



2015

**Office of the Attorney General
State of Mississippi**

**2015 Annual Report
Attorney General Jim Hood**



A Message from Attorney General Jim Hood



Dear Fellow Mississippians,

I am truly blessed to begin my 4th term as Attorney General. It is with great pride that I present to you our annual report for FY2015. This report represents the work we have accomplished during my 12th year in office.

Our office is working night and day to track down cyber criminals, child predators, fraudulent contractors, and others who take advantage of our citizens. Every day we are opening new cases, investigating and prosecuting cases, making arrests, conducting undercover operations, training law enforcement officers and prosecutors, and working hard to serve you to the best of our ability in all we do.

During this fiscal year, I served as President of the National Association of Attorneys General and had the privilege of working with fellow Attorneys General to tackle the emerging and evolving issues of digital protection, including digital currency, as well as the health risks to consumers with illegal online pharmaceutical sales.

Our Mississippi ICAC Task Force continues to meet and train and work on issues constantly threatening our citizens, particularly in the areas of child pornography and cyberbullying. These dangers are great concerns for all of us, particularly for our children and young ones. I pledge to continue rigorous efforts to protect our children and vulnerable citizens.

Our Bureau of Victim Assistance Division awarded more than \$2.5 million to victims of violent crime this fiscal year. This money comes from assessments on criminals and goes back to help the victims. This year we trained more than 1,200 law enforcement officers on Mississippi domestic violence laws and issues related to sexual assault, stalking and human trafficking.

We continue efforts to fight identity theft with programs like Community Shred Days for consumers. A total of 89,000 pounds was shredded and more than 1,900 consumers were helped at the 8th annual Community Shred Days event. We appreciate the work of our Consumer Protection Division, as well as the support of our sponsors, volunteers and all who came out to help.

I am proud to report to you that during the fiscal year, we recovered more than \$82 million for the State. A primary duty of the Attorney General is to protect Mississippi interests. One way we do that is with the recovery of funds that have been wrongfully taken.

To date, we have returned nearly \$3 billion to the state since I took office. Our job is service oriented and we realize we are accountable to you. This annual report is our record of accountability. I plan to continue the fight against corporate giants that profit illegally at Mississippians' expense, while protecting families from Internet predators, combating public corruption, and ensuring the safety of consumers, especially the elderly, against fraud.

The citizens of Mississippi are largely responsible for the success of our office. Through your support we continue to make our state a better place for law-abiding citizens. Judge for yourself how we are doing, and know that I look forward to each and every day that I am able to serve you.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive, flowing style. Below the signature, the name "JIM HOOD" is printed in a simple, sans-serif font.

JIM HOOD
ATTORNEY GENERAL

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EXECUTIVE SUMMARY

BUREAU OF VICTIM ASSISTANCE

- Victim Assistance Program assisted 415 victims of violent and non-violent crimes
- Trained more 1,223 law enforcement officers and dispatchers on various aspects of Mississippi law
- Trained more than 1,025 court personnel (judges, clerks, and prosecutors) on various aspects of state law related to domestic violence, sexual assault, stalking, strangulation, and human trafficking
- Crime Victim Compensation awarded \$2,692,398.48 and received 1,169 claim applications
- Crime Victim Compensation received a federal grant for \$972,000
- Bureau of Victim Assistance paid \$301,777.92 to cover cost of 400 sexual assault medical forensic examinations
- School Violence Prevention Guide:
 - Designed to help students and teachers discover and report signs of a violent act before it occurs

CIVIL LITIGATION

- Recovered \$1,283,927.62 in audit and ethics matters which included recoveries for cities and counties
- Positive outcome in 93% of Civil Litigation cases in federal and state courts
- Positive outcome in 98% of prisoner complaints filed in federal courts

CONSUMER PROTECTION DIVISION

- Recovered \$34,471,822.90 in costs and fees
- Collected \$561,619,43 in restitution
- Responded to 54,277 calls for assistance
- Opened 1,905 new cases
- Opened 823 identity theft cases
- Opened 32 home repair fraud cases
- Made 17 identity theft arrests, 4 intellectual property crimes arrests, and 2 home repair fraud arrests
- Obtained 4 home repair fraud convictions, 3 intellectual property crimes convictions, 3 identity theft convictions
- Obtained 3 other significant convictions: an individual convicted of depraved heart murder, an individual convicted of wire fraud and false pretense, and an individual convicted of credit card fraud

CRIMINAL LITIGATION DIVISION

Appellate Section:

- Filed 288 briefs, 38 supplemental briefs, and 175 responses and petitions in the Mississippi Supreme Court and Court of Appeals
- Received 331 direct appeals and 214 applications to proceed or motions for Post Conviction Relief (PCR)
- Had 30 Oral arguments
- Processed 96 extraditions
- Won 272 (90.3%) of criminal cases

CRIMINAL LITIGATION *(Con't)***Federal Habeas Corpus**

- Filed 207 answers, briefs, motions, and responses
- Won 140 (100%) cases

Death Penalty Section

- Filed 59 briefs, responses, and motions in the Mississippi Supreme Court, state trial courts, federal district courts and the U. S. Court of appeals
- Had 9 oral arguments and 8 evidentiary hearings
- Obtained favorable results in all but 2 decisions

MEDICAID FRAUD CONTROL UNIT

- Opened 370 new Medicaid abuse cases
- Opened 49 new Medicaid fraud cases
- Obtained 56 convictions for Medicaid fraud or abuse
- Obtained 49 indictments for Medicaid fraud or abuse
- Made 70 arrests for Medicaid fraud or abuse

OPINIONS AND LOCAL GOVERNMENT

- Issued 439 official opinions
- Returned 88% of formal opinions within 30 days or fewer
- Provided more than 6,000 hours of advice by telephone and email, as well as more than 400 hours preparing and conducting seminars across the state
- Trained local officials in implementation of new laws passed by the legislature

PROSECUTOR TRAINING DIVISION

- Provide training to more than 988 prosecutors, investigators, victim assistance coordinators, and worthless check unit personnel
- Offered more than 45 hours of continuing legal education to Mississippi prosecutors

PUBLIC INTEGRITY

- Opened 91 investigations during Fiscal Year 2015
- Received 1,247 complaints
- USMS Gulf Coast Regional Fugitive Task Force (GCRFTF)
 - - 82 PID arrest warrants
 - - 699 USMS arrest warrants with assistance from PID

CHILD DESERTION UNIT

- Received approximately 220 complaints
- Opened 22 new Investigations

INSURANCE FRAUD AND WORKERS COMPENSATION FRAUD

- Recovered \$169,050.14 in restitution, reimbursements, investigative cost, court cost fees
- Responded to and worked 118 complaints
- Active insurance fraud investigations conducted: 38
- Active workers compensation investigations conducted: 5
- Obtained 5 convictions and 21 indictments during 2015

CYBER CRIMES UNIT

- The unit opened 121 new cases
- The unit had 21 convictions
- Performed 314 examinations on 67 separate requests
- Conducted more than 86 presentations with 13,895 people attending

- **VULNERABLE ADULTS**

- Recovered \$186,261.34 in restitution for victims
- Received and worked 3,056 complaints including but not limited to abuse, neglect, or exploitation
- Opened 196 new cases
- Obtained 8 new indictments

- **DUI UNIT**

- Trained more than 1,500 judges, prosecutors, & law enforcement officers
- Conducted 9 Cops in Court Trainings statewide at the Office of Standards & Training's Standardized Field Sobriety training classes.
- Conducted 1 A.R.I.D.E (Advanced Roadside Impairment Driving Enforcement) training - this 2 day training focused on drug-related DUIs
- Conducted 3 DUI Law Basic classes to Recruit Classes
- Conducted 1 DUI Law Basics and Cops in Court training classes at MHP cadet school
- Multiple Basic DUI In-Service Trainings
- DUI & DUI Death Seminar
- Ignition Interlock, Non-Adjudications & Everything In-Between training for prosecutors and law enforcement officers
- Multiple legal update classes and updates to the Mississippi DUI Benchbook Manual
- Publication of DUI Newsletter, **DRIVEN**

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

In June 2010, the Alcohol and Tobacco Unit was issued a contract with the Food and Drug Administration to enforce the Federal Tobacco Laws. Because of our past efforts and existing program, we were the first state in the nation to be up and running under this contract.

Tobacco and Beer Enforcement Checks

- Total of \$66,483 in fines and court cost
- Trained 443 retail clerks trained during 210 retailer training programs
- Tobacco enforcement checks: 6,246
- Beer enforcement checks: 6,191
- Cases submitted to the Department of Revenue for suspension: 7

FUNDS RECOVERED DURING FISCAL YEAR 2015

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit - Restitution & Penalties	2,980,230	State of MS; Division of Medicaid; Attorney General; & Federal Gov't
Consumer Protection Division - Restitution, Recoveries & Investigative Costs	2,033,442	State of MS; Attorney General; Consumers Victims & Citizens
Standard and Poor(S&P) Settlement	27,500,083	State of MS; Attorney General
Public Integrity Division - Fines, Restitution & Investigative Costs	749,400	State of MS; Attorney General; Victims & Citizens
Vulnerable Persons Unit - Restitution & Investigative Costs	189,401	State of MS; Attorney General; Victims & Citizens
Child Desertion Unit - Restitution	127,300	Victims & Citizens
Insurance Integrity Enforcement Bureau - Fines, Restitution & Investigative Costs	169,050	State of MS; Attorney General; Victims & Citizens
Cyber Crime Unit - Fines & Restitution	63,700	State of MS; Attorney General; Victims & Citizens
Civil Litigation Audit Recoveries	1,283,928	State of MS
Division of Medicaid - Subrogation, Estate Recoveries & Special Needs Trusts	1,959,064	State of MS; Division of Medicaid; Citizens
MDOT - Workers' Comp Subrogated Claims, Motor Vehicle & Other Property Damage	92,644	State of MS, MDOT; Citizens
Department of Agriculture - Collection of Fines & Penalties	47,539	State of MS; Department of Agriculture
Pearl River Valley Water Supply District - Collection of Delinquent Lease Fees	200,000	State of MS; Pearl River Valley Water Supply District
Citibank Settlement	1,358,112	State of MS; Attorney General
HSBC Settlement	2,404,534	State of MS; Attorney General
Capital One Settlement	3,331,292	State of MS; Attorney General
Bank of America Settlement	2,541,519	State of MS; Attorney General
Chi Mei Optoelectronics Corp Settlement	1,534,071	State of MS; Attorney General
Samsung Display Settlement 1	2,981,774	State of MS; Attorney General
Samsung Display Settlement 2	3,151,402	State of MS; Attorney General
Sharp Corporation Settlement	715,784	State of MS; Attorney General
Toshiba Corporation Settlement	435,750	State of MS; Attorney General
HannStar Corporation Settlement	269,750	State of MS; Attorney General
Merck & Co, Inc. (VIOXX) Settlement	10,248,862	State of MS; Attorney General
Eli Lilly (Average Wholesale Price Litigation) Settlement	1,400,000	State of MS; Attorney General
RJ Reynolds / Brown & Williamson Tobacco Litigation Settlement	15,005,964	State of MS - Health Care Expendable Fund; Attorney General

Total Funds Recovered - FY 2015 82,774,595

MISSISSIPPI ATTORNEY GENERAL'S OFFICE

EXECUTIVE BRANCH

BUREAU OF VICTIM ASSISTANCE

(CHILDREN'S DIVISION, ADVOCACY, TRAINING & TECHNICAL ASSISTANCE

DIVISION, CRIME VICTIM COMPENSATION)

CIVIL LITIGATION

CONSUMER PROTECTION DIVISION

CRIMINAL LITIGATION

MEDICAID FRAUD DIVISION

OPINIONS AND LOCAL GOVERNMENT

PROSECUTORS TRAINING

PUBLIC INTEGRITY DIVISION

(PUBLIC INTEGRITY UNIT, ALCOHOL AND TOBACCO ENFORCEMENT, CHILD

DESERTION, CYBER CRIME, DUI TRAINING, INSURANCE FRAUD, AND

VULNERABLE ADULTS)

STATE AGENCIES

SUPPORT SERVICES DIVISION



EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Executive Branch of the Mississippi Attorney General's Office is comprised of Attorney General Jim Hood and his Executive Assistant Delisa Jones, Deputy Attorneys General Mike Lanford and Onetta Whitley, Chief of Staff Geoffrey Morgan and his assistant Cindy Burnham, Special Assistant Attorneys General Blake Bee and Mary Jo Woods, Public Information Officers Rachael Ring and Melanie Webb, and Receptionists Marilyn Robinson, Donna Thomas, Janet Brooks, and Kristen Ganucheau.

ATTORNEY GENERAL

Attorney General Jim Hood is beginning his fourth term as Attorney General. 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. Attorney General Jim Hood is not afraid to go after those who threaten the livelihood of Mississippi citizens.

EXECUTIVE ASSISTANT

Attorney General Jim Hood is assisted by Delisa Jones. Delisa has more than 20 years of executive service to the State. 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 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. She is assisted by Arnette Warren. 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. He is assisted by Linda Nesline.

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 Chief of Staff also assists citizens with complaints and questions and handles outside counsel contracts throughout the MAGIC system. Assisting the Chief of Staff in his daily duties is Cindy Burnham, who has more than 30 years of service to the State of Mississippi.

SUPPORT STAFF

Receptionists Marilyn Robinson, Donna Thomas, Janet Brooks, and Kristen Ganucheau are invaluable assets to the Attorney General, his staff and the people of Mississippi. 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 callers to the best person in the office to address their questions. These ladies also greet the many visitors the office receives each day.



PUBLIC INFORMATION OFFICE

The Mississippi Attorney General's Office recognizes the important role played by the media in our efforts to serve the people in our great state and supports an open relationship with members of the press. The Public Information Officers are Melanie Webb and Rachael Ring. The Public Information Office is responsible for writing and distributing news releases and agency publications, handling public inquiries and planning public events.

The Mississippi Attorney General's Office strives to keep the state's families, adolescents and elderly safe through prevention, education and awareness. Resources available from the Mississippi Attorney General's Public Information Office include the following publications:

GENERAL INFORMATION

- A Quick Reference Guide to the Office of Attorney General, State of Mississippi

RELATING TO ALCOHOL AND TOBACCO ENFORCEMENT

- *Underage Drinking: What Parents Should Know*
- *Youth Drug Abuse: What Parents Should Know*

RELATING TO CRIME PREVENTION/VICTIM SERVICES

- *Address Confidentiality Program*
- *A Victim's Guide*
- *Crime Victim Compensation Financial Assistance for Victims of Crime in the State of Mississippi*
- *Bully-Proof*
- *School Violence Prevention Guide*
- *Workplace Violence Prevention: A Guide Effective Responses to Victims of Violent Crime: A Guide for Law Enforcement*
- *A Guide to Child Safety: A Parent's PLAN*
- *Resource Guide for Combating Senior Financial Abuse in Mississippi*
- *Youth Suicide: What Parents Should Know*
- *Mississippi Crime Victims' Bill of Rights*
- *Post Conviction Procedures*

RELATING TO CYBER CRIME

- *A Guide to Child Safety: A Parent's PLAN*
- *Cyberbullying: What Parents Should Know*
- *Sexting: What Parents Should Know*
- *Illegal Downloads: What Parents Should Know*
- *Keeping You Safe in Cyberspace*
- *Online Dating Tips*

RELATING TO CONSUMER PROTECTION

- *Guidelines for Home Repair Contracting*
- *Identity Theft (Book and Pamphlet)*
- *Operation Knock Out Knock Offs*
- *Consumer Tips for Storm Victims*
- *What Determines the Price I Pay for Gasoline*
- *A Merchant's Guide to Mississippi's Price Gouging Law*
- *Designer Jeans Dirt Cheap?*
- *A Consumer Guide to Mississippi's Lemon Law*
- *Mississippi Guide to Consumer Protection Laws*
- *Spanish Brochures (El Fraude en Casa, El Fraude de Automovil, and El Fraude en la Billetera)*

RELATING TO DOMESTIC VIOLENCE

- *Federal Firearms Law: Domestic Violence*
- *Offender Gun Ban*
- *Responding to a Domestic Violence Call: A Quick-Reference Guide for Mississippi Law Enforcement*
- *Human Trafficking*
- *Stalking: Prevention and Awareness Guide*
- *Dating Violence: Expect Respect*
- *The Mississippi Domestic Abuse Protection Order*

RELATING TO THE OPINIONS DIVISION

- *Guide to Mississippi Open Meetings and Public Records Laws*
- *Safeguarding the Vote: Recognizing and Reporting Election Crimes*
- *Public Records Law (as revised in 2015)*

RELATING TO VULNERABLE ADULTS

- *Vulnerable Adults Law Enforcement Guide*



BUREAU OF VICTIM ASSISTANCE

The Bureau of Victim Assistance (BOVA) is charged with supporting efforts to increase the effectiveness of the criminal justice system, promoting the fair and compassionate treatment of victims of crime, ensuring victims are afforded their constitutional rights and considerations, providing eligible victims of violent crime with financial assistance, and facilitating efforts to improve outcomes for children. BOVA comprises the Children's Division, Advocacy, Training and Technical Assistance Division, and Crime Victim Compensation Division.



CHILDREN'S DIVISION

The Children's Division collaborates with other state agencies and nonprofits to work to improve the juvenile justice and child welfare systems in an effort to facilitate efforts to reduce juvenile delinquency, truancy, drop-out rates, cyberbullying, exploitation of children, child abuse, and child neglect through training and technical assistance.

MOST DISTINGUISHED JUVENILE JUSTICE PROFESSIONAL AWARD

During the 39th Annual Juvenile Justice Symposium sponsored by the Department of Public Safety Planning, Office of Justice Programs, Patti Marshall and Gloria Salters of the Children's Division received the Most Distinguished Juvenile Justice Professional Award for the work being done through the Annie E. Casey Juvenile Detention Alternative Initiative.

BUD CRAMER AWARD

The National Children's Alliance presented Patti Marshall of the Children's Division with the 2015 Bud Cramer Award for outstanding commitment to the children's advocacy center industry. Patti was recognized for her leadership and for using her insight and skill to motivate people to address the needs of Mississippi's children. The award was presented at an awards reception during the National Children's Alliance Leadership Conference held in Washington, D.C. on May 31 – June 3, 2015.

THE ANNIE E. CASEY FOUNDATION – JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)

The Juvenile Detention Alternatives Initiative (JDAI) is being replicated in Adams, Leflore, Washington, Rankin, and Harrison counties. The JDAI core strategies have also been introduced in Desoto and Lauderdale counties. After more than a decade of innovation and replication, JDAI is one of the nation's most effective, influential, and widespread juvenile initiatives for justice system reform. JDAI focuses on the juvenile detention component of the juvenile justice system and promotes changes to policies, practices, and programs to reduce reliance on secure confinement; improve public safety; reduce racial disparities and bias; save taxpayers' dollars; and stimulate overall juvenile justice reforms.

Each year, the Annie E. Casey Foundation (AECF) sponsors its Annual Inter Site Conference, which brings together stakeholders from JDAI sites across the nation. During the 2014 JDAI Inter Site Conference, three members of the JDAI State Level Advisory Group, Errick Simmons, Washington County Youth Court Public Defender, Brenda Locke, Juvenile Resource Attorney, Office of the State Public Defender, and Gloria Salters, Program Manager, Attorney General's Office, were participants in three separate workshops. The workshops included a panel discussion on the viewing Cash for Kids (a nationally acclaimed documentary about the Luzerne County Pennsylvania juvenile detention scandal), addressing the crisis in indigent defense services, and taking JDAI to scale.

In November 2014, the Annie E. Casey Foundation (AECF) sponsored a scale (statewide impact) convening in St. Louis, Missouri. The purpose of the convening was to bring together those sites involved in efforts to achieve JDAI state scale. The convening focused on fortifying the fundamentals of scale and advancing sustainability. Mississippi was allotted four delegates to attend the convening. Currently, there are 19 states with plans for taking JDAI to scale. There are also a significant number of states, Mississippi included, that are making great progress in creating the infrastructure to support replication of JDAI in new counties and sustain detention reforms statewide.

Through a grant funded by the AECF, the Children's Division sponsored a JDAI Model Site Visit to Santa Cruz, California in January 2015. The site visit allowed participants an opportunity to learn and observe the operationalizing of the JDAI eight core strategies in a site that has achieved tremendous results in reducing unnecessary and inappropriate detention by applying the JDAI eight core strategies of detention reform. The model site curriculum examines cross-cutting issues and lessons learned, and provide the opportunity for peer-to-peer discussions and on-site observations of innovative practices. Individuals attending the model site visit included County Court Judges, Department of Mental Health, Department of Education, Youth Court Prosecutor, Youth Court Public Defender, Detention Administrators, and the Juvenile Justice State Advisory Group Chair.

THE ANNIE E. CASEY FOUNDATION – JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)

The Children’s Division sponsored quarterly JDAI All Sites Meetings. The meetings provided sites a platform to discuss juvenile justice reform issues impacting their jurisdictions and to share reform efforts being implemented at the local level. Other systems that have an impact on reform efforts were also invited to the meetings to share statewide system changes that may impact work being done at the local level. These meetings have proven to be very beneficial in our efforts of taking JDAI to scale.

HEALTHY CHOICES FOR TEENS PROGRAM – IGU (“I GOT YOU”)

This is an educational community health outreach program for 8th and 10th graders in Mississippi. The program was developed by the Central Mississippi Residential Center in partnership with area schools, local law enforcement, the Mississippi Department of Mental Health Bureau of Alcohol and Drug Abuse, Care Lodge Domestic Violence Shelter, Mississippi State University Extension Service, and the Attorney General’s Office.

Students travel to Central Mississippi Residential Center during school hours to learn about topics including suicide prevention, healthy dating relationships, alcohol and drug abuse prevention, bullying and cyber bullying, self-injury, and healthy coping skills. The program presenters are professionals who not only are experienced in their field, but are also able to connect with the students.

Students learn how to better cope with challenging situations, why it is important to seek help, and what resources are available. Pre and post program surveys are used to evaluate and improve the presentations. Survey results indicate that the program has had a significant positive impact on students. School leaders report that as a result of the program they have observed an improvement in academic performance and an increase in coping skills as well as a decrease in behavior-related office referrals.

To develop and expand the I Got You program, Central Mississippi Residential Center was awarded a U.S. Department of Health and Human Services, Health Resources and Services Administration, Rural Health Care Services Outreach Grant. Though the grant will end after three years, discussions are being held to identify available funding to maintain this valuable program.

OAKLEY YOUTH DEVELOPMENT CENTER (OYDC) 2ND CHANCE REENTRY PROGRAM

The Children's Division serves on the Juvenile Reentry Task Force to assist with the development and implementation of the 2nd Chance Reentry Program. This program is funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to reduce the recidivism rate among high risk older adolescent males paroled from OYDC.

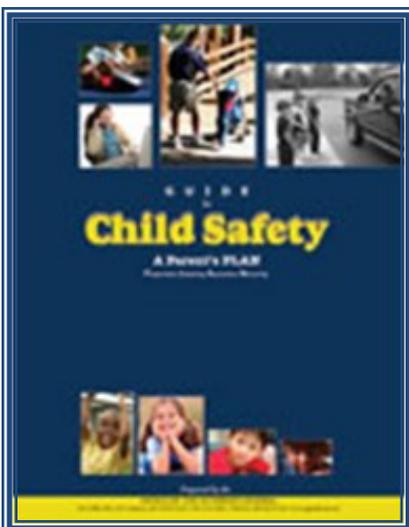
PARENT REPRESENTATION PROGRAM

The Children's Division worked collaboratively with Casey Family Programs and others on the Parent Representation Program to provide indigent parents in juvenile dependency cases with legal representation. This program will provide indigent parents in juvenile dependency cases with legal representation. The Parent Representation Program began as a pilot program in Adams, Forrest, Harrison and Rankin counties. In July 2015, Hancock County implemented the Parent Representation Program. The goal of the program is to expedite the placement of children in a permanent home.

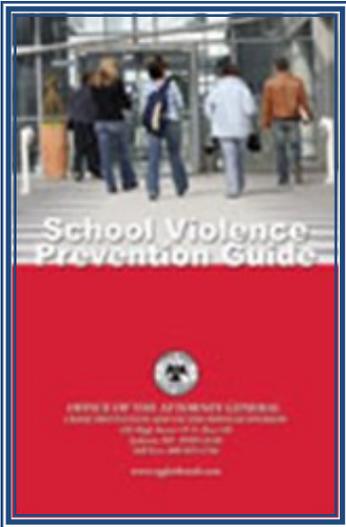
SCHOOL SAFETY RESOURCE PUBLICATIONS

There are publications such as the ones identified that are available on the Mississippi Office of the Attorney General website (www.agjimhood.com). These publications serve as resource materials to equip parents, teachers, and administrators with the tools needed to protect children in communities and schools. The website also has other publications that are valuable to the protection of children and adults.

A PARENT'S PLAN TO CHILD SAFETY



Vital factors in ensuring child safety are "Preparation, Listening, Awareness, and Nurturing (PLAN)." Because dangerous situations are real in a child's world, parents must use every measure available to protect their children. Unfortunately, parents cannot be with their child at all times, so this PLAN provides parents with some indicators of predatory behavior, steps to implement, precautionary guidelines to follow, and some basic safety skills for children.



SCHOOL VIOLENCE PREVENTION GUIDE

This 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.

OTHER WORK OF THE CHILDREN'S DIVISION INCLUDES:

- MS College School of Law, Child Advocacy Program Advisory Board
- MS KIDS COUNT Program Advisory Board
- Commission on Children's Justice
- Child Death Review Board
- MDHS' State Level Case Review Team
- Southern Christian Services for Children and Youth, Inc.
 "Lookin' to the Future Conference Committee"
- Mississippians Advocating Against Underage Drinking (MAAUD) Task Force
- Interagency System of Care Council
- Jim Casey Mississippi Youth Opportunity Initiative Community Partnership Board
- Juvenile Justice Symposium Planning Committee
- Executive Steering Council for NFusion
- Trauma Conference Planning Committee
- One Loud Voice Conference Planning Committee
- Teen Pregnancy Task Force

ADVOCACY, TRAINING & TECHNICAL ASSISTANCE DIVISION ¹

The Advocacy, Training and Technical Assistance Division of the Bureau is actively engaged in a number of activities for law enforcement, prosecutors, and the judiciary, as well as advocates, community organizations, and members of the public which are specifically tailored to enhance victim safety and increase offender accountability in the areas of domestic violence, stalking, sexual assault and human trafficking.

VICTIM ASSISTANCE PROGRAM

The Victim Assistance Program is committed to providing the most up-to-date resources and information and to creating a better understanding of the criminal justice system for all crime victims and survivors. Program staff provide crisis intervention; assist with completion of financial aid applications; connect victims to support groups, and other related services; educate law enforcement and victim service providers on victim rights and services; and assist victims with invoking their rights and obtaining case and offender status. The Victim Assistance Program emphasizes providing assistance to individuals who live in rural areas where local victim services are not available.

Additionally, victim advocates aid victims during recovery by lending emotional support, assisting with supplying written documentation to criminal justice officials regarding the impact of the crime, requesting court-ordered restitution, and guiding victims and survivors through the criminal justice system and to other resources.

Advocates are responsible for assisting the Mississippi Attorney General's Criminal Litigation Division by providing victims and/or survivors whose cases are pending appeal with updates from the Mississippi Supreme Court and the Mississippi Court of Appeals. Court accompaniment for oral arguments before the Supreme Court and Court of Appeals is provided upon request. Advocates also assist the Attorney General's Medicaid Fraud Control Unit, Vulnerable Persons Unit, Cyber Crime Unit, and the Public Integrity Division.

This fiscal period, the Victim Assistance Program assisted 415 victims of violent and non-violent crimes. Approximately 2,261 units of service were provided, including referrals, support, advocacy, and information on the Crime Victim Compensation Division and the Crime Victims' Bill of Rights.

Advocates provide year-round support and technical assistance to victim service providers, law enforcement, and criminal justice officials. Updated victim resource directories are routinely distributed statewide to all Victim Assistance Coordinators and victim service providers. In addition, victim advocates collaborate extensively with the Mississippi Coalition for Survivors of Homicide, Mississippi Coalition Against Sexual Assault, and Mississippi Coalition Against Domestic Violence.

¹ The Attorney General's Domestic Violence Division now operates in its entirety within the Advocacy, Training and Technical Assistance Division and for purposes of this report will not be referenced as a separate division.

VICTIM ASSISTANCE PROGRAM *(Cont)*

The Program maintains a victim service provider network to assist in the exchange of information among victim service providers. This includes information on awareness events, training opportunities, various requests for assistance, available grants, and legislative action regarding victim issues.

TRAINING

Specifically-tailored training and education programs on a variety of topics are offered to meet the needs of professionals who work within or otherwise interact with the criminal and civil justice systems including, but not limited to, law enforcement officers, judges, court clerks and other court personnel, prosecutors, medical personnel, advocates, and community-based organizations. The training and education programs created by the Division include a particular emphasis on the topics of domestic violence, stalking, sexual assault, and human trafficking. The following is a summary of the activities performed by the training arm of the Division during FY2015:

ONGOING LAW ENFORCEMENT TRAINING

Throughout the year, Division staff provided training programs for law enforcement agencies around the state. These training programs are held across the state of Mississippi to better enable local law enforcement to attend. The trainings are provided free of charge at the request of the agency. Topics of instruction included appropriate response to domestic violence and sexual assault crimes, report writing, courtroom testimony, use of the statewide database for protection orders and uniform offense reports, advanced investigative techniques in stalking and strangulation cases, and enforcement of domestic abuse protection orders.

In addition to this training, Division staff members develop and teach the required 20-hour domestic violence curriculum for new recruits at six of the law enforcement academies within the State. Division staff also provides a domestic violence course for the refresher class at the Mississippi Law Enforcement Officers Training Academy (MLEOTA) as well as investigator courses at MLEOTA and the North Mississippi Law Enforcement Officers Training Academy. The Division also works with a number of reserve officer academies including those in Hinds, Simpson, and Rankin counties as well as the Columbus and the Tupelo reserve officer academies. Training was also provided for dispatchers and TAC officers. During FY2015, the Division trained over 1,223 law enforcement officers and dispatchers on various aspects of Mississippi law.

SEXUAL ASSAULT NURSE EXAMINER (SANE)

The Division continues to partner with the MS Coalition Against Sexual Assault in its efforts to train medical professionals to perform the forensic examination on patients who present as victims of sexual assault. Nurses and physicians who perform the forensic examination must do so in a manner that preserves the chain of custody for the evidence collected during the examination and must be prepared to testify effectively. The Sexual Assault Nurse Examiner (SANE) course teaches the medical professional how to navigate both the medical and legal landscape associated with forensic examinations. Division staff serves on the faculty for the SANE program which offers three SANE courses per year in the north, south, and central parts of the state. During FY2015, sixty (60) nurses participated in and completed course requirements to become SANE trained.

JUDGES, COURT CLERKS AND PROSECUTORS

Division staff has been active in assisting the judicial system and providing guidance on the laws related to domestic violence, the protection order process, stalking, strangulation, sexual assault, and human trafficking. Division staff members are regular presenters at annual judicial and court clerk conferences or association meetings. Division staff has also conducted regional training sessions for court clerks on the Uniform Domestic Violence Offense Report and the Mississippi Protection Order Registry.

The Division also has an attorney on staff serving as the state's Violence Against Women Resource Prosecutor, who works closely with prosecutors around the state to help facilitate the successful prosecution of domestic violence and sex crime offenders. Division staff are regular presenters at the conferences organized by the MS Prosecutors' Association and the Attorney General's Prosecutor Training Division. Division staff trained or otherwise provided instruction to over 1,025 court personnel (judges, clerks and prosecutors) on various aspects of state law related to domestic violence, sexual assault, stalking, strangulation, and human trafficking.

OTHER INITIATIVES

In addition to the training outlined above, the Division trained many other professionals including social workers, advocates, private attorneys, community members, and faith-based groups reaching an estimated 640 additional persons. Along with training and education in a classroom or conference setting, the Division serves as the centralized resource for matters pertaining to domestic violence, sexual assault, stalking, strangulation, and human trafficking. Staff attorneys and advocates provide individualized responses to inquiries from law enforcement, prosecutors, judges, and other professionals related to Mississippi laws on domestic violence, stalking, and sexual assault. The Division has also been instrumental in the development and passage of domestic violence legislation to improve the response of the state of Mississippi to these crimes. Division staff also represented the Attorney General's Office on the State Domestic Violence Task Force which was charged with reviewing and making recommendations regarding the delivery of services to victims of domestic violence

TECHNICAL ASSISTANCE***MISSISSIPPI PROTECTION ORDER REGISTRY AND MISSISSIPPI UNIFORM DOMESTIC VIOLENCE OFFENSE REPORTING SYSTEM***

The Division operates and oversees a statistical database which includes a central registry for domestic abuse protection orders in addition to uniform offense reports. Technical assistance is provided to court clerks and law enforcement personnel on the operation of the MS Domestic Abuse Protection Order Registry and the Uniform Domestic Violence Offense Reporting system which includes issues dealing with entry of the orders and reports, making sure passwords are issued and operating appropriately, and trouble-shooting with individual agencies as problems arise. During FY2015, 3,271 domestic abuse protection orders were entered into the Registry by court personnel. During the same time period, law enforcement submitted 10,066 domestic violence uniform offense reports into the database. The Division also is charged with making sure domestic abuse protection orders are validated to insure that MS protection orders automatically flow into the database for NCIC which is maintained by the FBI. This requires close communication with Mississippi's Criminal Information Center, the courts, and the TAC officers for every county. During FY2015, Division staff validated 600 Domestic Abuse Protection Orders.

RESOURCE MATERIALS

Technical assistance is provided through the development and distribution of statewide resource materials related to laws, policies, and practices on the topics of domestic violence, stalking, and sexual assault. In addition, the Division creates and disseminates the uniform protection order forms as well as the uniform petition for requesting protection.

PROSECUTION

The Division provides prosecution assistance to local prosecutors statewide upon request. Typically, a request to prosecute a case for a local prosecutor's agency arises when the prosecutor and/or agency has a conflict of interest. During FY2015, the domestic violence resource prosecutor prosecuted one domestic violence case in a municipal court resulting in the conviction of the offender for simple domestic violence.

HUMAN TRAFFICKING

The position of Human Trafficking Coordinator² is housed within the Bureau of Victim Assistance and is responsible for evaluation of state efforts to combat human trafficking, collection of data on human trafficking activity within the state, promotion of public awareness on human trafficking, remedies and services for victims, development and implementation of rules pertaining to management of the relief for Victims of Human Trafficking Fund, and development of training. The training is developed for law enforcement, prosecutors, judges, and others in the legal system, as well as members of the community. Training is focused the various forms of human trafficking. Division staff presented on the topic of human trafficking at the following events:

- Juvenile Detention Administrators' Meeting, Pelahatchie, MS
- MS Division of Youth Services Conference, Jackson, MS
- FACT Conference, Tupelo, MS
- Salvation Army Women's Auxiliary Luncheon, Jackson, MS
- Broadmoor Baptist Church, Madison, MS
- Pelahatchie Prevention Fair (set-up exhibit table)
- Looking To The Future Conference, Natchez, MS
- MSCASA Building Bridges Conference, Choctaw, MS

During FY2015, the Division received and followed-up on six tips regarding possible human trafficking cases. Follow-up for these cases consisted of making contact with the reporting parties to obtain additional information and referral of each case to an appropriate state or federal law enforcement agency for investigation.

ENCOURAGE SEXUAL ASSAULT ARREST PROJECT

This grant project is supported by a U.S. Department of Justice grant which was awarded to the Attorney General's Office in October of 2014. Under grant requirements, the Attorney General's Office must implement the grant in partnership with the Mississippi Coalition Against Sexual Assault (MSCASA). Persons coordinating the grant project for the Attorney General's Office include a special assistant attorney general and an investigator. The primary goal of the grant is to improve the way sex crimes in Mississippi are investigated and prosecuted. ARREST Project personnel are charged with developing and providing training for law enforcement officers and prosecutors as well as creating uniform policies and procedures that can be implemented statewide.

² During FY2015, the position of human trafficking coordinator was filled on a contract basis for the latter 6 months of the fiscal year.

ENCOURAGE SEXUAL ASSAULT ARREST PROJECT *(cont)*

Personnel with the ARREST project will also provide investigation and prosecution assistance as needed. Other goals under the project include increasing the number of SANEs (sexual assault nurse examiners) employed by Mississippi hospitals. To accomplish this goal, grant money will be used to fund scholarships for nurses to attend the forty (40) hour SANE course that the Attorney General's Office and MSCASA sponsor three (3) times a year. In addition, continuing legal education courses for hospital attorneys will be developed and offered free of charge throughout the state. During FY2015, full implementation of the 3-year grant project was delayed due to difficulty in getting the grant positions staffed with qualified personnel. Both the investigator and prosecutor positions were filled, however, in May 2015.

CRIME VICTIM COMPENSATION PROGRAM

The Crime Victim Compensation Division provides financial assistance and support services to victims of crime and their family members. The goal of the Division is to relieve the hardships of victims and to assist in their recovery whenever possible. We are able to accomplish these goals through several program activities including, but not limited to: financial assistance through the Crime Victim Compensation Program, reimbursements to medical providers through the Sexual Assault Medical Forensic Exam Payment Program, and aiding victims of domestic violence, sexual assault, and stalking in keeping their location confidential through the Address Confidentiality Program. The Division operates without tax dollars. Revenue is derived from fees/fines imposed on criminals, court-ordered restitution, reimbursement through subrogation rights, donations, and federal grants.

VICTIM COMPENSATION PROGRAM

The financial burden of crime is reduced by reimbursing eligible victims for their crime related injury expenses not covered by any other source of benefits. Compensation may be awarded to the victim, the dependents of a deceased victim, survivors, 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, tuition loss, domestic violence relocation and temporary housing assistance, court related travel, repair and replacement costs, crime scene cleanup, and funeral expenses. During July 1, 2014, through June 30, 2015, the Division received a total of 1169 claim applications, and awarded \$2,692,398.48.

The Division received a \$972,000.00 Victims of Crime Act (VOCA) Victim Compensation federal grant from the U.S. Department of Justice, Office for Victims of Crime.

VICTIM COMPENSATION RESPONSE FORM

As a way to assist the division in its on-going efforts to continually enhance program effectiveness, participants awarded compensation benefits were sent a Victim Compensation Response Form.

These response forms reflected numerous positive remarks including, but not limited to, the following:

- “I’m so thankful for this program. I had no idea it existed and it really was wonderful. We can’t thank you all enough.”
- “Our family appreciates the financial assistance during this most devastating time. We pray for the success of this service. But we also pray that there are fewer victims who need this service.”
- “Keep up the good work. Your team is doing a fine job. No amount of money will ever bring my mother back but thanks for the award that was awarded on the family’s behalf.”
- “Yes, this is the best thing that has happened to us. I want to thank you very much for helping us so much. May God bless you. Thanks so much from the bottom of my heart.”
- “Thank you for running this program with consideration of victims. Every time I spoke with someone they were full of compassion and empathy.”
- “I am retired and my grandson’s untimely death came at a particularly inopportune time. My wife and I, only two weeks prior to my grandson’s death, had to bury her mother. This program and your award was a God send. Thank you so much.”
- “We are grateful for the quick response we received during this difficult time. Thanks to Jim Hood for his help.”

SEXUAL ASSAULT MEDICAL FORENSIC EXAM PAYMENT PROGRAM

From July 1, 2014 through June 30, 2015, the Division paid a total of \$301,771.92 to medical providers for costs of 400 Sexual Assault Medical Forensic Examinations. By law, the victim should not receive the bill for the exam, nor should the victim be held responsible for payment.

ADDRESS CONFIDENTIALITY PROGRAM (ACP)

The Address Confidentiality Program, as one part of an overall safety plan, assists Mississippi residents who are attempting to escape from actual or threatened domestic violence, sexual assault, or stalking by establishing a confidential address in an effort to prevent their assailants or probable assailants from finding the victim's location. Program participation allows the Division to act as the legal agent for the participant and gives the Division the authority to accept service of process on behalf of the participant. The Address Confidentiality Program helps victims keep their location confidential by providing them with a substitute address and a mail forwarding service for use when interacting with state and local agencies. All legal documents, first class, registered, and certified mail is routed from the Division to the victim's new, confidential location. By law, the addresses of those enrolled in the Address Confidentiality Program are exempt from the Mississippi Public Records Act.

OUTREACH, PUBLIC AWARENESS AND COMMUNITY INVOLVEMENT

Training continues to be an ongoing and integral component of the Division. Staff conducted a total of 15 trainings and awareness events. Those trainings and/or events included, but are not limited to Mississippi Prosecutor's Association Training, Sexual Assault Response Coordinator Training, Simpson County Law Enforcement Academy, Trauma Information Conference (sponsored by the Mississippi Department of Mental Health), Senior Safety and Protection Training (sponsored by the Leadership Council on Aging Training), Youth Leadership Conference, Sexual Assault Nurse Examiner (SANE) Trainings (through the Mississippi Coalition Against Sexual Assault), National Guard Sexual Assault Advocate Training, Justice Court Clerk's Conference, and law enforcement training academies.

The Division continues to co-host and/or participate in Annual *Crime Victims' Rights Week* Events and the Annual *Tree Lighting Ceremony*. During these events, individuals from across the state come together to remember, honor and pay tribute to victims of violent crime, to bring awareness to the needs of and services for crime victims, to promote the Crime Victims' Bill of Rights, and to recognize the many individuals who provide much needed services and assistance to victims and survivors alike.

SPECIAL PROJECTS

The Mississippi Office of the Attorney General, Crime Victim Compensation Division partnered with the Mississippi Department of Public Safety, Public Safety Planning, Office of Justice Programs to hold 4 regional, mandatory VOCA sub-grantee trainings. Topics covered during the trainings included the Crime Victim Compensation Program, the Sexual Assault Forensic Examination Payment Program, the Address Confidentiality Program, and the Mississippi Crime Victims' Bill of Rights.





CIVIL LITIGATION DIVISION

- Positive outcome in 93% of Civil Litigation cases in federal and state courts
- Positive outcome in 98% of prisoner complaints filed in federal courts
- Recovered \$1,283,927.62 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

Jackson Women's Health Organization and Willie Parker, M.D. v. Mary Currier, M.D., M.P.H., in her official capacity as State Health Officer of the Mississippi Department of Health (U.S. Dist. Ct., S.D. Miss.) The Civil Litigation Division is representing State Health Officer Mary Currier, M.D., M.P.H. in a lawsuit filed by a Mississippi abortion clinic challenging the constitutionality of House Bill 1390, which requires all physicians associated with an abortion facility to have admitting and staff privileges at a local hospital. After the district court entered a preliminary injunction barring the State from enforcing the admitting privileges requirement, the Division appealed to the Fifth Circuit. On July 29, 2014, in a 2-1 decision, a three-judge panel of the Fifth Circuit Court of Appeals affirmed the preliminary injunction with a slight modification. After the Fifth Circuit denied the State's petition for rehearing en banc, on February 18, 2015, the Division filed a petition for certiorari, seeking review by the U.S. Supreme Court. That petition remains pending before the Supreme Court.

Corban v. United Services Auto. Ass'n (Mississippi Supreme Court) In the aftermath of Hurricane Katrina, the Attorney General initiated and joined 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. For example, in the *Corban* case, the Attorney General's Office submitted an amici curiae brief to the Mississippi Supreme Court arguing that certain insurance companies were improperly shifting the burden upon the policyholder to prove that the wind caused the damage rather than the insurer having to prove that the damage was excluded from coverage. The Supreme Court's opinion agreed with the arguments presented by the homeowner and the Attorney General and set a strong precedent in favor of the homeowners for future victims of natural disasters.

PROTECTING IMPORTANT STATEWIDE INTERESTS (cont)

Metal Management Mississippi, Inc. v. Governor Haley Barbour (U.S. Dist. Ct., S.D. Miss.) To curb the epidemic of metal theft, the legislature enacted new regulations on companies that purchase scrap metal. A scrap metal purchaser filed suit in federal court asserting the law violated the federal Constitution. The purchaser sought a preliminary injunction prohibiting the law from taking effect. The Civil Litigation Division filed a memorandum in opposition to the requested relief. After a lengthy oral argument, the federal court denied the purchaser's request to stay the law. In light of the arguments presented by the Division, the purchaser later dismissed the suit in its entirety.

Dallas Swanson v. State of Mississippi, Department of Public Safety and Mississippi Highway Patrol (Lauderdale Chancery Court) The Civil Litigation Division successfully defended the administrative procedures followed by the Mississippi Department of Public Safety for the suspension of drivers licenses.

City of Jackson v. The Mississippi Fire Personnel Minimum Standards and Certification Board (Hinds County Chancery Court) The City of Jackson Fire Department filed suit against the Mississippi Fire Personnel Minimum Standards and Certification Board (MSCB) alleging the MSCB did not have the statutory authority to require firefighter candidates to pass written and skills testing as a pre-condition to certification. The Civil Litigation Division argued that the Legislature required the MSCB to utilize the National Fire Protection Association (NFPA) fire service professional qualification standards which required MSCB to test and certify graduates.

Litigation Against the United States Environmental Protection Agency (Various Federal Courts) The Civil Litigation Division has participated in several lawsuits challenging rules adopted by the United States Environmental Protection Agency (EPA). For example, in 2012, the Division joined other states in challenging the EPA's new Clean Air Act regulations. On June 29, 2015, the United States Supreme Court agreed with the position advocated by Mississippi and other states by finding that the EPA interpreted the Clean Air Act unreasonably when it deemed cost irrelevant to the decision to issue new regulations. See *State of Michigan, et al. v. United States Environmental Protection Agency*, - U.S. -, 135 S.Ct. 1541, 191 L.Ed.2d 558 (2014). In 2008, the Mississippi Attorney General's Office filed suit challenging the EPA's primary and secondary National Ambient Air Quality Standards for ozone. See *Mississippi v. E.P.A.*, 744 F.3d 1334, 1341 (D.C. Cir. 2013). That litigation was partially successful. Although the federal court did not find the standard to be overly harsh, as argued by Mississippi and others, the federal court did reject the arguments by other parties which challenged the standards as too lenient. The Division has also joined other states in a pending challenge of an EPA rule requiring 35 states, including Mississippi, to revise startup, shutdown, and malfunction emission provisions in their state implementation plans. The petition was filed in the D.C. Circuit Court of Appeals and has been consolidated there with other similar challenges to the rule.

RECOVERING FUNDS DUE THE STATE

Mississippi Surplus Lines Association v. J.K. Stringer, Jr. (United States District Court) 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 appealed the decision to the Fifth Circuit Court of Appeals. The Fifth Circuit Court of Appeals agreed with the Division and affirmed the district court.

Patients' Choice Medical Center of Humphreys County v. Robinson (United States District Court); (Hinds County Chancery Court) The Civil Litigation Division has been representing the Division of Medicaid in suits filed by Patients' Choice Medical Center of Humphreys County. In May 2007, Medicaid began withholding payments to Patients' Choice on all claims submitted by it for behavioral health services because of suspected fraud and/or abuse and/or willful misrepresentation. After auditing Patients' Choice, Medicaid determined that Patients' Choice had obtained \$4,082,471.79 in improper payments. Patients' Choice filed suit in federal court seeking an injunction preventing Medicaid from recouping the improper payments. The district court, after reviewing the arguments made by Civil Litigation, denied Patients' Choice's request for a preliminary injunction. Following the district court's rejection of its request for an injunction, Patients' Choice voluntarily dismissed its suit. Subsequently, Patients' Choice sued Medicaid in Hinds County Chancery Court seeking a temporary restraining order stopping Medicaid from re-auditing; asking the Chancery Court to declare that the claims for behavioral health services that it had submitted were lawful under Medicaid's regulations; and requesting an injunction lifting the suspension of payment for behavioral health services. The Chancery Court denied Patients' Choice's petition for a restraining order on the ground that Patients' Choice was asking it to intervene in an ongoing administrative proceeding. The Civil Litigation Division filed a Motion to Dismiss on behalf of Medicaid. Patients' Choice abandoned its Chancery Court lawsuit and proceeded to challenge Medicaid's audit in the administrative proceeding. Ownership of the hospital was subsequently transferred back to Humphreys County.

RECOVERING FUNDS DUE TO THE STATE (Cont)

C. Delbert Hosemann, Jr. Secretary of State for State of Mississippi, Poplarville Special Municipal School District and Pearl River County School District v. Harold Simmons (Pearl River County Circuit Court). The Civil Litigation Division represented the Secretary of State in a lawsuit to maximize the return on 16th Section school lands for the benefit of Mississippi schoolchildren. Two Mississippi school districts contracted with a logger to cut timber on 16th Section school lands. After receiving an anonymous tip that the logger was not paying for all the timber he was cutting from the school lands, the Secretary of State, the Mississippi Department of Agriculture, and the Mississippi Forestry Commission jointly investigated and determined that approximately \$300,000 worth of additional timber had been cut, but not paid for, by the logger. The Division reached a favorable settlement with the logger's insurance company, and the local district attorney obtained a criminal indictment and subsequent guilty plea related to the same events. Pursuant to the guilty plea the logger will serve thirty (30) consecutive days, followed by forty-eight (48) weekends in Pearl River County Jail, and will also pay restitution in the amount \$26,000.00.

DEFENDING STATE AGENCIES AND STATE STATUTES

Gordon Justice v. Delbert Hosemann (United States Court of Appeals for the Fifth Circuit) The Civil Litigation Division successfully defended a constitutional challenge to Mississippi's campaign finance disclosure laws. Plaintiffs filed suit alleging that our campaign disclosure laws, which require persons spending more than \$200 to influence elections to disclose their expenditures, violated their First Amendment rights. The federal district court had ruled in favor of the Plaintiffs and enjoined enforcement of the law. The Division appealed, and a unanimous opinion of the Fifth Circuit overturned the district court and affirmed the constitutionality of our campaign finance disclosure laws.

Denning, et al. v. Barbour, et al. (United States District Court) In response to the significant increases in the cost of prescription drugs provided by the Division of Medicaid, 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.

DEFENDING STATE AGENCIES AND STATE STATUTES (Cont)

United States v. State of Mississippi (United States District Court); K.L.W. v. James (United States District Court); J. A. v. Barbour (United States District Court) The Civil Litigation Division represented the Department of Human Services in 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 Department implemented the changes required under the settlement and the case has now been dismissed.

Olivia Y. , et al. v. Barbour, et al. (United States District Court) 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 (7) out of the eight (8) claims. The dismissal significantly reduced the size of the plaintiff class from 15,000 - 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. At the direction of the Governor, in consultation with the Legislature, and with the approval of the federal district court, the State has entered into a settlement agreement requiring the Department of Human Services to achieve accreditation by the National Council on Accreditation and make other improvements to foster care.

Miss. State Democratic Party, et al. v. Haley Barbour, et al. (U.S. Dist. Ct., N.D. Miss.). The Democratic Party filed suit challenging the constitutionality of the state's current open primary laws. The federal district court denied the Party's request to enjoin enforcement of the laws during the 2006 primaries. After cross-motions for summary judgment, the federal court declared the open primary laws to be unconstitutional. The Civil Litigation Division, along with other parties, appealed the decision to the Fifth Circuit Court of Appeals. The Court of Appeals reversed the district court decision and reinstated the state's open primary laws.

DEFENDING STATE AGENCIES AND STATE STATUTES (Cont)

Deborah Ellis, et al. v. Mississippi Department of Health, et al. (United States District Court). A child care facility challenged the authority of the Mississippi Department of Health to conduct warrantless searches of licensed facilities. The Civil Litigation Division successfully argued that the searches were constitutionally adequate, and the actions of the agency's employees were not objectively unreasonable. The district court's dismissal of the case was affirmed by the Fifth Circuit Court of Appeals.

DEFENDING STATE EMPLOYEES SUED FOR ALLEGED VIOLATIONS OF FEDERAL LAW

David O. Carney v. Derrick Lewis (United States District Court) Plaintiff became aggressive and verbally abusive towards a state trooper who had stopped him for speeding. After multiple warnings, the trooper placed Plaintiff under arrest for speeding and disorderly conduct. In justice court, Plaintiff was found guilty of speeding and one count of disorderly conduct. Plaintiff appealed the disorderly conduct conviction to circuit court, where two years later it was ultimately dismissed. Plaintiff then sued the state trooper in federal court pursuant to 42 U.S.C. § 1983 for violation of his civil rights, false arrest, malicious prosecution, and retaliation. The district court granted summary judgment in favor of the state trooper, dismissing all claims with prejudice.

James Wess v. Wanda Holman (United States District Court) Plaintiff, an inmate in the custody of the Mississippi Department of Corrections (MDOC), brought this suit alleging a violation of the Eighth Amendment. Specifically, Plaintiff alleged that Defendants, Correctional Officers employed by the MDOC, failed to protect him from an attack by fellow inmates. A bench trial was held before the district court and after all the evidence was presented, judgment was entered in favor of the State Defendants.

La Tidus Jones v. Daniel Lawson, et al. (United States District Court) This civil action arose when the Plaintiff, an inmate at the South Mississippi Correctional Institution (SMCI) in Leakesville, Mississippi, brought suit alleging that Correctional Officers at SMCI used excessive force on him during a search for contraband in violation of his constitutional rights. At the conclusion of the bench trial, the district court found in favor of the State Defendants.

Derrick Stokes v. Tamala Bolton (United States District Court) Plaintiff, an inmate at the South Mississippi Correctional Institution (SMCI), alleged in this civil rights lawsuit that his legal mail was tampered with by State employees, resulting in Plaintiff missing his deadline to appeal his underlying criminal conviction. After a bench trial on the merits of Plaintiff's claim, the district court ruled in favor of the State Defendants and found no mail tampering occurred.

DEFENDING STATE EMPLOYEES SUED FOR ALLEGED VIOLATIONS OF FEDERAL LAW (Cont)

Eric Jones v. Tyeasa Evans, et al. (United States District Court) Plaintiff was an inmate at the East Mississippi Correctional Facility (EMCF) and refused to take medication for his mental and emotional issues. This case arose from Plaintiff's complaint that his constitutional rights were violated when psycho tropic drugs were forcibly administered by prison officials. A motion for summary judgment was filed on behalf of the State Defendants. The district court granted the motion and dismissed the Plaintiff's claim with prejudice.

Horace Ervin v. Ronald King, et al. (United States District Court) Plaintiff, an inmate at the South Mississippi Correctional Institution (SMCI), alleged that Correctional Officers falsely imprisoned him in a very restrictive unit at the prison based on a false charge that he was in possession of contraband. A motion for summary judgment was filed on behalf of the State Defendants. The district court granted the motion and dismissed the case with prejudice.

Wayne Charles Hogg v. Dr. Ron Woodall, et al. (U.S. Dist.Ct., S.D.Miss). This alleged violation of a constitutional right arose when the Plaintiff, an inmate in the custody of the Mississippi Department of Corrections (MDOC), brought suit alleging that prison officials were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. A motion for summary judgment was filed on behalf of the State Defendants, and United States District Judge Keith Starrett granted the motion and dismissed the case with prejudice.

ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS

In the weeks preceding the elections, numerous suits are 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 actions, and the elections 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)
- *Jim Giles v. State Board of Election Commissioners* (U.S. Dist. Ct., S.D. Miss.)

ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS (Cont)

At the conclusion of the election, the Division obtained a writ of mandamus requiring the Noxubee County Board of Election Commissioners to canvas its election returns and report the results after the Board refused to certify the county's election. *Jim Hood, et al. v. Sylvester Tate, et al.* (Lauderdale County Circuit Court). Prior to the general election in Wilkinson County, the Division was called upon to obtain a writ of mandamus against Wilkinson County election officials who had announced their intention not to conduct the election. *Jim Hood, et al. v. Chantel Morris* (Wilkinson 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. The Civil Litigation Division successfully defended the following cases:

- *Lyn Chambers v. Mississippi Gaming Division* (United States District Court);
- *Donald Saucier v. Mississippi Department of Corrections* (United States District Court);
- *Marilynn Stewart v. Mississippi Division of Medicaid* (United States District Court);
- *Andre Funchess v. Mississippi Development Authority* (United States District Court);
- *Geneva Ivory v. Mississippi Department of Public Safety* (United States District Court);
- *Annie Aaron v. North Mississippi Regional Center* (United States District Court);
- *Marsha Calhoun v. Mississippi Department of Human Services* (United States District Court);
- *Natasha Taylor v. Mississippi Department of Human Services* (United States District Court)

PROTECTION OF CHARITABLE ASSETS

Pursuant to the Attorney General's duty to protect charitable assets, each year the Civil Litigation Division reviews transactions in which non-profit or charitable hospitals sell all or part of their assets to for-profit health care providers. In addition, the Division filed suit in DeSoto County Chancery Court to protect multi-million dollar Maddox Foundation located in Mississippi from being forced by Tennessee entities to move to Nashville. The DeSoto Court enjoined the Foundation from transferring its assets out of the state. Because of the litigation initiated by this office, the Maddox Foundation and the State of Tennessee were able to reach a settlement ensuring the continued existence of the Foundation in Mississippi. *Jim Hood v. Maddox Foundation, et al.* (DeSoto County Chancery Court).

AUDIT SECTION

In the fiscal year **2015**, the Office of the State Auditor has recovered **\$1,283,927.62** 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:

Former Mayor of the City of Southaven, Greg Davis: A written formal demand in the amount of \$170,782.28 was issued on November 2, 2011. A second formal demand was issued on April 20, 2012, for an additional \$11,033.38. For Fiscal Year 2012, payment in the amount of \$96,000.00 was received, and \$11,900.39 credit for receipts was given, leaving a balance of \$73,915.27. On December 18, 2012, Davis was indicted on two counts of embezzlement by a public official and one count of false pretense. A civil case was tried and on May 20, 2014, the Hinds County Chancery Court ruled in favor of the State Auditor's Office and ordered Davis to repay \$73,915.27. Davis is appealing the ruling, with oral arguments to be had this summer. On June 11, 2014, Davis was found guilty of embezzlement and making false representations to defraud the government, and was sentenced to 10 years in prison, with two and a half years to serve, and seven and a half years of probation. Davis was also ordered to pay restitution in the amount of \$17,827.14 to the City of Southaven and \$1,000.00 to OSA for investigative costs. Davis appealed the decision and the Mississippi Court of Appeals found for the State and affirmed the lower court's decision.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Former Executive Director, William W. Walker: A written formal demand in the amount of \$362,689.14 was issued on November 7, 2013. On March 10, 2014, Walker pled guilty to embezzlement. On June 16, 2014, Walker was sentenced to five years in prison, three years supervised release, a fine of \$125,000.00 and \$572,689.00 restitution.

Former Chief of Staff, Joseph Ziegler, Jr.: A written formal demand in the amount of \$258,268.75 was issued on November 7, 2013. On August 14, 2014, he pled guilty to misprision, and on November 10, 2014, Ziegler was sentenced to serve 90 days of house arrest followed by three years of supervised probation. For Fiscal Year 2015, payment in the amount of \$5,987.28 was received, leaving a balance of \$252,281.47.

Former Director of Coastal Management Programs, Sheila Shumate: A written formal demand in the amount of \$127,608.57 was issued on November 7, 2013. On August 18, 2014, Shumate was sentenced to six years in the custody of MDOC. Five years were suspended and she was ordered to serve one year in prison on each count. The two sentences were ordered to run consecutively for a total of 12 years to serve with 10 years suspended and two to serve in prison. She was given four years of supervised release following her time in prison. She was also ordered to pay restitution in the amount of \$14,091.11. For Fiscal Year 2015, payment in the amount of \$14,091.11 was received, leaving a balance of \$113,517.46.

AUDIT SECTION (Cont)

Former Director of Artificial Reef Program, Kerwin Cuevas: A written formal demand in the amount of \$108,420.70 was issued on November 7, 2013. On October 30, 2014, Cuevas pled guilty to one count of embezzlement and was sentenced to three years non-adjudicated probation, and ordered to pay restitution in the amount of \$1,367.75. For Fiscal Year 2015, payments in the amount of \$1,367.75 were received, leaving a balance of \$107,052.95.

Former Public Relations Officer, Susan Perkins: A written formal demand in the amount of \$30,959.34 was issued on November 7, 2013. On May 28, 2014, Perkins pled guilty to False Pretense and was sentenced to two years of probation. For Fiscal Year 2015, payment in the amount of \$679.39 was received, leaving a balance of \$30,279.95.

Former Program Manager, Leslie Young Gollott: A written formal demand in the amount of \$117,593.10 was issued on November 7, 2013. On May 28, 2014, Gollot pled guilty to embezzlement and was sentenced to two years under house arrest, followed by five years of probation, and ordered to pay restitution in the amount of \$30,305.22. For Fiscal Year 2015, payment in the amount of \$30,305.22 was received, leaving a balance of \$87,287.88.

Former City of D'Iberville Manager, Michael Janus: On February 10, 2014, Janus pled guilty to one count of fraud. On June 16, 2014, Janus was sentenced to 21 months in prison and ordered to pay \$180,000.00 in restitution joint and severally with Scott Walker.

Former Consultant for City of D'Iberville, Scott Walker: On February 20, 2014, Walker pled guilty to fraud and conspiracy and was ordered to pay \$180,000.00 in restitution joint and severally with Michael Janus. On July 23, 2014, Walker was sentenced to 18 months in prison, three years post-release supervision, and restitution in the amount of \$390,000.00.

Chancery Clerk of Itawamba County, James Witt: On June 23, 2014, a written formal demand in the amount of \$503,246.43 was issued and transmitted to the Office of the Attorney General February 12, 2015. For Fiscal Year 2015, payment from his bond in the amount of \$197,963.55 was received, leaving a balance of \$305,282.88. On February 17, 2015, a complaint for interpleader was filed in Itawamba County Chancery Court to request the Chancellor to divide the money among the parties Witt owed. Litigation is pending.

AUDIT SECTION *(Cont)*

Former Coroner of Union County, Mark Golding: A written formal demand in the amount of \$398,418.83 was issued on September 12, 2013. On September 23, 2013, Golding entered a guilty plea to two counts of fraud by a public official in Union County Circuit Court. Golding was sentenced to five years on each count in the custody of the MDOC, three years on each count were suspended. Golding will serve two years on each count for a total of four years. He will be placed on post-release supervision, and counts one and two will run consecutively. In addition, Golding was ordered to pay restitution in the amount of \$363,484.93 to the Union County General Fund, and restitution of \$34,933.90 to the Office of the State Auditor. Additionally, Golding forfeited all of his interest in his state retirement. For Fiscal Year 2015, payment from PERS was received in the amount of \$65,054.03, and payment in the amount of \$100,000.00 was received from his bonding company, leaving a balance of \$233,364.80.

Former Warren County Circuit Clerk, Shelly Ashley-Palmtree: A written formal demand in the amount of \$661,751.75 was issued on March 5, 2013. On August 16, 2013, another written formal demand in the amount of \$156,500.00 was issued. A third demand was issued May 21, 2014, in the amount of \$229,880.01. In May of 2014, the Investigations Division presented documents to the Warren County Board of Supervisors proving Palmtree did not live in Warren County; therefore, the Board declared the circuit clerk position vacant. On September 29, 2014, Palmtree was sentenced to 10 years in the custody of MDOC, with five years to serve and the remaining five years suspended. She was also ordered to pay restitution in the amount of \$12,000.00, which was paid October 15, 2014. On March 31, 2015, a civil judgment to pay the full amount of the demands was entered against Palmtree. On June 29, 2015, the Hinds County Chancery Court entered a civil order granting judgment against Palmtree's bond in the amount of \$300,000.00.



CONSUMER PROTECTION DIVISION

2015 CONSUMER PROTECTION DIVISION ACCOMPLISHMENTS

- Responded to 54,277 phone calls for assistance placed to the division
- Collected \$561,619.43 in restitution
- Recovered \$ 34,471,822.90 in costs and fees
- Average restitution per investigator \$ 11,223.89
- Opened 1,905 cases
- Opened 823 identity theft cases
- Opened 32 home repair fraud cases
- Made 2 home repair fraud arrests
- Made 4 intellectual property crimes arrests
- Made 17 identity theft arrests

The Consumer Protection Division was created in 1974 by Section 75-24-1, *et seq.*, Miss. Code Ann. (1972). The Consumer Protection Act of 1994 amended and strengthened these provisions. The Division handles a wide range of complaints from citizens located throughout the State of Mississippi. These complaints include, but are not limited to: lottery and sweepstakes scams, new and used car sales, and various forms of consumer fraud. The Division fields thousands of calls and emails each year. The Division is also charged with the investigation and prosecution of identity theft, home repair fraud, and intellectual property crimes. The Division promotes consumer awareness through participation in civic group functions, student lectures, law enforcement seminars, and other types of presentations throughout the state, as well as publishes and distributes public education brochures. Mediation of business complaints and investigation of deceptive business practices constitutes a large part of the Division's activities. To carry out its mission, the Division is also authorized to exercise various types of civil enforcement activities, including administrative subpoenas, cease and desist orders, assurances of voluntary compliance, injunctions, and collection of civil penalties.

CONSUMER EDUCATION EFFORTS

The Consumer Protection Division presented numerous speeches, presentations and exhibits across Mississippi in an effort to educate consumers regarding scams, identity theft, intellectual property theft crimes, disaster related crimes, home repair fraud, and mortgage/foreclosure issues. Some of the events included: Shred -It Campaign, Copiah County Triad Day, Carthage Senior Citizens Day, Oxford Health and Wellness Expo., and the Jackson Medical Mall Disaster Exp. Other presentations were presented at Jackson State University, Natchez Convention Center, Wynndale Baptist Church, Clarksdale Civic Center, First United Methodist Church of Tupelo, King Edward Hotel, and the MS Gulf Coast Community College, as well as many other locations.

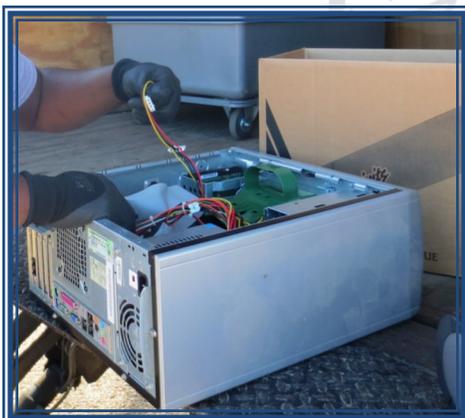
HIGHLIGHTS OF CONSUMER EDUCATION EFFORTS

SHRED-IT AND FORGET IT CAMPAIGN

The ninth annual Community Shred Days were held statewide March 7 in D’Iberville, Hattiesburg, Meridian and Vicksburg and March 27 in Jackson and Tupelo. The events promote consumer awareness about identity theft. During this year’s events 89,000 pounds were shredded and approximately 1,902 consumers were helped. Last year 94,050 pounds were shredded and 1,513 consumers were helped.

During Community Shred Days, Magnolia Data Solutions (MDS) offered consumers in the Jackson and Vicksburg locations a way to destroy their electronic items that contained sensitive data. MDS is Mississippi’s only certified electronic recycling facility. This is the second year that MDS has been a part of this event. Below are the numbers reported by MDS:

EQUIPMENT DESTROYED



Preparing electronic devices for the Shredder

Vicksburg

63 Hard Drives
135 Floppy Disks
47 Computers

Jackson

17 Hard Drives
8 Floppy Disks
12 Computers



SHRED-IT AND FORGET IT CAMPAIGN (Cont)

This year's event was a partnership between the Attorney General's Office, Shred-it, BancorpSouth, Magnolia Data Solutions, the Secretary of State's Office, Better Business Bureau (BBB), the Mississippi State University Extension Service, Wal-Mart, The Home Depot, Leadership Council on Aging, Mississippi State University Extension Service, and other Mississippi Consumer Education Partnership members.

SIGNIFICANT MULTI-STATE INVESTIGATIONS

Mississippi ex rel. Hood v. The McGraw-Hill Companies, Inc., Standard & Poor's Financial Services LLC, et al., No. G 2011-835S/2, Chancery Court of Hinds County, Mississippi:

In February 2013, Attorney General Jim Hood announced that Mississippi, the U.S. Department of Justice and a coalition of 19 states and the District of Columbia reached a settlement agreement with Standard & Poor's Financial Services LLC (S&P) resolving allegations that S&P misled investors when it rated structured finance securities in the lead-up to the 2008, financial crisis. The complaint alleged that despite S&P's repeated statements emphasizing its independence and objectivity, the credit rating agency allowed its analysis to be influenced by its desire to earn lucrative fees from its investment bank clients – while investors and other market participants, including state regulators, relied on S&P's promises of independence and objectivity. The complaints alleged that the agency knowingly assigned inflated credit ratings to toxic assets packaged and sold by the Wall Street investment banks. The alleged misconduct began as early as 2001, and became particularly acute between 2004 and 2007.

Mississippi opened its investigation into S&P in 2010, filing its lawsuit against the company in 2011. Mississippi partnered with Connecticut, the first State to sue S&P in 2010. Illinois followed in 2012. In 2013, DOJ and the other 17 states filed similar lawsuits against S&P.

The settlement required S&P to pay \$1.375 billion. Of that, Mississippi received \$33 million for its role as a Lead State in the 20-state coalition. In addition to the financial settlement, S&P has agreed to a statement of facts acknowledging conduct related to its analysis of structured finance securities. S&P also agrees in the settlement to comply with all applicable state laws and, for five years, will cooperate with any request for information from any state expressing concern over a possible violation of state law. Further, the states retain authority to enforce their laws – the same laws used to bring these cases – if S&P engages in similar conduct in the future.

SIGNIFICANT MULTI-STATE INVESTIGATIONS (CONT)**AT&T, VERIZON, SPRINT AND T-MOBILE AND THIRD-PARTY CHARGES ON MOBILE TELEPHONE BILLS:**

Mississippi was part of a 50-state, multistate investigation which was formed in early 2013 to investigate AT&T, Verizon, Sprint and T-Mobile, the four largest wireless carriers in the U.S., for their actions regarding mobile cramming. Mobile cramming involves the placement of unauthorized third-party charges on consumers' mobile phone bills for various products and services (e.g., horoscopes, trivia, sports scores, and other mobile applications). The multistate group has been under the leadership of the Vermont Office of the Attorney General with an Executive Committee comprised of Delaware, Florida, Maryland, Oregon, Texas and Washington.

AT&T SETTLEMENT

In July 2014, at the request of the Federal Communications Commission ("FCC"), the multistate group and the FTC joined the FCC in parallel negotiations with AT&T. A \$105 million settlement was reached. The significant terms of the settlement were as follows:

1. Injunctive relief that requires, among other things, AT&T to only bill for third-party charges that have been authorized by consumers, improve how third-party charges appear on consumers' mobile phone bills, better enable consumers to block the placement of third-party charges on their bills, and make it easier for consumers who are crammed to get relief.
2. A judgment in the amount of \$80 million paid to the FTC to fund and pay the costs of a restitution program that will be administered by the FTC and will require AT&T to send notices to all of its current customers who have incurred PSMS charges informing them of their ability to seek a refund.
 - The FTC will hire a settlement administrator to administer the restitution program.
 - AT&T will be required to provide repeated notices to current customers of the right to receive refunds by text message, e-mail notification, bill inserts (if the consumer receives hard copy bills), and electronic notice (if the consumer receives electronic bills.)
 - Refunds will be provided for unauthorized charges billed from January 1, 2009, to the effective date of the settlement.
 - A payment to the states in the amount of \$20 million.
 - Mississippi's share was \$256,771.92.
 - A payment to the United States Treasury on behalf of the FCC in the amount of \$5 million.

SIGNIFICANT MULTI-STATE INVESTIGATIONS *(CONT)*

T-MOBILE SETTLEMENT

In December 2014, a similar settlement was reached with T-Mobile. It included an \$18 million payment to the states. Mississippi's portion was \$231,094.73.

The significant terms of the settlement were as follows:

1. Injunctive relief that requires, among other things, that T-Mobile only bill for third-party charges that have been authorized by consumers, improve how third-party charges appear on consumers' mobile phone bills, better enable consumers to block the placement of third-party charges on their bills, and make it easier for consumers who are crammed to get relief.
2. Full refunds to consumers charged for unauthorized charges (either in the form of a payment or as forgiveness of a debt) in an aggregate amount of no less than \$67.5 million, to be monitored by the FTC.
3. Payment to the United States Treasury on behalf of the FCC in the amount of \$4.5 million.

Cellco Partnership d/b/a Verizon Wireless & Sprint Settlement

In May 2015, similar settlements were reached with Sprint and Verizon. They were global settlements which included the CFPB and the FCC.

The significant terms were as follows:

1. Injunctive relief that requires, among other things, that Sprint and Verizon only bill for third-party charges that have been authorized by consumers, improve how third-party charges appear on consumers' mobile phone bills, better enable consumers to block the placement of third-party charges on their bills, and make it easier for consumers who are crammed to get relief.
2. For Sprint, a requirement that Sprint provide full refunds to consumers charged for unauthorized PSMS charges in an aggregate amount of no more than \$50 million, to be monitored by the CFPB. For Verizon, a requirement that Verizon provide full refunds to consumers charged for unauthorized PSMS charges in an aggregate amount of no more than \$70 million, to be monitored by the CFPB.
3. For Sprint, a payment to the States in the amount of \$12 million. Mississippi's share was \$153,533.28 (The state is currently, awaiting receipt of these funds).
4. For Verizon, a payment to the States in the amount of \$16 million; Mississippi's share was \$204,736.28.
5. For Sprint, a payment to the United States Treasury on behalf of the FCC in the amount of \$6 million; for Verizon, a payment to the United States Treasury on behalf of the FCC in the amount of \$4 million.

SIGNIFICANT MULTI-STATE INVESTIGATIONS *(CONT)*

FESTIVA DEVELOPMENT GROUP:

The State settled a consumer protection action against Festiva Development Group for misrepresentations and unfair practices relating to timeshare memberships. The Assurance of Voluntary Compliance includes \$59,470 in refunds. The settlement also includes substantial changes in the manner the entity operates relating to customer service and marketing. Furthermore, in addition to refunds given to a certain category of consumers, consumers will receive rebates and credits to use in their Festiva membership while others were released from their contracts. Also, as part of the Festiva settlement, the State received \$16,920 in cost and fees recovery.

SIRIUS XM RADIO:

The State and other members of a multistate investigation settled with Sirius XM. The working group's investigation against Sirius XM uncovered multiple violations of the states' consumer protection statutes relating to the consumer's ability to cancel their subscription, automatic renewal of subscriptions, unauthorized charges, and debt collection practices. The Attorney General's Office received \$59,413.93. At the sole discretion of the participating states, the payment shall be used for reimbursement of attorneys' fees and/or investigative costs, for future "protection purposes" including a consumer protection enforcement fund, consumer education, litigation, or local consumer aid fund or revolving fund. However, in no event shall any portion of this payment be characterized as a fine, civil penalty or forfeiture.

SIGNIFICANT INVESTIGATIONS/LITIGATION

Pickwick Pines Resort: This is a Consumer Protection Act enforcement action which the Office started in December 2008 and which was later removed to bankruptcy. The State obtained an Agreed Order in 2014 but is still litigating its motions for contempt.

Rapamune: The Attorneys General reached a \$35 million settlement with Pfizer Inc, who, as parent of Wyeth Pharmaceuticals, Inc., agreed to be bound by the judgment, to resolve allegations that Wyeth unlawfully promoted Rapamune, an immunosuppressive drug currently approved by the FDA as prophylactic for organ rejection after kidney transplant surgery.

HOME REPAIR FRAUD

Earnest Bozeman pled guilty to home repair fraud in Hinds County on January 9, 2015, and was sentenced to five years supervised probation subject to non-adjudication and required to pay \$5,000.00 in restitution to the victim.

Thomas Wayne King pled guilty to one felony count of home repair fraud. He was sentenced to 10 years non-adjudicated probation with five years suspended and five years reporting. He was ordered to pay \$2,000 in court cost and fines and was ordered to pay \$110,645.21 in restitution to the victim.

HOME REPAIR FRAUD *(Cont)*

Jeff Sattler entered a guilty plea in Hancock County to one count of felony grand larceny and was sentenced to five years in custody of MDOC suspended for five years reporting non-adjudicated probation cost, \$1,000 fine and restitution of \$24,000 to the victim.

Patrick Serge plead guilty to one count of home repair fraud and was sentenced to 10 years, with 10 years suspended. He was ordered to pay \$19,500 restitution to the victim.

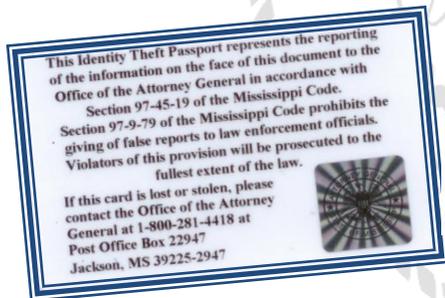
INTELLECTUAL PROPERTY CRIMES

Rocola Griffin was indicted for sale of counterfeit goods in Tate County. Griffin plead guilty in November of 2014 to five years, with four years suspended, with one year on house arrest. She paid a \$2000 MS Attorney General Investigative fine and surrendered several firearms.

Keith Danner was indicted for sale of counterfeit goods, possession with intent to sell counterfeit goods and possession of codeine. He pled guilty on April 2, 2015, in Tate County and was sentenced to 20 years with 10 suspended and 10 to serve, followed by five years of post-release supervision, and to pay a \$1,000 Attorney General investigative fee.

Young Fu plead guilty to possession of counterfeit goods in Itawamba county and received a sentence of five years supervised probation, forfeited \$7,335, and ordered to pay restitution in the amount of \$421.50.

IDENTITY THEFT CRIMES



ID Theft Passports help eligible victims of identity theft

IDENTITY THEFT
PROTECTING YOUR GOOD NAME



Brochures, guides, speakers, and educational efforts help protect consumers!

John Wiggins plead guilty to two counts of fraudulent use of identity in Lafayette County on April 15, 2015. He was sentenced to five years to serve on both counts to run concurrent. He was also ordered to pay \$3,500 in restitution to the victims.

Sylvia Cook plead guilty on February 9, 2015 in Rankin County to one count of fraudulent use of identity. She was sentenced to five years with three suspended and two years to serve, followed by three years post-release supervision and pay a \$200 Attorney General investigative fee.

IDENTITY THEFT CRIMES (Con't)

Miguel Lopez plead guilty in Scott County in October, 2014, to fraudulent use of identity. He was sentenced to five years supervised probation and was deported back to Mexico.

Anna Maldonado plead guilty in Scott county in October, 2014, to fraudulent use of identity. She was sentenced to five years supervised probation and was deported back to Mexico.

Demetrio Martinez plead guilty in Scott County in October, 2014, to fraudulent use of identity. He was sentenced to five years supervised probation and was deported back to Mexico.

OTHER SIGNIFICANT CASES

Tracy Garner was convicted for the crime of depraved heart murder in August, 2014. Garner was sentenced to serve life in prison. The investigation of the case led investigators to find that the victim traveled from the Atlanta, Georgia area to Mississippi to have butt enhancement performed at Garner's home, whom the victim believed to be a medical professional.

Wanda Perkins plead guilty in an open plea (without a recommendation from the AGO) to one count of false pretense and one count of wire fraud. She was sentenced to 10 years on count one and five years on count two with all of it suspended, and required to serve five year supervised probation. She was ordered to pay back \$20,210 in restitution and a \$2,000 Attorney General investigative fee, as well as \$300 to the Victim Compensation Fund.

Bryon Dunn entered a guilty plea in Neshoba County to once count of credit card fraud and was sentenced to three years, suspended for three years non-adjudicated probation. Total restitution in the amount of \$27,800 was ordered to be paid the victim.

ASSISTANCE / PARTNERSHIPS

The Mississippi Department of Employment Security experienced extensive on-line fraudulent unemployment claims. MDES requested assistance from the AGO with this matter. Assistance was provided to the victims of this fraudulent employment scheme by providing them with an identity theft passport, if requested and providing them with information. The Attorney General's Office assisted MDES in the beginning with investigations and advice. At the time of this writing, The Department of Labor-OIG and Homeland Security are investigating these claims, as most of the claims are linked to perpetrators in Florida. Consumer Protection opened 684 identity theft cases in an effort to provide victims of this scam with passports and information.

Consumer Protection Division Investigators also partnered with federal agencies such as Homeland Security Investigations and the Food and Drug Administration. These partnerships focus on disrupting criminal activity associated with intellectual property; identity theft; human trafficking and smuggling; money laundering; bulk cash smuggling; weapons trafficking and smuggling; financial investigations; technical operations (T-III)/trap and trace assistance; international investigations; cyber crimes; regulating products to ensure the safety of foods, drugs, biological products, medical devices, cosmetics, radiation-emitting devices, and many other crimes.



CRIMINAL LITIGATION DIVISION

2015 CRIMINAL LITIGATION ACCOMPLISHMENTS:

Appellate Section

- Received 331 direct appeals and 214 applications to proceed or motions for PCR
- Filed 288 Briefs, and 38 supplemental briefs, and 175 responses and petitions in the Mississippi Supreme Court and Court of Appeals
- Had 30 oral arguments
- Processed 96 extraditions
- Won 272 (90.3%) of criminal cases

Federal Habeas Corpus Section

- Filed 207 answers, briefs, motions, and responses
- Won 140 (100%) cases

Death Penalty Section

- Filed 59 briefs, responses, and motions in the Mississippi Supreme Court, state trial courts, federal district courts, and the U. S. Court of Appeals
- Had 9 oral arguments and 8 evidentiary hearings
- Obtained favorable results in all but two decisions

The Criminal Division is comprised of some of the most experienced attorneys in state government. They rely heavily on judicial precedent, and 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: Appellate Section, Death Penalty Section and Federal Habeas Corpus Section. 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 Supreme Court of the United States. This section is also responsible for reviewing all extraditions in which Mississippi is either the asylum or the demanding state. During fiscal year 2015, among other various matters, attorneys in the Appellate Section filed 288 briefs, 38 supplemental briefs, as well as 175 motions and responses in the Mississippi Supreme Court and the Mississippi Court of Appeals, winning 90.3% percent of the criminal cases disposed of by the Supreme Court and Court of Appeals.

FEDERAL HABEAS CORPUS SECTION

The attorneys in the Federal Habeas Corpus Section of the Criminal Division represent the State of Mississippi in non-death penalty habeas corpus proceedings in all federal courts. During fiscal year 2015, the attorneys in the Section filed 207 answers, briefs, motions and responses in the U.S. District Courts for the Southern and Northern Districts of Mississippi and in the U.S. Court of

DEATH PENALTY SECTION

The attorneys in the Death Penalty Section of the Criminal Division represent the State of Mississippi in all courts in defending 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.





MEDICAID FRAUD CONTROL UNIT

2015 MEDICAID FRAUD CONTROL UNIT ACCOMPLISHMENTS:

- 370 New Medicaid abuse cases opened
- 49 New Medicaid fraud cases opened
- 43 Indictments for Medicaid abuse
- 6 Indictments for Medicaid fraud
- 66 Arrests for Medicaid abuse
- 4 Arrests for Medicaid fraud
- 51 Convictions for Medicaid abuse
- 5 Convictions for Medicaid fraud

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 health care facilities. 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. MFCU recovered restitution and civil penalties from Medicaid providers through investigations and participation in global (multi-state) litigation.

MFCU received numerous allegations of provider fraud and opened several cases for criminal investigation. Complaints of abuse, neglect, or exploitation in health care facilities are reviewed and processed by the MFCU. These investigations resulted in 419 new cases, 56 convictions, 49 indictments, and 70 arrests for abuse and fraud.

In addition to the criminal prosecution and civil litigation, MFCU provides educational programs for state and local prosecutors, health care facility staff, civic clubs, professional organizations, educational institutions, planning and development districts, law enforcement agencies and health care associations. With a total of 15 investigators assigned to the MFCU, the unit investigates allegations of neglect, abuse and exploitation of vulnerable adults and provider fraud throughout the State of Mississippi. MFCU investigators continue to assist local law enforcement agencies and local prosecutors in the peculiarities of prosecuting elder abuse. The state is still faced with an expansion of ever-evolving financial crimes against the elderly. MFCU will continue working with local law enforcement and federal agencies to address abuse, neglect, and fraud.

OPINIONS AND LOCAL GOVERNMENT



2015 OPINIONS AND LOCAL GOVERNMENT ACCOMPLISHMENTS:

- Issued 439 official opinions
- Returned 88% of formal opinions within 30 days or fewer
- Spent more than 6,000 hours giving advice by telephone and email and more than 400 hours preparing and conducting seminars around the state
- Trained local officials in implementation of new laws passed by the legislature

The Opinions and Local Government Division discharges one of the Attorney General's primary statutory duties 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 that will potentially impact voting procedures or office holders in the state, submitting the same to the U.S. Justice Department, if required, and provides training and legal assistance to local officials.

In Fiscal Year 2015, the division issued 439 official opinions. Of these, 88 percent 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. A total of seven 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 6,000 hours giving general advice by telephone or email in Fiscal Year 2015. Over 400 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

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. The division works with the Office of the Secretary of State to enforce violations of campaign finance laws.

OPEN MEETINGS AND PUBLIC RECORDS

The Division helps public officials understand and comply with the open meetings and public records laws through continuing education programs, by responding to telephone inquiries from state and local officials, as well as from members of the public, and by working closely with the Mississippi Ethics Commission.



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PROSECUTOR TRAINING DIVISION

2015 PROSECUTOR TRAINING DIVISION ACCOMPLISHMENTS:

- Provided training to more than 988 prosecutors, investigators, victim assistance coordinators, and check unit personnel
- Offered 45 hours of Continuing Legal Education to Mississippi prosecutors

The Prosecutor Training Division of the Attorney General's Office, in conjunction with the Mississippi Prosecutors Association, identifies, develops, and implements training and resource programs for prosecutors (within the State of Mississippi) and their supporting personnel. In addition, this division monitors criminal law as it develops in our state legislature and alerts district attorneys, city and county attorneys, youth court prosecutors, and assistant attorneys general regarding criminal justice legislation.

Under the direction of Attorney General Jim Hood and the Mississippi Prosecutors Association, curriculum and number of classes continue to expand. Prosecutor Training offers two major statewide conferences every year for all prosecutors, with specialized training in up to six tracks ongoing at the same time. Each breakout track allows training sessions to target specific groups of prosecutors, for example, youth court prosecutors, or a narrowly tailored curriculum such as DUI, Drugged Driving or Domestic Violence Training. Beyond prosecutors, we offer training for Investigators, victim assistance coordinators, worthless check and pre-trial diversion units. Throughout the year, our division offers smaller conferences such as a municipal prosecutor conference and a separate district attorney and assistant district attorney conference. Our conferences are held at no cost to prosecutors, with training funds covering speakers' fees, lodging, food and travel expenses. Training funds are also used to send prosecutors to out-of-state training opportunities.

The Mississippi Prosecutors Association is governed by a Board of Directors with District Attorney Angel Myers of the Nineteenth Judicial District serving as President for 2015-2016. The Prosecutor Training Division consists of Camala Wyatt, Director and Patty Pettis, Assistant.

Prosecutor Training has worked diligently to provide knowledgeable speakers from the State of Mississippi, as well as nationally recognized presenters and timely topics to our members. This year Prosecutor Training trained 988 prosecutors, investigators, victims assistance coordinators and check unit personnel and offered 45 hours of continuing legal education to Mississippi prosecutors.

This Division maintains a successful list-server to assist in the exchange of information between prosecutors and supporting personnel. This includes exchanging information on points of law, expert witnesses, national criminal justice trends and requests for assistance on various issues. Case updates from the United States Supreme Court, the Mississippi Supreme Court and the Mississippi Court of Appeals are sent out through the list-server. The office also assists in conducting legal research as needed, including actual trial assistance.

To better equip our prosecutors and protect the residents of our state, a District Attorney State -Wide Automated Case Management System known as *CRIMES* has been developed and is undergoing the final roll-out stage of implementation in several districts. This system allows District Attorneys' Offices to communicate automatically with the Criminal Information Center (CIC) of the Mississippi Department of Public Safety. Our prosecutors use this information to share pertinent information on criminals, make crucial charging decisions, and track criminals in our state.

2014-2015 CONFERENCES AND TRAINING

SEPARATE SPECIALIZED DA/ADA, MUNICIPAL AND YOUTH COURT CONFERENCES: Every year, specialized conferences are held offering district attorneys, assistant district attorneys, municipal, and youth court prosecutors training in criminal matters specific to each.

FALL AND SPRING PROSECUTORS CONFERENCE: Two main conferences offer classes for all prosecutors in the state and provide technical assistance to the district attorneys by offering training classes for criminal investigators, victim assistance coordinators, worthless check, and pre-trial diversion personnel. Further, these conferences offer state and national case law updates and provide training for new and senior prosecutors.

DISTRICT ATTORNEY AND ASSISTANT DISTRICT ATTORNEY SUMMER TRAINING: Prosecutor Training hosted a training for Mississippi's felony prosecutors centered on the prosecution of felony crimes. Classes ranged from Cellular Device Forensics, Forfeiture by Wrongdoing, Search and Seizure Updates to new criminal laws such as House Bill 585.

Youth Court Seminar: The Prosecutor Training Division offered a day long seminar of continuing legal education and youth court hours to Mississippi's youth court prosecutors. This year's seminar focused on current issues affecting Mississippi's youth courts and the nation with classes such as Cyber Bullying, Gang Awareness and Prosecution, DHS Family and Children's Services, and Youth Services Updates.

MUNICIPAL AND COUNTY PROSECUTORS SEMINAR: Prosecutor Training offered training to Mississippi's city and county prosecutors in a day-long seminar as part of the Mississippi Municipal League conference. This year's classes included Constitutional Issues Affecting Municipal Courts, Traffic Stop Updates, New Misdemeanor and Opinions Updates, and DUI Nonadjudications.

John R. Justice Grant: Prosecutor Training was awarded the JRJ grant for another year. This funding is administered by the individual states and is an effort to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service. It provides up to a yearly maximum of \$10,000 in loan repayment for state prosecutors and public defenders. The aggregate maximum amount is \$60,000. It covers loans made under the Higher Education Act of 1965, including consolidation loans. Repayment benefits for grant recipients are awarded by a selection committee to borrowers who agree to remain employed as prosecutors or public defenders for at least three years and exhibit the least ability to pay his or her education loans. The grant awards were distributed on September 30, 2014.



PUBLIC INTEGRITY DIVISION

2015 PUBLIC INTEGRITY DIVISION ACCOMPLISHMENTS

- 91 Investigations Opened during Fiscal Year 2015
- 1,247 Complaints received and worked
- U. S. Marshal Service (USMS) Gulf Coast Regional Fugitive Task Force
 - ◆ 82 PID arrest warrants
 - ◆ 699 USMS arrest warrants with assistance from PID

The staff of attorneys and investigators in the Public Integrity Division (PID) are responsible for the prosecution of several types of criminal cases in the state courts of Mississippi. As its primary mission, PID is charged with the responsibility of investigating and prosecuting public corruption and white collar crime. PID works closely with various state agencies, such as the Auditor's Office and Secretary of State's Office, as well as with federal agencies and local law enforcement in the investigation and prosecution of corrupt public employees or private citizens conducting business with the State in a fraudulent or otherwise illegal manner.

The Division provides assistance to local law enforcement officials, local prosecutors and the State's 22 district attorneys in the performance of their duties. Further, PID is charged with the responsibility of impaneling a statewide grand jury to investigate and prosecute large-scale drug violators. PID works with the Mississippi Bureau of Narcotics in investigating and prosecuting large-scale drug organizations through both criminal prosecution and civil forfeiture actions.

In addition to its primary mission, the Public Integrity Division includes several units charged with enforcing particular areas of law in this state, either independently or in conjunction with local law enforcement and prosecution: Public Integrity, Alcohol and Tobacco Enforcement, Child Desertion, Cyber Crime, DUI Training, Insurance Fraud, and Vulnerable Adult.

CONVICTIONS**Lee County Residents Going to Prison for Embezzlement**

Louis Aldridge was sentenced on February 6, 2015, before Judge James L. Roberts in Lee County Circuit Court after pleading guilty to three counts of embezzlement. Aldridge was sentenced on count one to 10 years in prison with four years suspended, six to serve, followed by five years of post-release supervision. The Court suspended a \$25,000 fine and ordered that Aldridge pay \$552,000 in restitution and \$100 to the Mississippi Crime Victim Compensation Program. On counts two and three, he was sentenced to 10 years suspended with those counts to run consecutively.

Janice Aldridge was sentenced on February 6, 2015, before Judge James L. Roberts in Lee County Circuit Court. Aldridge was sentenced to three years in prison pursuant to the non-adjudication statute with one year of supervised probation, two years unsupervised probation and \$5,000 in restitution.

Hinds County Resident Going to Prison for Manslaughter and Aggravated Assault

Henry Roundtree was sentenced on July 29, 2014, before Judge William Gowan in Hinds County Circuit Court after pleading guilty to manslaughter and aggravated assault. On the manslaughter charge, he was sentenced to 20 years to serve as a habitual offender (he will serve his sentence day-for-day) in the custody of the Mississippi Department of Corrections. On the aggravated assault count, he was sentenced to 20 years. The two sentences are to run concurrently.

Hinds County Man Going to Prison for Simple Robbery

Larry Ray, was sentenced on January 9, 2015, before Judge William Gowan in Hinds County Circuit Court after pleading guilty to two counts of simple robbery and one count of receiving stolen property. Ray was sentenced to 15 years in the custody of the Mississippi Department of Corrections with 10 years to serve, five years suspended, and five years of post-release supervision for simple robbery. Ray was also sentenced to 10 years for receiving stolen property. He was ordered to pay \$500 to the Mississippi Crime Victim Compensation Fund.

Ray also pleaded guilty to another simple robbery and was sentenced to 15 years in the custody of the Mississippi Department of Corrections with five years suspended.

Jackson Man Going to Prison for Aggravated Assault

Christopher Wilson, was sentenced on February 13, 2015, before Judge William Gowan in Hinds County Circuit Court on the charge of aggravated assault. Wilson was sentenced to 10 years in the custody of the Mississippi Department of Corrections with five years to serve, five years suspended, and three years post-release supervision.

Marion County Man Sentenced to Life for 1993 Murder

James K. Polk, Jr. was found guilty by a jury on September 18, 2014, on the charge of murder. Polk received a life sentence.

CONVICTIONS (Con't)**Jackson Resident Going to Prison for Burglary**

LeCarlo Clincy was sentenced on August 25, 2015, before Judge Joseph H. Loper, Jr. in Choctaw County Circuit Court after pleading guilty to burglary. Clincy was sentenced to seven years with two and a half years suspended, four and a half years to serve, followed by two years and six months post-release supervision.

Three Members of the “Trash Bag Gang” Sentenced for Crimes in Choctaw County

Lebrian Myers was sentenced on February 24, 2015, before Judge Clarence E. Morgan, III, in Choctaw Circuit Court after pleading guilty to one count of business burglary. Myers was sentenced to seven years to serve as a habitual offender, with seven years to serve to run consecutive to the eight years he is currently serving on a similar charge in Madison County.

Marcus Taylor was sentenced on February 24, 2015, before Judge Clarence E. Morgan, III, in Choctaw Circuit Court after pleading guilty to one count of conspiracy to distribute a controlled substance. Taylor was sentenced to 15 years to serve as a habitual offender.

Maurice Taylor was sentenced on February 24, 2015, before Judge Clarence E. Morgan, III, in Choctaw Circuit Court after pleading guilty to one count of possession of a controlled substance. Taylor was sentenced to 20 years with five suspended and 15 to serve as a habitual offender.

Canton Resident Going to Prison for Aggravated Assault

Fredrick Smith Jr. was sentenced on April 17, 2015, before Judge William Gowan in Hinds County Circuit Court, after being found guilty by a jury on two counts of aggravated assault. Smith was sentenced to 20 years in the custody of the Mississippi Department of Corrections on the first count, with 15 years to serve and five years suspended. Judge Gowan sentenced Smith to 20 years, with 15 years to serve, five years suspended and five years of post-release supervision on the second count. Both sentences will run concurrently, for a total of 15 years to serve behind bars.

Adams County Man Pleads Guilty to Possession of a Controlled Substance

Levier Pryor entered a guilty plea on February 19, 2015, to possession of a schedule II controlled substance before Judge Forrest A. Johnson in Adams County Circuit Court. Pryor was sentenced to five years probation and ordered to pay a \$500 fine, \$400 restitution and court cost.

Former Natchez Deputy Pleads Guilty to Embezzlement

Charles Nations was sentenced on February 19, 2015, before Judge Forest Johnson in Adams County Circuit Court after pleading guilty to embezzlement. Nations was sentenced to 15 years, with five years suspended, 10 years to serve, followed by five years of post-release supervision. He was also ordered to pay \$173,000 plus interest and \$1,000 to the Crime Victim Compensation Fund.

Warren County Circuit Clerk Pleads Guilty to Embezzlement

Shelly Palmertree was sentenced on September 29, 2014, before Judge Henry Lackey in Warren County Circuit Court after pleading guilty to embezzlement. Palmertree was sentenced to 10 years in the custody of Mississippi Department of Corrections, five to serve, five suspended per count, to run concurrently. She was also ordered to pay \$12,000 in restitution.

CONVICTIONS (Con't)**Lincoln County Man Convicted of Man Slaughter and Armed Robbery**

Aaron Lyons was sentenced on June 8, 2015, before Judge David Strong in Lincoln County Circuit Court after being found guilty by a jury of manslaughter and armed robbery. Lyons was sentenced to 20 years in the custody of Mississippi Department of Corrections on count I and sentenced to 35 years in the custody of Mississippi Department of Corrections with five years suspended on count II. Count II is to run consecutive to count I. He was also ordered to pay a \$5,000 fine and five years of post-release supervision.

Adams County Man Enters a Guilty Plea to Possession of a Controlled Substance

Larry Penton was sentenced on June 11, 2015, before Judge Forrest A. Johnson in Adams County Circuit Court after pleading guilty to possession of a controlled substance. Penton was sentenced to three years in the custody of Mississippi Department of Corrections with three years suspended, and three years of supervised probation with mandatory alcohol and drug treatment.

Hinds County Man Convicted of Aggravated Assault

Brandon Jernigan was sentenced on February 19, 2015, before Judge William Gowan in Hinds County Circuit Court after being found guilty of aggravated assault. Jernigan was sentenced to 10 years in the custody of Mississippi Department of Corrections.

Adams County Man Pleads Guilty to Sale of a Controlled Substance

Preston White plead guilty on May 28, 2015, to the sale of a controlled substance. White was sentenced to five years in the custody of Mississippi Department of Corrections subject to successful completion of non-adjudication program.

Coahoma County Man Pleads guilty to Welfare Fraud

Emmanuel Clark plead guilty on January 8, 2015, to welfare fraud. Clark was sentenced to three years in the custody of Mississippi Department of Corrections.

Hancock County Man Pleads Guilty to Home Repair Fraud

Thomas King plead guilty on February 9, 2015, to home repair fraud. King was sentence to 10 years with five suspended, and supervised probation subject to non-adjudication.

Hinds County Man Pleads Guilty to Aggravated Assault

David Mitchell Bradford plead guilty on November 10, 2014, before Judge William Gowan in Hinds County Circuit Court. Bradford was sentenced to 20 years in the custody of Mississippi Department of Corrections.

Harrison County Man Pleads Guilty to Home Repair Fraud

Patrick Serge plead guilty on February 2, 2015, to home repair fraud. Serge was sentenced to 10 years with 10 suspended.

Hinds County Woman Pleads Guilty to Misdemeanor Aggravated Assault

Betty Jean Butler plead guilty to misdemeanor aggravated assault on August 28, 2014. Butler was sentenced to six months in the custody of Hinds County Sheriff's Department mandatory anger management program.

INDICTMENTS/ARRESTS**Former Diamondhead City Manager Arrested for Perjury**

Richard Rose turned himself in to authorities on April 1, 2015, following an indictment for perjury.

Two Jackson Residents Facing Allegations of Conspiracy and Burglary

Marcus Taylor and LeCarlo Clincy were each arraigned on July 29, 2014, on one count of conspiracy to possess with intent to distribute a schedule III controlled substance, one count of conspiracy to possess with intent to distribute a schedule V controlled substance, and one count of business burglary.

Former Bolivar County Sheriff's Deputy Indicted for Shooting of Suspect During Arrest

Walter Grant was arrested on March 26, 2015, following an indictment for manslaughter.

Terry Mayor Arrested Following Indictment for Embezzlement

Roderick Nicholson was arrested on March 30, 2015, following an indictment for five counts of embezzlement.

Lincoln County Woman Indicted on False Pretense

Tanya Feazell was indicted on March 19, 2015, on one count of false pretense.

Lincoln County Man Indicted on DUI Homicide

Charles Acy, III was indicted on March 17, 2015, on two counts of DUI homicide.

CHILD DESERTION UNIT

- Received approximately 220 Complaints
- Opened 22 new Investigations in FY 2015

Kevin Craft, 32, of Forest, plead guilty to child desertion in Neshoba County Circuit. He was sentenced to five years in custody of the Mississippi Department of Corrections with five years suspended on supervised probation and \$19,000 in restitution.

Richard T. Shields, 37, of Richland, plead guilty to child desertion in Rankin County Circuit Court. He was sentenced to five years in custody of the Mississippi Department of Corrections with six months already served, four and a half years suspended on supervised probation, and \$13,200 in restitution.

John A. Johnson, paid \$9600.00 in restitution.

John Kelly Fields, 35, of Hamilton, Ohio, plead guilty and was sentenced for Felony Non-Support of his child in Forrest County Circuit Court. He was sentenced to five years in the custody of the Mississippi Department of Corrections, two years to serve and three years suspended on supervised probation. The Judge also ordered, and the defendant paid, \$51,500 in restitution.

Joe Glen Tharp Sr., age 36, of Richland, pleaded guilty to child desertion in Rankin County Circuit Court. He was sentenced to five years in custody of the Mississippi Department of Corrections with five years suspended on supervised probation and \$34,000 in restitution.

INSURANCE FRAUD AND WORKERS COMPENSATION FRAUD UNIT

2015 Insurance and Workers' Compensation Fraud Unit**Accomplishments:**

- \$169, 050.14 Recovered in restitution, reimbursements, investigative cost, court cost and fees
- Responded to and worked 118 complaints
- 38 Insurance fraud active investigations conducted
- 5 Workers' compensation active investigations conducted
- 4 Insurance fraud convictions
- 17 Insurance fraud indictments
- 4 Workers' compensation indictments
- 1 Workers' compensation fraud conviction

The Insurance Integrity Enforcement Bureau (IIEB) has completed an active year of investigation and prosecution throughout the state. During the past fiscal year, the IIEB had very positive interaction with the National Insurance Crime Bureau (NICB) as well as numerous other local, state, and federal entities in the course of fighting fraud within Mississippi. Below is a synopsis of activity during Fiscal Year 2015.

INSURANCE FRAUD CONVICTIONS

Garvis Earmon Thorn plead guilty to one count of insurance fraud and one count of wire fraud. He was sentenced to: Count I Insurance Fraud, Count II Wire Fraud-five years suspended with five years of post release supervision. Count II to run consecutive to Count I; \$500 fine; \$100 assessment to the Mississippi Crime Victim Compensation Fund; Restitution of \$67,700 to Penn Treaty Network America Insurance Company.

Tonya Rogers plead guilty to one count of insurance fraud and one count of wire fraud. She was sentenced to: Count I: Insurance Fraud-three years in MDOC custody, with two years suspended, one year to serve in the intensive supervision program (house-arrest) and two years post-release supervision. Count II: Wire Fraud five years suspended with five years of post release supervision. Count II to run consecutive to Count I; \$500 fine; \$100 assessment to the Mississippi Crime Victim Compensation Fund; Restitution of \$72,700 to Penn Treaty Network America Insurance Company.

Diane Robinson plead guilty to one count of insurance fraud and one count of wire fraud. She was sentenced to: Count I: Passed to file; Count II: Wire Fraud-five years suspended to run concurrent with Count I, followed by five years post-release supervision, \$250 fine, \$100 assessment to the Mississippi Crime Victim Compensation Fund, \$5,445.53 restitution to Geico Group, and all court costs.

Shayan Charad plead guilty to one count of Insurance Fraud. He was sentenced to: Three years with two years suspended and one year in the Intensive Supervision Program followed by two years post-release supervision. He was ordered to pay \$500 fine, \$100 to Mississippi Crime Victim Compensation Fund, \$650 reimbursement to the State General Fund for investigative expenses, restitution of \$13,278.21 to National Liability & Fire Insurance Company, and all court costs.

INSURANCE FRAUD INDICTMENTS

Garvis Thorn was indicted by a Desoto County Grand Jury on *one count of conspiracy to commit insurance fraud, one count of insurance fraud, and one count of mail fraud*. The indictment alleges that Thorn did willfully unlawfully and feloniously conspire and agree with a co-defendant to commit a crime to appropriate a benefit to which he was not entitled and execute a scheme to defraud Penn Treaty Network America Insurance Company.

Tonya Shaw Rodgers was indicted by a Desoto County Grand Jury on *one count of conspiracy to commit insurance fraud, one count of insurance fraud, one count of mail fraud*. The indictment alleges that Rodgers did willfully unlawfully and feloniously conspire and agree with a co-defendant to commit a crime to appropriate a benefit to which she was not entitled and execute a scheme to defraud Penn Treaty Network America Insurance Company.

Ernest Martell Day, 39, of Jackson, was arrested by the Rankin County Sheriff's Office following indictment by a Rankin County Grand Jury on *one count of false pretense involving insurance fraud*. The indictment alleges that Day did attempt to appropriate himself insurance proceeds to which he was not entitled after filing a false and fraudulent insurance claim with Progressive Insurance Company claiming that his 2006 Land Rover had been stolen when, in fact, it had not.

Jennifer Gail Franklin, 30, of Coffeerville was indicted by a Yalobusha County Grand Jury on *one count of insurance fraud and one count of wire fraud*. Franklin is accused of intending to gain for herself a benefit to which she was not due by allegedly scheming to defraud ACCC Insurance Company by falsely claiming that damages to her car had occurred on October 3, 2014, when, in fact, they had occurred on May 21, 2014, and had already been compensated.

Shontarri Shamel Cobbins, 38, of Madison was indicted by a Madison County Grand Jury on *one count insurance fraud and one count conspiracy to commit insurance fraud*. The indictment alleges that he and a co-defendant worked together to appropriate a benefit to themselves to which they were not entitled by executing a scheme to defraud Progressive Insurance Company.

Paula Jordan Sharpe 57, of Tchula was indicted by a Madison County Grand Jury on *one count insurance fraud and one count conspiracy to commit insurance fraud*. The indictment alleges that she and a co-defendant worked together to appropriate a benefit to themselves to which they were not entitled by executing a scheme to defraud Progressive Insurance Company.

Nicole Laster, 38, of Jackson County was indicted on *one count of insurance fraud and one count of wire fraud*. The indictment alleges that Laster did willfully, unlawfully and feloniously with the intent to appropriate a benefit to herself, to which she was not entitled, execute a scheme to defraud Sentry Insurance Company. In that she filed false injury claims and medical bills from Biloxi Regional Medical Center for injuries allegedly received in an automobile collision.

Thomas Oday Hebert, Jr., was indicted by Second District of Harrison County Grand Jury on *one count of false pretense*.

Shana Nelson was indicted by a Pontotoc County Grand Jury on *one count of Insurance fraud*.

WORKERS' COMPENSATION FRAUD CONVICTION

Richard Barry McDaniels entered an open guilty plea to *one count of workers compensation fraud*. Judge Christopher L. Schmidt sentenced him to: three years of supervised probation; \$2,000 fine; restitution of \$5,126.40 to Castle point National Insurance Company, and all court costs.

WORKERS' COMPENSATION FRAUD INDICTMENTS

Richard Barry McDaniel, 53, was indicted by the Harrison County Grand Jury on three counts of workers compensation fraud. The indictment alleges that McDaniel did knowingly misrepresented to Castle Point National Insurance Company that he was not receiving a secondary income while receiving workers compensation benefits in the total amount of \$5,126.40, while allegedly employed at another place and earning an unreported salary.

Jacqueline Hill a.k.a Jacqueline, 32, of Pelahatchie was indicted by the Rankin County Grand Jury on one count of workers compensation fraud. The indictment alleges that she made false statements to Union Standard Insurance Company for the purpose of obtaining workers comp benefits by misrepresenting to USIC "that she was not receiving a secondary income while receiving workers' compensation benefits.

INSURANCE FRAUD RESTITUTION

Restitution	\$159,123.74
Fines	\$1750.00
State General Fund Investigative Cost	\$650.00
Mississippi Crime Victim Compensation Fund	<u>\$400.00</u>
Total	\$161,923.74

WORKERS' COMPENSATION FRAUD CASES

Restitution	\$5,126.40
Fines	<u>\$2000.00</u>
Total	\$7,126.40



CYBER CRIMES UNIT

2015 CYBER CRIME UNIT ACCOMPLISHMENTS

- 121 New cases opened
- 21 Convictions

The forensics lab under ICAC standards performed 314 examinations on 67 separate requests for a total of approximately 40 terra bytes of data which were analyzed including the following media: 38 computers, 68 cellular devices, 60 other external media, and 81 optical disks.

The Mississippi Attorney General's Internet Crimes Against Children Cyber Crime Unit is a multi-jurisdictional, multi-disciplinary agency covering 82 counties. The unit is dedicated to its mission of 1) proactive and reactive investigations, 2) the forensic analyses of electronic evidence, 3) the prosecutions of technological crimes against children and 4) the education of law enforcement and the public. The Internet Crimes Against Children section of the unit (ICAC) implements strategies for the detection of internet crimes against children by engaging in on-line undercover operations, conducting on-line peer precision searches of ongoing criminal activity, and by expanding technical assistance to law enforcement and prosecutors. The ICAC teaches and mentors law enforcement students in its training facility that connects 16 laptops to the Internet at a time.

Since the ICAC unit was established with a 2007 Department of Justice (DOJ) award, the unit now has 65 local, state and federal law enforcement, affiliate agencies and multi-disciplinary partners which include the Office of District Attorney Ninth Circuit Court District, Office of District Attorney Nineteenth Circuit Court District, Office of District Attorney Eleventh Circuit Court District, Adams County Sheriff's Office, Alcorn County Sheriff's Office, Bay St. Louis Police Department, Biloxi Police Department, Brandon Police Department, Brooksville Police Department, Cleveland Police Department, Coahoma County Sheriff's Department, Columbus Police Department, Copiah County Sheriff's Office, D'Iberville Police Department, Desoto County Sheriff's Office, Florence Police Department, Forrest County Sheriff's Department, Fulton Police Department, George County Sheriff's Office, George County School District Police Department, Greenwood Police Department, Guntown Police Department, Hancock County Sheriff's Office, Harrison County Sheriff's Office, Hinds County Sheriff's Office, Horn Lake Police Department, Itawamba County Sheriff's Office, Iuka Police Department, Jackson County Sheriff's Office, Lauderdale County Sheriff's Office, Laurel Police Department, Lee County Sheriff's Office, Long Beach Police Department, Lowndes County Sheriff's Office, Madison Police Department, Meridian Police Department, Mississippi Bureau of Investigation, Monroe County Sheriff's Office, Moss Point Police Department, Newton Police Department, Ocean Springs Police Department, Oktibbeha County Sheriff's Office, Olive Branch Police Department, Petal Police Department, Picayune Police Department, Prentiss County Sheriff's Office, Rankin County Sheriff's Office, Richland Police Department, Ridgeland Police Department, Ripley Police Department, Southaven Police Department, Stone County Sheriff's Office, Tate County Sheriff's Office, Tupelo Police Department, Warren County Sheriff's Office, Waveland Police Department, West Point Police Department, Wiggins Police Department, Union County Sheriff's Office, U.S. Department of Justice, Northern District, and U.S. Department of Justice, Southern District.

Cyber Crime Unit *(Con't)*

Cases take priority in the forensics lab in which a live child is at the home or there is evidence of physical abuse of a child. Unfortunately, analysts are finding that offenders who share files in open networks are more sophisticated than offenders who chatted and sent webcam pictures. File sharing offenders store their collections of child pornography on thumb drives, in hard drives with terabyte storage capacity, or wipe their drives. Obviously, the amount of media to be examined on a case increases the amount of time needed to analyze the data for prosecution.

EDUCATION EFFORTS

- ◇ 86 Presentations
- ◇ 13,895 People attended

With the rise in criminal activity on the Internet, the Office of the Attorney General has made it a priority to educate Mississippians about the dangers of cybercrime. The safety of children on the internet is seen as a matter of critical importance, and Attorney General Jim Hood has devoted the resources of his office to insure that Mississippi's children will be safe from Internet predators. Educational seminars, speeches, and professional trainings are offered across the state by professionals in the Cyber Crime Unit of the office. In addition, the Cyber Crime Unit houses the ICAC (Internet Crimes Against Children) Task Force whose mission is to investigate and prosecute those who prey upon Mississippi's children using computer and Internet technology. In an effort to reach adults and children with critical messages about Internet safety, members of the ICAC unit have traveled across the state making presentations to civic, school and church groups, as well as training professionals on the dangers inherent in technology.

In the fiscal year July 2014 through June 2015, members of the ICAC Unit made 86 presentations across the state educating people on the critical issue of online child exploitation. Internet safety presentations were given to 13,895 individuals including students, adults, members of law enforcement, and other professionals.

Topics covered in the various trainings included Internet Safety (for children, tweens, teens and adults), Cybercrime, Cyberbullying, Sexting, Computer Forensics, Online Grooming, Child and Adolescent Vulnerabilities to Online Crime, Illegal Downloads, and Human Trafficking.

With the passage of the new bullying law, the cyber unit will train teachers and students on alternative ways of combating bullying and cyber bullying.

INDICTMENTS

- Thomas Dewaye Eubanks, 21, Simpson County, four counts child exploitation
- Jordan Gill, 48, Lincoln County, four counts child exploitation
- Justin Lee Goldsmith, 19 Rankin County, four counts child exploitation

INDICTMENTS (Con't)

- Jeremy Gregg, 43, DeSoto County, two counts child exploitation
- Marcus Wilburn Knight, 50, Clay County, two counts child exploitation
- Marvin Loyd Lemar, 24, Union County, one count child exploitation
- Kenath Dwayne Peal, 55, DeSoto County, one count child exploitation
- Daniel Bryan Weaver, 34, George County, one count child exploitation
- Roderick Arrington, 34, Hinds, 10 counts cyberstalking
- Timothy Lynn Cochran, 48, Forrest County, one count depicting child engaging in sexual conduct
- William E. Conley, 40, Forrest County, four counts depicting child engaging in sexual conduct
- Willard Geven Knight, 24, Rankin County, one count depicting child engaging in sexual conduct

BILL OF INFORMATION

- Ricky Bryant Roby, 35, Hinds County, one count child exploitation

2015 CONVICTIONS

Travis Austin Arnold, 29, of Hattiesburg, appeared before Judge Robert Helfrich in Forrest County Circuit Court and entered an open plea (meaning the defendant throws himself at the mercy of the court) of guilty to one count of child exploitation. As a result of the plea, Judge Helfrich sentenced him to 10 years two of them to be served in the Mississippi Department of Corrections Intensive Supervision Program (House Arrest) and and years on post-release supervision. Arnold must also pay a \$2,500 fine, \$250 to the Forrest County Public Defender Fund and \$100 to the Mississippi Crime Victim Compensation Fund and register as a sex offender.

William E. Conley, 40, of Hattiesburg, pleaded guilty before Judge Robert Helfrich in Forrest County Circuit Court to one count of child exploitation. As a result of the plea, Judge Helfrich sentenced Conley to 40 years in the custody of the Mississippi Department of Corrections with eight years to serve and five years of post-release supervision. Conley must also pay \$1,000 to the children's trust fund, \$1,000 to the Mississippi Crime Victim Compensation Fund and register as a sex offender.

Michael Donaldson, age 35, of Pearl, was sentenced by Rankin County Circuit Court Judge William Chapman on one count of possession of child pornography and one count of filming another without permission where there is an expectation of privacy. Donaldson was convicted by a Rankin County Trial Jury on January 23, 2015, after a week-long trial. Judge Chapman sentenced Donaldson to 40 years with 30 years to serve on the child exploitation charge (possession of child pornography) and sentenced him to serve five years on the photographing or filming of another without permission where there is an expectation of privacy. Donaldson will serve a total sentence of 45 years with 35 years being a mandatory day-for-day sentence. He was ordered to pay \$1,000 to the children's trust fund and \$1,000 to the Mississippi Crime Victim Compensation Fund. Donaldson must also register as a sex offender upon release.

2015 CONVICTIONS (Con't)

Charles Michael English, 50, of Laurel, appeared before Judge Billy Joe Landrum in Jones County Circuit Court and pleaded guilty to two counts of child exploitation. He was sentenced to 20 years behind bars with six to serve and five years of post-release supervision. He was ordered to pay \$1,000 to reimburse the use of a public defender and \$1,000 to Mississippi Crime Victim Compensation Fund. English must also register as a sex offender upon his release.

Jordan Scott Gill, 26, of Brookhaven, pleaded guilty to charges of child exploitation before Judge Michael Taylor in Brookhaven Circuit Court. As a result, Gill was sentenced to 40 years with ten years to serve and five years of post-release supervision. Gill must also pay \$1,000 to the children's trust fund, \$1,000 to the Mississippi Crime Victim Compensation Fund and register as a sex offender upon release.

Justin Lee Goldsmith, 20, of Brandon, appeared before Rankin County Circuit Court Judge William E. Chapman where he entered an open plea of guilty to one count of child exploitation. An open plea means the defendant refuses to accept the state's recommendation and instead throws himself at the mercy of the court. As a result, Judge Chapman sentenced Goldsmith to 40 years in the custody of the Mississippi Department of Corrections with five years to serve. He also received five years of probation, must pay \$1,000 to the children's trust fund and must register as a sex offender upon release.

Robert Hinger Jr., 48, of Pascagoula, appeared before Judge Kathy Jackson in Jackson County Circuit Court and pleaded guilty to four counts possession and one count production of child pornography. He was sentenced to 30 years behind bars with 12 to serve. He was also ordered to pay a \$7,500 fine and \$500 to the Mississippi Crime Victim Compensation Fund. He must also register as a sex offender upon his release.

James Mark House, 47, of Fulton entered an open plea of guilty, before Circuit Court Judge Paul Funderburk, to two counts of child exploitation after being found in possession of child pornography. He was sentenced to 40 years with 35 years suspended leaving five years to serve with five years of post-supervision. He was also ordered to pay a \$1,000 fine and a \$1,000 assessment to the children's trust fund. He must register as a sex offender.

Rio Jemon Jeffries, 25, of Holly Springs, appeared before Judge Kelly Luther in Marshall County Circuit Court. Jeffries pleaded guilty to the child exploitation/possession of child pornography charge against him. As a result, Judge Luther sentenced Jeffries to 10 years behind bars with five years to serve and five years of post-release supervision. He must also pay \$1,000 to the Mississippi Crime Victim Compensation fund and register as a sex offender upon release.

Marvin Lloyd Lemar, 25, of Myrtle entered a guilty plea to possession of child porn before Judge John Gregory. As a result, Lemar was sentenced to 40 years, with five to serve. He was also ordered to pay \$1,000 to the Children's Trust Fund and register as a sex offender upon release.

John Matherne, 39, of Magnolia pleaded guilty before Pike County Circuit Court Judge David Strong to one count of child exploitation. As a result, Judge Strong sentenced Matherne to 25 years with eight to serve. He was also ordered to pay a \$5,000 fine, \$1,000 to the Mississippi Crime Victim Compensation Fund, and he must register as a sex offender upon release.

Thomas Andrew Opiela, age 52, of Raymond pleaded guilty to two counts of child exploitation (possession of child porn) in Hinds County Circuit Court before Judge William A. Gowan. As a result, Opiela was sentenced to ten years, with five suspended, five to serve. He was also ordered to serve five years post release supervision, pay \$1,000 to the Mississippi Crime Victim Compensation Fund, and he must register as a sex offender upon release.

2015 CONVICTIONS (Con't)

Edwin Dean Pauly, 59, of Picayune, appeared before Pearl River County Circuit Court Judge Prentiss G. Harrell for sentencing after pleading guilty in an open plea (meaning the defendant throws himself at the mercy of the court) to two counts of child exploitation. Judge Harrell sentenced Pauly to ten years, with five suspended, five to serve. He must also register as a sex offender upon release.

Rickey Bryant Roby, 35, of Clinton appeared before Judge Winston L. Kidd in Hinds County and entered a guilty plea to one count of child exploitation. Judge Kidd sentenced Roby to ten years on the state's recommendation and suspended five years, giving Roby five years to serve. He must also register as a sex offender upon his release.

VULNERABLE ADULT UNIT**2015 VULNERABLE ADULTS UNIT ACCOMPLISHMENTS**

- \$186,261.34 Court ordered defendants to pay in restitution to victims
- \$ 3,140.00 Court ordered defendants to pay in investigative costs
- 3056 Complaints received and worked
- 466 Abuse complaints
- 712 Exploitation complaints
- 1874 Neglect complaints
- 4 Other complaints
- 196 New cases opened
- 8 New indictments

CONVICTIONS

Gregory Wayne Colburn was found guilty at trial in Rankin County on July 23, 2014, on two counts of felonious exploitation of a vulnerable person. He was sentenced to on Count I: 10 years in the custody of the MS Department of Corrections. On Count II: 10 years in the custody of the MS Department of Corrections, to run consecutive to Count I. He was ordered to pay \$1,031.50 in court costs, fees and assessments, to be paid out his cash bond on deposit with the clerk of the court and the remaining balance of \$2,519.50 to be applied to restitution; \$157,281.24 in restitution to be paid within 90 days of the sentencing date.

VULNERABLE ADULT UNIT CONVICTIONS (Con't)

Kimberly Gilleylen pleaded guilty in Benton County on September 11, 2014, one count of uttering forgery. She was sentenced to five years in the custody of the MS Department of Corrections and ordered to pay \$1,570 restitution to the victim and \$1,833.50 court costs, fees, and assessments.

Deidre Walker pleaded guilty in Pike County on October 27, 2014, to one count of felonious exploitation of a vulnerable person. Pursuant to the non-adjudication statute, she was placed on three years of supervised probation, ordered to pay a fine in the amount of \$300, an assessment to the MS Crime Victim Compensation Fund in an amount of \$500, and all costs of the court.

Treda Walker was accepted into the pre-trial diversion program in Hinds County on November 24, 2014, after having been charged with one count of felony exploitation of a vulnerable person.

Ralph Paul Henson pleaded guilty in Rankin County on February 9, 2015, and was sentenced on Count I: 10 years suspended, Count II: 10 years suspended, five years supervised probation, \$100 assessment to the MS Crime Victim Compensation Fund, \$500 fine, \$3,140 reimbursement to the MS Attorney General's Office for investigative costs, \$21,080.35 restitution to the victim, and all court costs.

Ahmad Fryar pleaded guilty in Tippah County on February 13, 2015 and was sentenced to on Count I: conspiracy; and Counts II-III: false pretenses to serve a term of five years in the custody of the MS Department of Corrections on each count, 10 years suspended, and five years of supervised probation. He was ordered to pay \$1,634.50 in courts costs, fees and assessments, and \$5,329.75 restitution to the victim.

Lisa Smith Boyd pleaded guilty in Bolivar County on May 26, 2015 to one count of felony exploitation of a vulnerable person. She is currently awaiting sentencing.

Rosemary Stribling pleaded guilty in Neshoba County on March 11, 2015, to one count of felony exploitation of a vulnerable person. She was sentenced to eight years in the custody of the MS Department of corrections with six years suspended and three years of supervised probation. She was ordered to pay a fine of \$2,000 together with clerk's filing fees and process fees, and restitution to the victim in an amount of \$1,000.

Lillie D. Keyes pled guilty in Smith County Justice Court on May 12, 2015 to one count of misdemeanor neglect. She was ordered to pay a fine of \$450.75, given credit for jail time served, and placed into a private probation and monitoring service until her fines had been paid in full.

INDICTMENTS

- **James Garrett III** was indicted for one count of uttering forgery.
- **Kevin J. Kirk** was indicted for one count of felony exploitation.
- **Nicole Mata** was indicted for one count of felony exploitation, one count of grand larceny and one count of uttering forgery.
- **Thurman Lucas** was indicted for one count of felony exploitation.
- **Charles Polk** was charged by criminal affidavit for one count of misdemeanor neglect.
- **Joanne Pitts** was indicted for one count of felony exploitation.
- **Jacqueline Johnson** was indicted for one (1) count of felony exploitation and three (3) counts of felony false pretense.
- **Shanna Tullos** was indicted for one count of felony exploitation.



DUI UNIT—TRAFFIC SAFETY RESOURCE PROSECUTOR

2015 DUI Unit Accomplishments:

- ◇ Publish Regular “**DRIVEN**” DUI Newsletter
- ◇ Update **Mississippi DUI BenchBook**—DUI manual for judges, prosecutors & law enforcement
- ◇ Underage Drinking & DUI Training to schools

1500 Judges, prosecutors, & law enforcement officers trained

- **9 Cops In Court Training** statewide at Office of Standards & Training's Standardized Field Sobriety Classes
- **1 A.R.I.D.E.(Advanced Roadside Impairment Driving Enforcement Training)**
- 3 DUI Law Basics to Recruit Classes at MS Law Enforcement Training Academy
- 1 DUI Law Basic and Cops in Court Training for MHP Cadet School
- Basic DUI In-Service Training for Aberdeen Police Department, Oktibbeha Sheriff's Department, Jackson Police Department, and other agencies
- **DUI & DUI Death Seminar** for MS Gulf Coast local law enforcement agencies

Mississippi Prosecutors Association Conferences:

- Provided Mississippi Prosecutors legal updates on DUI and traffic related case law and upcoming changes to the DUI Law
- Ignition, Interlock, Non-Adjudications & Everything In-Between—training for Mississippi Prosecutors and law enforcement officers

Mississippi Judicial College Seminars:

- Provided Mississippi Justice Court Judges with legal updates on upcoming changes to the DUI Law during Summer, Fall, and Spring Conferences
- Provided Mississippi Court Clerks with legal updates on upcoming changes to the DUI law during Court Clerks Conference
- Provided Municipal Judges with legal updates recent DUI and traffic related cases and upcoming changes to DUI law during Municipal Judges Conference
- Provided municipal clerks with legal updates on upcoming changes to DUI law during Municipal Clerks Conference

DUI UNIT—TRAFFIC SAFETY RESOURCE PROSECUTOR (CON'T)

The DUI Unit is part of the Public Integrity Division of the Office of the Attorney General of Mississippi. The unit is staffed by one attorney, an office assistant, and two part-time law clerks. The Traffic Safety Resource Prosecutor (TSRP) operates under a federal grant from the Office of Highway Safety/Department of Public Safety Division of Public Safety Planning. The purpose of the TSRP is to serve as a prosecutor, a resource, and a liaison, while also providing technical legal assistance and training to all of the State's prosecutors, law enforcement officers, and judges.

The TSRP coordinates the training of all state prosecutors on traffic safety issues, primarily DUI prosecutions, and provides legal assistance on matters related to such cases. Such assistance includes, but is not limited to: assisting with pre-trial investigations; upon request, serving as lead or second chair or assisting in the prosecution of DUI, vehicular homicide, DUI Death, or DUI Maiming court cases; researching and writing motions and briefs; drafting and assistance with DUI Attorney General's opinions; drafting DUI legislation; writing and updating the DUI Manual; and preparing a newsletter regarding "hot topic" issues of highway safety. The TSRP also coordinates joint training of prosecutors with their local law enforcement officers, when possible, during Standardized Field Sobriety Testing (SFST) classes, and during the DUI trainings offered at the MS Spring Prosecutors Conference. The TSRP is available daily to prosecutors, law enforcement, and judges should the need for assistance in DUI and traffic-related cases arise. On average, the DUI Unit handles approximately six or more technical/legal calls daily regarding DUI cases or DUI/traffic-related issues from across the state.

The TSRP works with each of the state's law enforcement agencies, including the Mississippi Highway Safety Patrol, to provide assistance in DUI/traffic related issues. This past January, the TSRP spent two full days teaching basic DUI law and courtroom testimony preparation at the MHP Cadet School to 51 cadets. Two additional days involved assisting with the SFST training, including a mock trial.

The TSRP also teaches on a regular basis at the Mississippi Law Enforcement Officer's Training Academy (MLEOTA) to the Basic Recruit Class. During the 2014-2015 year, the TSRP conducted three classes totaling approximately 214 officers. Additionally, the TSRP provides testimony training to law enforcement officers in conjunction with every SFST class provided and taught by the Office of Standards & Training. The TSRP participated in nine SFST classes and approximately 189 officers went through this training this past year. A.R.I.D.E, which stands for Advanced Roadside Impairment Driving Enforcement, is another training offered to law enforcement officers that lasts two days and focuses on DUI Drug cases. The TSRP participated in one A.R.I.D.E. class, and taught the legal portion of the training, which included providing relevant DUI Drug case law.

The TSRP also teaches the legal section of our state's Drug Recognition Expert School, as well as, the legal component of all DRE recertification. In 2008, MS became the 45th Drug Recognition Expert (DRE) state, (all 50 states are now DRE certified with the District of Columbia currently pursuing DRE Certification). A DRE is a highly effective officer skilled in the detection and identification of persons impaired by alcohol and/or drugs. A DRE is trained to conduct a systematic and standardized 12-step evaluation consisting of physical, mental, and medical components. Currently, Mississippi has 44 Drug Recognition Experts.

The TSRP works in conjunction with the Mississippi Judicial College (MJC) to provide legal training and caselaw updates on DUI and traffic related issues to our judges statewide. In 2013, the TSRP and MJC completed and published the Mississippi DUI Benchbook, a DUI manual to assist judges, prosecutors, and law enforcement officers. Due to recent changes to the DUI laws by the State legislature, the manual is currently in the process of being updated.

The TSRP participated in numerous traffic safety organizations and trainings both statewide and nationally including the MS Association of Highway Safety Leaders, S.T.O.R.M. (Sobriety Trained Officers Representing Mississippi), and the Int'l Assoc. of Chiefs of Police Training Conference on Drugs, Alcohol, and Impaired Driving.



ALCOHOL & TOBACCO ENFORCEMENT DIVISION

2015 Alcohol and Tobacco Enforcement Division Accomplishments:

- \$66,483.00 Total fines & court cost
- 443 Retail clerks trained during 210 retailer trainings
- 6,246 Tobacco enforcement checks
- 6,191 Beer enforcement checks
- 7 Cases submitted to Department of Revenue for suspension

In June 2010, the Alcohol and Tobacco Unit was issued a contract with the Food and Drug Administration to enforce the Federal Tobacco Laws. Because of our past efforts and existing program, we were the first state in the nation to be up and running under this contract.

Retailer Training

Recognizing that proper training of clerks is an important component in reducing the availability of age restricted products to minors, the Division has continued to conduct retailer training sessions. The Division conducted 210 retailer training sessions with 443 retailer clerks in attendance.

“At the core of this law is the safety of our young people. It simply states that it is illegal in Mississippi to sell alcohol to anyone under the age of 21.”
said Attorney General Jim Hood

OVERALL STATISTICS FOR ALCOHOL AND TOBACCO UNIT

TOBACCO COMPLIANCE CHECKS

Year	Number of Checks	Buy Rate
2006	5,665	5%
2007	5,172	5%
2008	8,222	4%
2009	7,418	4%
2010	6,489	5%
2011	9,043	5%
2012	10,404	2%
2013	4,733	3%
2014	5,273	2%

The first month that tobacco compliance checks were implemented, the buy rate was 38%.

BEER COMPLIANCE CHECKS

Year	Number of Checks	Buy Rate
2006	5,604	7%
2007	4,627	8%
2008	6,913	5%
2009	7,121	3%
2010	3,823	3%
2011	6,202	3%
2012	6,194	4%
2013	6,577	4%
2014	6,316	3%

The first month that beer compliance checks were implemented, the buy rate was 26%.



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 Mississippi's Accountability System for Government Information and Collaboration (MAGIC) 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.

Support Services is also responsible for the administration of the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund. Mississippi Code Section 45-2-21 (1972, annotated) transferred supervision of this fund from the Department of Public Safety to the Attorney General's Office beginning July 1, 2006. Any actively employed law enforcement officer or fire fighter who is accidentally or intentionally injured in the line of duty as the direct result of a single incident is eligible to receive benefits. If approved, the Attorney General's Office will make a monthly disability payment equal to 34% of the covered individual's regular base salary at the time of injury. If the covered individual also receives workers' compensation benefits, then payments from the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund will be limited to the difference between the workers' compensation benefits and the amount of the covered individual's regular base salary. Up to 12 payments for any single injury can be made. Applications and instructions for submission are posted on the Attorney General's Website at <http://agjimhood.com/>

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.

SUPPORT SERVICES DIVISION *(Con't)***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 (MSPB, Section 125, FLSA, Title VII, FMLA, HIPAA, COBRA, ACA, 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 Development System (PDS), 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 2015, the office entered into over \$3,711,560 in grants/contracts with DHHS-Medicaid Fraud, Public Safety, Department of Justice, Food and Drug Administration, U. S. Department of Agriculture, and U. S. Marshals Service.

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.

PAYROLL

Support Services is responsible for processing a monthly payroll for 300+ full-time employees utilizing the Statewide Payroll and Human Resources System (SPAHRS) 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 in the database. The librarian also maintains a directory of Westlaw passwords and trains employees on Westlaw, often assisting attorneys in their legal research.

SUPPORT SERVICES DIVISION *(Con't)***MANAGEMENT OF INTERAGENCY CONTRACTS AND OUTSIDE LEGAL COUNSEL**

During FY 2015, the Attorney General's Office entered into seventy-two (72) 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 Walter Sillers Building, Bolden Office Building, the North MS Office located in Houston, 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 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 (CRIMES) that is used office-wide to track case information and time entry.

The office is in the process of implementing a state-wide case management system for district attorneys. The system is located at the Attorney General's Office in Jackson. Future plans will include an interface with NCIC to provide case disposition data.



AGRICULTURE DIVISION

2015 Agriculture

- 2300 Retail food establishments inspected
- \$4,350 Collected in fines
- \$18,500 Collected in petroleum distribution/retail civil penalties
- \$24,689 Collected in plant industry license civil penalties

The Agriculture Division performs legal services for the state's agriculture-related agencies, including the Department of Agriculture and Commerce, Board of Animal Health, Fair Commission, Farmer's Market, Mississippi Livestock Show, and the 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, assisting with personnel matters, drafting contracts, attending board meetings, and responding to requests under the Public Records Act.

The Consumer Protection Division of the Department inspects some 2,300 retail food establishments annually, and it works to insure that the consumer receives a quality product that bears accurate identity, quantity and cost information. Our attorneys assisted this division in bringing ten administrative complaints against grocery stores and food vendors for violations of the U.S. Food Code. During Fiscal Year 2015, 10 administrative complaints were filed, resulting in the collection of \$4,350 in fines.



The Department of Agriculture regulates the sale of gasoline, diesel and kerosene, both at the retail and wholesale levels. During Fiscal Year 2015 AGO attorneys handled a number of administrative complaints against petroleum distributors or retailers, resulting in the collection of \$18,500 in civil penalties.

The Department of Agriculture has a branch office in Starkville on the M.S.U. campus, which is called the Bureau of Plant Industry. This office regulates the sale, manufacture and application of pesticides, herbicides, feed, fertilizer, lime, seed, and soil amendments. This office also grants licenses to pest control operators, crop dusters, tree surgeons, plant pathologists and landscapers. During Fiscal Year 2015, AGO attorneys represented the Bureau in 58 administrative complaints, resulting in the collection of \$24,689 in civil penalties.





DEPARTMENT OF CORRECTIONS

Special Assistant Attorneys General Anthony Schmidt and Jim Norris serve as legal counsel to the Mississippi Department of Corrections (MDOC). MDOC has over 3,000 employees who have the responsibility of overseeing more than 63,000 inmates, probationers, and parolees. Providing legal assistance to such a large agency necessitates addressing numerous legal issues on a daily basis. The duties of the legal counsel include representing the agency in administrative, civil litigation and inmate litigation proceedings, drafting and reviewing contracts, policies, procedures and proposed legislation, responding to inquiries from prosecutors, judges, attorneys, victims, inmate family members, and the public. Legal counsel also advises MDOC on all legal matters related to the operation of the agency (including employee and inmate matters) and overseeing agency compliance with existing court orders. Special Assistant Attorneys General Tommy Goodwin and Benny "Mac" May also assist MDOC with civil litigation matters.

DEPARTMENT OF MENTAL HEALTH

Special Assistant Attorney General Cyndi Eubank represented the Department of Mental Health in actions filed against the Department and its various statewide program locations, reviews contracts and attended monthly board meetings where she advised the Board of the Department of Mental Health. Mrs. Eubank attended court on behalf of the Department of Mental Health for establishing conservatorships, requesting conditional releases and 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 illness or intellectual developmental disabilities. In addition, Mrs. Eubank worked with the United States Department of Justice on possible litigation regarding the State of Mississippi's Mental Health System.

MISSISSIPPI DEVELOPMENT AUTHORITY

Waverly Harkins and Royce Cole serve as legal counsel to the Mississippi Development Authority (MDA) and the Mississippi Major Economic Impact Authority (MMEIA). MMEIA was created by the Legislature as a method of competing for major projects through statutory incentives to bring new business and industry into this State and to assist existing Mississippi industries to expand. MDA also competes for major projects using the Mississippi Industry Incentive Financing Revolving Fund (MIIFRF). MDA assisted with numerous business location and expansion projects around the state in FY2015. Legal advice provided to the Executive Director and staff includes, but is not limited to, drafting of special legislation, contracts, loan agreements and security agreements between the State and major companies and other related companies that relocate to Mississippi as a result of MMEIA and MIIFRF projects.



MISSISSIPPI DEPARTMENT OF EDUCATION

For the fiscal year 2015, Raina Anderson Lee, Joseph Runnels, Heather Deaton, Erin Meyer, and Beebe Garrard served as legal counsel to the State Department of Education and the State Board of Education.

State Board of Education

The legal staff provided legal advice to the State Board of Education on matters before the Board at its regular monthly and special-called meetings. Attorneys assisted in drafting board policies and any necessary revisions to those policies.

The State Board of Education is the governing board for 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. The attorneys representing the Department and Board reviewed and revised student handbooks and staff handbooks for all state schools and provided legal advice related to student and employment issues.

State Department of Education

General Advice and Legislation

The legal staff provided legal research and general legal advice to the bureaus in the Department of Education on policy and regulatory matters, drafted and reviewed proposed legislation, met with legislators on education legislation and advised the Department regarding legislation that will impact education. Attorneys analyzed pending state and federal legislation and advised the Department on filing of policies with the Secretary of State through the Administrative Procedures Act process. Attorneys also provided assistance to local school districts, responded to questions from school districts and school board attorneys and responded to citizen questions and complaints.

Personnel Matters

The Department legal staff handled personnel matters, including employee grievances, appeals before the Employee Appeals Board, and complaints filed before the Equal Employment Opportunity Commission. The legal staff continued to assist the Department staff in the implementation of recently passed legislation (House Bill 454, 2014 Regular Legislative Session) that exempted the Department from the State Personnel Board procedures for two years. This legislation expires July 1, 2016.

MISSISSIPPI DEPARTMENT OF EDUCATION *(Con't)***Conservatorships and Consolidation of School Districts**

There have been six state schools in conservatorship and under the authority and control of the State Board of Education during the 2015 fiscal year:

1. Aberdeen School District
2. Oktibbeha County School District is now Starkville Oktibbeha Consolidated School District (consolidated with Starkville School District effective July 1, 2015)
3. Claiborne County School District
4. Leflore County School District
5. Scott County School District (returned to the district effective July 1, 2015)
6. Tunica County School District

Two of these school districts have been returned to the control of the district in July of 2015:

1. Oktibbeha County School District is now Starkville Oktibbeha Consolidated School District (consolidated with Starkville School District effective July 1, 2015)
2. Scott County School District (returned to the district effective July 1, 2015)

Attorneys have worked with the Department in reconstituting these school districts to include meeting with legislative representatives, mayors and aldermen and working with the Office of the Governor to obtain Writs of Election.

Attorneys for the Department continue to counsel the Board and the Department in their efforts after the declaration of a state of emergency, the establishment of a conservatorship, and assuming control and administration of the following districts: Tunica County School District, Aberdeen School District, Leflore County School District, Claiborne County School District and Scott County School District.

Recent legislation has required the Department to be actively involved in the consolidation of the Clay County School District and West Point School District in becoming the West Point Consolidated School District (effective July 1, 2015). Attorneys have assisted the Department in the consolidation of school districts by drafting board policy, preparing for and attending public meetings in the affected communities, incorporating citizen concerns into decisions made, and working with the Performance Evaluation and Expenditure Review (PEER) Committee in the drafting of school board member lines. Attorneys for the Department represented the Commission on the Consolidation of the Starkville Consolidated School District and West Point Consolidated School District by assisting in the preparation of the Commission's report to the Governor, Legislature and State Board of Education

Contractual issues

Attorneys reviewed and drafted contracts (including memorandums of understanding and grant agreements), advised on legal issues, and assisted in the negotiation of contractual terms.

State Longitudinal Data System

Individual state agencies and state entities are required to send data from their internal systems to the Statewide Longitudinal Data System. Attorneys provided general advice to the Department related to the submission of data to the State Longitudinal Data System.

MISSISSIPPI DEPARTMENT OF EDUCATION *(Con't)***Public Records Requests**

Attorneys responded to public records requests and advised the Department on the Public Records Act, the Family Educational Rights and Privacy Act, and other privacy issues.

Special Education Issues

Attorneys reviewed and drafted contracts, memorandums of understanding/agreement and interagency agreements, provided general advice on policy and regulatory matters; responded to public records requests; analyzed pending state and federal legislation; provided legal research and general legal advice regarding the Individuals with Disabilities Education Act of 2004 ("IDEA"), Family Educational and Privacy Rights Act, and Section 504 and made legal presentations regarding IDEA and/or State Board Policy 7219.

Additionally, attorneys continued to advise the Office of Special Education with regard to the Annual Performance Report filed with the United States Department of Education pursuant to the IDEA. Attorneys also assisted the Office of Special Education with the resolution of individual and class complaints filed under the IDEA.

The attorneys also worked collaboratively with the Office of Civil Litigation in cases pending in U.S. District Court, Hinds County Chancery Court and in negotiating with the United States Department of Justice.

Commission on School Accreditation

The Commission on School Accreditation continually reviews the standards on accreditation of public school districts and the enforcement of the standards and makes recommendations to the State Board of Education. The Commission also hears cases regarding the withdrawal of the accreditation of schools and determines if an extreme emergency situation exists in school districts that jeopardize the safety, security or educational interests of children in the district. Attorneys represented the Commission on School Accreditation at its meetings and hearings.

Commission on Teacher and Administrator Education, Certification and Licensure and Development

The Commission on Teacher and Administrator Education, Certification and Licensure and Development make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach in the public schools of Mississippi. The Licensure Commission also conducts disciplinary cases regarding education misconduct. Attorneys represented the Commission at its meetings and disciplinary hearings. The legal department has won two (2) cases brought against educators accused of cheating on the MCT2 statewide assessment in the Clarksdale Municipal School District. The final Complaint is planned for execution in December 2015.

Opinions of the Attorney General

The Department attorneys drafted official opinions of the Attorney General related to education. The attorneys also conducted seminars on school law for school board attorneys, school district personnel and education leadership classes for teachers obtaining advanced degrees.



MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION

Special Assistant Attorneys General Romaine L. Richards and Aubrey Leigh Goodwin serve as legal counsel to the Department of Finance and Administration (the Department) and its divisions. As counsel for these entities, Ms. Richards and Mrs. Goodwin represent the Department in administrative and civil litigation proceedings, draft and review contracts, policies, procedures, and proposed legislation. Both attorneys provide legal advice on a diverse spectrum of issues. Legal matters include but are 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). 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 responsible for providing security and maintenance for the buildings located within the Capitol Complex), the Office of Capitol Police, 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), the Office of Insurance (which administers the State and School Employees' Health and Life Insurance Plan), the State Agencies' Self Insurance Workers' Compensation Pool, the Employment Compensation Revolving Fund, the Office of Personnel and Training, and the Office of Air Transport (which provides air transportation to all state government entities).

Mrs. Goodwin serves as counsel to the Bureau of Building, Grounds and Real Property Management (the BOB) (with primary responsibility to 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). Mrs. Goodwin 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. Mrs. Goodwin 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, and Fleet Management, which serves as the State Procurement Office, on legal matters regarding procurement, statutes, regulations, contracts, policies and procedures, protests, the State's Master Lease Purchase Program, and the acquisition and use of state vehicles.



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.

Role of the Agency Attorney

The attorney assigned to the agency provides 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, fire protection, timber management and general administration. The attorney assists with all aspects of personnel actions and discipline, assists with questions regarding the purchasing laws and procedures, and is involved as needed with questions regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes, and reviews and drafts contracts as needed.

MISSISSIPPI GAMING COMMISSION

The Gaming Division is charged with representing the Mississippi Gaming Commission in all its legal matters and generally carrying out legislative mandate and state public policy as it applies to the gambling laws of Mississippi. In general, this mandate is to maintain the public trust and confidence in a well-regulated gaming environment. Therefore, the Gaming Division approaches its responsibilities in a multifaceted manner that includes regulatory advisement, criminal enforcement, and public outreach. As the gaming landscape evolves from chips and levers to virtual and networked, the regulation of gaming, both legal and illegal, has become increasingly challenging.

In its regulatory capacity, the Gaming Division processed 23 work permit matters, arguing 16 before a hearing examiner. The Division oversaw 11 disputes between patrons and casinos. Additionally, the MGC, along with the counsel of the Division, has been tasked with looking at the expansion of gaming across the country as other states move online and begin adopting more modern methods of play. In the future, these may include geo-fenced mobile gaming, multi-state linked slot machines, or social gaming integration. The ultimate goal is to continue to insure that Mississippi operates a healthy gaming industry within the statutes and regulations of this State.

To maintain public confidence in regulated gaming in this State, the Gaming Division has taken a harder look at the investigation and prosecution of illegal gaming operations. The division has adopted a more involved role in keeping abreast of developments with the MGC's criminal investigation division. This has also included communication with local prosecuting authorities and, when requested, active assistance in the prosecution of illegal gaming. Currently, the Division has two active criminal indictments it is pursuing in Circuit Court.

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.



MISSISSIPPI DEPARTMENT OF HEALTH

The Health Law Section of the Office of the Attorney General represents the Mississippi State Department of Health and its governing body, the Mississippi State Board of Health. Special Assistant Attorneys General, Ingrid Dave Williams, Ellen O'Neal Cassandra Walter, and Teselyn Funches provide legal counsel 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

During the past year, the four attorneys in this section provided advice and assistance 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 for health care facilities (including hospitals and nursing homes), enforcing licensure requirements for child care facilities and for various professional licenses, 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 subpoenas and otherwise, reviewing contracts, providing planning and policy assistance, processing garnishments 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.

ENVIRONMENTAL HEALTH

The legal staff provided advice, and represented the Bureau of Environmental Health at administrative hearings and in litigation 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 the Mississippi Safe Drinking Water Act, and certification of operators of water systems.

Our attorneys assisted with administrative enforcement actions against professional installers of onsite wastewater systems. The legal staff advised the Department regarding cases in justice court concerning failing wastewater systems. The Health Law Section also worked with the Department of Environmental Quality and boards of supervisors in resolving wastewater issues in several counties. Attorneys in the Health Law Section also represented the Department in administrative proceedings and enforcement actions, in court, against public water systems for endangering the health of their customers by noncompliance with applicable statutes and regulations.

MISSISSIPPI DEPARTMENT OF HEALTH *(Con't)***HEALTH FACILITIES LICENSURE AND CERTIFICATION**

The attorneys in the Health Law Section provided ongoing legal counsel to the Bureau of Licensure and Certification in areas including, but not limited to, utilization review, subpoenas, public records requests, 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 legal staff represented the Department in administrative hearings against certified nurse aides charged with abuse and/or neglect of residents in long-term care facilities, and in hearings regarding the denial or revocation of licenses. The attorneys also provided 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 PLANNING AND RESPONSE

The Health Law Section provided legal advice to the Department in matters pertaining to the licensure and regulation of emergency medical technicians and emergency medical (ambulance) services, and represented the Department at disciplinary proceedings. The legal staff continues to assist the Department in the operation of the Mississippi statewide trauma system. The staff attorneys 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.

VITAL RECORDS

During the past year this section handled numerous chancery court complaints to correct birth certificates and other vital records, and assisted attorneys and members of the public regarding those complaints. In addition, the attorneys provided advice to the public regarding vital records and statistics.

MISSISSIPPI DEPARTMENT OF HEALTH *(Con't)***EPIDEMIOLOGY AND COMMUNICABLE DISEASES**

The Health Law Section represented the Department in administrative and court actions to enforce vaccination requirements and to quarantine persons with AIDS, other sexually transmitted diseases, and tuberculosis to prevent the spread of such diseases and to compel hospitalization and treatment for those with active, infectious, communicable diseases. The attorneys also provided legal advice with regard to preparation for the possibility of a pandemic.

CHILDCARE AND PROFESSIONAL LICENSURE

The 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, dieticians, respiratory care practitioners, medical radiation technologists, hearing aid dealers, athletic trainers, speech-language pathologists, speech-language pathologists aides, audiologists, audiologists aides, art therapists, eye enucleators, hair braiders, tattoo operators and facilities, and body piercing operators. Additionally, our attorneys reviewed criminal history records and determined eligibility for persons applying to work in a child care facilities.

DISASTER PREPARATION

The Department has continued to focus on training in outbreak intervention and 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 bio terrorism attack against the State or other public health emergencies.

PRIVACY LAW

The Federal Privacy Rule continued to impact the department in various ways, and under the guidance of the HIPPA 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

HUMAN RESOURCES

Legal staff provided advice regarding human resources matters, represented the agency in hearings before the Employee Appeals Board of the Mississippi State Personnel Board, and continued to ensure compliance with state and federal employment and labor laws.



HUMAN SERVICES DIVISION

The Human Services Section of the Attorney General's Office provides legal assistance to the state office of the Mississippi Department of Human Services (MDHS) and its 82 county offices 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. The Division worked with MDHS in providing for the care of children with mental illnesses or multiple disorders, children requiring interstate placement.

CONTRACTS

Contractual procurement agreements and partnerships remain essential to MDHS' service delivery system. During FY 2015, the Human Services Division:

- Reviewed, revised, drafted, and/or negotiated more than 634 contracts, subgrants, requests for proposals, memoranda of understanding and other agreements.

DIVISION OF YOUTH SERVICES

The Division of Youth Services (DYS) administers the community services and institutional programs for juveniles who have been adjudicated delinquent in Mississippi Youth Courts or who are at risk of becoming delinquent. DYS provides professional counseling, probation supervision and related services to children in their home communities, as well as education, rehabilitation and treatment services to children committed to institutional care.

Though this Division, sub-grants with community-based organizations were issued to operate its Adolescent Opportunity Program (AOP), which provides 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.

The Department reviewed the following personal services contracts:

New Contracts 8

Contract Modifications 17

Memorandum of Agreement 5

A SYNOPSIS OF A YOUTH SERVICES FEDERAL LAWSUIT (LAUDERDALE COUNTY COURT CASE)

U. S. District Judge Henry Wingate has approved a stand alone consent decree between Department of Human Services and the Department of Justice. DHS and DOJ have identified a potential monitor for purposes of implementation of the consent decree. The monitor has been preliminarily agreed to by counsel for the parties, but parties are awaiting final approval from DOJ.

DIVISION OF COMMUNITY SERVICES

Subgrants between the Division of Community Services and community action agencies/human resource agencies, allowed MDHS-DCS to provide assistance to the elderly, disabled, and children through Weatherization, CSBG, and LIHEAP programs. The Department received and reviewed 53 contracts and 80 modifications.

DIVISION OF AGING AND ADULT SERVICES

The Division of Aging and Adult Services protects the rights of older citizens while expanding their opportunities and access to quality services. It also plans, coordinates and advocates for, and ensures the provision of services to all older Mississippians. This division oversees the Adult Protective Services program, which investigates reports of suspected abuse, neglect and exploitation of vulnerable adults who reside in private home settings. This division represented the Division of Aging and Adult Services in obtaining emergency and essential conservatorships, emergency orders for the provision of protective services on behalf of abused, neglected and/or exploited vulnerable adults as well as provided technical assistance.

The Department handled the following total cases:

Aging and Adult Services 136

Vulnerable Adults 12

DIVISION OF FAMILY AND CHILDREN'S SERVICES

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

DIVISION OF FAMILY AND CHILDREN'S SERVICES (Con't)

- In FY 2015, 422 new TPR cases (involving 726 children) were referred to this division. Of those children, Human Services attorneys obtained 460 court orders terminating parental rights of 460 children allowing the opportunity for adoption.
- 346 legal clearances were completed by legal staff for the adoption unit, which allowed children to be adopted by loving families.
- Conducted 28 administrative fair hearings. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry.

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

DIVISION OF HUMAN RESOURCES

- The Division handled 29 personnel cases for MDHS.
- Responded to more than 32 subpoenas and summonses.
- Responded to 42 open public records request.
- Processed over 273 writs of garnishments and other wage withholding matters.
- 2 EEOC cases were handled during this time period.

INFORMATION TECHNOLOGY SERVICES

During Fiscal Year 2015, Special Assistant Attorney General Donna Nead Rogers served as legal counsel to the Mississippi Department of Information Technology Services ("ITS"). During this time period, she drafted and/or negotiated 339 contracts of various types (software licenses, software development contracts, turnkey agreements, purchase contracts, maintenance contracts, leases, application service provider contracts, and professional services contracts) with providers of data processing and telecommunications hardware, software and services. Some of those contracts involved projects to: provide upgrades and enhancements to the Mississippi Student Information System for the Mississippi Department of Education, provide enhancements and support for the Unemployment Insurance Consortium System for the Mississippi Department of Employment Security, upgrade the Safety Analysis Management System and Crash Editing Tool for the Mississippi Department of Transportation, and consolidate the State's multiple stand-alone email environments into a single cloud-hosted enterprise email offering for ITS. 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.



MISSISSIPPI DEPARTMENT OF INSURANCE

The Attorney General's Insurance Division provides legal support for the Mississippi Insurance Department (Department). The Department primarily regulates the business of insurance in the state, and in that respect is responsible for administering Title 83 of the Mississippi Code. There are currently over 1,700 insurance companies and over 97,000 insurance producers (agents or agencies) licensed in the state. The Department also licenses bail bondsmen, with some 1,743 professional bail agents, bail soliciting agents and bail enforcement agents in the state.

The Commissioner of Insurance is the chief officer of the Department, and also serves by statute as State Fire Marshal. The State Fire Marshal's Office, a division of the Department that has law enforcement authority, is directed by the State Chief Deputy Fire Marshal. This Office conducts arson investigations and fire code inspections throughout the state. It is also the state licensing authority for factory-built homes, residential electronic protection systems, and liquefied compressed gas dealers, issuing over 25,000 licenses annually. Further, the Office oversees Fire Services Development, Fire Safety Education and pyrotechnics permits at the state level. Another Department division is the State Fire Academy. The Academy, which is located on a 112 acre complex in Rankin County, trained over 14,614 students in fiscal year 2015 in basic and advanced fire-fighting, hazardous materials and rescue techniques.

In 2013, legislation was passed to enact the Mississippi Conveyance Safety Act, which provides for the safety of conveyance equipment and personnel by requiring minimum standards for conveyance personnel and services. Pursuant to the legislation, the Department has established: 1) minimum standards that safety conveyances must meet, 2) a program to issue permits for new construction and renovations that involve safety conveyances, 3) a registry of all safety conveyances in this state, and 4) a licensing program to license elevator mechanics, inspectors, and contractors. The Department issues approximately 500 licenses annually.

The Legal Division advises and represents the Department on all matters within its purview, including, but not limited to: financial and market conduct examinations, producer and insurer disciplinary actions, administrative hearings, drafting of regulations and bulletins, insolvency proceedings (rehabilitations and liquidations), fraud investigations, consumer complaint resolution, and the mergers, acquisitions and redomestications of insurers. Special Assistant Attorneys General Linda Boozer, Kim Causey, Jay Eads, Don Kilgore, Mark Lampton and Michelle Partridge are members of the Insurance Division. There are also two Department staff attorneys and two Department legal secretaries who work under the direct supervision of the division director.



MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Special Assistant Attorneys General Sandy Chesnut and Sean Morrison serve as general counsel to the Mississippi Department of Marine Resources (MDMR) and the Mississippi Commission on Marine Resources (MCMR). Their duties include: drafting legislative amendments to marine resources-related statutes and MCMR regulations; coordinating defense with outside counsel on tort claims; drafting and reviewing contracts, memoranda of agreement, and memoranda of understanding; handling employee law issues including EEOC Complaints and employment grievance cases appealed to the Mississippi Employee Appeals Board; pursuing enforcement of non-compliance with the MCMR's wetlands restoration orders and derelict vessel removal notices; prosecuting judicial and administrative forfeiture of seized illegal equipment; counseling the Executive Director and the MCMR during Commission meetings; interpreting laws, regulations, policies and other controlling authorities (e.g., Mississippi Coastal Program and federal environmental laws); advising MDMR personnel and the MCMR on compliance and enforcement issues; drafting Official Attorney General Opinions applicable to the MCMR and MDMR; identifying and disseminating legal reference materials applicable to the MDMR and MCMR's duties and responsibilities; and defending the MCMR and MDMR's actions and orders which are the subject of appeal, a duty that includes preparing the record and pleadings and making oral arguments to appellate courts. The Special Assistant Attorneys General for the MCMR/MDMR are actively engaged in administrative proceedings and in litigation.

DIVISION OF MEDICAID

The Mississippi Division of Medicaid (DOM) has over 900 employees located in one central office, 30 regional offices and 95 outstations throughout the state, all working together to provide quality health care coverage for the vulnerable, eligible populations in Mississippi. The combined state and federal budget amounts total more than \$5 billion.

During fiscal year 2015 (FY15), DOM was represented by Special Assistant Attorneys General Paige Biglane, Patrick Black, Nick Crawford, Stephanie Evans, Fran Ingram, and Abbie Koonce. Koonce transferred to the Criminal Litigation Division in March of 2015; Patrick Black came on board in June of 2015, and Crawford left the AG's Office in July of 2015. The attorneys represented DOM on a variety of matters including personnel issues, procurements and contracting, statutory and regulatory issues, administrative hearings, public records requests, open meetings issues, recovery efforts, garnishments, levies, bankruptcies, and tax liens.

DIVISION OF MEDICAID *(Con't)*

Fran Ingram and Nick Crawford handled the subrogation matters and successfully recovered \$1,287,189.33. Abbie Koonce and Patrick Black handled the estate recovery cases and Special Needs and Income trusts, and successfully recovered \$495,023.17 and \$176,851.18, respectively. Throughout the year, Koonce, Crawford, and Black advised DOM's Office of Human Resources on all personnel matters. Stephanie Evans managed all of the contract drafting, approval routing, and execution for the agency's 100+ contracts, and advised DOM's HIPAA Privacy and Security Officers. All attorneys represented DOM at the administrative level, including beneficiary and provider-related administrative hearings. Ingram and Crawford successfully appealed a trial court's denial of DOM's statutory subrogation claim. In *Mississippi Division of Medicaid vs. Pittman*, 2015 WL 3954300 (Miss. Ct. App. June 30, 2015), the Court of Appeals unanimously agreed with DOM's position and held that the equitable "made whole" doctrine is inapplicable to DOM's statutory claim.

Paige Biglane served as Chief Counsel for DOM and managed the daily activities and responsibilities of the legal staff. The Chief Counsel is a member of the senior cabinet at DOM and provides counsel to the Executive Director and senior staff on a variety of matters, including interpretation and implementation of DOM's federal and state statutory and regulatory requirements. As Chief Counsel, Biglane is a member of the Mississippi Re-entry Council focusing on the mental health needs of inmates and those re-entering our communities, as well as the Mississippi Special Needs Housing Council centering on developing permanent supportive housing in MS. Over the past year, the Chief Counsel has worked with AG officials and the United States Department of Justice in an attempt to avoid litigation regarding the State of Mississippi's Mental Health System. The Chief Counsel also advised the Procurement Division and facilitated the negotiation of the new fiscal agent contract, which is still on-going. The Chief Counsel provided assistance to special counsel retained by the Attorney General to pursue State claims against pharmaceutical manufacturers, and coordinated with outside counsel to handle all Medicaid provider appeals in state and federal court. Similarly, the Chief Counsel facilitated investigations for the Medicaid Fraud Control Unit, and coordinated the defense of complex litigation through the AG's Civil Litigation Division. Finally, the Chief Counsel assists with all drafting and updating of DOM's Administrative Code, the Mississippi State Plan, and all internal agency policies.

In addition to administrative hearings, the attorneys also represented DOM in matters before the Employee Appeals Board, the EEOC, United States Bankruptcy Court, and other state and federal courts. The attorneys performed legal research, assisted the agency in responding to subpoenas and requests for Protected Health Information (PHI) and other confidential documentation, represented the agency at Protective Order proceedings in Chancery Court, and counseled DOM and its internal bureaus on a multitude of complex Medicaid issues, including a host of provider and beneficiary matters.



PEARL RIVER VALLEY WATER SUPPLY DISTRICT

During fiscal year July 1, 2014, through June 30, 2015, Special Assistant Attorneys General Mack Cameron and Philip Huskey served as legal counsel to the Pearl River Valley Water Supply District (PRV), and Pam Brooks and Jane Berry served as paralegals. The group worked to complete the transfer of legal responsibilities and numerous files from an outside law firm that had represented the agency for many years to the in-house Attorney General's Office unit.

Members of the PRV legal team attended monthly PRV Committee and Board meetings and provided legal advice to the Executive Director, staff and the Board of Directors of PRV. The team prepared commercial leases, various legal forms, correspondence and research memos. The unit assisted with title, bond and tax sale problems relating to PRV property. Meetings were attended dealing with litigation that was currently active, including Bobby L. Baker, Jr., et al v. Pearl River Valley Water Supply District, which was on appeal to the Mississippi Supreme Court. Participation in settlement negotiations in that case ultimately resulted in a resolution of that litigation.

More than 600 lease assignments and lease renewals were negotiated or drafted, as well as contracts of various other types. Some of those documents included agreements with other state and federal agencies for utilization of PRV property and agreements with private corporations regarding other matters, such as the location of transmission equipment dealing with wireless communication and fiber optic lines. Meetings were attended that involved some of the approximately 6,300 lessees of PRV property. Members of the legal office participated in contract negotiations with developers and other potential lessees of agency property. The PRV legal staff also responded to public records requests, participated in conferences relative to property owned by PRV, and filed submissions to the Secretary of State's Office concerning agency regulation changes.

The Attorney General's PRV office finalized various PRV collection matters which had been pending with the private law firm. Delinquent lease fees, both residential and commercial were collected as well as delinquent rental fees for agency campgrounds. Numerous lawsuits were initiated and brought to successful conclusions regarding delinquent lease fees. More than \$200,000 was collected for the agency. Title work was performed in Madison and Rankin counties, as well as recording and releasing Lis Pendens notices. The agency is being represented by the Attorney General's Office PRV unit in the case of Blakeney, et al v. ETE Developers, Inc., et al, pending in Rankin County Circuit Court, after receipt of an Amended Complaint joining PRV as a party. Inter-local agency agreements, contracts and franchise agreements have been negotiated. The unit provides advice to the Reservoir Police and has worked with Alcoholic Beverage Control and the Department of Revenue regarding the resort status of agency property in Rankin County.



STATE PERSONNEL BOARD

Special Assistant Attorney General Sara DeLoach serves as General Counsel to the Mississippi State Personnel Board (MSPB). As General Counsel, she provides legal advice to the MSPB, the Personal Service Contract Review Board (PSCRB) and the Employee Appeals Board (EAB).

At the MSPB, Ms. DeLoach supports the Executive Director and agency staff in performing their statutory duties of managing and improving the central personnel agency for state government. Ms. DeLoach provides legal counsel regarding the application of state and federal law to MSPB policy, and also assists in developing and revising all MSPB policies and procedures. Furthermore, she provides assistance to the MSPB and other state agencies regarding specific employment and human resources issues, including, but not limited to: personal/medical and donated leave, wage and hour practices, accommodation of disabilities, and employee discipline.

In her capacity as General Counsel, Ms. DeLoach also advises the MSPB on Open Meetings, Public Records, garnishments, Administrative Procedures Act filings, internal contracts/agreements, etc. Ms. DeLoach reviews all legal services contracts submitted to the MSPB for approval and presents said contracts at the monthly Board Meetings.

She represents the MSPB in all litigation matters and serves as the liaison between the MSPB and the Office of the Attorney General. As counsel to the PSCRB, Ms. DeLoach reviews all personal and professional service contracts entered into with state agencies in excess of \$100,000 to ensure compliance with state law and PSCRB procurement regulations.

She also provides legal advice to the PSCRB at their monthly Board Meetings. Sara DeLoach assists the EAB in researching legal questions regarding the employee grievance and appeals process.

PROFESSIONAL LICENSURE AND REGULATORY SECTION

2015 PROFESSIONAL LICENSURE AND REGULATORY SECTION HIGHLIGHTS

- Received ratings of "very good" or "excellent" for 100% of legal services from state agencies.
- Saved taxpayers at least \$11,339,587.84 by this Office representing state agencies rather than hiring outside legal counsel.

PROFESSIONAL LICENSURE AND REGULATORY SECTION *(Con't)*

The Professional Licensure and Regulatory Section of the State Government Division of the Attorney General's Office, consists of Deputy Attorney General Onetta Whitley and Assistant Attorneys General Leyser Morris-Hayes, Jeffrey Jernigan and Gloria Green. It 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, and several others.

In addition to providing general counsel to the professional licensing agencies, the 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 resulted in an estimated savings of \$11,586,784.97 in legal costs.

DEPARTMENT OF REHABILITATION SERVICES

Special Assistant Attorney General Ryan Toms 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, and the State Board of Rehabilitation Services which is the Department's governing entity. In his capacity as legal counsel he 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. He 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, and other disability related issues.



PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Special Assistant Attorney General Jane Mapp serves as legal counsel to the Public Employees' Retirement System of Mississippi (PERS). PERS 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 Agreements providing Social Security coverage to eligible participants.

Ms. Mapp represents PERS at administrative hearings and in appeals to the Circuit Court and Mississippi Supreme Court relative to disability claims and other administrative claims. PERS is a party in 32 appeals presently before the Circuit Court, Mississippi Court of Appeals, or Mississippi Supreme Court.

Ms. Mapp's duties also include drafting or reviewing personal and professional services contracts and investment-related agreements, ensuring the governmental status of entities requesting membership in the System, assisting outside counsel on securities litigation cases, assisting the third party administrator for the Deferred Compensation Program address legal questions relative to the Plan (as well as ensuring federal guidelines are satisfied), assisting the PERS Personnel Director with issues relative to employee relations, and assisting in the drafting of legislation and agency regulations. She also assists PERS staff, as well as staff from other agencies, respond to questions regarding the application of the statutes which govern the administration of PERS and the separate plans it administers. Such issues include, but are not limited to: membership eligibility, service credit, benefits, disability, beneficiary disputes, refunds, investments, the fiduciary responsibility of the PERS Board of Trustees, and the impact of state and federal legislation on PERS.

SECRETARY OF STATE PUBLIC LANDS

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 with the Secretary of State's Senior Public Lands Attorney on 16th Section Land issues. Ms. Parkes 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.

Ms. Parkes handled more than 503 of such suits last year. She 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, and to the Business Regulation and Enforcement Division and Business Services Division in certain lawsuits. She also handles employee appeals board hearings for the Secretary of State. Additionally, she 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

MDOT's Legal Division 2015



The Transportation Division of the Attorney General's Office employs eight Special Assistant Attorneys General full time under its contract with the Mississippi Transportation Commission. Seven of these attorneys have offices in the MDOT Administration Building and one is in the Attorney General's satellite office in Harrison County. Two of these are new Special Assistants who joined the Division during the year: Dan Smith (MDOT's former Chief of Right of Way Division), came on board to lend his expertise with property acquisition issues and related matters. Ellie Word joined the Division from the private sector, bringing her experience in construction and surety matters. One Special Assistant is retained on a part-time basis, and MDOT employs one contract staff attorney who works with the Transportation Division. Additionally, the Division coordinates with three attorneys employed by MDOT in an administrative capacity: two staff attorneys in Human Resources Division and one in Right of Way Division.

The Division's support staff includes one office manager and one legal secretary (employed by the Attorney General), as well as a law clerk, one paralegal, two litigation support staff, and a receptionist working on direct contract with MDOT. They assist the agency in implementing its mission of providing an efficient transportation system in a cost-effective and environmentally friendly manner. This includes implementing programs involving highways, railroads, public transit systems, aviation, ports, and waterways for the citizens of the State. An additional Special Assistant Attorney General is housed in the Transportation Division's offices, although his primary assignment is to perform patent, trademark, and copyright work for the State's colleges, universities, and other state agencies.

Fiscal Year 2015: In fiscal year 2015, the Commission paid \$1,261,193.33 under its contract with the Attorney General. Several of the attorneys billed substantial amounts of time and expenses to other agencies, thereby reducing the Division's cost to the Commission. It also paid \$856,258.82 to eight different firms for eminent domain work, \$307,898.40 to four firms for title and closing work related to property acquisition, and \$307,625.27 to five different law firms, expert witnesses, forensic accountants, and related litigation support firms related to bond issues, complex contract suits, workers' compensation, and various other types of lawsuits and areas of specialization.

Mississippi Department of Transportation *(Con't)***LITIGATION**

The Division has continued to take on complex litigation in house, including defense of high-dollar construction claims. Special Assistant Attorney General Jimmy Isonhood, with assistance from Staff Attorney Rodney Love, is lead counsel in the major breach of contract lawsuit filed by Tanner Construction Company. Special Assistant Margaret Ellis is pursuing an admiralty claim that likely will result in a suit being filed in U.S. District Court. The Division successfully defended the agency against major claims before the Contract Arbitration Board and is defending a number of controverted workers' compensation claims. With assistance from local counsel and an MDOT staff attorney licensed in Louisiana, the Division secured the dismissal of a wrongful death claim that arose on the Mississippi River Bridge at Natchez. Along with outside counsel, the Division is also defending two multimillion-dollar inverse condemnation lawsuits.

In addition to the usual and customary work for MDOT, several of the lawyers in the office took on extra duties for other agencies. Ms. Ellis continues her deep involvement in the ongoing tobacco litigation, in which multimillion-dollar judgments have been paid by two tobacco companies, with more lawsuits to follow. Ms. Ellis, with the assistance of Special Assistant Judy Martin, also represents the Attorney General in a suit filed against several state agencies by a local media company over denial of documents under the Public Records Act. Chief Counsel Roy Tipton, with Mr. Love and Special Assistant Tom Coleman, assisted the Department of Finance and Administration in consummating the purchase by the North Central Mississippi Regional Railroad Authority of the Grenada Railroad, which is a vital component of the continued economic viability of that area of the state. Mr. Tipton, Mr. Smith, and Law Clerk Ben Jones also assisted the Secretary of State on tidelands issues and a school lands lawsuit. In addition, Mr. Tipton served on the Attorney General Opinions Committee.

Ellie Word undertook the task of representing the State in litigation in the U.S. District Court for the District of Columbia over the methodology used to determine the share of revenues to be paid to the coastal states from oil and gas leases in the Gulf of Mexico and Outer Continental Shelf, involving the U.S. Department of the Interior and several of Mississippi's sister states.

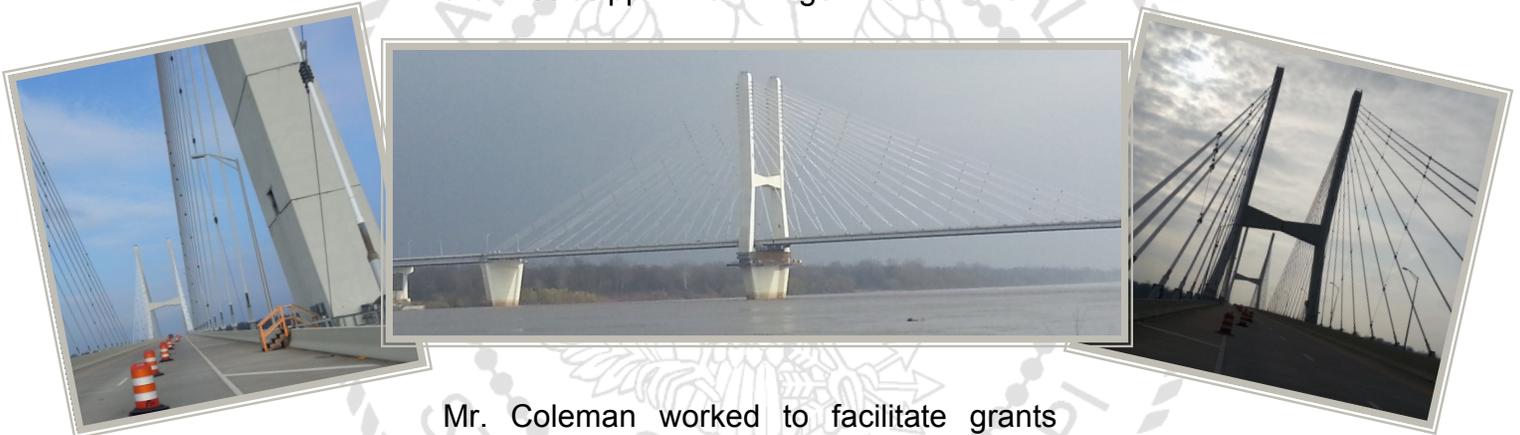
The Division continued to defend the Mississippi Development Authority against appeals by several groups regarding regulations for seismic testing and offshore oil and gas exploration. The Division is also working with the Mississippi Secretary of State to manage an ongoing EPA Superfund site remediation program in Harrison County. Various staff members served as members and/or chairmen of national committees for national organizations, including the American Association of State Highway and Transportation Officials and the National Alliance of Highway Beautification Agencies. Special Assistants Ellis and Isonhood and Mr. Jones served on the National Transportation Research Board.

Mississippi Department of Transportation *(Con't)*

GENERAL

The Division continued to support the Department of Transportation's efforts to find creative methods of funding, planning, and building public transportation facilities. Contracts with the States of Tennessee, Arkansas, and Louisiana, as well as with various counties and municipalities within Mississippi, allowed the expedited planning and construction of facilities of many different types. Special Assistant Attorney General Judy Martin continued to be instrumental in this arena, pioneering the introduction of design-build procurement methods. Ms. Word is taking the lead in facilitating the cancellation of the James Construction contract on Interstate 55 in Hinds County, which has jeopardized millions of dollars in public construction funds.

Mr. Smith, with assistance from Mr. Jones and others, worked on acquiring property for the MDOT maintenance facility in Clinton. Several staff members drafted a contract with HNTB for repairs to the Mississippi River Bridge in Greenville.



Mr. Coleman worked to facilitate grants from the Mississippi Development Authority

and other agencies, in addition to working to coordinate efforts between MDOT and various local agencies. With members of MDOT, Mr. Jones worked with the Department of Information Technology to procure and fully implement paperless contract bidding. He also coordinated the agency's response to a Federal subpoena in suits involving the use of Trinity highway guard rail products.

Mr. Isonhood continued his work on the often controversial task of controlling encroachments on the public right-of-way and controlling billboards adjacent to the right-of-way. In furthering the advancement of law in these areas, he is a member of the Group Council for the Transportation Research Board Legal Group and continues to be active in both the American Association of State Highway and Transportation Officials (AASHTO) Outdoor Advertising Technical Subcommittee, the NTRB Digital Billboard Committee, and multiple committees for the National Alliance of Highway Beautification Agencies (NAHBA). In addition to his work in these organizations, Mr. Isonhood has participated in a Federal Highway Administration study under the Osprey Group, which developed Federal Guidance Memoranda on pressing outdoor advertising issues, and he is now a member of the National Cooperative Highway Research Project 20-6 Committee, which administers TRB research into various legal topics on transportation law.

Mississippi Department of Transportation *(Con't)*

Ms. Martin lectured on topics ranging from ethics to compliance with the Mississippi Public Records Act for MDOT personnel and organizations such as the Mississippi Transportation Institute and the Mississippi Society of Certified Public Managers.

Special Assistant Larry Schemmel, who maintains his office in the MDOT Administration Building but spends much of his time working as a qualified trademark and copyright attorney and licensed patent attorney, obtained multiple trademarks for various state agencies, obtained multiple U.S. patents and filed patent applications for a number of other new technologies, managed foreign patent application prosecutions in Europe, China, Japan, and South Korea, applied for copyright registration, and maintained multiple U.S. patents and trademarks. Mr. Schemmel also advised and represented state agencies in patent, copyright, and trademark prosecution, infringement, and litigation matters and in grant and contractual matters, including the University Press of Mississippi, Department of Finance and Administration, Mississippi Development Authority, Department of Employment Security, Department of Insurance, Department of Education, State Personnel Board, MS Department of Transportation, MS Transportation Institute, Office of the Attorney General, MS State Legislature, Institutions of Higher Learning, MS Community and Junior College Board, and state universities. Much of his time was charged to agencies other than the Transportation Commission, although he continues to advise MDOT regarding the 511 Traveler Information Service, telecommunications law, and other matters.

Special Assistant J.D. "Woody" Woodcock acted as administrative hearing officer for a number of different state agencies and continued to represent several other agencies pursuant to contracts with the Attorney General, in addition to handling MDOT-related issues.

As always, the Division provided the general day-to-day advice, assistance, and representation expected from an agency which has some 3,300 employees, 14,000 miles of roadway to maintain, offices in all 82 counties, and annual expenditures of more than one billion dollars. This was made easier by the excellent support staff: Linda Taylor, Julie Hopkins, Shannon Cleveland, Kimber LaCour, Paula Lewis, and Judy Ford.

PROPERTY ISSUES

The Commission acquires numerous parcels of property every year to utilize in construction of highways and other facilities, a process overseen by Special Assistant Attorneys General Billy D. Hall and Dan Smith. 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 28 new eminent domain cases were filed during the year, while 56 suits were either tried or settled. Some 135 cases were active at the end of the fiscal year. For a variety of reasons, notably that local attorneys are more effective in selecting juries when engaged in the emotionally charged issue of taking property away from its owners, most eminent domain cases were pursued by outside counsel. Mr. Hall represented the Commission in several quiet title cases involving the sale of surplus property and assisted the Secretary of State with a transfer of property near the Natchez Trace to the City of Natchez.

Mississippi Department of Transportation *(Con't)*

PROPERTY DAMAGE CLAIMS

Asserting claims against those responsible for damage to MDOT facilities and equipment continued to generate a significant work load for the Division. Ms. Ellis, with assistance from paralegal Shannon Cleveland, has aggressively continued to represent the public's interests. Through their efforts a total of \$77,038 was collected and returned to the citizens of Mississippi.

WORKERS' COMPENSATION

The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$988,462.00 in disability benefits and \$246,423.16 in nine compromise settlements to current and former employees of the agency, as well as \$2,565,563.07 to medical providers. There were approximately 40 controverted cases active at some point during the year, with Mr. Love as lead counsel in a number of them and the rest assigned to three private firms. The sum of \$15,606.16 was recovered for the agency through subrogation claims asserted against third parties responsible for accidents that 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.

INSTITUTIONS OF HIGHER LEARNING (IHL) DIVISION

Leigh H. Patterson, Katie Lusk, and Stephanie Ganucheau serve as legal counsel to the Board of Trustees of State Institutions of Higher Learning (IHL), the Commissioner of Higher Education, the eight state institutions of higher learning, as well as various other public agencies associated with the Board. Additional university campus attorneys have been hired by 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. Patterson, Lusk, and Ganucheau 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.

Patterson, Lusk, and Ganucheau 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.

INSTITUTIONS OF HIGHER LEARNING (IHL) DIVISION *(Con't)*

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:

- This Division has provided advice and assisted with numerous construction and renovation projects developing facilities on and off campus for 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
- 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
- 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, as well as with the Real Estate and Facilities Department, in addressing various legal issues affecting same



STATE VETERANS AFFAIRS BOARD

The State Veterans Affairs Board (SVAB) assists present and former 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 advises the Governor and Legislature on veterans affairs.

The SVAB maintains and operates the State Veterans Nursing Homes located in Collins, Jackson, Kosciusko, and Oxford. The SVAB also maintains and operates the State Veterans Memorial Cemetery and the Persian Gulf War Memorial located in Newton and will soon begin construction of a second State Veterans Memorial Cemetery in Kilmichael that will serve North Mississippi.

The SVAB is charged with the duty to inspect, approve, and supervise schools, institutions, and establishments for veterans training under the GI Bill. The SVAB also maintains copies of military discharge documents (DD-214) for Mississippi residents recently released from military service. The SVAB can access Mississippi Draft cards from World War II through post-Korea and can access some records pertaining to World War II and Korean War discharges.

Veterans Service Officers of the SVAB's Claims Division provide free advice and guidance to veterans and dependants concerning VA claims. These service officers are also responsible for the training of County Veterans Service Officers. Claims Division employees represent the Mississippi State Veterans Affairs Board and are accredited representatives for the American Legion, American Red Cross, American Ex-POWs, Blinded Veterans Association, Fleet Reserve Association, Non-Commissioned Officers Association, and the Veterans of Foreign Wars. The SVAB recently began deploying State Veteran Service Officers to strategic locations throughout the State who provide assistance to legislative offices and support to County Veterans Service Officers.

Finally, the SVAB provides speakers for meetings and works with the legislature, Governor, and various veterans organizations regarding issues affecting Mississippi veterans.

Special Assistant Attorney General Joe Hemleben serves as General Counsel to the State Veterans Affairs Board. His 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, he advises and represents the agency concerning Open Meetings, Public Records, Administrative Procedures, contracts and leases, and provides on-site training to the employees of the nursing homes.



DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Special Assistant Attorney General Doug Mann has been serving as general legal counsel to the Department of Wildlife, Fisheries and Parks and the Mississippi Commission on Wildlife, Fisheries and Parks, since 2002. This agency is one of the largest in terms of number of employees with more than 850 full-time employees. Due to the size of the agency, D. Drew Malone was added to the legal staff at the Department as a part-time attorney in 2014. Since then, Mr. Malone has become a full-time attorney with the Department. The attorneys are assisted by Annette Clark. The attorneys provide legal services including drafting, negotiating and reviewing contracts, real property transactions, representing the department in the initiation of seized property civil forfeiture proceedings, and advising and representing the department concerning State Personnel Board matters and hearings before the Mississippi Employee Appeals Board.

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. The attorneys make presentations at training sessions for all law enforcement personnel and advise them daily on legal matters. The attorneys have also had the privilege of addressing the Prosecutors' Training seminars sponsored by the Office of the Attorney General, and the Mississippi Judicial College training for incoming Justice Court Judges.

In addition the attorneys advise department management on various matters dealing with the operation of the 25 State Parks.

In 2015, the attorneys assisted and advised the department and commission on matters ranging from promulgating regulations in compliance with the Administrative Procedures Act, to assisting sister agencies in the development of public works projects. The attorneys provide continuing advice and counsel on compliance with State purchasing regulations as well as the regulations of the Personnel Services Contract Review Board, in light of recent changes in the procurement laws for heightened transparency. Risk management issues at state parks and wildlife management areas remain a high priority for the department. The attorneys maintain 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. All regulations promulgated by the commission are filed by the legal staff with the Secretary of State's office under the Administrative Procedures Act.

The legal staff also assists 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 Attorneys also take 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). As members of the Legal Committees of these organizations, the attorneys have 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), proposed rules regarding the public waters of the United States, and proposed rules regarding air quality. They have also advised the department and the Attorney General's Office on participation in *amicus* briefs on matters affecting wildlife and natural resources, such as cases involving the Endangered Species Act and similar issues. The attorneys provide any other legal support that is needed by the Commission and the Department.

**Attorney General's Office
Actual Expenditures**

Fiscal Year Ending June 30, 2015

PERSONAL SERVICES

Salaries, Wages & Fringe Benefits	\$23,830,361
Travel & Subsistence (In-State)	\$997,429
Travel & Subsistence (Out-of-State)	\$217,104
TOTAL PERSONAL SERVICES	\$24,044,894

CONTRACTUAL SERVICES

Tuition	\$138,706
Communications & Utilities	\$37,937
Public Information	\$244
Rents	\$1,177,866
Repairs & Services	\$94,512
Fees, Professional & Other Services	\$3,194,532
Other Contractual Services	\$171,070
Data Processing	\$846,732
Other	\$132,016
TOTAL CONTRACTUAL SERVICES	\$5,793,626

COMMODITIES

Printing & Office Supplies & Materials	\$158,398
Equipment, Repair Parts, Supplies & Accessories	\$247,603
Professional & Scientific Supplies & Materials	\$1,565
Other Supplies & Materials	\$200,450
TOTAL COMMODITIES	\$608,016

CAPITAL OUTLAY

Office Machines, Furniture, Fixtures & Equipment	\$14,430
IS Equipment (Data Processing & Telecommunications)	\$146,667
Other Equipment	\$13,751
Vehicles	\$278,920
Wireless Communication Devices	\$0

TOTAL CAPITAL OUTLAY **\$453,768**

SUBSIDIES, LOANS & GRANTS

TOTAL SUBSIDIES, LOANS & GRANTS **\$2,227,349**

TOTAL EXPENDITURES **\$34,127,653**

Attorney General's Office

Report of State-Owned Automobiles

<u>Description</u>	<u>Miles Traveled in FY 2015</u>	<u>Depreciation Expense FY 2015</u>
1 2009 Chevrolet Impala	18,721	Fully Depreciated
2 2009 Jeep Cherokee	9,526	Fully Depreciated
3 2009 Jeep Cherokee	20,842	Fully Depreciated
4 2009 Jeep Cherokee	23,083	Fully Depreciated
5 2010 Ford Fusion	24,840	Fully Depreciated
6 2010 Ford Fusion	12,978	Fully Depreciated
7 2010 Dodge Charger	16,448	Fully Depreciated
8 2010 Dodge Charger	19,535	Fully Depreciated
9 2011 Chevrolet Silverado	23,238	\$1,488
10 2012 Chevrolet Impala	18,032	\$4,850
11 2012 Dodge Caravan	21,906	\$5,783
12 2013 Chevrolet Impala	30,270	\$5,000
13 2013 Chevrolet Impala	18,448	\$5,000
14 2013 Chevrolet Impala	19,727	\$5,000
15 2013 Dodge Charger	21,470	\$6,306
16 2013 Dodge Charger	21,070	\$6,306
17 2013 Dodge Charger	15,568	\$6,306
18 2013 Dodge Charger	39,595	\$6,306
19 2013 Dodge Charger	29,115	\$6,306
20 2013 Ford F-150	21,692	\$6,722
21 2014 Ford Explorer	20,037	\$6,396
22 2014 Ford Explorer	31,332	\$6,396
23 2014 Ford Explorer	22,201	\$6,396
24 2014 Ford Explorer	25,940	\$6,396
25 2014 Chevrolet Tahoe	24,836	\$5,118
26 2014 Ram Truck	24,928	\$2,845
27 2014 Dodge Charger	22,118	\$2,678
28 2014 Dodge Charger	18,458	\$2,678
29 2014 Dodge Charger	15,137	\$2,678
30 2014 Dodge Charger	22,122	\$2,678
31 2014 Chevrolet Impala	39,658	\$1,628
32 2012 Chevrolet Tahoe	17,510	\$4,144
33 2014 Ford F-150	16,351	\$1,843
34 2014 Ford Explorer	19,321	\$2,283
35 2014 Ford Explorer	57,514	\$2,283
36 2014 Chevrolet Impala	18,215	\$1,628
37 2014 Chevrolet Impala	22,094	\$1,628
38 2014 Ram Truck	22,172	\$1,648
39 2014 Ram Truck	25,426	\$1,099
40 2014 Ram Truck	24,310	\$1,099

Attorney General's Office

Report of State-Owned Automobiles

<u>Description</u>	<u>Miles Traveled in FY 2015</u>	<u>Depreciation Expense FY 2015</u>
41 2015 Dodge Charger	10,371	\$2,840
42 2015 Ford Sedan	9	\$391
43 2015 Ford Sedan	774	\$391
44 2015 Ford Sedan	263	\$391
45 2015 Ford Sedan	374	\$391
46 2015 Ford Sedan	188	\$391
47 2015 Ford Explorer	851	\$447
48 2015 Ford Explorer	279	\$623
49 2015 Dodge Charger	893	\$511
50 2015 Ram 1500 Truck	11	\$551
51 2015 Dodge Charger	11	\$563
52 2015 Dodge Charger	11	\$563
Total	<u>929,819</u>	<u>\$136,968</u>

Number of State-Owned Automobiles: 52

FY 2015 State-Owned Automobile Costs:

Depreciation expense	\$136,968
Repairs & maintenance, fuel, tires	<u>\$222,982</u>
Total Costs	<u>\$359,950</u>

Average Cost Per Mile: \$0.39

REPORT OF MILEAGE IN PRIVATELY OWNED AUTOMOBILES

<u>Total Number of Miles Traveled in Privately Owned Automobiles</u>	<u>FY 2015 Average Cost Per Mile</u>	<u>Total Costs for Mileage in Privately Owned Automobiles</u>
835,299	0.575	\$480,297

