for law enforcement, dispatchers, prosecutors, judges, court clerks, private attorneys and victim advocates on the various points of both state and federal laws addressing domestic violence. In FY 2007, the Division directly sponsored or otherwise participated in 31 different training events, reaching approximately 2000 individuals representing the afore-mentioned disciplines. Approximately 725 law enforcement officers received in-depth instruction related to proper responses to domestic violence incidents and the enforcement of domestic violence protective orders. Some 535 court personnel, including both judges and court clerks, received information related to the issuance and enforcement of domestic violence protective orders, and 125 private attorneys received information related to assisting clients obtain domestic violence protective orders. During FY 2007, Division staff began the process of traveling to every court in the state of Mississippi, offering personal, one-on-one assistance to court clerks in regards to protective orders and the requirements of state laws. The Division is proud of the collaboration with the Prosecutor's Training Division of the Attorney General's Office, which enabled the Division to present topics related to domestic violence at both the Fall and Spring Prosecutors' Conferences, reaching approximately 250 prosecutors.



IN PHILAD<sup>A</sup> BY OR...

IN PHILAD<sup>A</sup> BY OR...

PASS AND STOW

PHILAD<sup>A</sup>

M D CCLIII

M D CCLIII

# MEDICAID FRAUD CONTROL UNIT OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Medicaid Fraud Control Unit (“MFCU”) of the Mississippi Attorney General’s Office has a two-fold mission: prosecuting Medicaid fraud committed by medical providers, and prosecuting and/or assisting in the prosecution of the neglect, abuse and exploitation of vulnerable adults who are patients or residents in facilities licensed by the Mississippi State Department of Health. MFCU negotiated settlements with numerous providers whose misconduct (e.g., erroneous billing, etc.) had not risen to the level of criminal fraud, but which justified payment of restitution, civil penalties and/or investigative costs. In terms of participation in Global (multi-state) litigation, Mississippi’s efforts netted \$1,573,858.97 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.

MFCU is located in Jackson, Mississippi—with no satellite offices elsewhere in the state. With a total of five investigators assigned to the investigation of neglect, abuse and exploitation of vulnerable adults in 82 counties, we continued in 2006-2007 to train and assist local law enforcement agencies and local prosecutors in the peculiarities of prosecuting elder abuse. We are still faced with an expansion of ever-evolving financial crimes against the elderly. We have attempted to continue to form a partnership with local law enforcement which addresses abuse and neglect case in their respective jurisdictions. This has allowed MFCU Investigators the ability to more adequately focus on this area of crime, resulting in multiple arrests and prosecutions.

## **DURING FISCAL YEAR 2006-2007, THE FOLLOWING GLOBAL CASES WERE SETTLED:**

### **December 7, 2006 - OmniCare**

Restitution - \$78,698.94

Penalty - \$78,698.93

This investigation was opened as the result of information received from NAMFCU. Allegations had been made, and later confirmed, that Omnicare, an institutional pharmacy that provides medications to long term care facilities in most states, had switched Medicaid patients from ranitidine tablets to ranitidine capsules. The pharmacy did this in order to profit from the higher capsule price after CMS imposed a Federal Upper Limit (FUL) price on the tablets.

It was determined that in most instances, this widespread switching of patient meds was done without the treating physician’s consent and may have violated FDA and state pharmacy statutes and regulations. Additionally, it violated the states’ Medicaid “medical necessity” regulations

### **February 5, 2007 - Schering Plough (Claritin Rebate)**

Restitution - \$581,664.94

Penalty - \$834,796.19

The facts involved in this global matter are that the company failed to include in the calculation the large dollars provided to various HMO’s and pharmacy benefit managers in free drugs or free services, thus violating Medicaid rebate requirements by falsely stating the best price on various drugs like Claritin.

# MEDICAID FRAUD CONTROL UNIT OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## INSIDER'S LOOK - MEDICAID FRAUD

Three typical cases handled by the abuse, neglect, and exploitation section of the office are the prosecutions of Richard Hager, Earsie Bogard, and Patricia Boclair.

In Pearl River County, Richard Hager kidnaped a vulnerable adult 79 years of age, who was blind, by restraining him in a trailer. Hager boarded up windows, placed a piece of wood on the floor with nails extending upward through the wood to prevent the adult from reaching the front door unless he walked on the sharp end of the nails.

When Hurricane Katrina struck, Hager left the vulnerable adult alone and tied the front door to prevent it being opened. The vulnerable adult finally escaped by pushing out the boards covering one of the windows and crawling our the window. He was later found wandering in a rural area. Hager was convicted of kidnaping. The Court sentenced Hager to a term of thirty years, with ten suspended and twenty years to serve.

In Benton County, Earsie Bogard went to trial on a charge of sexual battery based upon the allegation that she allowed a man to have sex with her severely retarded daughter as payment for yard work. After one day of trial Bogard entered a plea of guilty to the charge.

The Circuit Court sentenced Bogard to a term of thirty years, suspended twenty years, and gave Bogard ten years to serve.

In Grenada County, Patricia Boclair was charged with four counts of felony exploitation and four counts of fraudulent use of identity and/or social security number of a ninety-two year old resident of Yalobusha County Nursing Home to obtain credit and services. Boclair entered a plea of guilty and was sentenced to a term of ten years, with five years suspended, five years on post release supervision, and, upon release from incarceration, to make monthly payments toward full restitution of \$1,770.56.





# OPINION AND LOCAL GOVERNMENT DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Opinions and Local Government Division discharges one of the Attorney General's primary statutory duties, i.e., issuing legal opinions of the Office to state and local officials, boards, agencies, and their attorneys. The Attorney General is the official Statutory Advisor to the Legislature. This division also reviews legislation which will potentially impact voting procedures or office holders in the state, submitting the same to the U.S. Justice Department and provides training and legal assistance to local officials.

In Fiscal Year 2007, we issued over 700 official opinions. Of these more than 77% were issued within 30 days after the request was received. As always, the great majority of these opinions were issued to local governments. These opinions dealt with every facet of government, including purchasing, personnel, taxing, budgeting, contracts, insurance, retirement, elections, separation of powers, solid waste, garbage, gaming, constitutional issues, and many more. Thirteen opinions were issued to Legislators.

## SUPPORT TO STATE AND LOCAL OFFICIALS

The Opinions and Local Government Division is a primary source of support to public officials, public employees, and the attorneys who represent them, through training as well as direct advice. This section spent over 3000 hours giving general advice by telephone in Fiscal Year 2007. Over 370 hours were spent in preparing and conducting seminars and programs across the state for local officials and their attorneys.

The Opinions Division provides year-round support to the Legislature and legislative staff, as well as to all agencies of state government. This support is manifested both in direct advice to agency officials and in assistance to other AG lawyers directly assigned to the agencies. Attorneys in this division also serve as hearing officers for state agencies.

## ELECTIONS AND THE VOTING RIGHTS ACT

This office handles all questions and submissions pertaining to the Voting Rights Act of 1965. Twelve submissions for administrative review by the United States Department of Justice were made in 2007 and all have been approved.

The Attorney General's Office participates in training sessions for election officials throughout the state. Training is conducted for circuit clerks, election commissioners, and party executive committee members.

## OPEN MEETINGS AND PUBLIC RECORDS

This Division helps public officials understand and comply with the open meetings and public records laws through continuing education programs, and by responding to telephone inquiries from state and local officials as well as from members of the public. The Attorney General is a member and director of the Mississippi Center for Freedom of Information.





**CARROLL GARTIN  
DEPARTMENT OF JUSTICE BUILDING**

## PROSECUTORS' TRAINING DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Office of Prosecutors' Training works closely with the Mississippi Prosecutors' Association to provide training and to enhance the availability of criminal justice resources to Mississippi's prosecutors. These services include continuing legal education, case law updates, and legal research for District Attorneys, county, municipal, and youth court prosecutors, as well as their support staff.

The Prosecutors' Training Division offers two major statewide conferences every year for all prosecuting attorneys. General sessions incorporate classes and presenters which bring useful tools and information affecting the entire criminal justice system. Specialized tracks are developed for Victim Assistance Coordinators and investigators. Breakout classes also expand the large general prosecutors conferences and include training sessions which target individual groups such as youth court and newly assigned prosecutors. Training sessions are also provided for the staffs of the Worthless Check Units. Our large conferences are regularly attended by between 350-400 prosecutors.

Specific areas of focus are offered for District Attorneys, Assistant District Attorneys, municipal prosecutors, and youth court prosecutors to provide crucial legal updates which address individual needs. Training during fiscal year 2007 included: cyber crime and internet predators, child victimization, gang issues, DUI training and a mock trial, domestic Violence issues, identity theft, and financial victimization.

Training Conferences are held at no cost to prosecutors. Training funds cover the educational material, speakers' honoraria, travel, lodging, and food expenses for all participants and presenters. Training funds are also used to send several prosecutors to national training programs. The Prosecutors' Training Division of the Attorney General's office consistently researches to provide cutting-edge training, while maintaining a solid foundation of practical application programs which helps prosecutors offer the most effective service to citizens.

We continue to expand resources and training for county and municipal prosecutors as well as law enforcement across the state of Mississippi. The Traffic Resource Safety Prosecutor (TSRP) provides full-time assistance for DUI prosecutors. In addition to training prosecutors and providing specialized trial assistance, the TSRP trained over 400 law enforcement officers throughout the year.

The office continues to maintain a successful list server to assist in the exchange of information among prosecutors. Prosecutors are able to share and compare information on expert witnesses and request assistance on various issues. Regular case updates from the United States Supreme Court, the Mississippi Supreme Court, the Mississippi Court of Appeals and the 5th Circuit Court of Appeals, are sent out through the list server. The office also assists in conducting legal research as needed and provides actual trial assistance.

We provide on-going technological support for case management software used by most of the District Attorneys. The Prosecutors' Training Division is assisting District Attorneys in an upgrade process for case management which will streamline case entry and improve productivity. Testing continues in a pilot program on the Mississippi Gulf Coast. The new system is included in the Mississippi Automated System Project, and is designed to allow all District Attorneys to share criminal information data. This system will connect District Attorneys with arresting agencies, the courts, and the Mississippi Criminal Information Center.

The Prosecutors' Training Division works throughout the year to improve the availability of resources and opportunities for prosecuting attorneys in Mississippi, and to give them the tools needed to meet the challenges of effective criminal prosecution.



**PUBLIC INTEGRITY DIVISION  
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE**

**SIGNIFICANT CASES**

**CONVICTIONS:**

**RULEVILLE POLICE CHIEF PLEAS GUILTY TO EXTORTION**

*Ruleville Police Chief Ronald Robinson pled guilty in Sunflower Circuit Court to two counts of extortion while acting in his official capacity. Robinson was sentenced to two and a half years and ordered to pay a fine of \$2000. Robinson was also ordered to pay \$1000 to the Crime Victims Compensation Fund.*

**ASSISTANT POLICE CHIEF OF RULEVILLE PLEAS GUILTY TO EXTORTION**

*Larry Mitchell, Assistant Chief of Police of Ruleville - Mitchell pled guilty to the three felonies on June 18, 2007, Mitchell was sentenced to serve a term incarceration in MDOC of 15 months on Count I (extortion) and to serve 15 months on Count II (extortion), each of the two counts of extortion to run consecutively. Mitchell was sentenced to serve a term of 15 months on the conspiracy conviction, to run concurrently with the sentence in Count II of the indictment. Mitchell was also ordered to pay a fine of \$2,000 to the Clerk of the Sunflower Circuit Court and to pay \$1,000 to the Crime Victims' Compensation Fund, plus court costs and bond fee.*

**WEST POINT POLICE OFFICER PLEAS TO FILING FALSE INFORMATION**

*Ledrekko Williams, West Point Police Officer pled guilty to one count of False Information, § 97-9-79. Williams was sentenced to ten days, suspended, six months probation and fined \$500 plus court cost. Williams also resigned from the West Point Police Department.*

**ALCORN STATE UNIVERSITY EMPLOYEE PLEAS GUILTY TO EMBEZZLEMENT**

*Mary Walls, employee of Alcorn State University pled guilty to 1 count of embezzlement. Walls was sentenced to two years supervised probation, restitution and fined \$3000 plus court cost.*

**ADAMS COUNTY CIRCUIT CLERK PLEAS TO 3 COUNTS OF EMBEZZLEMENT**

*M.L. "Binky" Vines, the Circuit Clerk of Adams County, pled guilty in an open plea before the judge in Adams County Circuit Court to three counts of embezzlement involving \$228,760.50 in county funds. These funds had been repaid to the county before the guilty plea was entered. The judge invoked the provisions of Mississippi Code § 99-15-26, the so-called non-adjudication law. The Judge withheld acceptance of the guilty plea, adjudication of guilt and imposition of sentence. As part of the case disposition, the Judge ordered Vines to fulfill several court-imposed conditions, including the payment of a portion of investigative cost and the payment of \$40,132.05 for interest and non-sufficient fund fees charged to Adams County.*

**JACKSON MAYOR PLEAS GUILTY TO 3 COUNTS OF MISDEMEANOR FIREARMS VIOLATIONS**

*Jackson Mayor Frank Melton pled guilty in Hinds County Circuit Court to three counts of misdemeanor firearms violations. Melton was sentenced to six months, suspended and fined \$500 on each of the three counts.*

# PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## INDICTMENTS

### LAUDERDALE/CLARKE COUNTIES CHILD SUPPORT PAYMENT PROGRAM CLERK INDICTED FOR EMBEZZLEMENT

*Cindy Phillips Truhett, Clerk for the Lauderdale/ Clarke Counties Child Support Payment Program was indicted for embezzlement of \$216,967 of court ordered child support funds.*

### ETHICS COMMISSION INVESTIGATOR INDICTED FOR DEFRAUDING THE STATE OF MISSISSIPPI

*Bob King, Investigator for the Mississippi Ethics Commission was indicted in Hinds County Circuit Court on four counts of False Representation, Defrauding the State of Mississippi, § 97-7-10 for submitting false travel vouchers for reimbursement.*

### MENDENHALL POLICE CHIEF INDICTED ON FOUR COUNTS OF SEXUAL BATTERY

*Jimmy Charles Sullivan, Jr., Mendenhall Chief of Police, was indicted by a Simpson County Grand Jury on four counts of sexual battery on a child of fourteen years or younger, § 97-3-95.*



## Child Desertion Unit:

### Arrest Warrants / Indictments

- On August 10, 2006, Michael Dunn was indicted by the Hinds County Grand Jury on one count of Desertion, Neglect or Non-support of his child (MCA § 97-5-3). As of May 2005, his child support arrearage was \$35,370.90.
- A Lee County Grand Jury indicted William Wheat for non-support of a child on March 22, 2007. At the time of his indictment, Mr. Wheat owed \$33,822.20 in back child support.

### Guilty Pleas / Convictions

- Frederick Doss pled guilty to one count of felony non-support of a child on July 17, 2006 in Clay County. He was sentenced to serve five years in the custody of the Mississippi Department of Corrections. He will serve 45 days, with the balance of his sentence to be served under post release supervision. Doss was ordered to pay restitution in the amount of \$15,760.17 at a rate of \$263 per month. Additionally he must pay court costs, transfer fees in the amount of \$420, and a \$250 assessment to the Crime Victims' Compensation Fund.
- On August 8, 2006, a Newton County jury convicted Ronald Wayne McGowin guilty of one count of felony non-support of a child. The case was prosecuted by Frances Croft and Jean Smith Vaughan. Judge Marcus Gordon sentenced Mr. McGowin (a convicted felon) to one year in the custody of the M.D.O.C., which was suspended, and three years of post-release supervision. Judge Gordon also ordered Mr. McGowin to pay a \$1,500 fine to the Newton County court.

# PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## Child Desertion Unit:

- Gary Naine Conklin pled guilty in Madison County on August 18, 2006 to one count of felony non-support of a child. Conklin will serve five years under supervised probation, and make restitution in the amount of \$65,964.01. He will pay \$15,000 by October 1, 2006 and the balance of that restitution in monthly installments of \$850 each beginning November 1, 2006. Further, he will pay court costs, extradition costs, a \$100 fine, and a \$250 assessment to the Crime Victim's Compensation Fund.
- Douglas Herrington pled guilty on November 27, 2006 to one count of felony non-support of a child. He was sentenced to serve five years in the custody of the Mississippi Department of Corrections, with all five years suspended to be served as supervised probation. Herrington made a \$1,000 payment at the time of the guilty plea to be put towards his child support arrearage of \$29,017.26. He must make monthly restitution payments in the amount of \$150. However, if he receives any social security disability or other income, his restitution payments will increase to approximately 40% of that income. Also, he must pay court costs and turn in certified Income/Assets statements to the Attorney General's Office every six months.
- On December 11, 2006, Robert Clyde Morgan pled guilty to one count of felony non-support of a child in the First Judicial District of Harrison County. Mr. Morgan was sentenced to serve five years under the supervision of the Mississippi Department of Corrections, with all five years suspended to served under supervised probation. Further, Mr. Morgan will pay \$19,500 in restitution to the custodial parent with the first payment of \$1,000 due within thirty days of his guilty plea. The rest of his payments will be in the amount of \$300\ per month. He will all pay court costs and a \$10 fine to the Crime Victim's Compensation Fund.

## Child Desertion Unit:

- Michael Dunn pled guilty to one count of felony non-support of a child on February 5, 2007 in the First Judicial District of Hinds County. He was sentenced to serve five years in the custody of the Mississippi Department of Corrections. All five years were suspended to be served as supervised probation. Further, Mr. Dunn shall pay restitution in the amount of \$37,204.92. His first payment of \$1,000 was due within 30 days of his guilty plea, and then he will make monthly payments in the amount of \$300 to the custodial parent. Dunn will also pay \$500 to the Crime Victim's Compensation Fund.
- On February 12, 2007, Deborah Nelson Smith plead guilty to two counts of felony non-support of a child in Rankin County, MS. She was sentenced to serve five years in the custody of the Mississippi Department of Corrections for both counts but her time was suspended to be served as five years supervised probation. Ms. Smith will also pay restitution in the amount of \$16,671.67 at the rate of \$230 per month in addition to her regular child support payments to the custodial parent. Also, she will pay \$500 to the Crime Victim's Compensation Fund.



# PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## VULNERABLE ADULT UNIT

- Received 1001 complaints of suspected abuse, neglect or exploitation of a Vulnerable Adult in the setting of a private home.
- Opened 19 cases; presently has 26 active cases for criminal investigation.
- Conducted 24 training sessions or presentations, including 15 training sessions as an instructor to local law enforcement at the Mississippi Law Enforcement Officers' Training Academy in Rankin County, Southern Regional Public Safety Institute, Hattiesburg, Mississippi, Jackson Police Department, Forrest Police Department/Scott County Sheriff's Office. Nine training sessions were presented to elder organizations, banks, home health, and other agencies.



## The following plead guilty or were convicted:

- Weston, Wilma J. (Lottie White/05-58614): Wilma Weston, a resident of Tallahatchie County, pled guilty to one count of felony exploitation of a vulnerable adult on October 4, 2006 before the Circuit Court of Tallahatchie County. Weston was sentenced to three years in the custody of the Mississippi Department of Corrections subject to her participation in one year of the Intensive Supervision Program serve on House Arrest with the following two years suspended. Weston was also ordered to pay full restitution to the victim in the amount of \$5,597.27 and \$250 to the Mississippi Crime Victims Compensation Fund.
- Lowery, Garvin (Flora Ragland/06-59828): Garvin Lowery, a resident of Tate County, pled guilty in Warren County Circuit Court to one count of felony exploitation of a vulnerable adult. Garvin Lowery was sentenced to serve four years in the custody of the Mississippi Department of Corrections with four years suspended subject to the completion of one year in the Intensive Supervised Probation program, followed by three years of supervised probation. Additionally, Garvin Lowery was ordered to pay restitution to the victim in the amount of \$36,444.37 and \$1,000 to the Mississippi Crime Victim's Compensation Fund.
- Lowery, Katie (Flora Ragland/06-59828): Defendant Katie Lowery, a resident of Leflore County, pled guilty in Warren County Circuit Court to one count of felony exploitation of a vulnerable adult. Katie Lowery was sentenced to serve four years in the custody of the Mississippi Department of Corrections with four years suspended subject to the completion of one year in the Intensive Supervised Probation program, followed by three years of supervised probation.

# PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

## The following people were charged or indicted:

- Greer, John Allen (Pauline Sunderman/04-51869): On August 14, 2006, John Allen Greer, a Hinds County resident, was indicted in Hinds County, Mississippi on three counts of felony exploitation perpetrated against Pauline Sunderman, also a Hinds County resident. The amount of Greer's exploitation totaled \$ 3,083.00.
- Motes, John D. (Pauline Hensarling/05-56533): On October 9, 2006, John Allen Greer, a Forrest County resident, was indicted in Forrest County, Mississippi on two counts of felony exploitation perpetrated against Pauline Hensarling, also a Forrest County resident. The amount of Motes' exploitation totaled \$ 24,912.17.
- Lowery, Katie and Garvin (Flora Ragland/06-49828): On October 27, 2006, the Warren County Grand Jury returned a true bill of a two count indictment alleging that Katie and Garvin Lowery, Leflore and Tate County residents, respectively, exploited Flora Ragland, a Warren County resident. The total amount of their exploitation totaled \$36,444.37.
- Arnold, Karynette (Emma Lee Jackson/05-58382): On December 13, 2006, Karynette Arnold, a Hinds County resident, was indicted in Hinds County, Mississippi on two counts of felony exploitation perpetrated against Emma Lee Jackson, also a Hinds County resident. The amount of Arnold's exploitation totaled \$ 3,300.
- Spooner, Jeffery (Steven Childs/06-0229): On June 19, 2006, the Jackson County Grand Jury returned a true bill of a three count indictment alleging that Jeffery Spooner, a Jackson County resident, exploited Steven Childs, also a Jackson County resident. The amount of Spooner's exploitation totaled \$2,232.81.

- Decker, Vanessa (Nannie M. Morris/07-00262): On June 5, 2007, Investigator Jamie Thompson of the Vulnerable Adult Unit arrested Vanessa Decker, a Clay County resident for the alleged exploitation of her mother, Nannie Morris, also a Clay County resident. This investigation is still ongoing such that the total amount of Decker's exploitation is unavailable at this time.

## ALCOHOL AND TOBACCO ENFORCEMENT

During the period of July 1, 2006 - June 30, 2007 the Alcohol and Tobacco Enforcement Division conducted 4,724 tobacco inspections with 197 violations. There were 4,496 beer inspections conducted with 304 violations during this period. The Division conducted 19 Retailers Training with more than 130 managers and clerks trained. When training is conducted, our number one goal and objective is to educate managers and clerks on the importance of checking ID's and to increase the realization that they are the first line of defense in reducing the access of tobacco and alcohol products to minors. There were nine beer cases sent to the Mississippi State Tax Commission with a recommendation of beer permit suspension for one to two weeks and/or \$1,000.00 fine.

PUBLIC INTEGRITY DIVISION  
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE



Mississippi  
Cyber Crime  
Fusion Center



The Attorney General's Cyber Crime Unit has been recognized as a Model Unit by the National Center for Justice and the Rule of Law at the University of Mississippi and by the National Association of Attorneys General. The Attorney General's Cyber Crime unit was begun in 2002 and has continued its outstanding work in the active apprehension of cyber criminals, rendering assistance to law enforcement, state prosecutors, assistance to the public and the promotion of public awareness of crimes against children and internet frauds. Since 2004, when statistics were first kept, the unit has worked over one hundred and thirty cases in which a criminal was indicted or arrested.

The Attorney General has partnered with the F.B.I., the Secret Service, the U.S. Attorney's Office, U.S. Postal Inspectors, Mississippi State University Forensics Training Center, the University of Mississippi's National Center for Justice and the Rule of Law, and local law enforcement to form a Cyber Crime Task Force. The agencies share resources and support each other in the investigation and prosecution of cyber crimes.

Forensic training is available to law enforcement, and training on legal issues pertaining to cyber crime is available to prosecutors, law enforcement, students and the judiciary through our alliance with the University of Mississippi and Mississippi State University. The center is now located on the 17th floor of the Walter Sillers Building and houses the Cyber Crime Task Force.

Over two hundred and seventy investigations have been opened by the unit itself, and assistance has been given to state agencies, such as the Department of Audit and the Secretary of State. Ninety eight cases remain active. The unit works with local law enforcement and prosecutors on statewide investigations, analysis and prosecution of cyber crime in the state of Mississippi.

**PUBLIC INTEGRITY DIVISION**  
**OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE**

CONVICTIONS ET AL FISCAL YEAR 2006-2007

Derrick Walker plead guilty in Rankin County to ten counts of possession of child pornography through a shareware program and was sentenced to serve two years in the MDOC and to register as a sex offender.

Mark Schear pled guilty in Rankin County to three counts of possession of child pornography and was sentenced to serve two and a half years in MDOC. and to register as a sex offender.

Victor Paul Smith, a former softball coach, pled guilty in Jackson County to six counts of possession of child pornography and was sentenced to serve two years in MDOC and to register as a sex offender.

Ronald Robinson pled guilty in Sunflower County to extortion while acting in his official capacity as a police officer and was sentenced to serve fifteen months in MDOC, which runs concurrent to his federal sentence of extortion in U.S. v. Ronald Robinson and Larry Mitchell, 4:06CR00113002.

Larry Mitchell pled guilty in Sunflower County to extortion and conspiracy to commit extortion while serving in his official capacity as a police officer. He has not yet been sentenced, and his state sentence will run concurrent tot Mitchell's sentence on a separate extortion conviction in federal court, a term of thirty months.

Warren Scott Gallaher, a former professor at Hinds Community College, pled guilty in Hinds County to twelve counts of possession of child pornography on the school's computers and was sentenced to serve four years in MDOC and to register as a sex offender.

Frank Criddle, Jr., a registered sex offender, was denied permission in Rankin County to travel to the state of Mississippi from Texas due to his Mississippi conviction in 2005 for gratification of lust by fondling a child under the age of sixteen.

NEW INDICTMENTS

Walter David Woodard was indicted in Lauderdale County on ten counts of possession of child pornography.

Shannon Gilbert was indicted in Rankin County on five counts of possession of child pornography and is set for trial on October 9, 2007.

James Larry Dykes, Jr. was indicted in Marshall County on ten counts of possession of child pornography.

Terry Welch was indicted in Attala County on six counts of possession of chid pornography. Welch is incarcerated in Florida on like charges, and Mississippi has placed a detainer on him.

Sean Thomas was indicted in Yazoo County on nine counts of possession of child pornography.

Timothy Patterson was indicted in Tallahatchie County on ten counts of possession of child pornography.

OTHER PENDING INDICTMENTS SET FOR TRIAL

John Boyles, Jr. was indicted in Marion County on five counts of fondling of a child and three counts of possession of child pornography. Trial is set for May 2008.

# PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Christopher Bolton was indicted on two counts of child luring by use of a computer, i.e., having sex with a child under the age of eighteen years whom he lured from Indiana, and in a separate indictment, Bolton is charged with the exploitation of a child by sending sexually explicit materials to the child under the age of eighteen years with the intent to have sex with the child. He was acquitted on the sending of pornography to a child, and a trial date is pending in Hinds County on the traveling to have sex with a child under eighteen.

Rickey Coleman was picked up on his pending indictment in Tishomingo County on three counts of wire fraud, specifically the selling of cars he did not possess on eBay. Trial will be set for January 2008.

Cyber Crime assisted in the trial of Frank Tipton in Jackson County in November 2007 in the extortion of a probationer by probation officer, specifically that he would pay her fines in return for watching the girl shower. Tipton was convicted and sentenced to one year in prison, two years of house arrest and two years of supervised probation.

## UPDATE

*Cyber Crime Fusion Center is now an Internet Crimes Against Children (ICAC) unit.*

The Cyber Crime Fusion Center was opened on the 17th floor of the Sillers Building in August of 2007, and the floor supports training, forensic exams, prosecution of cyber crimes on a daily basis incorporating federal and state agencies. The unit now includes prosecutors from the Northern and Southern Districts of Mississippi, who have agreed to join with us to prosecute internet crimes against children cases. The Federal Bureau of Investigations plays an active role in operations and assists on search warrants and the forensic examination of electronic media.

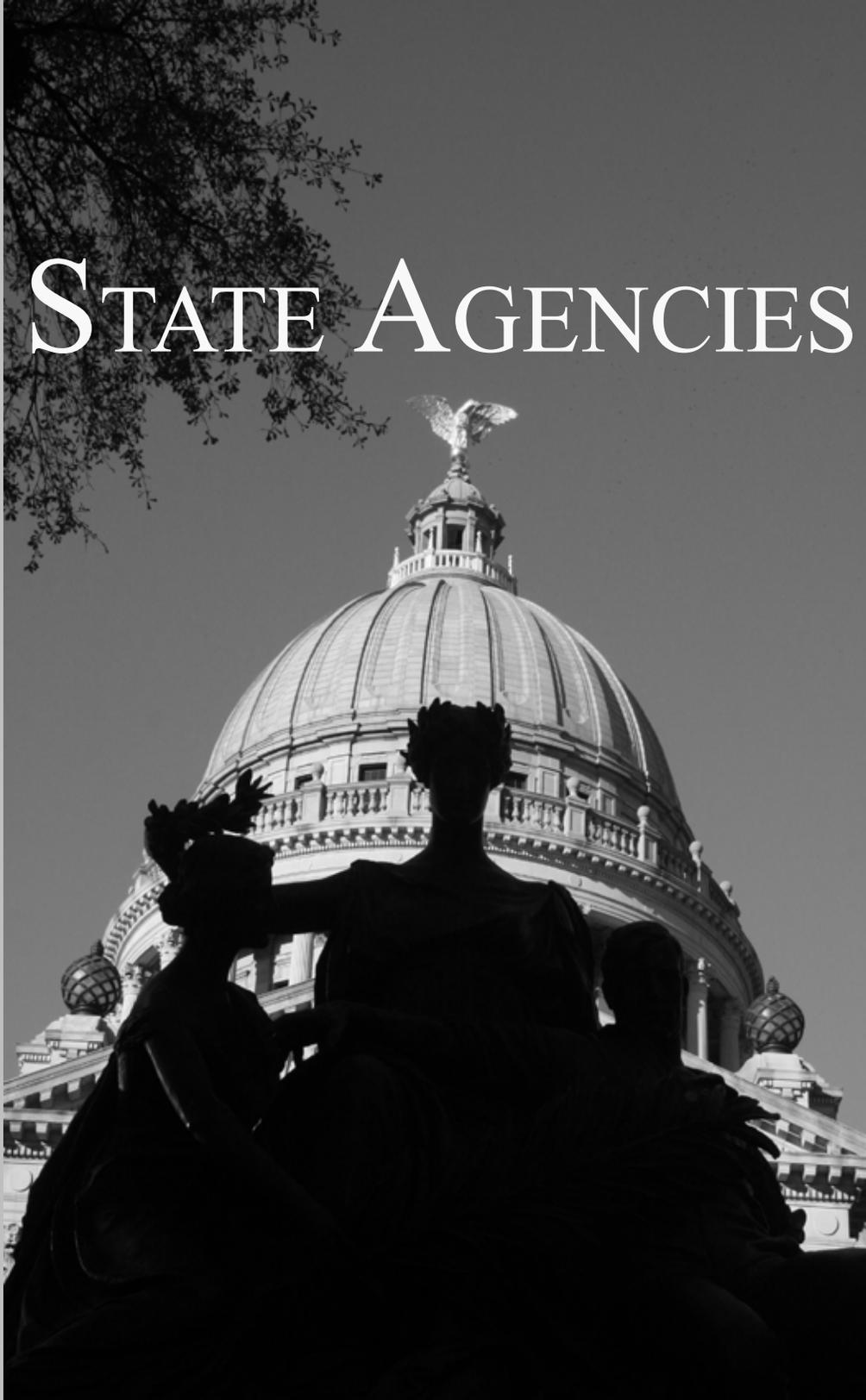
The Secret Service has contributed a certified forensic examiner to work with the AG's three IACSYS certified forensic examiners and one full time investigator.

United States Postal Inspectors are also members of the task force as well as Mississippi Sheriffs who are represented by the Hinds County Sheriff's Office and Rankin County Sheriff's Office. Mississippi Bureau of Investigations and the Jackson Police Department also participate in the task force. The computer training room at the Cyber Fusion Center is used weekly by Mississippi State University, the Attorney General's Office and other State agencies. Scheduled trainings for 2007-2008 include FBI training for forensic examiners on malware and bots, training on Macs, training on social networking for school resource officers, Finding Words Mississippi ( APRI training for forensic examinations of children in preparation for court), etc.

Computer students from Jackson State University and Mississippi State University's Computer Security graduate programs participate in the training of law enforcement and in their own computer educations. Legal interns from from both Ole Miss and Mississippi College School of Law continue to work with the prosecutor on the rapidly growing legal issues in the apprehension and prosecution of cyber criminals.

Mississippians have always worked together as a community; today Mississippians have found a natural connection in joining forces against crime. This exciting coalition of state and federal law enforcement is formidable in the fighting of cyber crime in Mississippi. Because of this demonstrated strength, the unit was awarded an Internet Crimes Against Children designation by the Department of Justice, and though this grant status and funding the unit will hire two proactive investigators, train state law enforcement, prosecute in conjunction with the Northern and Southern District United States Attorneys and educate the public, particularly through active participation in Project Safe Childhood, a federal grant to educate teens on the dangers of internet posting.

# STATE AGENCIES



## AGRICULTURE DIVISION

The Agriculture Division performs legal services for the state's agriculture-related agencies, including the Board of Animal Health, Department of Agriculture and Commerce, Farmers Market, Fair Commission and Land Water and Timber Board.

The attorneys in this division deliver a wide variety of services to their agencies, such as representing the state in administrative proceedings, drafting legislation and regulations, conducting litigation, giving advice in the procurement process, representing agencies in personnel matters and attending agency board meetings.

The Consumer Protection Division of the Department of Agriculture works to insure that the consumer receives a quality product that bears accurate identity, quantity and cost information, while maintaining fairness and equity in the marketplace. The Division inspects nearly 2,400 retail food establishments annually. During the past year, our attorneys assisted in preparing 17 warning letters, issued eight complaints and collected nearly \$4,000 in fines for violations of the U.S. Food Code. We also provided legal guidance to this division in its investigation of the sale of adulterated catfish products from China.

The mission of the Petroleum Products Division of the Department of Agriculture is to provide regulatory oversight as to the quality and quantity of the petroleum products and motor fuels purchased by consumers. Duties and responsibilities under the law include calibration checks of petroleum pumps, sampling of petroleum products and regulating 3,750 retail outlets in the state. During the past year, our attorneys assisted in preparing four complaints and collected \$12,250 in fines for violations of the Petroleum Products Inspections Law.

The Meat Inspection Division of the Department of Agriculture closed one meat plant that did not meet the sanitary requirements, and fined another plant for selling uninspected product. The Bureau of Plant Industry, which is located on the campus of Miss. State University, has regulatory jurisdiction over pesticides, seeds, fertilizer, nursery stock and row crops. The Bureau fined a farmer for applying a herbicide in windy conditions that resulted in the destruction of a neighbor's rice crop. The license of a pest control operator was cancelled due to his failure to adhere to the pesticide label when treating a house for termites. Our attorneys provided legal representation to this division in these administrative proceedings.

The Land Water and Timber Board provides grants, loans and assistance to farmers and businessmen in the construction or improvement of agriculture-related projects in this state. In the last fiscal year, the board approved loans or grants in the amount of \$2,500,000 for six projects in the state.



*The Natchez Trace*

## DEPARTMENT OF CORRECTIONS

Special Assistant Attorneys General David Scott and Jane Mapp serve as legal counsel to the Mississippi Department of Corrections (MDOC). MDOC has nearly 4,000 employees who have the responsibility of overseeing over 40,000 inmates, probationers and parolees. Providing legal assistance to such a large agency necessitates addressing numerous legal issues on a daily basis. As MDOC legal counsel the duties of Mr. Scott and Ms. Mapp include representing the agency in administrative and civil litigation proceedings; drafting and reviewing contracts, policies, procedures, and proposed legislation; advising the department on all legal matters related to the agency including both employee and inmate matters; and overseeing agency compliance with existing court orders.

The diverse litigation matters handled by the MDOC attorneys range from Title VII discrimination cases filed by employees to conditions of confinement cases filed by inmates. Mr. Scott represents the department in all personnel matters filed with the Employee Appeals Board, Equal Employment Opportunity Commission, Employment Security Commission, and U.S. District Courts. Ms. Mapp is involved in the representation of the Department in employee and inmate litigation, assisting in trial preparation, attending hearings, and preparing motions and briefs.



## MISSISSIPPI DEVELOPMENT AUTHORITY

Patricia A. Hancock serves as legal counsel to the Mississippi Development Authority (MDA) and the Mississippi Major Economic Impact Authority (MMEIA).

MMEIA has statutory authority to offer incentives to bring new business and industry into this State and to assist existing Mississippi industries to expand. In this past year, this office has provided legal advice to the Executive Director and staff relative to the drafting of special legislation, contracts, loan agreements and notes between the State and major companies, such as Toyota, PACCAR, Baxter Healthcare, PSL and Riverbend Crossing. Legal services have also been performed on such state matters as the rehabilitation of the King Edward Hotel and the Farish St. District. MMEIA also serves as the body responsible for the duties of the former Mineral Leasing Commission.

MDA oversees the Mississippi State Port Authority and the Yellow Creek State Inland Port Authority and provides assistance to the Mississippi Telecommunication Conference and Training Center Commission. MDA is also the agency designated by the Governor to administer Community Development Block Grant funds. There are a number of statutory grant and loan programs administered by MDA which are available to public and private entities to promote economic development. Legal services relative to the above entail writing and reviewing grant agreements, leases, other contracts and working with staff and local public officials in support of MDA's mission to promote economic development in all parts of the State of Mississippi.

Legal service to these agencies includes: representing the agency in administrative and civil litigation proceedings including Employee Appeals Board Hearings and EEOC matters; drafting and reviewing contracts, policies, procedures and legislation; reviewing Regional Economic Development Alliances, tax incentive agreements and port contracts; responding to Public Records Request; preparing bond resolutions; drafting incentive agreements; providing legal research and general advice to the agency.

# DEPARTMENT OF EDUCATION

Charlene Pierce, Kathy Boteler and Leigh Patterson serve as legal counsel to the State Department of Education and the State Board of Education, which includes the Mississippi School for the Deaf, the Mississippi School for the Blind, the Mississippi School for Mathematics and Science and the Mississippi School for the Arts. Charlene Pierce and Kathy Boteler counsel the Board and agency in matters which include: representing the Department's two commissions, the Commission on School Accreditation and the Commission on Teacher and Administrator Education, Certification and Licensure and Development; reviewing and drafting contracts; drafting attorney general opinions; handling personnel matters (including employee grievances, EAB appeals, and EEOC complaints); providing general advice on policy and regulatory matters; responding to public records requests; analyzing pending state and federal legislation; providing legal research and general legal advice to the agency's bureaus; providing assistance to local school districts; and responding to citizen questions and complaints. Leigh Patterson represents the Department and the Board in all matters related to special education.

The Office of the Attorney General partnered with the Department of Education in providing training on School Discipline Law and Policy Development at the Teachers Rigor Administrators Leaders Involvement Network of Support (TRAIN) Summer Conference, the Mississippi Institute on School Health, Wellness and Safety, the Mississippi Association of School Resource Officers Annual Conference, the School Attendance Officers Annual Conference, and three regional conferences. At these conferences, the Office of the Attorney General provided statutes, case law, opinions of the Attorney General and numerous resources on disciplinary issues, including procedural and substantial due process required for disciplinary action, authority to impose discipline and immunity granted, individual and general search and seizure, drug testing policies, the mandatory reporting of unlawful acts on educational property, mandatory reporting of law enforcement to school officials of students arrested for crimes off campus and the authority school districts to protect students

and staff from students who have committed violent or threatening offenses away from school and school related functions.

Attorneys for the Department provided counsel as safety and educational concerns in the Holmes County School District which led to a declaration of a state of emergency by the Governor and the take-over of that school district by the Board and Department, were addressed. And, attorneys for the Department counseled the Board and the Department in their efforts after the declaration of a state of emergency and the take-over of the Jefferson Davis County School District when the local board of trustees declared a state of emergency and requested the assistance of the Board and the Department.

Representatives from the Office of the Attorney General and the Department of Education attended the National Institutes Against Hate Crimes and Terrorism Tools for Tolerance Conference supported by a special grant from the Bureau of Justice Assistance, U.S. Department of Justice. As a result of this conference, the Office of Attorney General and the Department of Education partnered to provide training in 2007 regarding state legislation requiring the Department to provide assistance and advice to K-12 schools with respect to the Civil Rights Movement and human rights education and awareness, state laws punishing crimes of intolerance, multi-cultural understanding, understanding and responding to bullying-type behavior and policies prohibiting intimidation and harassment in the school environment.

The Department of Education attorneys continue to devote time to aiding the State Board and the Department in their response to the needs of local school districts and educational interests as their recovery from Hurricane Katrina progresses. Very few of the state's 152 districts were not affected by this disaster and the Department of Education attorneys assist the Board and Department in helping many local districts in their efforts to meet their educational responsibilities.

## DEPARTMENT OF EDUCATION

In 1975, the Mattie T. class action lawsuit was filed against the Mississippi Department of Education on behalf of all Mississippi students with disabilities and those suspected of having disabilities. In December, 2003, the parties entered into a Modified Mattie T. Consent Decree that was approved by United States District Court Judge Mike Mills of the Northern District of Mississippi. The local school districts are responsible for obtaining substantial compliance by the end of the 2009-2010 school year with the provisions in the Consent Decree related to Child Find, Least Restrictive Environment and minority students being disproportionately identified as Educable Mentally Retarded and Specific Learning Disabled and receiving special education services. The Department of Education attorneys have worked with the Special Education Division to obtain substantial compliance with the provisions of the Consent Decree.



*The Old Hattiesburg High School*

## DEPARTMENT OF FINANCE AND ADMINISTRATION

Special Assistant Attorneys General Romaine L. Richards and Sarah E. Berry serve as legal counsel to the Department of Finance and Administration (the Department) and its divisions. As counsel for these entities, Ms. Richards and Ms. Berry represent the Department in administrative and civil litigation proceedings; draft and review contracts, policies, procedures, and proposed legislation; and provide legal advice on various matters including, but not limited to, employment law, contractual issues, construction law, garnishments, bankruptcies, public records requests, open meetings, public purchasing, real property, and bid protests.

Ms. Richards provides assistance to the Executive Director on legal matters relating to the Department, including the preparation of the State's Comprehensive Annual Financial Report (CAFR) and to the Health Insurance Management Board, which governs the State and School Employees' Health and Life Insurance Plan (the Plan). It should be noted that through the efforts of both Ms. Richards and Blue Cross Blue Shield of Mississippi, the Plan's administrator, to-date, One Million Forty-Eight Thousand Ninety-Eight Dollars and 69/100 (\$1,048,098.69) has been recovered from third-parties by way of subrogation. Recovery of these subrogation funds has helped to reduce the Plan's expenses and costs. She also serves as general counsel to the State Bond Commission.

In addition to these duties, Ms. Richards provides counsel and representation to the Department of Finance and Administration on matters pertaining to: the Office of Budget and Accounting, which is responsible for budgeting, accounting, purchasing, and payroll functions; the Office of Fiscal Management, which is responsible for providing oversight and assistance to other state agencies to insure compliance with state laws, rules and regulations; the Office of Capitol Facilities, which is office responsible for providing security and maintenance for the buildings located within the Capitol Complex; the Office of Surplus Property (State and Federal); the Office of Information Technology, which is responsible for the management of data processing of the DFA;

## DEPARTMENT OF FINANCE AND ADMINISTRATION

the Office of Insurance, which administers the State and School Employees' Health and Life Insurance Plan, the State Agencies' Self Insurance Workers' Compensation Pool, and the Employment Compensation Revolving Fund, as well as administers the Children's Health Insurance Program (CHIP); the Office of Personnel and Training; and the Office of Air Transport, which provides air transportation to all state government entities.

Ms. Berry serves as counsel to the Bureau of Building, Grounds and Real Property Management (the BOB), whose primary function is to properly administer funds, appropriated by the Legislature in accordance with state laws, regulations and established procedures, for construction and maintenance of state-owned facilities and real property. Ms. Berry is responsible for reviewing both construction and professional contracts for all projects under the control of the Bureau of Buildings; providing legal advice during the progress of construction projects and other real property transactions; counseling on procurement matters and other related issues. Ms. Berry also advises the Public Procurement Review Board, which approves procurement by state entities and hears protests and contract disputes generating from those procurements and the Office of Purchasing and Travel, which serves as the State Procurement Office, on legal matters regarding procurement, statutes, regulations, contracts, policies and procedures, protests and the State's Master Lease Purchase Program.



## MISSISSIPPI FORESTRY COMMISSION

The Forestry Commission offers a variety of forest management services to private and non industrial land owners. The Commission also actively manages much of Mississippi's public timberland, including Sixteenth Section school lands and State Parks. The Forestry Commission by statute has the primary duty of wildfire suppression. Forestry Commission crews suppress wildfires occurring day or night on nearly 17 million acres of timbered and uncultivated land. The Commission provides assistance and training to urban areas in developing community forestry programs including assistance with tree ordinances and urban forest management plans. The Commission runs nursery and seed orchard operations for the production of genetically improved seeds and seedlings for sale to landowners.

### **ROLE OF THE AGENCY ATTORNEY**

I provide advice and assistance to the Forestry Commission in all areas of its operations where legal counsel is needed. This can be divided into areas of personnel, purchasing, accounting, equipment acquisitions, fire protection, timber management and general administration. I assist with all aspects of personnel actions and discipline. I assist with questions regarding the purchasing laws and procedures. I am involved as needed with questions regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes. I review and draft contracts as needed.

### **PROJECTS OR CASES**

Day in and day out the Commission engages in operations and services that require and create legal issues. By statute the Commission has the duty to suppress wildfires and has the authority to recover the costs of the suppression from the party responsible for the fire. Legal representation has been provided to assist in the normal daily operations of the Commission.

# MISSISSIPPI GAMING COMMISSION



During 2007, the Gaming Division was as active as ever, handling all manner of cases related to gambling within the State of Mississippi. The Gaming Division is responsible for representing the Mississippi Gaming Commission in all its legal matters, assisting local law

enforcement authorities as pertains to gaming law, and generally carrying out legislative mandate and state public policy as it regards the gambling laws of Mississippi. The year was also one of extraordinary change for the division and its staff.

On the administrative law front, Gaming Division attorneys represented the Mississippi Gaming Commission in revoking gaming work permits and in appeals of denials of applications for gaming work permits in numbers exceeding those of years past. In addition, the division attorneys advised the Executive Director on at least ten requests for unanimous approval of work permit applications. During this time, close to a dozen patron dispute matters were handled; most of which went to hearing before the agency Hearing Examiner, Special Assistant Attorney General Joan Myers. As a result of Orders to Show Cause issued by the Mississippi Gaming Commission for various violations of the Gaming Control Act and/or the Mississippi Gaming Regulations, Gaming Division attorneys drafted complaints as well as stipulations and agreements imposing monetary fines and other disciplinary actions against various gaming licensees. The division attorneys advised the Commission in conducting its hearings and in imposing this disciplinary action when appropriate. They were also instrumental in advising the Charitable Gaming Division of the Commission in the imposition of disciplinary action against charitable gaming licensees for violations of the Charitable Gaming Regulations.

During 2007, Gaming Division attorneys represented the Mississippi Gaming Commission in litigation arising from appeals of the Commission's decisions. More specifically, one matter involved a decision to grant an extension of site approval on which to build a casino and the resulting appeal. Two decisions relating to the denial or revocation of gaming work permits were also appealed and are in active litigation. Also, at least two decisions on patron disputes are presently on appeal to the respective Circuit Courts. The division attorneys are also involved in federal litigation filed by a former casino employee against the Commission wherein the former employee alleged false arrest and malicious prosecution by a Commission enforcement agent.

The attorneys worked closely with the Criminal Investigations Division of the Commission, as well as, the District Attorneys in several counties in the confiscation of illegal gambling devices and in the prosecution of those cases. They worked with CID and the Mississippi Band of Choctaw Indians in the prosecution of an organized cheating ring. Similarly, division attorneys assisted the Commission as well as several federal and international law enforcement bodies in the apprehension of an international casino cheating and money laundering operation. Throughout the year, they assisted various DA's, ADA's and other state law enforcement agencies in providing information and training in the handling of matters relating to illegal gambling devices and the growing problem of illegal poker tournaments.

Gaming Division attorneys provide assistance on a daily basis to the general public with requests for public records and basic information related to gaming in Mississippi, including inquiries by charitable organizations regarding raffles and bingo. The Gaming Division continues to busy itself providing general legal advice to the Mississippi Gaming Commission, local government entities and the State concerning the ongoing casino expansion and Gulf Coast rebuilding efforts.

# MISSISSIPPI GAMING COMMISSION HEARING EXAMINER

**JOAN MYERS**

**SPECIAL ASSISTANT ATTORNEY GENERAL**

**HEARING EXAMINER FOR THE MISSISSIPPI GAMING COMMISSION**

Twenty-nine casinos are presently licensed by the Mississippi Gaming Commission. Together, these casinos employ approximately 27,000 employees, and more than 15,000 of these employees require gaming work permits issued by the Commission. The Commission's hearing examiner conducts administrative hearings in cases concerning revocations and denials of gaming work permits, as well as in patron dispute cases and in disciplinary proceedings against gaming licensees and charitable bingo licensees. The cases which come before the hearing examiner involve a broad range of issues, including complex gaming issues and a variety of criminal law issues. In each case, the hearing examiner issues a written decision which includes detailed findings of fact and conclusions of law. All decisions of the hearing examiner are subject to review by the Commission.



# MISSISSIPPI DEPARTMENT OF HEALTH

**The Health Law Section of the Attorney General's Office represents the Mississippi State Department of Health and its governing body, the Mississippi State Board of Health. This representation includes legal services to the Board, the State Health Officer, who serves as Director of the Department, the Department's various divisions, nine public health districts and 81 county health departments.**

## **GENERAL ADVICE**

In the past year, the five attorneys in this section provided advice to the Department of Health in a wide variety of areas including, but not limited to: conducting meetings under the Open Meetings Law; drafting proposed legislation and proposed amendments to regulations; assisting with compliance with the Administrative Procedures Act; reviewing and enforcing licensure and certification determinations; assisting with the enforcement of orders for the promotion of public health; reviewing the disclosure of documents under the Public Records Act; assisting with the disclosure of medical records through subpoena and otherwise; reviewing contracts; providing planning and policy assistance; processing garnishment upon employees; preparing Attorney General's Opinions on questions posed by the Department; handling personnel matters, and responding to inquiries from Department of Health staff and members of the public on health-related matters.

## **ENFORCEMENT OF ENVIRONMENTAL LAWS**

The Department's Bureau of Environmental Health was assisted with enforcement of environmental laws in the areas of boiler and pressure vessel safety, radiological health, food sanitation, general sanitation involving regulation of wastewater, institutional sanitation, milk sanitation, water supply involving enforcement of Mississippi Safe Drinking Water Act and certification of operators of water systems. Activity in these areas involved advice, administrative hearings and litigation.

# MISSISSIPPI DEPARTMENT OF HEALTH

## **ENFORCEMENT EFFORTS IN THESE AREAS INVOLVED THE FOLLOWING ACTIONS:**

**On-Site Wastewater** - Assistance in enforcement training of new employees. Administrative enforcement actions against professional installers. Advised staff regarding cases in justice court concerning failing wastewater systems and resulting sewage on neighboring property. Worked with the Department of Environmental Quality, boards of supervisors and departmental staff in resolving wastewater issues in several counties.

**Public Water Supply** - Administrative enforcement actions against public water systems for endangerment of the health of their customers by noncompliance with applicable statutes and regulations.

**Food Protection** - Administrative enforcement actions against retail food service facilities for endangerment of the health of their customers by noncompliance with applicable regulations governing retail food sanitation.

## **HEALTH FACILITIES LICENSURE AND CERTIFICATION**

In conjunction with the Bureau of Licensure and Certification of Health Care Facilities, the attorneys provided ongoing legal counsel in areas including, but not limited to, utilization review, subpoenas, public records requests, and licensure of hospitals, long-term care facilities, personal care homes, ambulatory surgical facilities, abortion clinics, hospice, and home-health care providers. The attorneys also assisted the Bureau in matters concerning the transition of rural hospitals to critical access hospitals.

The attorneys handled administrative hearings against certified nurse aides charged with abuse and/or neglect of residents in long-term care facilities, as well as hearings for matters of denial or revocation of licenses. The attorneys also provide advice and counsel to the Bureau in matters involving the informal dispute resolution process and the federal administrative law hearing process.

## **CERTIFICATE OF NEED AND HEALTH PLANNING**

In the Certificate of Need (CON) Program, our attorneys assisted the Division of Health Planning on procedural and evidentiary matters at administrative hearings, and represented the Department in CON appeals to Chancery Court and the Mississippi Supreme Court. The attorneys also provided ongoing legal advice in matters including, but not limited to, requests for declaratory rulings under CON law, review of changes of ownership of health care facilities, and legal review of staff analyses of new projects proposed under CON law.

## **EMERGENCY MEDICAL SERVICES (“EMS”) LICENSURE AND THE STATEWIDE TRAUMA SYSTEM**

Our attorneys provided legal advice to the Department in matters pertaining to the licensure and regulation of emergency medical technicians and emergency medical (ambulance) services, including disciplinary proceedings. They have also continued to assist the Department in the operation of Mississippi’s first statewide trauma system. They have counseled the Department on such matters as procedures for trauma center designation and the development of reimbursement policies and procedures for indigent trauma care.

# MISSISSIPPI DEPARTMENT OF HEALTH

## **VITAL RECORDS**

During the past year this section handled approximately 800 chancery court complaints to correct birth certificates, death certificates and other vital records, responded to telephone calls and letters from attorneys having filed such complaints or planning to do so, and met with numerous such attorneys. In addition, general advice was provided to the public regarding vital records and statistics.

## **COMMUNITY HEALTH SERVICES**

Assistance was given to the Department in administrative and court actions to enforce vaccination requirements and to quarantine persons with AIDS, other sexually transmitted diseases, and tuberculosis to otherwise prevent the spread of such diseases, and to compel hospitalization and treatment for those with active, infectious, communicable diseases.

## **CHILD CARE AND PROFESSIONAL LICENSURE**

Our attorneys represented the agency in administrative hearings to determine the qualifications of applicants and in disciplinary hearings which may have resulted in suspension or revocation of the license or registration of the following: child care centers, occupational therapists, occupational therapy assistants, dietitians, respiratory care practitioners, medical radiation technologists, hearing aid dealers, athletic trainers, speech-language pathologists, speech-language pathology aides, audiologists and audiology aides.

## **DISASTER PREPARATION**

The Department has continued to focus on training in and outbreak intervening disaster response. The attorneys have participated in training programs in order to provide legal advice and assistance in the development of strategies and plans for dealing with a major bioterrorist attack against the State or other public health emergencies. They have also provided valuable legal advice to the Division of Health Protection on measures for disease control, including interventions against the West Nile Virus.

## **PRIVACY LAW CONSIDERATIONS**

The federal Privacy Rule continued to impact the Department in various ways, and under the guidance of the HIPAA steering committee and the legal department, the Department continued to monitor patient disclosure forms and patient authorization forms and modified contracts with business associates to protect individually identifiable health information. While implementing these new protections for individual privacy, the Department continued to pursue its essential public health objectives for public health research, bioterrorism preparedness, health surveillance and outbreak investigations, and general health promotion.

## **Personnel**

Our attorneys assisted the Department in personnel matters through continuing advice and representing the agency in hearings before the Employee Appeals Board of the Mississippi State Personnel Board. They also worked in conjunction with the Civil Litigation Division of the Attorney General's Office to defend the agency in federal litigation originating from claims filed with the Equal Employment Opportunity Commission (EEOC).

# HUMAN SERVICES DIVISION

The Human Services Section of the Attorney General's Office offers legal assistance to the Mississippi Department of Human Services (MDHS) and its county offices in providing services through assistance to needy and disadvantaged individuals and families found or living in the State of Mississippi. It offers legal counsel, advice, and representation to the executive director, division directors, managers, supervisors, and other employees in matters relating to child protective services, adult protective services, family support services, child support enforcement, and in developing and enhancing service delivery tools.

The Division represented MDHS before various administrative and judicial bodies, conferred with MDHS on the Agency's legislative needs, wrote advisory opinions, continuously replied to questions from MDHS' service recipients, providers of services, public officials and the general public; consulted on child support cases; acted on records requests pursuant to subpoenas, subpoena duces tecum, and the Public Records Act; and helped with tort claims. We worked with MDHS in providing for the care of children with mental illnesses or multiple disorders, children requiring interstate placement.

---

## CONTRACTS

Contractual procurements, agreements and partnerships remain essential to MDHS' service delivery system. During FY 2007, the Human Services Division:

- Reviewed, revised, drafted, and/or negotiated over 822 contracts, subgrants, requests for proposals, memoranda of understanding and other agreements.

## DIVISION OF CHILD SUPPORT ENFORCEMENT

Reviewed contractual agreements and responded to other inquiries for the Division of Child Support Enforcement which contributed in receipts of \$242,744,153.76. in child support collections for FY07.

Drafted and negotiated a \$2 million contract between MDHS and a private law firm to work child support related cases.

## OFFICE OF CHILDREN AND YOUTH

Subgrants administered by the Office of Children and Youth provided 39,254 child care certificates and 1,232 slots for low-income families in need of child care services.

## DIVISION OF YOUTH SERVICES

Through this division subgrants with community-based organizations were issued to operate its Adolescent Offender Program (AOP), which provide intervention and prevention services designed to decrease criminal activity among adolescents and to safely divert adolescent offenders from further contact with the criminal justice system. AOP served 1,247 clients. Thus far there are 24 programs covering 38 counties.

# HUMAN SERVICES DIVISION

## **DIVISION OF COMMUNITY SERVICES**

Subgrants and agreements, with this division, allowed MDHS to provide assistance to the elderly, disabled, and children through such programs as Weatherization.

- From April 1 thru October 31, 2005 this program provided assistance to a total of 93 homes, and 185 Elderly persons, 30 disabled persons and 37 children.
- In addition, this division also provided assistance to 161,349 households through various programs such as CSBG, LIHEAP and ECIP.

## **DIVISION OF FAMILY AND CHILDREN'S SERVICES**

The Division of Family and Children Services provide a safety net for those children who have been abused and/or neglected; however, it is their responsibility to reunite these children with their parents. When the effort failed or was not possible, MDHS referred the cases to the Human Services' Division for Termination of Parental Rights (TPR).

In SFY 2007, 220 new TPR cases were referred to this Division. Human Services attorneys obtained court orders terminating parental rights for 365 children. TPR was discontinued for 33 children.

The Division worked with MDHS in placements for hard to place children such as those with mental illness and behavior problems.

- Seven vulnerable adults cases
- 80 administrative fair hearings. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry
- 423 legal clearances completed by legal staff for the adoption unit, which allowed children to be adopted by loving families.
- Conducted local and state level training sessions with social workers.

## **DIVISION OF HUMAN RESOURCES**

- Our Division handled 67 personnel cases for MDHS.
- Responded to more than 185 subpoenas and open public records request.
- Processed over 229 writs of garnishments and other wage withholding matters

## **OAKLEY TRAINING SCHOOL AND COLUMBIA TRAINING SCHOOL**

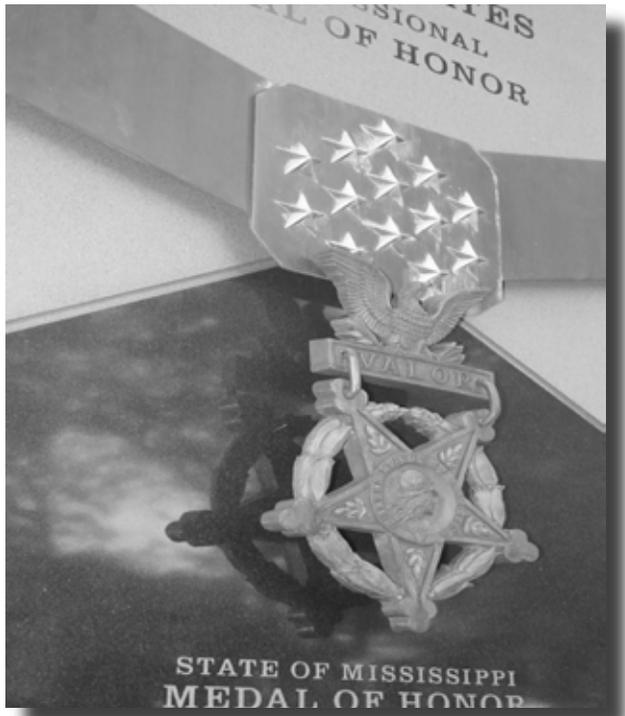
Our correspondence with the Department of Justice and the Federal Court Monitor for the 2007 Fiscal Year is well over 1,000 letters and/or emails. In addition, we averaged approximately two conference calls per month with the Department of Justice, the Federal Court Monitor and various experts and consultants to discuss issues such as policies, compliance and any other concerns raised by the DOJ or the Monitor. We also submitted the State's Compliance Report, which is to be submitted every four months.

## **IN ADDITION, THIS DIVISION:**

1. Reviewed contracts relating to the training schools such as contracts for medical services, consulting services, facility services and adolescent offender programs.
2. Entered into Mediation with the Department of Justice in March 2007 to address DOJ's concerns with protection from harm and suicide prevention issues at the training schools.
3. Reviewed Easements with Bell South for Columbia and Gulf South Pipe Line for Oakley Training School and reviewed Warranty Deed for Oakley Training School.

## INFORMATION TECHNOLOGY SERVICES

During the past fiscal year, Donna Rogers drafted and/or negotiated 243 contracts of various types (software licenses, software development contracts, turnkey agreements, purchase contracts, maintenance contracts, leases, application service provider (“ASP”) contracts, and professional services contracts) with providers of data processing and telecommunications hardware, software and services. Some of those contracts involved projects for a centralized parks reservation and point of sale system for the Mississippi Department of Wildlife, Fisheries and Parks; a fingerprint and background checking system for the Mississippi Department of Health, and a fleet management system for the Mississippi Department of Finance and Administration. In addition to contract negotiations, Mrs. Rogers provided legal advice to the Executive Director and staff of ITS, and responded to garnishments and public records requests.



*The Mississippi Congressional Medal of Honor*

## DEPARTMENT OF INSURANCE

Special Assistant Attorneys General Mark Haire, Stephanie Ganuchau, Kim Causey, Joel Jones, and Linda Boozer are assigned as legal counsel to the Department of Insurance. Mark Haire Serves as Division Director specializing in life and health insurance, market conduct examinations, and corporate matters. Stephanie Ganuchau specializes in life, health, and disability insurance, and corporate matters. Joel Jones specializes in viatical settlements, agent enforcement, burial insurance, departmental personnel matters, and property and casualty insurance. Kim Causey specializes in agent enforcement, bail bond matters, burial insurance, property and casualty insurance, electronic protection regulation, and legislative affairs. Linda Boozer specializes in agent enforcement, bail bond matters, electronic protection regulation, and property and casualty insurance.

The legal staff is responsible for consulting with the commissioner and Deputy Commissioner, as well as technical and professional staff, to insure compliance with state law and Department rules, and regulations. The legal staff also represents the Commissioner in various proceedings regarding receiverships, liquidations and insolvency's of insurance companies, corporate matters, and disciplinary actions. The legal staff serves as counsel for the Commissioner of Insurance, State Fire marshal Division, Liquefied Compressed Gas Division, and the Mississippi State Fire Academy.

Throughout the fiscal year the legal staff participated in numerous administrative hearings concerning insurance agents and companies resulting in the collection of administrative fines and or the suspension or revocation of the agents' or companies' license. Fines collected and premium refunds obtained from agents and companies in FY 2007 totaled 1,063,870.60.

# DEPARTMENT OF INSURANCE

The devastating damage caused by Hurricane Katrina continues to present countless opportunities for the legal staff to provide assistance to Mississippi insurance consumers. The legal staff prepared several Regulations in FY 07 designed to protect the insured and help them move forward with the recovery and rebuilding process. These include:

- Bulletin 2006-8, providing that any provision in an insurance policy that limits the statute of limitations for filing a legal action to any period less than three years as prescribed by statute is null and void.
- Bulletin 2006-10, which clarifies the fees that may be charged by a registered public adjuster with respect to Katrina Claims.
- Bulletin 2007-1, which requires all insurance producers who sell flood insurance through the National Flood Insurance Program complete a flood insurance training course, and allows any insurance producer that attends and completes such flood training to receive continuing education credit.
- Regulation 2006-2, requiring all property and casualty insurance companies who write homeowners insurance shall at the time of issuing and renewing the policy, provide the policyholder with a written notice of any flood or earthquake exclusion which may be contained within the policy.
- Regulation 2007-1, also known as the Policyholder Bill of Rights, sets forth procedures and requirements that ensure policyholders understand their rights as a policy holder, and also enacts a requirement that property and casualty insurance companies establish an outline of coverage and comprehensive policy checklist at the time of issuance and renewal of the policy which provides information to the policyholder of what is contained in their policy, including what perils are included or excluded.
- Regulation 2007-4, which sets forth the rules and regulations governing the licensure and regulation of public adjusters in the State of Mississippi, as required by House Bill 1524, 2007 Regular Session.

The legal staff also continues to work closely with Katrina claimants in an effort to help them resolve disputed claims with their insurance carriers.



# DEPARTMENT OF MARINE RESOURCES

The Department of Marine Resources contracts with the Mississippi Attorney General for full-time legal representation.

---

Legal Counsel continues to represent the Commission and Department in several cases that are currently in various stages of litigation. The Lawrence case was brought to a final resolution based upon the property owner's substantial compliance with the Agreed Order. In the Johansen case, the property owner and his counsel filed an appeal of the Commission's decision to Chancery Court though it was ultimately dismissed with the violator agreeing to comply with the Commission's order. The two isolated wetlands cases (Garcia and Butterfield) are still on appeal in the Fifth Circuit.

Enforcement actions continue to rise. The cases referred primarily involve property owners who have failed to comply with restoration orders from the Commission on Marine Resources. Legal Counsel are attempting to resolve these matters informally.

Since Hurricane Katrina the MDMR and Legal Counsel continue to deal with many issues in conjunction with FEMA. Clean-up of the right-of-way surrounding CSX railroad bridges, coastal preserve property on the north shore of Bay Saint Louis adjacent to Dupont, contracts for Mississippi Sound clean-up, property loss reimbursements, and the need for individual owner's to sign waivers in order to gain access to the canals are examples.

The revision of the Mississippi Coastal Program continues. Several meetings regarding this effort were conducted. There was some consensus to scale back the proposed scope of the effort so that the changes would only be routine program changes with a draft document completed before the end of 2007.

Legal staff have also provided guidance to the MDMR regarding a Deer Island boating accident wherein a vessel struck a marsh restoration project, as well as coordinating efforts with the United States Coast Guard regarding the marking of the newly established breakwater off the south shore of Deer Island.

Oyster reef enhancement projects have been very active. Legal Counsel have reviewed the program requirements, project bids and contracts.

In addition to the substantive and procedural coastal program support, legal counsel also provide advice on various other agency issues, review and respond to public document requests, ensure open government practices, coordinate contact with other agencies and NGOs. The CZM Grant funds contractual support for the two attorneys for this task.



## DIVISION OF MEDICAID

Four Special Assistant Attorneys General, Richard Roberson, Bill Mounger, Chuck Quarterman and Anita Clinton, and two administrative assistants, Carnetta Vann and Annette Carter, provided legal services to the Division of Medicaid during FY07. The Division of Medicaid, with over 900 employees, has a total budget of nearly four billion dollars and provides health care coverage to approximately one out of every four Mississippians.

The attorneys represented the agency on a variety of matters, including statutory and regulatory issues, administrative appeals and hearings, contracts and procurements, personnel actions, requests for public information, third party subrogation, estate recovery, garnishments, levies, bankruptcies and tax liens. In addition, the attorneys facilitate investigations for the Medicaid Fraud Control Unit and coordinate defense of complex civil litigation through the Attorney General's Civil Litigation Division. The attorneys working with third party recovery cases have approximately 1000 active files and have successfully recovered over \$5 million for the agency during FY 2007.

In addition to state level agency administrative hearings, our attorneys have also represented the Division of Medicaid in matters before the Employee Appeals Board, the EEOC, United States Bankruptcy Court, and other state and federal courts. Agency attorneys successfully negotiated a bankruptcy repayment plan which will recover \$1.5 million for the agency. In addition, agency attorneys have negotiated settlements in multi-district litigation in New York regarding the pharmaceutical drug Zyprexa, and continue to assist special counsel retained by the Office of the Attorney General to pursue State claims against pharmaceutical manufacturers concerning the drugs Vioxx and Zyprexa, as well as fraudulent pricing practices regarding drug costs.

## DEPARTMENT OF MENTAL HEALTH

Duties of the legal counsel to the Department of Mental Health include handling defense of cases filed against the Department of Mental Health, including EEOC claims, discrimination claims, Americans with disabilities claims, and other matters that are filed against the Department of Mental Health and its various agencies. He attends court on behalf of the Department of Mental Health whenever a minor with special needs is a party acts as a liaison between the Department of Mental

Health and various judges when questions arise concerning the placement of minors or adults with mental problems, insures that the placement is proper, and advise judges on the most appropriate placement of mentally ill persons.



## STATE PERSONNEL BOARD

Special Assistant Attorney General Bob Fagan serves as General Counsel to the State Personnel Board (SPB). His duties as general counsel include assisting the State Personnel Director and the Board in the performance of their statutory responsibilities; assisting in the development of Board decisions, regulations, opinions, and other statements concerning implementation of personnel policy; interpreting and defining state and federal laws, including but not limited to Title VII of the Civil Rights Act of 1964 and the amendments thereto, the Civil Rights Act of 1991, the Age Discrimination in Employment Act, the Equal Pay Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Pregnancy Discrimination Act of 1978, and the Fair Labor Standards Act of 1938, as amended; assisting state agencies and their legal counsel as well as the general public concerning specific employment and human resource issues; representing the Board in litigation in all courts; analyzing contracts for outside legal services submitted to the Board for approval; developing and drafting proposed rules and regulations and legislation; monitoring legislation during the legislative session; serving as a liaison between the Board officers and the Office of Attorney General; and conducting seminars and training in employment law and human resource management for state attorneys, human resource professionals, and supervisors. As General Counsel to the State Personnel Board and the Statewide Personnel System, Mr. Fagan also serves as legal counsel to the Personal Service Contract Review Board (PSCRB) and the Mississippi Employee Appeals Board (EAB). As Counsel to the Personal Service Contract Review Board, Mr. Fagan reviews all personal and professional service contracts with state agencies in excess of \$100,000.00 to insure compliance with state law and PSCRB procurement regulations. During Fiscal Year 2007, 231 contracts were approved for execution through Fiscal Year 2011 by the PSCRB, totaling approximately \$441,524,673.00.

## PROFESSIONAL LICENSURE AND REGULATORY SECTION

The Professional Licensure and Regulatory Section of the State Government Division of the Attorney General's Office, consisting of Deputy Attorney General Onetta Whitley and Assistant Attorneys General Leyser Morris-Hayes, Maudine Eckford and Gloria Green, is charged with providing legal representation to the various professional licensing and regulatory boards and commissions of the State of Mississippi. This representation includes, but is not limited to, providing general counsel and advice, representing agency staff in administrative hearings, serving as hearing officers in administrative proceedings, handling a variety of personnel issues, including employee discipline and equal employment compliance, and advising on matters pertaining to rule making. In addition, this Section represents the various agencies in courts of law on matters of injunctive relief, some civil litigation and appeals from administrative decisions.

The agencies include the State Board of Professional Engineers and Land Surveyors, State Board of Public Accountancy, State Board of Dental Examiners, Board of Psychology, State Board of Cosmetology, State Board of Funeral Service, Mississippi Auctioneer Commission, Real Estate Appraiser Licensing and Certification Board, Licensed Professional Counselors, Massage Therapists, Physical Therapists, Fire Fighter Certification Board, Commercial Mobile Radio Services Board, Home Inspector Board as well as several others.

In addition to providing general counsel to the professional licensing agencies, this section also provides general counsel to a variety of other state agencies in the Executive Branch of Government including Mississippi Emergency Management, Mississippi Authority for Educational Television, Mississippi Industries for the Blind, the Athletic Commission, and others.

This year the legal services provided to agencies via contractual agreements between the agencies and the Office of the Attorney General have resulted in an estimated savings of \$12,018,572 in legal costs.

## PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Special Assistant Attorney General Margo Bowers serves as legal counsel to PERS. The Retirement System is responsible for administering the Public Employees' Retirement System, the Mississippi Highway Safety Patrol Retirement System, the Government Employees Deferred Compensation Plan, the Mississippi Municipal Retirement Systems, the Supplemental Legislative Retirement Plan, the Retiree Group Life and Health Benefits, the Optional Retirement Plan for the Institutions of Higher Learning, and the Federal State Agreement providing Social Security coverage to eligible participants.

Ms. Bowers' responsibilities include: ensuring the governmental status of entities for requesting membership in the System, drafting of contracts, assisting outside counsel on securities cases; assisting the third party administrator for the Deferred Compensation Plan address legal questions relative to the Plan as well as ensuring that federal guidelines are satisfied; assisting in personnel matters; and representation of PERS at Administrative hearings including Disability appeals, and Circuit Court and Supreme Court appeals relative to disability claims and membership service claims. Presently there are 36 appeals before the Circuit and/or Supreme Court.

Ms. Bowers also assists the Personnel Director with issues relative to employee relations; responds to opinion requests relative to the Retirement System and the programs it administers; offers advice and assistance in drafting legislation and agency regulations; assists the staff within the Retirement System, as well as staff from other agencies, to respond to questions regarding the application of the statutes which govern the administration of PERS and the separate plans it administers, which include, but are not limited to, service credit, disability benefits, garnishments, beneficiary disputes, eligibility for benefits, membership in PERS or other retirement plans, refunds, investments, the fiduciary responsibility of the Board of Trustees and monitoring of federal legislation for impact on PERS.

## DEPARTMENT OF REHABILITATION SERVICES

Special Assistant Attorney General Sara DeLoach represents the Department of Rehabilitation Services which includes the Office of Vocational Rehabilitation, the Office of Vocational Rehabilitation for the Blind, the Office of Disability Determination Services, the Office of Special Disability Programs and Support Services, as well as the Department's governing entity, the State Board of Rehabilitation Services. In her capacity as legal counsel she advises the Board and Department regarding employment and personnel issues, in house, as well as before the Equal Employment Opportunity Commission., Employee Appeals Board, and the Employment Security Commission. She also advises and represents the agency concerning:

- Open Meetings
- Public Records
- Subrogation
- Bankruptcy
- Garnishments
- Administrative Procedures,
- Subpoenas
- Public purchasing
- Workers' Compensation
- Immigration
- American Indians
- Contracts
- Leases
- Policy
- Americans with Disabilities Act
- Social Security Disability

## SECRETARY OF STATE PUBLIC LANDS DIVISION

Special Assistant Attorney General Nancy Morse Parkes is assigned to the Secretary of State's Office Public Lands Division. Her duties include providing general legal advice regarding tax sales, AG opinion research, and other related matters. Additionally, she works closely with the Secretary of State's Senior Public Lands Attorney on 16th Section Land issues. Nancy handles all suits to clear title in which the state is named as a defendant. In defending these cases, she works with the Secretary of State's office to determine what interest, if any, the State has in the property in question, and files the appropriate answer and other pleadings. Nancy handled more than 363 of such suits last year. Ms. Parkes represents the Secretary of State in eminent domain suits where the Secretary of State is named as a defendant due to possible interests via un-matured tax sales. Her further litigation duties include protecting the state's interest in lawsuits where individuals claim to own 16th Section School Trust land and Public Trust Tidelands.

Ms. Parkes provides legal assistance to the Elections Division in regard to the campaign finance reporting and lobbying laws. Additionally, Ms. Parkes regularly meets with and advises the Assistant Secretary of State for Public Lands and the Senior Public Lands Attorney on a variety of issues ranging from dealing with other agencies to litigation being handled by outside counsel.



## MISSISSIPPI DEPARTMENT OF TRANSPORTATION

The Transportation Division of the Attorney General's Office employs ten Special Assistant Attorneys General under its contract with the Mississippi Transportation Commission. Also performing administrative work for the agency were four attorneys employed by the Department of Transportation: one Senior Attorney in Human Resources Division, two Senior Attorneys in Right-of-Way Division, and a part time attorney representing Law Enforcement Division. The Division's support staff includes one administrative assistant and two secretaries employed by the Attorney General, as well as a paralegal, a part-time secretary, two part-time receptionists, along with one part-time and one full-time law clerk working on direct contract with MDOT. The Mississippi Transportation Commission, acting through its executive arm, the Mississippi Department of Transportation, constitutes one of the largest agencies in the State. With the funds appropriated to it by the Legislature and additional monies made available from the United States Government for emergency relief in the aftermath of Hurricane Katrina, its total expenditures for Fiscal Year 2007 amounted to \$1,461,156,280.

The Commission also had master contracts with a number of attorneys who provided services on an hourly, as-needed basis for various reasons, such as in situations where special expertise was required, or when the in-house attorneys had a conflict. The Commission paid \$1,186,239.93 to the Attorney General under its contract, although some of these funds were to be credited back to the Commission for work done by Division attorneys for other agencies. It also paid \$636,100.64 to nineteen different firms for eminent domain work, \$ 683,782.74 to eleven firms for title and closing work related to property acquisition, and \$ 235,237.84 to twelve firms for general representation.

The Division's philosophy continued emphasize practicing "preventative law, and on handling more and more complex litigation in-house. The goal of this philosophy is to reduce litigation, to increase in-house expertise, and to be good stewards of the tax proceeds made available to it by the people of Mississippi.

# MISSISSIPPI DEPARTMENT OF TRANSPORTATION

## GENERAL:

The Transportation Commission moved forward with its ambitious and innovative plan to work through Interlocal Cooperative Agreements with other governmental entities to issue bonds for construction of transportation facilities, to be repaid largely by Federal matching funds through the Federal Highway Administration. Efforts to recover from Hurricane Katrina continued to dominate the thoughts and time of the attorneys within the Division. Judy Martin remained lead counsel on the design/build contracts for replacing the two bridges on Highway 90 spanning St. Louis Bay and Biloxi Bay. Work is progressing on both projects, and they are expected to be completed by March, 2008. With assistance from admiralty lawyer John H. Clegg, the Commission is in U.S. District Court pursuing reimbursement from Signal International, LLC, the owner of barges which struck and caused damages in excess of \$7,000,000 to the Interstate 10 bridge near Pascagoula.

Anthony Williams and Larry Schemmel, along with Department of Transportation Senior Attorney Joe Goff, defended the agency in a discrimination suit in Federal District Court; a zero verdict was returned by the jury. Thomas S. Coleman was lead counsel in an inverse condemnation suit in the Circuit Court of Lafayette County, and another in Yalobusha County. Chief Counsel Roy Tipton was counsel of record in an admiralty matter, and worked with the U.S. Office of the Inspector General regarding issues which arose after Hurricane Katrina.

Several other agencies also availed themselves of the staff's expertise during the year. Walker Watters, Billy D. Hall, and Roy Tipton worked with the Mississippi Department of Finance and Administration on the Capitol Green project, which offers great potential for revitalizing downtown Jackson. Walker Watters spent fifty percent of his time representing the Oil and Gas Board and handled a property case for the Department of Mental Health, in addition to his usual caseload of construction and workers' compensation cases for MDOT.

Larry Schemmel, a licensed patent attorney, obtained or applied for ten U.S. patents for various Mississippi state universities, including one PCT (international) patent filing and one U.S. patent he obtained for the Mississippi Department of Transportation. He obtained trademarks and service marks for Alcorn State University and Mississippi State University and handled trademark infringement claims for Delta State University and Mississippi State University. He also manages copyright registrations, handled three Internet domain name registrations (for DSU and MSU), and is litigating three copyright infringement matters, in addition to handling construction cases for the Veterans' Home Purchase Board and Mississippi Valley State University. J.D. "Woody" Woodcock represented the Nursing Board, the Agriculture Aviation Board, the Geology Board, and the Architectural Board. Walker Watters represented the Oil and Gas Board half time. Lloyd Arnold worked with NASA in reaching an agreement for construction of infrastructure to expedite evacuation of the Gulf Coast in the event of hurricanes and other natural disasters, and assisted with the final closeout of the temporary ferry boat contract for the Bay St. Louis project. Jimmy Isonhood continued his work on the emotionally charged issue of keeping the rights-of-way clear of obstructions, opening 66 new encroachment cases. In addition to his other duties, Mr. Isonhood was selected to serve as the National Chairman of the National Association of Highway Beautification Agencies, and served in that capacity throughout the year. As always, the Division provided the general day-to-day advice, assistance, and representation expected by an agency with some 3,300 employees, 14,000 miles of roadway to maintain, and offices in all 82 counties.

PROPERTY ACQUISITION: The Commission acquires thousands of parcels of property in a typical year to utilize in construction of highways and other facilities, a process overseen by Billy D. Hall. The agency's Right-of-Way Division has continued to place extra emphasis on making good faith efforts to purchase this property at fair market value rather than condemning it, so only 55 new cases were filed during the year.

# MISSISSIPPI DEPARTMENT OF TRANSPORTATION

For a variety of reasons, notably, that local attorneys are more effective in selecting juries when engaged the emotionally charged issue of taking property away from its owners, most eminent domain cases were pursued by outside counsel. Special Assistant Attorney General Judy Martin is lead counsel in four cases, but the past practice of employing fee counsel is satisfactory to the Department. During the year 49 agreed judgments were obtained, while 25 cases were tried before juries.

TORT CLAIMS: Performing construction work and operating thousands of vehicles are inherently dangerous activities, and as a result a large number of tort claims are filed against the Department of Transportation each year. According to the Tort Claims Board, a total of \$ 1,124,661,19 was paid in damages on behalf of the Department of Transportation during the year, while the Board paid \$ 290,012.56 to fee counsel for defense work. The Department's assessment was \$ 2,626,598.80. Anthony Williams has continued in his role of representing the agency in this area. He is lead counsel in a number of cases, in addition to his oversight responsibilities.

PROPERTY DAMAGE CLAIMS: Special Assistant Attorney General Jimmy Isonhood, with the assistance of one secretary and one full time paralegal, aggressively pursued parties who had damaged facilities and equipment owned by the Department. By obtaining settlements and judgments in 64 separate cases, they collected and returned to the citizens of Mississippi a total of \$688,186.96.

WORKERS' COMPENSATION: The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$1,206,876.28 in disability benefits to current and former employees of the agency, and \$1,757,642.24 to medical providers on behalf of these individuals. There were some forty controverted cases active at some point during the year, with Walker Watters as lead counsel in a number of them, and Woody Woodcock in others. The rest were assigned to outside counsel. The sum of \$80,280.60 was collected for the agency through subrogation claims asserted against third parties responsible for accidents which resulted in claims.

CONCLUSION: The Transportation Division of the Attorney General's Office continued to strive to give the best possible representation to the Transportation Commission and to the State of Mississippi as a whole, while minimizing the public's expenditures. Half of Walker Watters's salary was paid by the Oil and Gas Board, and half of Woody Woodcock's salary was paid by other agencies. Larry Schemmel and Anthony Williams billed substantial amounts of time to other agencies. Despite the reduced time applied to transportation issues by the Division, the agency received representation at a rate substantially below that charged by outside counsel, so the mutually beneficial relationship between the client and its attorneys flourished.



## UNIVERSITIES DIVISION

Van Gillespie, Keyla McCullum and Jamie Christian serve as legal counsel to the Board of Trustees of State Institutions of Higher Learning (IHL), the Commissioner of Higher Education, the eight institutions of higher learning, as well as various other public agencies associated with the Board. Additional university campus attorneys have been authorized and assigned to Jackson State University, Mississippi State University, Mississippi University for Women, The University of Mississippi, The University of Mississippi Medical Center, and The University of Southern Mississippi. Gillespie, McCullum and Christian coordinate activities with each campus attorney and participate in joint efforts maximizing the legal representation available to the various institutions of higher learning in Mississippi.

Gillespie, McCullum and Christian are active in the management of litigation involving higher education. The Division receives inquiries from students and parents and assists in resolving problems relating to the institutions. The attorneys in this Division work closely with the faculty, staff and administrators of the eight state universities. In addition, the three attorneys in this Division are the actual campus counsel for Alcorn State University, Mississippi Valley State University and Delta State University.

The IHL Board Offices and the Institutions of Higher Learning, pursuant to legislative authorization, operate under the Mississippi Tort Claims Act separately from the administration provided by the State Tort Claims Board. The Universities Division works closely with the IHL Insurance and Risk Management Division and plays a vital and significant role in the evaluation and disposition of tort claims filed thereunder. This Division of the Attorney General's Office provides a myriad of other legal services to the Agency, including, but not limited to, the following:

## UNIVERSITIES DIVISION

- This Division has provided advice and assisted with numerous construction and renovation projects developing facilities on and off campus at each of the institutions;
- This Division has assisted the University Press of Mississippi with various intellectual property and contractual issues this year;
- This Division has assisted the State Office of Student Financial Aid with the development of and amendments to the contracts, notes and regulations for the various types of financial aid which it administers;
- This Division represents Mississippi Automated Resource Information Systems and reviews their contracts with other agencies;
- Gillespie functions as the affirmative action officer for the IHL Board offices;
- This Division works closely with the Commissioner of Higher Education in drafting new Policies and Bylaws for the Institutions of Higher Learning;
- This Division serves as in-house counsel to the Mississippi Commission on College Accreditation, which has offices located in the Education and Research Center;
- This Division advises IHL on Ayers implementation issues in furtherance of the settlement of that lawsuit;

## UNIVERSITIES DIVISION

- This Division works closely with the IHL Board Office of Human Resources in advising on various employment issues;
- This Division works closely with the IHL Office of Contracts and Grants in reviewing and/or drafting all contracts for that office;
- This Division represents and advises GEAR-Up in all legal matters;
- This Division represents and advises America Reads Mississippi in all legal matters;
- This Division works closely with the IHL Finance and Academic Departments in addressing various legal issues affecting same;
- This Division has prepared and presented campus educational sessions at Alcorn State University, Delta State University and Mississippi Valley State University on sexual harassment issues, contract issues, the Family Medical Leave Act, the Family Educational Rights and Privacy Act, on dealing with public records requests and how to conduct job interviews; and
- Gillespie serves as parliamentarian for the Board of Trustees.

## STATE VETERANS AFFAIRS BOARD

The State Veterans Affairs Board assists former and present members of the Armed Forces of the United States and their dependents in securing benefits or privileges under any federal or state law or regulation to which they are entitled and to advise the Governor and Legislature on veterans affairs. The State Veterans Nursing Homes in Collins, Jackson, Kosciusko and Oxford are maintained and operated by the State Veterans Affairs Board. The State Veterans Affairs Board is also charged with the duty to inspect, approve and supervise schools, institutions and establishments for war orphan and veteran training as provided in Section 1771, Chapter 35, Title 38, United States Code.

Special Assistant Attorney General Treasure Tyson serves as General Counsel to the State Veterans Affairs Board. Her duties include representing the agency before the Equal Employment Opportunity Commission, the Employee Appeals Board and various other agencies and courts. As in-house counsel, she advises and represents the agency concerning Open Meetings, Public Records, Administrative Procedures, contracts, leases and policies as well as provides on-site training to the employees of the nursing homes.



# DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Special Assistant Attorney General Doug Mann is assigned as legal counsel to the Department of Wildlife, Fisheries and Parks and the Mississippi Commission on Wildlife, Fisheries and Parks. Mr. Mann provides legal services including drafting, negotiating and reviewing contracts, real property transactions, representing the department in the initiation of seized property forfeiture proceedings (of which there were approximately 200 actions initiated last year), and advising and representing the department concerning State Personnel Board matters and hearings before the Mississippi Employee Appeals Board. This agency is one of the largest in terms of number of employees with more than 850 full-time, and in excess of 275 part-time, employees.

Mr. Mann makes presentations at training sessions for all law enforcement personnel and advises them virtually daily on legal matters. One primary function of the department is law enforcement which includes not only violations of the game and fish statutes and environmental matters, but also safe boating enforcement and the recovery of stolen boats and motors.

In addition the attorney advises department management on various matters dealing with the operation of 27 State Parks.

In 2006, the continuing recovery from Hurricane Katrina placed additional requirements upon legal counsel to the Department of Wildlife, Fisheries and Parks. The need to effect fast and thorough debris clean-up of Department properties had to be balanced with the ever-present possibility of fraud as consumers, both public and private, vied for FEMA dollars. Several parks and wildlife management areas in South Mississippi required massive debris removal. Additionally, timber damaged by the storm had to be cut. This situation necessitated counsel's advice on matters concerning compliance with State purchasing regulations as well as the regulations of the Personnel Services Contract Review Board and the State Forestry Commission.

Damaged timber not readily determined by observation resulted in numerous tort claims for falling limbs and related damage. Risk management issues at state parks regarding storm damage were more prevalent than in prior years. The attorney maintains a close working relationship with the Tort Claims Board in order to ensure that claims are processed promptly, as well as providing support and assistance to law firms hired by the Tort Claims Board to defend the Department in liability suits.

2006 did signal a return to business as usual for the legal department of Wildlife, Fisheries and Parks. Notwithstanding the Katrina aftermath issues noted above, legal staff was able to devote most of its time to handling the administrative forfeiture of equipment seized for game and fish violations, advice on personnel matters, and responding to inquiries posed by the general public. The attorney also assisted Departmental staff in advising the Chairmen of the Wildlife, Fisheries and Parks Committees of both the House and Senate when reviewing proposed legislation, drafting changes and researching legislation. The Attorney also took an active role in national and regional Wildlife organizations such as the Association of Fish and Wildlife Agencies (AFWA) and the Southeastern Association of Fish and Wildlife Agencies (SEAFWA). Participating on the Legal Committees of these organizations, Mr. Mann has contributed to official comments on proposed Federal regulations affecting interstate movement of captive deer, elk and other cervids and control of Chronic Wasting Disease (CWD), and has served as a panel member at the 2006 SEAFWA Annual Conference, for the Legal Committee's panel discussion on Right-to-Hunt legislation and constitutional amendments. Mr. Mann continues to assist with the review or development of contracts for the Department and provides any other legal support that is needed by the Department.



# SUPPORT SERVICES DIVISION

The Attorney General's Support Services Division is responsible for providing overall administrative and technical support to the Office in the areas of finance and accounting, budgeting, human resources and personnel, grant management and reporting, purchasing, payroll, maintenance of the law library, management of interagency legal contracts and information systems.

## **FINANCE AND ACCOUNTING**

Support Services is responsible for the management of the day-to-day accounting activities through the Statewide Automated Accounting System (SAAS) and the analysis of financial reports and preparation of cost projections to manage agency funds and to ensure compliance with spending authority requirements contained in the Agency's appropriation bill. The Finance and Accounting area also prepares Generally Accepted Accounting Principles (GAAP) financial statements and related information for inclusion in the Comprehensive Annual Financial Report and the preparation of the Agency's indirect cost plan and negotiation of the indirect cost rate with the Federal Division of Cost Allocation

## **BUDGETING**

The Budgeting area includes the planning and preparation of the Agency's annual budget for submission to the Legislative Budget Office; this process includes reviewing and compiling financial information for all funds and programs and maintaining systems and methods to capture performance measurement data to comply with the "Mississippi Performance Budget and Strategic Planning Act of 1994." A part of the budgeting process is the compilation of supplemental information on program accomplishments and assistance in Legislative Budget Hearings through compilation of costs associated with new, expanding, and/or existing programs. The culmination of the budgeting process is the preparation of the Agency's Z-1 budget with subsequent revisions as necessary throughout the fiscal year. An additional part of the legislative budget process is the preparation of the personal services budget as required by the State Personnel Board which ensures adequate manpower in accomplishing the Office's mandates.

## **HUMAN RESOURCES AND PERSONNEL**

The Human Resources and Personnel area ensures compliance with all state and federal laws, rules and regulations regarding employment and employees (SPB, Section 125, FLSA, Title VII, FMLA, HIPAA, COBRA, etc.). Other functions of this area include maintaining agency, position, and employee data in SPAHRS; ensuring that leave usage complies with state and federal laws; conducting employee orientation; coordinating Benefits Training and Cafeteria Plan Enrollment; ensuring uniform implementation of Performance Appraisal Review (PAR); and maintaining the Office's organizational chart.

## **GRANT MANAGEMENT AND REPORTING**

Support Services provides financial and administrative support to all divisions within the Office working under grants and contracts. This support includes assisting with the preparation of grant applications and budgets, interpreting grant language, making recommendation on implementation, and fulfilling all grant reporting requirements, e.g., Financial Status Reports (FSR), Cost Reimbursement Reports, Federal Cash Transactions Reports, and various programmatic reports. During FY 2007, the Office entered into over \$2,900,000 in grants/contracts with DHHS-Medicaid Fraud, Public Safety, MS Leadership Council on Aging, University of Mississippi - Cyber Crime Center, and Youth Crime Watch of America and also assisted in the administration of \$5,500,000 in awards to Communities in Schools of Greenwood-Leflore, Big Brothers Big Sisters of MS, Boys and Girls Clubs, and YMCAs for the purpose of serving the unmet needs of "at risk" youth in the State of Mississippi.

# SUPPORT SERVICES DIVISION

## **PURCHASING, PROPERTY MANAGEMENT, SPACE MANAGEMENT**

Support Services is responsible for all procurement of goods and services for the Office in compliance with the Department of Finance and Administration and ITS including preparation of bid specifications and local advertisement for certain goods, negotiation of building leases, office moves, and space management. During FY 2007 the Support Services Division continued to work with the architectural firm in charge of the renovation of the Sillers Building on space allocation and designation in preparation for the move in July, 2007.

## **PAYROLL**

Support Services is responsible for processing a monthly payroll for 200+ full-time employees utilizing the Statewide Payroll and Human Resources System (SPAHRIS) inclusive of maintaining direct deposit information and balancing/payment of deductions and for processing a bi-weekly payroll for 70-100 individuals including interns, minors participating in alcohol and tobacco enforcement, and other contractual workers.

## **LAW LIBRARY**

The law librarian is responsible for all library materials received by the Office; handling book orders, cancellations, and account inquiries/problems; verifying statements from book vendors; updating all current library materials; and maintaining library records on the Inmagic database. The librarian also maintains a directory of Westlaw passwords and trains employees on Westlaw, often assisting attorneys in their legal research.

## **MANAGEMENT OF INTERAGENCY CONTRACTS AND OUTSIDE**

### **LEGAL COUNSEL**

During FY 2007, the Attorney General's Office entered into sixty-nine (69) interagency contracts to provide legal services to various state agencies, boards and commissions. Support Services prepares all contracts, computes costs, maintains all contracts on file, makes adjustments when necessary, prepares invoices and ensures collection of amounts billed. Additionally, Support Services is responsible for ensuring the review and processing of all Outside Legal Counsel Contracts.

### **INFORMATION SYSTEMS**

The Information Systems (IS) staff provides software/hardware support for the Office's Wide Area Network (WAN). The WAN includes staff housed in the Gartin, 802 Building, and Watkins Building as well as staff housed in other state agencies. IS provides assistance with Office Suite software, on-line Legal Research and Internet access. The Office has an on-line Opinion database and supports and maintains its own Web Server which is regularly updated with Press releases and Consumer News. The IS staff supports and creates reports for an in-house case management system that is used office-wide to track case information and time entry.

The Office is currently working with Ciber on a new Dot Net Case Management and Time Tracking System. Ciber was awarded the contract for AGO and District Attorney Pilot Project from RFP 3356 for a centralized case management system (CRIMES). The second part of RFP 3356 consists of a Pilot Project to place Gulfport and Pascagoula District Attorneys' Offices on a shared database located in Harrison County backed up by a location in Hattiesburg. ASP (Automated System Project) is helping fund the District Attorney Coast Pilot Project with a grant from Homeland Security. The shared database will interface with the local Jail Management System and receive case download information. The shared database will also interface with CIC and provide case disposition data.

# FUNDS RECOVERED DURING FISCAL YEAR 2007

SOURCE OF FUNDS	AMOUNT	DISPOSITION
MEDICAID FRAUD CONTROL UNIT	\$6,379,859	STATE OF MS; DIVISION OF MEDICAID
CONSUMER PROTECTION DIVISION	\$1,436,480	STATE OF MS, ATTORNEY GENERAL; RESTITUTION TO CONSUMERS
PUBLIC INTEGRITY DIVISION-RECOVERY OF COSTS	\$67,231	STATE OF MS, ATTORNEY GENERAL
INSURANCE INTEGRITY ENFORCEMENT	\$3,732	STATE OF MS
CIVIL LITIGATION DIVISION-AUDIT RECOVERIES	\$742,800	STATE OF MS
PURSUE ENERGY CORP.-SEVERENCE TAX RECOVERY	\$660,000	STATE OF MS
WORLD COM, INC. SECURITIES LITIGATION	\$6,917,775	PUBLIC EMPLOYEES' RETIREMENT SYSTEM; HEALTH CARE TRUST FUND
STATE FARM CASE-RECOVERY OF COSTS AND FEES	\$5,000,000	STATE OF MS; ATTORNEY GENERAL
MDOT-DAMAGE CLAIMS; W'COMP SUBROGATED CLAIMS	\$768,468	STATE OF MS
MEDICAID-ESTATE RECOVERY AND SUBROGATION	\$5,000,000	STATE OF MS
<b>TOTAL</b>	<b>\$26,976,345</b>	

# EXPENSES DURING FISCAL YEAR 2007

## PERSONAL SERVICES

SALARIES, WAGES & FRINGE BENEFITS	\$16,969,740
TRAVEL & SUBSISTENCE (IN-STATE)	\$508,436
TRAVEL & SUBSISTENCE (OUT-OF-STATE)	\$134,640
<b>TOTAL PERSONAL SERVICES</b>	<b>\$17,612,816</b>

## CONTRACTUAL SERVICES

TUITION	\$46,801
COMMUNICATIONS & UTILITIES	\$88,626
PUBLIC INFORMATION	\$87
RENTS	\$603,764
REPAIRS & SERVICES	\$29,721
FEES, PROFESSIONAL & OTHER SERVICES	\$1,026,226
OTHER CONTRACTUAL SERVICES	\$106,950
DATA PROCESSING	\$449,719
OTHER	\$10,902
<b>TOTAL CONTRACTUAL SERVICES</b>	<b>\$2,362,796</b>

## COMMODITIES

PRINTING & OFFICE SUPPLIES & MATERIALS	\$416,325
EQUIPMENT, REPAIR PARTS, SUPPLIES & ACCESSORIES	\$61,523
PROFESSIONAL & SCIENTIFIC SUPPLIES & MATERIALS	\$850
OTHER SUPPLIES & MATERIALS	\$177,160
<b>TOTAL COMMODITIES</b>	<b>\$655,858</b>

## CAPITAL OUTLAY

AUTOMOBILES, SUV, VAN'S, TRUCKS & OTHER VEHICLES	0
OFFICE MACHINES, FURNITURE, FIXTURES & EQUIPMENT	692,299
IS EQUIPMENT (DATA PROCESSING & TELECOMMUNICATIONS)	138,820
OTHER EQUIPMENT	19,434
WIRELESS COMMUNICATION DEVICES	1,217
<b>TOTAL CAPITAL OUTLAY</b>	<b>851,770</b>

## SUBSIDIES, LOANS, AND GRANTS

<b>TOTAL SUBSIDIES, LOANS &amp; GRANTS</b>	<b>5,353,018</b>
--	------------------

<b>TOTAL EXPENDITURES</b>	<b>26,836,258</b>
---------------------------	-------------------

# REPORT OF STATE OWNED AUTOMOBILES

DESCRIPTION	MILES TRAVELED IN FY 2007	DEPRECIATION EXPENSE IN FY 2007
FORD EXPLORER	13,937	FULLY DEPRECIATED
FORD F-150 TRUCK	16,893	FULLY DEPRECIATED
FORD TAURUS	23,026	FULLY DEPRECIATED
FORD TAURUS	12,065	FULLY DEPRECIATED
FORD CROWN VICTORIA	26,817	FULLY DEPRECIATED
FORD CROWN VICTORIA	21,105	FULLY DEPRECIATED
FORD CROWN VICTORIA	29,882	FULLY DEPRECIATED
FORD TAURUS	30,011	FULLY DEPRECIATED
FORD TAURUS	18,692	FULLY DEPRECIATED
FORD F-150 TRUCK	21,260	FULLY DEPRECIATED
FORD F-150 TRUCK	25,066	FULLY DEPRECIATED
FORD TAURUS	29,785	\$1,269
FORD TAURUS	29,014	\$1,269
FORD TAURUS	54,385	\$1,269
FORD TAURUS	26,636	\$1,269
FORD TAURUS	38,546	\$1,269
FORD F-150 TRUCK	3,557	\$5,949
PONTIAC GRAND PRIX	36,471	\$5,295
PONTIAC GRAND PRIX	20,817	\$5,467
PONTIAC GRAND PRIX	24,664	\$5,467
PONTIAC GRAND PRIX	23,652	\$5,734
FORD CROWN VICTORIA	41,704	\$4,618
FORD CROWN VICTORIA	18,114	\$4,618
TOTAL	586,099	\$43,493

## REPORT OF STATE OWNED AUTOMOBILES (*continued*)

NUMBER OF STATE-OWNED AUTOMOBILES:	23
FY 2007 STATE-OWNED AUTOMOBILE COSTS:	
DEPRECIATION EXPENSE, FUEL, TIRES, REPAIRS & MAINTENANCE	\$133,193
<b>AVERAGE COST PER MILE:</b>	<b>\$0.23</b>

TOTAL NUMBER OF MILES TRAVELED IN PRIVATELY OWNED AUTOMOBILES	AVERAGE COST PER MILE	TOTAL COSTS FOR MILEAGE IN PRIVATELY OWNED AUTOMOBILES
556,687	0.4617	\$257,022

## CONTACT US AT:

JIM HOOD, ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF MISSISSIPPI  
POST OFFICE BOX 220  
JACKSON, MISSISSIPPI 39205-0220  
(601) 359-3680 • [www.agjimhood.com](http://www.agjimhood.com)

ALCOHOL & TOBACCO ENFORCEMENT DIVISION, 1-888-213-8830

CONSUMER PROTECTION DIVISION, 1-800-281-4418

GAMING DIVISION, 1-800-504-7529

INSURANCE FRAUD DIVISION, 1-888-528-5780

MARINE RESOURCES DIVISION, 1-800-374-3449

MEDICAID FRAUD DIVISION, 1-800-852-8341

PROSECUTORS TRAINING DIVISION, 1-800-852-1281

VICTIM COMPENSATION DIVISION, 1-800-829-6766