



ANNUAL REPORT *of the*
MISSISSIPPI ATTORNEY GENERAL
2006



A MESSAGE FROM ATTORNEY GENERAL JIM HOOD

Dear Fellow Mississippians:

It is with great pride that I present to you our annual report for 2006. This report encompasses the work we have accomplished during my third year in office. It has been a year of recovery following the devastation of Hurricane Katrina. Home Repair Fraud and Price Gouging have been big issues for us and will continue to be.



On September 15, 2005, we filed litigation against insurance companies conducting business in Mississippi seeking to enforce policy language that would require the companies to live up to their terms with Mississippi homeowners. Throughout this fiscal year, the insurance companies have fought to delay settlement talks and court dates. It is my sincerest hope that the next fiscal year will bring about a long sought after resolution of our fight with the insurance companies. Our coast residents need resolution in order to adequately recover.

I am proud to report to you that during the fiscal year, we returned over \$18,000,000 to the state. It is our duty to look out for the best interests of Mississippi and one way we do that is through the recovery of funds that have been wrongfully taken.

Ours is a job of service and it is one in which we take great pride. We are accountable to you and we recognize that. Here is our record of accountability. Judge for yourself how we are doing but know that I am proud of where we have been and I am excited about where we are going. Above all, it is a pleasure to serve you daily.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Hood".

Jim Hood
Attorney General

TABLE OF CONTENTS

Accomplishments	1
Executive Branch	3
Civil Litigation	6
Litigation and Investigations	6-9
Audit Section	10
Consumer Protection Division	11-18
Significant Litigation and Investigations	12-16
Hurricane Katrina Related Issues	16-18
Crime Prevention & Victim Services Division	19-30
Youth Services	20-27
Victim Compensation Division	28
Victim Assistance Program	29
Other Victim Advocacy Outreach Programs	30
Criminal Division	31
Appellate Section	32
Death Penalty Section	32
Federal Habeas Section	33
Medicaid Fraud Division	35-38
Opinions & Local Government	39-41
Prosecutors Training	42-43
Public Integrity Division	44-53
Insurance Integrity Enforcement Bureau	46
Cyber Crime Unit	48-49
Child Desertion Unit	50-51
Vulnerable Adults Unit	52-53
Alcohol & Tobacco Enforcement Division	53
State Agencies	54
Agriculture Division	55
Department of Corrections	56
Mississippi Development Authority	56
Department of Education	57-58
Department of Finance and Administration	59-60
Mississippi Forestry Commission	60
Mississippi Gaming Commission	61-62
Hearing Examiner	62
Department of Health	63-64
Human Services Division	65-67
Information Technology Services	67
Department of Insurance	68
Department Of Marine Resources	69
Medicaid Division	70
Department of Mental Health	71
State Personnel Board	71
Professional Licensure And Regulatory Section	72
Public Employees Retirement System (PERS)	73
Department of Public Safety	74
Department of Rehabilitation Services	74
Secretary of State Public Lands Division	74
Department of Transportation	75-77
Universities Division	78-79
State Veterans Affairs Board	79
Department of Wildlife, Fisheries and Parks	80
Support Services	81-88



Miss. Attorney General Sues State Farm

Miss. AG Sues State Farm, Alleges Breach of Contract Over Mass Katrina Settlement



Attorney General Jim Hood explains the rationale for suing State Farm Fire and Casualty Company, during a news conference Monday, June 11, 2007, in Jackson, Miss. The attorney general says the suit is over a breach of contract in efforts to assist more than 30,000 Gulf Coast State Farm policy holders who were affected by Hurricane Katrina. (AP Photo/Rogelio V. Solis)

By HOLBROOK MOHR Associated Press
Writer
JACKSON, Miss., June 11, 2007 (AP)

Mississippi Attorney General Jim Hood sued State Farm Fire and Casualty Co. on Monday, claiming the company failed to honor an agreement for a mass settlement of claims over Hurricane Katrina damage.

In January, Hood agreed to drop State Farm from a lawsuit for the same reason.

Talk Back

- > Tell us what you think
- > Add new facts
- > Talk straight to the newsmakers

Comment & Contribute

WHAT OTHERS ARE SAYING

Discuss & Debate

DISCUSS THIS TOPIC WITH THE ABC NEWS COMMUNITY

- Career Concerns? Join Hobbies? Join the Conversation
- Discuss Financial Markets, Housing Industry

Mississippi Sues Insurers Over Flooding Exclusions

State Also Alleges Coercion to Claim Water, Not Wind, Damage

By Albert B. Crenshaw
Washington Post Staff Writer
Friday, September 15, 2005; Page D03

The attorney general of Mississippi filed suit yesterday against insurers in the state, seeking to invalidate provisions of homeowner policies that exclude coverage for water damage.

Most homeowners' policies in Mississippi and elsewhere contain such provisions, but Attorney General Jim Hood called them "contrary to public policy" and "unconscionable."

The suit also accused adjusters for the companies of trying to get property owners to sign documents agreeing that damage to their homes was caused by flooding and not by wind. Such a document might be used by a company to argue against paying a claim because its policy covered only wind damage.

Insurance against flooding is sold by the federal government and must be purchased separately -- something only about 10 percent of Mississippi homeowners have done.

Adjusters have told victims that the firms are necessary to receive a check for living expenses right away, the suit claimed.

Hood said companies named in the suit included Nationwide Mutual Insurance Co., State Farm Fire and Casualty Co. and Allstate Property and



George and Georgia Lawrence stand at what used to be the entrance to their home in Biloxi, Miss. They say they have been told that they did not have the proper insurance to cover the loss caused by Hurricane Katrina. (By Barbara Poff - Getty Images)

THE GULF COAST AFTER THE HURRICANE'S

Maps, satellite images, animations, reported articles

INTERACTIVE MAPS:
State's Aftermath | Nation's Aftermath

FULL COVERAGE:
Latest News, Videos and More

KATRINA PHOTOS AND VIDEO

news.russia

pravda.ru sites ...

Mississippi sues to force insurers to pay all hurricane damage

09-10 2005-09-10
Mississippi's attorney general on Thursday sued insurers to force them to pay flood damage from Hurricane Katrina, saying standard insurance policies have led homeowners to believe they are covered for all hurricane damage, whether from wind or flooding.



Attorney General Jim Hood asked the Hinds County Chancery Court to void provisions in the policies that attempt to exclude from coverage losses or damages directly or indirectly caused by water, whether wind-driven or not. Those losses could reach into the billions of dollars.

Only about 3 in 10 houses in disaster-struck portions of Mississippi and Alabama had flood insurance, according to Federal Emergency Management Agency estimates.

Katrina destroyed more than 68,000 homes, apartments and condos in the state's six southernmost counties, and caused major damage to about 65,000, according to a preliminary survey by the American Red Cross. Many homes were destroyed by up-to-30-foot (9 meter) wall of water driven ashore by the hurricane's Category 4 winds.

"The residents and/or property owners of Mississippi Gulf Coast purchased these policies from defendants for the primary purpose of insuring against any damage that could possibly result from hurricanes originating from the Gulf of Mexico," Hood said in the complaint.

He said homeowners purchased the policies with the "reasonable expectation that these policies would provide such coverage."

The exclusions contained in the policies violate the public policies of the state, he said.
Hood is also seeking to block the use of a claims adjustment form that requires homeowners to acknowledge their damage was caused by flooding.

The form includes the sentence: "This agreement acknowledges you have sustained a flood loss on the above date at the above address," AP reported.

[an error occurred while processing this directive]
Web-publishers

• Add PRAVDA.Ru headlines to your site for free!
• Receive PRAVDA.Ru articles in your mailbox for free!

Search

Google

ACCOMPLISHMENTS

Funds Recovered Through the Authority of the Attorney General

July 1, 2005 To June 30, 2006

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit	\$3,819,377	State of MS; Division of Medicaid
Consumer Protection Division	\$1,792,153	State of MS; Restitution to Consumers
Insurance Integrity Enforcement	\$41,201	State of MS
Civil Litigation Division - Audit Recoveries	\$1,017,920	State of MS
WorldCom / MCI Settlement Funds	\$6,885,000	State of MS
MDOT - Damage Claims; Workers' Compensation Subrogated Claims	\$271,036	State of MS; MS Dept of Transportation
Medicaid - Estate Recovery and Subrogation	\$5,000,000	State of MS; Division of Medicaid

Total **\$18,826,687**





EXECUTIVE BRANCH



Geoffrey Morgan, Chief of Staff, brings to the office many years of practical legal experience, beginning his career as an attorney in private practice in 1976 in one of Mississippi's small towns. His years as a public servant and as an outstanding litigator in the Attorney General's Civil Division make him a tremendous asset to the office. He handles office personnel issues and provides counsel to the Attorney General on a wide range of legal issues.

Executive Assistant

The Attorney General is ably assisted in the daily workings of the office by **Donna Matthes**, Executive Assistant to the Attorney General. She brings to the office the expertise gained from a background of 22 years in public service, having previously worked for General Hood when he



was a Special Assistant Attorney General. She manages the General's schedule, appointments and speaking engagements. She works closely with the staff at the National Association of Attorneys General to coordinate General Hood's involvement with issues of national importance to prosecutors.

Support Staff

Cindy Burnham brings experience of over 27 years of state service to her position as Assistant to the Chief of Staff. Burnham worked with Human Services before beginning with the Attorney General in 1989. As part of her duties, Burnham oversees the schedule and correspondence for the Chief of Staff and assists him as needed in his work. She also assists citizens with complaints and questions via office email, and handles outside counsel contracts through the SPAHRS system.



Receptionists

Donna Thomas and Marilyn Robinson cheerfully greet the public daily. They answer multiple phone calls and direct the callers to the person in the office who can address their questions. These ladies receive the many visitors to the office, sort the mail and are an invaluable asset to the Attorney General and his staff.



ATTORNEY GENERAL'S OFFICE

- **CIVIL LITIGATION**
- **CONSUMER PROTECTION DIVISION**
- **CRIME PREVENTION AND VICTIM SERVICES**
- **CRIMINAL LITIGATION**
- **MEDICAID FRAUD DIVISION**
- **OPINIONS AND LOCAL GOVERNMENT**
- **PROSECUTORS TRAINING**
- **PUBLIC INTEGRITY DIVISION**
- **STATE AGENCIES**
- **SUPPORT SERVICES DIVISION**



Harold Pizzetta III, Special Assistant Attorney General / Division Director

CIVIL LITIGATION

- ✓ Won 95% of civil litigation cases in federal and state courts
- ✓ Won 100% of prisoner complaints filed in federal courts
- ✓ Recovered over \$820,800 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties

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

Protecting Important Statewide Interests

Jim Hood v. Miss. Farm Bureau Ins., et al. (Chancery Court of Hinds County) On September 15, 2005, in the aftermath of Hurricane Katrina, the Attorney General initiated litigation against insurance companies conducting business in Mississippi seeking to enforce policy language that would require the companies to pay claims for hurricane damages caused by Katrina's unprecedented destruction. The Attorney General filed the lawsuit as a matter of statewide interest in order to protect the general public and reach a prompt resolution to the legal issues common to all affected Mississippi property owners. The day after the Attorney General filed his Complaint, the insurance company defendants removed the case to the United States District Court for the Southern District of Mississippi on the false premise of federal question jurisdiction. The Attorney General promptly filed a motion to remand the case to state court, which was granted on March 7, 2006. On March 21,

2006, the insurance companies filed motions asking the district court to reconsider its remand order. The Attorney General filed a motion asking that the matter be expedited and that the case be finally remanded to the Chancery Court of Hinds County Mississippi. On December 26, 2006, the federal district court again agreed with the Attorney General and issued a final order sending the case back to the Hinds County Chancery Court.

Recovering Funds Due to the State

Mississippi Surplus Lines Association v. J.K. Stringer, Jr. (U.S. Dist. Ct., S.D. Miss.) Pursuant to statutory authority, the Mississippi Commissioner of Insurance has enlisted the assistance of the Mississippi Surplus Lines Association (MSLA) in regulating certain insurance agents. By statute, the Commissioner authorized MSLA to collect a fee from agents in order to fund MSLA's operating expenses. By 2004, MSLA had accumulated a significant excess of statutory fees and legislation was passed requiring MSLA to transfer \$2 million of its excess statutory fees to the Budget Contingency Fund. MSLA filed suit in federal court asserting that the statutory fees were private property that could not be taken by the State. After exten-



Civil Litigation Attorneys: Seated: Meredith Aldridge; Standing (l to r): Royce Cole, John Clay, Mary Jo Woods and Shawn Shurden

sive briefing by both parties, the federal district court ruled for the State and adopted the Civil Litigation Division's argument that the \$2 million in statutory fees are the property of the State. MSLA has appealed the decision to the Fifth Circuit Court of Appeals.

Defending State Agencies and State Statutes

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

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

Olivia Y. v. Barbour (U.S. Dist. Ct., S.D. Miss.) The New York based Children's Rights, Inc. has filed suit alleging that the foster care system administered by the Department of Human Services violates federal law and the constitutional rights of children by failing to provide adequate protective and other related foster

care services. The Civil Litigation Division moved to dismiss the complaint and argued that the allegations raised by Children's Rights were not proper legal issues under federal law. The federal court agreed in large part and dismissed seven out of the eight claims. The dismissal significantly reduced the size of the plaintiff class from 15,000 to 20,000 children down 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. The case will likely proceed to trial in May 2007.

Presley, et al. v. Epps, et al. (U.S. Dist. Ct., N.D. Miss.) The Civil Litigation Division represented the Mississippi Department of Corrections in this class action lawsuit involving Unit 32 at the State Penitentiary at Parchman, Mississippi. The plaintiffs, represented by the American Civil Liberties Union, asserted claims similar to those brought against the MDOC in Russell, et al. v. Miss. Dept. of Corrections (U.S. Dist.

Ct. N.D. Miss.). In Russell, the Court granted relief to approximately seventy (70) death row inmates regarding housing and medical claims. In Presley, the remaining nine hundred inmates housed in Unit 32 filed almost identical claims as those in Russell. An Agreed Judgment was entered in May, 2006; however, the plaintiffs have filed a Motion for Contempt with a hearing to be scheduled in early 2007.

National Solid Waste Management Association, et al. v. Pine Belt Regional Solid Waste Management Authority, et al. (U.S. Dist. Ct., S.D. Miss.) The Civil Litigation Division intervened in this case to defend statutes in the Mississippi Solid Waste Law which permits certain governmental entities to implement waste flow control measures. Although the federal district court did not strike down the statute, its ruling significantly undermined its application. Accordingly, the decision was appealed to the Fifth Circuit by both Pine Belt and the Civil Litigation Division on behalf of the State. On November 1, 2004, the Fifth Circuit issued its opinion reversing the district court's decision and rendering judgment in favor of Pine Belt and the State. The plaintiffs, private waste collection companies, petitioned the United States Supreme Court to take the case on appeal. The Civil Litigation Division opposed the petition. On October 3, 2005, the Supreme Court declined to hear the appeal, leaving the Fifth Circuit's favorable opinion in tact.

In addition to the cases listed, the Civil Litigation Division is monitoring or participating in 27 other state or federal cases in which the constitutionality of a state statute is being challenged. The Division is actively involved in many other cases challenging the constitutionality of actions by various state agencies, including the Medical Licensure Board, the Board of Bar Admissions, the Department of Public Safety, and the Department of Health.



The support staff includes Diana Ware (seated); (l to r, standing) Sandra Moffat, Fonda Hallen and Melva Welch.

Ensuring the Orderly Administration of Elections

In the weeks preceding the November 2006 elections, eight suits were filed against in which plaintiffs asked a court to issue immediate orders enjoining all or part of the election. Plaintiffs asserted arguments including alleged violations of the federal Voting Rights Act and the state and federal constitutions. In each case the Civil Litigation Division successfully defended the action, and the election proceeded as planned.

Jim Arnold v. State Election Commission (Hinds County Chancery Court); **Shawn O'Hara, et al. v. Secretary of State** (U.S. Dist. Ct., S.D. Miss.); **Henry Boyd Jr., et al. v. Haley Barbour, et al.** (U.S. Dist. Ct., S.D. Miss.); **Floydist James Martin v. Haley Barbour, et al** (Consolidated with) **Henry Kirksey et al v. Haley Barbour, et al** (U.S. Dist. Ct., S.D. Miss.); **George Dunbar Prewitt, Jr. v. State Board of Election Commissioners** (Washington County Circuit Court); **George Dunbar Prewitt, Jr. v. Eric Clark, Secretary of State, et al.** (Washington County Circuit Court); **George Dunbar Prewitt, Jr. v. State Board of Election Commissioners** (U.S. Dist. Ct., S.D. Miss.); **Leola Strickland, et al. v. Eric Clark, et al.** (Hinds County Chancery Court). At the conclusion of the election, the Division obtained a writ of mandamus requiring the Noxubee County Board of Election Commissioners to canvass its election returns and report the results after the Board refused to certify the county's election: **Jim Hood, et al. v. Sylvester Tate, et al.** (Lauderdale County Circuit Court).

Employment Related Litigation and Defense of State Officials

The Civil Litigation Division devotes a significant amount of time and resources each year to defending state agencies and officials against discrimination actions, excessive force suits, and other litigation in which plaintiffs seek monetary damages. In fiscal year 2006, over 80 new suits for damages were filed in federal and state court.

Protection of Charitable Assets

Pursuant to the Attorney General's duty to protect certain 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 the \$100 million 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: **Jim Hood v. Maddox Foundation, et al.** (DeSoto County Chancery Court).



Melissa Patterson, Special Assistant Attorney General

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

AUDIT SECTION

In fiscal year 2006, the Office of the State Auditor has secured indictments, arrests or guilty pleas for twenty-eight (28) public officials and/or public employees, and has recovered \$1,017,920.74 with the help of the Civil Litigation division of the Attorney General's Office. Among the cases which the Audit Section of the Civil Litigation Division assisted are the following:

- \$ **Recovered \$50,000.00** on Alberta Baker Longstreet, former Justice Court Clerk for Leflore County, Mississippi.
- \$ **Recovered \$22,207.06** on Sherry Richardson, former Deputy Circuit Court Clerk of Lincoln County, Mississippi.
- \$ **Recovered \$5,220.14 and \$116,079.48** on past and current members of the Lowndes County Board of Supervisors. These amounts include principal, interest and investigative costs.
- \$ **Recovered \$50,000.00** on Rita Collette Ivy, former Justice Court Clerk in Prentiss County, Mississippi.
- \$ **Recovered \$38,439.01** on Tammy Higginbotham, former Records Clerk for Mississippi Delta Community College. This amount includes principal, interest and investigative costs.
- \$ **Recovered \$45,643.85** on Lana Cass, former City Clerk for the Municipality of Tishomingo. This amount includes principal, interest and investigative costs.
- \$ **Recovered \$56,665.00** on Larry Ashley, former Circuit Clerk for Warren County, Mississippi. Also recovered **\$40,000.00** from Shelly Palmertree, Circuit Clerk of Warren County, Mississippi.
- \$ **Recovered \$24,409.16** on Estelle Pryor, former Circuit Clerk for Washington County, Mississippi. This amount includes principal, interest and investigative costs.
- \$ **Recovered \$31,500.00** on Les Clanton, former Airport Manager for the Yazoo County Port Commission.

CONSUMER PROTECTION DIVISION

CONSUMER PROTECTION DIVISION



*Grant Hedgepeth, Special Assistant
Attorney General / Division Director*

- ✓ Received 71,800 phone calls from consumers
- ✓ 100% conviction rate of criminal cases
- ✓ Opened 2,298 Consumer cases
- ✓ Conducted 178 Identity Theft investigations
- ✓ Obtained 3 Identity Theft convictions
- ✓ Received 2,367 reports of Price Gouging
- ✓ Obtained 3 indictments
- ✓ Opened 214 Home Repair Fraud investigations
- ✓ Obtained 2 Home Repair Fraud convictions
- ✓ Litigated 4 consumer cases
- ✓ Recovered and/or disbursed \$1,627,861.00 in restitution
- ✓ Recovered \$164,292.00 in costs/fees
- ✓ Achieved a positive result in 90% of consumer mediation cases

The Consumer Protection Division presented speeches on consumer issues across the State in an effort to create a public that is better informed and able to avoid problems before they occur. Presentations which were conducted with other state entities included speaking at the Secretary of State's "Scam Jam," the Secretary of State's "Jumpstart" program at high schools throughout the state as well as numerous speaking engagements with community groups.

Significant Litigation and Investigations

Antitrust Cases and Investigations:

AUGMENTIN: The office was a part of a multi-state antitrust investigation and settlement. The settlement resolves claims that GSK delayed generic competition by fraudulently listing and prosecuting litigation concerning Augmentin⁷, an antibiotic drug

that GSK manufactures and sells to fight many different types of bacteria in the body. Mississippi received \$103,411.16 (6/2/06) from the \$3.5 million Augmentin⁷ settlement.

BUSPAR : The office was a part of a multi-state antitrust investigation and settlement with Bristol-Myers Squibb Co. (BMS) concerning its alleged unlawful monopoly of buspirone hydrochloride, a medication used to treat generalized anxiety. As a result of the settlement, the office recovered \$14,086.77 (10/31/05) to be used for mental health issues to benefit Mississippi consumers. Previously, the office recovered \$781,776.05 (12/14/04) for state agencies who purchased Buspar during the relevant time period and 1,175 Mississippi consumers of Buspar recovered a portion of their additional costs due to the inflated price. The case charged that the company BMS entered into an illegal agreement with Schein Pharma-



Consumer Investigators: (l to r) Doug Tyrone, Jeff Clark, Jack Rodenbaugh, Davinia Patton, Cliff Harper and Phil Solomon. Not Pictured: Debbie Patton

ceutical, Inc. (now Watson Pharma, Inc. and Danbury Pharmacal, Inc.) to forego producing a generic equivalent of this prescription drug and that BMS knowingly filed false information with the U.S. Patent and Trademark Office. This allowed BMS to prevent other generic competitors from producing bupirone hydrochloride. As a result, consumers and state agencies who purchased buspar paid higher prices due to the lack of availability of a generic equivalent.

CARDIZEM7 CD: (11/1/05) The office participated in a multi state antitrust settlement with two pharmaceutical companies, Aventis and Andrx regarding its unlawful agreement attempting to delay or prevent the marketing of less expensive generic alternatives to Cardizem CD, a brand name drug used to prevent heart attacks. As a result of the settlement, 832 Mississippians who purchased this drug recovered approximately \$291,262 and the office recovered \$20,600.49 to benefit Mississippi consumers.

PAXIL: The office was a part of a multi-state anti-trust investigation and settlement. The settlement resolves claims that GSK delayed generic competition by fraudulently listing and prosecuting litigation concerning Paxil, a drug used to treat depressive, anxiety, and obsessive-compulsive disorders. Mississippi received \$157,151 (4/28/06) from the \$14 million settlement.

Civil Actions And Investigations

FINAL PLANS and GREENLAWN MEMORIAL GARDENS: Final Plans received money for grave markers and failed to provide the purchased merchandise; Greenlawn Memorial Gardens received money for burial services and failed to provide such; both companies are owned by the same person. Approximately 23 complaints were received regarding Final Plans and approximately 12 regarding Greenlawn. A Subpoena Duces Tecum was served on the company on December 17, 2003. The company agreed to provide refunds to all consumers. Refunds were being provided periodically and company was providing weekly reports on restitution efforts. Several months later, the owner stopped providing refunds and reports. A second Subpoena Duces Tecum was served on owner of companies on April 1, 2005, returnable April 15, 2005. After a meeting with the owner regarding the documents subpoenaed, the owner agreed to provide the remaining refunds which were due. On or near August 2005, the owner stopped providing refunds. With regard to Final Plans, the Attorney General's Office has collected restitution for a total of 16 consumers (\$10,407.85). With regard to Greenlawn, the Attorney General's Office has collected restitution for a total of two consumers (\$2,204.23). Approximately 17 consumers have not received refunds. After numerous efforts to settle this matter with regard to the remaining consumers, a lawsuit was filed on July 10, *continued on next page*

2006 for restitution, injunctive relief, civil penalties, costs and attorney fees. The case is pending.

CONSUMER PROMOTIONS INC./THE CONSUMER'S TRUST: A complaint was received from a consumer who was a merchant participating in the company's voucher/rebate program. The consumer alleged that the company was not licensed to do business in the State of Mississippi and was defrauding the public by issuing its sales vouchers and thereafter failing to honor the vouchers when they mature. During the State's investigation, it learned that the company is not licensed to do business in this State. A multi-state group was organized to take action against the company for possible violations of the Consumer Protection Act and a cause of action for transacting business without authority. The company filed for bankruptcy in December 2005 and the State is working with the multi-state group to ensure that consumers who purchased the vouchers are protected. The State of Mississippi filed its proof of claim on June 5, 2006. The case is pending.

FRIEDMAN'S JEWELERS: This is a multi-state case that was initiated against said company for its unlawful practices related to its sale of credit insurance and discount pricing. Based upon the investigation of the multi-state group, when a consumer financed a jewelry purchase with the company, the application included a request as to whether the consumer desired to purchase credit insurance. Instead of actually determining whether or not the consumer wanted the insurance, the company's computers automatically defaulted to "yes" and this insurance was included in the consumer's financing without the knowledge of the consumers. The consumers were not made aware of the insurance and/or were never told that the insurance was optional and not a requirement for their financing. Additionally, the company was advertising that items were being sold at "discount prices" when in fact the advertised price was the only price for which the items were ever sold. Friedman's admitted to the violations and agreed to change its policies, provide restitution, and enter into an agreement with the multi-state group. However, after extensive

settlement negotiations, on January 14, 2005, the company filed a Chapter 11 bankruptcy. The multi-state group negotiated with the store's bankruptcy attorneys and formulated an agreement regarding the store's "going out of business" procedures. The states are now in the process of negotiating the final settlement documents, the "Assurance of Voluntary Compliance." Mississippi is expected to receive \$110,000 from this settlement.

THAMES AUTOPLEX: Approximately 20 complaints were received alleging that the car dealership failed to provide consumers the titles to the vehicles purchased from the company. The investigation revealed that the dealership's floor plan lenders (Automotive Finance Corporation, State Bank & Trust, and Manheim) were holding the titles due to the dealership's failure to pay the loans owed to the floor plan lenders. Automotive Finance Corporation (AFC) filed an involuntary bankruptcy petition against the dealership and deposited the titles into the registry of the bankruptcy court. The Attorney General's Office filed a motion in the bankruptcy case arguing that the titles should be released to the consumers on the ground that they are "bona fide purchasers." After a status conference with the Trustee, the Trustee ordered the release of the titles. The majority of the titles have been released; however, the case is pending.



Consumer Support Staff: l to r - Annie Dixon, Lana Fuqua and Sandra Lynn

YELLOW PAGES, INC. (YPI): This is a multi-state case involving 27 states. Yellow Pages Inc. (YPI) is a yellow pages service that uses solicitations that are in the form of checks. When the checks are cashed, the consumer is automatically enrolled for the company's services.

It is the position of the States that by sending solicitation forms to consumers consisting of a check that the check was part of what was described as an "instant cash back offer," that the front of the check was devoid of any indication that the mailing was an offer for services or that by cashing the check, the consumer was contracting for services; that where there was an indication that the check might be more than it appeared on the surface, the information provided was vague and sketchy; that on the back of the check and on a separate disclosure statement, the solicitations contained disclosures regarding the services offered, the terms on which they would be provided, and the consequences of endorsing the check, but that the placement of the disclosures on the back of the check and on the disclosure statements in lengthy paragraphs of small print made them inconspicuous; and that the check was misleading. The States also allege that YPI violated the Consumer Protection Act, by sending renewal notices to consumers to solicit payment of money, which notices the States allege reasonably could have been considered a bill, invoice or statement of account due, without providing disclosures allegedly required by law.

Under the terms of the settlement agreement, YPI will be required to provide refunds to any consumer who has complained to YPI regarding its check solicitations. YPI will also be required to provide refunds to anyone who submits a complaint within 60 days of the date of the signing of all final settlement documents. YPI will also pay to the States the sum of \$535,000 for costs and attorney fees. Mississippi's share of this is \$10,000.

CHOICEPOINT: This is a multi-state case. The company is a national provider of identification and credential verification services. The company had a security breach that resulted in the unauthorized release

of consumer's personal information. The investigation is pending.

AMERICA ONLINE: This is a multi-state case formed to investigate universal complaints regarding the inadequate disclosures on AOL's "free" trial promotions and its failure to cancel accounts upon the customer's requests. The states have prepared an "Assurance of Voluntary Compliance" which will require that the company make specific changes regarding its policies and procedures. The agreement also seeks restitution and payments to the States. The AVC was sent to AOL on April 3, 2006. The case is pending.

AMERIQUEST: This is a multi-state case. It is alleged that Ameriquest has engaged in unfair and deceptive trade practices with regard to its lending practices. Specifically, it is alleged that the company does not properly disclose the terms of loans (i.e. the interest rate, whether the rate is fixed or adjustable, etc.). In January 2006, the States entered into a \$325 Million settlement agreement with the company. Mississippi is expected to receive \$751,918.83 in restitution and \$125,000.00 in costs and attorney's fees. The agreement requires, among other things, specific disclosures and changes in the policies and procedures of the company.

DISH NETWORK / ECHOSTAR: This is a multi-state case that formed in January 2006. The company is being investigated for unauthorized electronic funds transfers; unilaterally altering contracts and unlawful advertising and marketing practices. The States prepared a settlement agreement requiring specific changes in the policies and procedures of the company, as well as restitution and costs/attorney's fees. The agreement was sent to the company on or near June 20, 2006. The case is pending.

JAN REINHARDT D/B/A TINY DARLINGS: This individual sold dogs over the internet, requiring consumers to pay up-front, but did not ship the dogs or refund consumers' money. Our office entered into an Assurance of Voluntary Compliance with REINHARDT wherein full restitution in the amount of

continued on next page

\$28,014.00 will be paid along with a civil penalty in the amount of \$2,801.40. REINHARDT continues to make scheduled payments to this office, distributed quarterly to consumers.

IN THE MATTER OF: PayPal, Inc.: Multi-state investigation into complaints regarding the business practices of PayPal, Inc. The issues involve customer service policies, disclosure, dispute resolution, and disclosure of guarantee limitations, etc. It is believed that these issues will soon be resolved by an Assurance of Voluntary Compliance or Discontinuance that the States are negotiating with PayPal, Inc.

BERKELEY PREMIUM NUTRACEUTICALS, INC.: Multi-state investigation into complaints regarding the business practices of Berkeley. The complaints alleged that when consumers made an initial order of a “free” 30-day trial of dietary supplement pills, Berkeley representatives failed to tell them that they would receive and be automatically billed for additional shipments and often made it difficult for consumers to cancel shipments or to get their money back. The State entered into a Consent Judgment with Berkeley on June 12, 2006 wherein Berkeley would stop using the word “free” in advertising unless all the terms and conditions related to the “free” offer are disclosed; stop making unsubstantiated health claims, and provide restitution to consumers who have unresolved complaints.

Identity Theft

The Consumer Protection division has conducted 178 investigations into identity theft this fiscal year. Of those, 68 are still under investigation, two are awaiting Grand Jury action, 24 were referred to other agencies, nine are awaiting trial and two resulted in guilty pleas.

GERALD R. TREADWAY: Defendant ran an internet scam by advertising used cars on the internet and promised to send the victim a car that had already been sold or was nonexistent. The victim paid him \$15,900. Of course, the car never arrived. Upon investigation, it was found that this was a common scheme. The defendant was convicted on federal

charges in South Florida; however, our victim was not made part of that case. Therefore, we have state charges pending and have put a hold on him in the federal facility. When he finishes his sentence in the federal system, he will be extradited for trial in Mississippi with regards to the Mississippi victim.

GLORIA HALL: The defendant opened two credit cards in the victim’s name and charged \$1446.00 worth of merchandise on said cards at Best Buy, Aaron’s Rent-to-Own, Rim World, etc. She pled guilty to two counts of fraudulent use of an identity and was sentenced to five years in the custody of MDOC, one year to serve on house arrest, three years post-release supervision, restitution and a fine.

Wire Fraud

MIDSOUTH FURNITURE (a.k.a. “BORN2FURNISH”): Valorie Dawn Scott ran an internet scheme wherein she advertised leather recliners and sofas for sale through eBay, an online auction site. She received payments totaling approximately \$35,000.00 for the furniture from the winning bidders, but did not deliver/ship the furniture to the purchasers. Scott operated her business out of Pontotoc, MS. On April 10, 2006, Scott pled guilty to two counts of wire fraud, Miss. Code Ann. 97-19-83, and was sentenced to five years on both counts to run concurrently, with four years suspended, one year house arrest and three years post-release supervision. Scott is also sentenced to pay restitution to the victims totaling \$1,485.00, a fine of \$2,000.00, and court costs. A hearing to establish a court ordered restitution payment plan for the remaining victims is scheduled for September 28, 2006.

Hurricane Katrina Related Issues Home Repair Fraud

The Consumer Protection Division began seeing a distinct rise in reports of Home Repair Fraud beginning about five months following Hurricane Katrina. In an effort to assist consumers and protect the public, the Attorney General opened an office in Biloxi staffed with three employees from Consumer Protec-

tion including one investigator. The division had 354 active cases in 2006, with 174 of those in the Biloxi office. The Biloxi office has been instrumental in the arrests of 10 Home Repair Fraud suspects and currently has six outstanding arrest warrants. The current staffing arrangement is a temporary solution and additional help will be needed to handle the extraordinary workload brought on as a direct result of the hurricane. All of the cases investigated so far involve contractors who, after being paid for services, failed to complete the job. One victim gave her contractor \$65,000.00 and received no work at all. In most cases the contractor performed some work, but far less than paid for.

JOHNSON & ASSOCIATES: Shannon Johnson entered into two home repair contracts to repair the home of an elderly consumer. Johnson received payment for both contracts, but failed to complete the work contracted for in the first contract and failed to perform any of the work contracted for in the second contract. Our office appeared before the Covich County Grand Jury where Johnson was indicted for home repair fraud on June 2, 2006.

JOHN JOHNSON D/B/A REROOFING AMERICA: John Johnston entered into a roofing contract with a consumer, received \$10,000.00 in payment from the consumer, but then failed to perform any of the work contracted for. Johnston was arrested on November 16, 2005 on a charge of Home Repair Fraud. Johnston made full restitution to the consumer and pled guilty on May 18, 2006 and was sentenced to six months imprisonment in the county jail, suspended, 60 days Intensive Supervision Program, and fined \$1,000.00.

PELICAN POOLS & CONSTRUCTION: Edward (aka Edwin) Shanks and Anna Massengale entered into contracts with a number of consumers to build swimming pools for them. Shanks and Massengale received payment from the consumers, but performed little or no work on the contracts or their performance was of no value to the consumers. Five arrest warrants issued in four counties charging Home Repair Fraud.



Consumer Division Director Grant Hedgepeth (standing, far left) and Special Assistant Attorneys General (standing, l to r) Linda Davis, Bridgette Wiggins and Myrick Jackson; Seated: Cammie Wyatt (left) and Laura Tedder

HURRICANE KATRINA HOME REPAIR FRAUD TASK FORCE: June of 2006, the office began working with the U.S. Attorney General's Office to formulate a working group between our offices as well as all police and prosecuting agencies in Hancock, Harrison, Jackson and Pearl River Counties to attack the issue of home repair fraud.

Price Gouging

Mississippi's Price Gouging statute, Miss. Code Ann. Section 75-24-25, as amended, which in essence states that whenever a State of Emergency is declared, "then the value received for all goods and services sold within the designated emergency area shall not exceed the prices ordinarily charged for comparable goods or services in the same market area at or immediately before the declaration of a State of Emergency..." was activated when Governor Haley Barbour declared a State of Emergency on August 29, 2005, as a result of Hurricane Katrina. Actions enforcing the price gouging statute include:

continued on next page

Hotels

The Division has executed search warrants on five hotels and continues investigations into allegations of price gouging. Through these investigations, three indictments have been obtained.

ECONO LODGE in Pearl, MS: Prices were allegedly increased immediately following Hurricane Katrina. The owner/operators of the hotel were arrested in September, 2005 and a 16 count indictment obtained on June 1, 2006. Trial is scheduled for March 2007.

EXCELLENT INN in Natchez, MS: Investigation of price gouging following Hurricane Katrina raised allegations of increases in room prices following Hurricane Katrina. A 17 count indictment was obtained in the Adams County Grand Jury against the owner/operators.

SCOTTISH INN in Natchez, MS: Investigation of price gouging following Hurricane Katrina raised allegations of increases in room prices following Hurricane Katrina. A 17 count indictment was obtained in the Adams County Grand Jury against the owner/operators.

Gas Prices

After receiving nearly 1,600 reports of suspected gasoline price gouging, and realizing the complexity of gasoline pricing practices, this Office requested information from 83 gas station owners to begin an investigation into the causes of volatility of gasoline and fuel retail prices. An investigation into the oil and gas industry is ongoing. The office also joined a multi-state group investigating the causes of fuel price fluctuations on a nationwide basis. The findings will be combined to determine if actual price gouging has occurred and how to prevent it in the future.

Flooded Automobiles

Civil investigative demands have been issued to 15 automobile auction houses across the state to obtain information on each flooded vehicle sold, to include make, model, year, VIN, seller and purchaser. Legislation is expected to be proposed to protect consumers from unscrupulous sellers of flooded and/or rebuilt automobiles.

**CRIME PREVENTION
& VICTIM SERVICES DIVISION**

CRIME PREVENTION & VICTIM SERVICES



Patti Marshall, Special Assistant Attorney General / Division Director

YOUTH SERVICES

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

Through a legislative appropriation of TANF funds, the division is able to partly support the efforts of the Boys and Girls Clubs of Mississippi, Big Brothers Big Sisters of Mississippi, Communities in Schools, and

the Adolescent Offender Programs, Prevention and Intervention Programs and Families First Resource Centers of the Young Men Christian Association (YMCA).

Boys and Girls Clubs

The Boys and Girls Clubs of Mississippi mirrors its mission from the national program, which celebrated its 100th year anniversary in 2006, to promote and enhance the development of boys and girls by instilling a sense of competence, usefulness, belonging and influence.

- The Boys and Girls Clubs, supported in part by TANF funds, served more than 20,000 youth, in 58 sites, in 43 Mississippi counties. In FY 2006, the Mississippi Legislature appropriated an additional \$1,000,000.00 in TANF funds to aid in the recovery of clubs from the aftermath of Hurricane Katrina.
- During the 2006 Centennial National Boys and Girls Club Week, Disney presented a \$1.5 million check to provide support to 16 Gulf Coast clubs severely damaged by Hurricane Katrina. Of that amount, \$500,000 went to rebuild the Pass Christian facility, a club that the parents of Good Morning America co-anchor Robin Roberts, Lucimarian and Retired Colonel Lawrence Roberts, helped found in 1999.
- In addition to these contributions, clubs throughout the nation, some as far away as Heidelberg, Germany, provided support to the coastal communities and New Orleans in their recovery efforts.
- The Boys and Girls Clubs of South Central Mississippi partnered with Monticello Baptist Church to open a new unit in Monticello, by utilizing a facility provided by the church. The club's administrative offices are also housed in the facility and there are plans to open a Teen Center for the community.
- Anthony McGaha, a 10-year member of the Boys

and Girls Club of Northeast Mississippi, was selected as the 2006 Mississippi Youth of the Year. Anthony spent the first 12 years of his life not knowing his biological father. At an early age, Anthony had to take action and assume a leadership role in his family by getting a job at the age of 12. This did not prevent Anthony from maintaining a 3.4 grade point average and remaining active in church and community activities.

Anthony was a faithful member of the Boys and Girls Club. At 15 years of age, Anthony was hired to work after-school at the club as a support staff. Anthony stated, "If it weren't for the Boys and Girls Club, I would still be a lost teenager. The staff taught me so much about life, how to show love to everyone, no matter the color of their skin." Anthony indicated that the Boys and Girls Club is one of the main reasons he aspires to one day work with disadvantaged youngsters.

Big Brothers Big Sisters of Mississippi

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

Big Brothers Big Sisters also involve high school youth who take on the role of a Big Brother or Big Sister. These high school youth act as a mentor and role model to a "Little." Through this role, high school seniors are able to compete for a Champion for Children scholarship. Champions for Children, formerly known as the Mississippi Mentoring Network, is a nonprofit organization that awarded competitive scholarships to high school seniors who demonstrate a commitment to improving the lives of children in

their communities by mentoring a minimum of 100 hours.

- Big Brothers Big Sisters of Mississippi has mentoring programs in 82 sites, located in 12 counties with 98 schools participating. During FY 2006, Big Brothers Big Sisters served more than 1,100 youths.
- Big Brothers Big Sisters of Mississippi partnered with the Youth Challenge Program at Camp Shelby by providing volunteer mentors to the graduating participants.
- Big Brothers Big Sisters assisted a family in Rankin County who lost their home to a fire. There were two brothers participating in the Big Brothers Big Sisters program who were living under the guardianship of their grandmother, who was badly burned in the fire and had to be flown to Georgia. The boys were taken in by the local shelter and youth court. Their "Big Brothers" were there for them, providing transportation and support.

They assisted in creating a fund at the local bank to assist the family with their needs. A house was found and donated for the family to live in for six months to a year. The house which had been vacant for three years was renovated with new paint, flooring, carpet and a much needed cleaning. The family was welcomed into their new home by the many leaders of the community and a local television station. It was through the support of their Big Brothers and the community that the family will be able to celebrate the holidays together in a cozy home.

Communities in Schools

Communities in Schools of Greenwood and Leflore provides academic excellence through the arts to create a lasting positive impact for adjudicated and high-risk youth, alternative schools, adolescent offender programs and other court-mandated settings in Mississippi.

- During FY 2006, Communities in Schools of Greenwood and Leflore expanded to 16 counties of t

across the state. This unique intervention program utilizes creative writing and the visual arts to enhance academics and achievement among high-risk youth in alternative schools, adolescent offender programs, and the state training schools.

- Communities in Schools served more than 1,600 youth in 16 schools during FY 2006.
- In 2006, *“Creative Writing from Pascagoula Opportunity Center...A Program of Communities and Schools”* was published. The book represented the creative writings of youth from the Pascagoula Opportunity Center.

YMCA Adolescent Offender Programs

The Adolescent Offender Program is an alternative to incarceration for youth adjudicated by the youth court. The Youth Court Judge refers the young offenders to the program where they receive strict monitoring, mandatory school attendance, counseling, and intensive behavior modification. The Jackson Metro YMCA Adolescent Offender Program expanded services into the Hazlehurst community during the year. The program now serves Rankin County, Crystal Springs, Brookhaven and Hazlehurst.

- A 15 year old youth court-ordered to the Harrison County AOP for theft has been in the program for nine months. He has been accepted into the Military Academy.
- Two youth court-ordered to the Harrison County AOP for drug related and burglary charges recently received their GED and graduated from the program.
- The Adolescent Offender Program is offered at seven sites covering seven counties in 51 Schools. During FY 2006, the program served 394 youths.

Prevention and Intervention Program

The YMCA Community Action Program (Y-CAP) of DeSoto County is on a mission to improve the lives of youth offenders and their families. It is an early intervention program designed to redirect the lives

of youth who have committed non-violent offenses or are at-risk of becoming involved in delinquent activities. Youth are transported from school to the program site where they are provided individual or group sessions, homework assistance and tutoring, life skills and role playing. The parents are provided educational information that will assist them in making desired behavior changes in youth that will improve the overall family structure.

- Y-CAP of DeSoto County served 94 youth at two sites located in two counties with 18 schools participating.

• A client was referred to Y-CAP by DeSoto County Youth Services at the age of 13. A middle school student charged with conspiracy and possession of a controlled substance, he could certainly be classified as an at-risk youth. His mom, a single parent listed on the application that she hoped that Y-CAP would encourage good choices, help him to resist peer pressure and help bring out the leadership qualities that she felt he had.

Y-CAP staff worked closely with him and his mom seeking ways to meet the needs of this student. It was evident that he was experiencing school problems, problems at home and depression. He began Y-CAP meetings in January of 2005 and graduated in January of 2006.

Unfortunately, once again he found himself in trouble with an arrest at school. He was very remorseful about this and wanted so badly to regain the trust of the staff and especially his mom. This time he felt as though he had gone too far to recover. The staff continued to work with him and his mom, making school hearings and meeting with them as a family unit as well as at program and family night meetings. His mom became dependent upon the help that she was receiving from the program and became a great supporter. She shared with staff how much the program was helping not only him but also her personally.

Y-CAP staff recommended that the mom obtain a psychological exam for him so that a treatment plan

could be determined for him. It became evident that he would need placement in a long-term facility.

Y-CAP was reaching past its own program to ensure that the needs of this family were being met. His mom wrestled with the idea of placing him in a long-term program. She leaned very heavily on Y-CAP staff for assurance that she was making the right decision. The decision was made for placement and the second part of this student's journey began in April of 2006.

While he was in treatment, his mom asked that Y-CAP staff continue to work with her. She believed in the program and its support for the entire family. The Y-CAP staff was asked to become a support for him at a critical point in his recovery. Cards were mailed each week to encourage him and to let him know that the staff believed in him.

The Y-CAP staff has done its best to be there for him since January of 2005. Their commitment was not short term but for as long as it took to make sure that this young man's future was given every opportunity for success.

He sent a thank you card that verifies that the journey has not been an easy one, but through the help of intensive intervention programs such as Y-CAP, there is help for the entire family.

Families First Resource Centers

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

- The Families First Resource Centers served 963 youth at 11 sites in four counties with 53 schools participating.

- A client who was court-ordered to an anger management class stated he did not have an anger problem and he did nothing wrong. He stated that his girlfriend just knew "how to push his buttons." He had a rocky start and was very reluctant to participate in class. After about his third session, he heard a new client make the exact same statement regarding his anger. After the class was over, he approached the instructor and told the instructor maybe he did have an anger problem. The instructor provided him with a workbook, *Strategies for Anger Management*, from the Families First Resource Center's resource library and asked him to work on some of the exercises while he was coming to class. After that session, he began opening up in class. Around the ninth session, he confided, in class, that every female in his life, past or present, "knew how to push his buttons." Once he admitted that, the instructor was able to offer him ways to deal with anger and how to improve his relationships.

After his twelfth and final session, he admitted that he most certainly had an anger problem and never realized before how he truly treated women. He admitted that he always thought if he "yelled louder and played harder," he was right. He stated that he came to a "better understanding of better ways to resolve his issues and they truly were his issues and not hers."

- A client was court-ordered to the Families First Resource Center due to charges of child neglect. She was a young mother of three small children. She had her children placed with their paternal grandmother, and expressed an honest interest in regaining custody and becoming a better parent. On her first night of classes at the Parent Resource Center, she told of her own childhood and it was obvious she did not gain an education on parenting. The Center was able to link her with services such as housing, utility assistance, and child care assistance that enabled her to become more stable. She had a job, so that was not an issue. She was a hard worker.

During the nine weeks she attended, she learned the basic needs of children. She learned how to

use behavior charts with her children. She was successful in utilizing this tool, discovering the effectiveness of discipline techniques such as “time out.” She was accustomed to “spanking,” so time out was a good technique for her family. She remained eager to learn and was grateful to the Center for linking her with services. After she completed the nine-week class she was able to regain custody. She maintained the contacts the Center helped her obtain, and she began attending counseling sessions with a local mental health center. She enrolled her children in CHIPS and obtained proper healthcare for them. She remains stable and her case has been closed with the Mississippi Department of Human Services.

- A client thought her work as a parent was complete when her children grew up and moved out of the house. She could look forward to being retired and enjoying her golden years. She enjoyed being a grandmother and spoiling her precious grandchildren. Unfortunately, life threw her a curve and she is now a grandmother and mother to a ten month old and an eight year old.

She came to the Metro Jackson Families First Resource Center to get help in parenting. With the help of the Families First Resource Center, she was able to gain valuable skills in raising her grandchildren. She stated, “It’s like mothering all over again. The Parenting Classes and Workshops have helped me to understand parenting children in this day and age in a new light.”

Youth Crime Watch of Mississippi Youth Patrols

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



Youth Services Program Managers Mike Lee (seated) Sue Perry (standing, left), and Gloria Salters

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

Patrols are required to work with local law enforcement or a School Resource Officer to learn basic reporting procedures. Posters are maintained on school campuses providing a toll-free telephone number that students can use to anonymously report any situation putting school safety at risk. Crime Stoppers offers up to a \$1,000 reward for information leading to an arrest and conviction. The Office of Attorney General provides initial training and continual technical support.

The Office of the Attorney General conducted regional trainings in Philadelphia, Hattiesburg, Jackson and Tunica to train designated school personnel in establishing Youth Patrols in schools and to disseminate other school safety information. There were 109 school administrators and School Resource Officers in

attendance at the regional training. Currently, there are 69 schools representing 21 counties participating in the program.

Workplace and School Violence Prevention

The Crime Prevention and Victim Services Division of the Attorney General's Office and the State Department of Education continue their collaborative efforts to provide training to school superintendents, school board attorneys, school resource officers, teachers and other school personnel on school-safety law, search and seizure issues, discipline, civil liability, drug testing and other school-law issues. In addition to these efforts, the Office of the Attorney General collaborated with the Hinds County Sheriff's Office to deal with the issues of workplace and school violence.

- In collaboration with the Mississippi Department of Education's Office of Healthy Schools and with funding through the University of Southern Mississippi's Department of Community Health Services, the Office of the Attorney General prepared the "*School Law Primer for Educators and School Personnel: Everything You Need to Know about School Law and How it Affects the School Environment*" for use and duplication. In June 2006, there were three regional trainings presented on the manual in Pearl, Hattiesburg and Biloxi.
- A press conference was held to announce the development and dissemination of the *School Violence Prevention Guide*. The Attorney General's Office received funding assistance from the Mississippi Association of Educators for making printed copies of the guide available. The *School Violence Prevention Guide* is designed to help teachers identify the warning signs of a potentially violent child and to help school administrators establish a protocol for students and teachers to report these signs before a violent act occurs.
- National Institutes Against Hate Crimes and Terrorism through the Museum of Tolerance selected a team from the Office of the Attorney General which included members of law enforcement and the Department of Education to attend an all expense paid

hands-on, experiential program that engaged participants in discussions of tolerance, diversity, personal values and responsibility as they apply to the workplace, the school environment, the community and beyond. The program presented tools to strengthen ethical and bias-free decision making, enhance competency in inter-cultural communication and conflict resolution, develop progressive leadership practices and build capacity for inclusive and equitable organizations. This was part of the Office of Attorney General's commitment to enhance our ongoing commitment to professional development and implementation of new diversity strategies.

Do The Write Thing

Attorney General Jim Hood is the Chair of the Mississippi "Do the Write Thing" Committee. The "Do the Write Thing Challenge" is an initiative aimed at confronting the many sources of violence targeted at or caused by American youth. Teachers lead a classroom discussion about the problem of youth violence and then participating middle school students write how violence impacts their daily lives. They are asked to expose the causes and impact of violence and identify what they will do to address these problems. The object is to empower young people to break the cycles of violence in their homes, schools and neighborhoods. The program was originated by the Kuwait-American Foundation (KAF) with the focus to express gratitude toward the United States for liberating Kuwait from Iraq. KAF's members wanted to help make communities in the United States safer for American youth. It started in 1984 and the Office of the Attorney General and the Department of Education have been involved for a number of years. Seventh and eighth graders compete locally, then regionally, and the winning essays from each congressional district are sent to our office for judges to select the best essay from one girl and one boy. Shaniqua McCarty, Heidelberg High, and Mason Seidenburg, West Jones, were this year's winners. They went to Washington, D.C. in July with their parents for a special celebration and a reception at the Embassy of Kuwait. A book of the winners' essays was published and placed in the Library of Congress. All of the expenses were paid by the national sponsors and contributors.

Youth Program Success Indicators:

- Grade Point Average for youths involved is 2.37 (2.17 in 04-05 subgrant period).
- Average daily school attendance for youths participating is 91% (87.2% in 04-05 subgrant period).
- There were more than 1,000 additional youth served in this contractual period as compared to the total for last year.
- 18,002 of the youth participating in the programs were promoted academically to the next grade level. This represents 96% of the total reported.
- There was a 33% decrease in the high school dropout rate between 2000 and 2004 for the entire state, according to the KIDS COUNT Mississippi Fact Sheet.
- In comparing the most recent Mississippi Department of Human Services statistical data available, FY 2005, to the baseline data established in FY 2003, 41 of Mississippi's 82 counties reported a decrease in juvenile crime. Of the counties reporting a decrease in juvenile crime, 28 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDHS website).
- In comparing the most recent Mississippi Department of Health statistical data available, FY 2004, to the baseline data established in FY 2002, 52 of Mississippi's 82 counties reported a decrease in teen births. Of the counties reporting a decrease in teen births, 28 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDH website).
- In comparing the most recent Mississippi Department of Education statistical data available, FY 2005, to the baseline data established in FY 2002, 45 of Mississippi's 82 counties reported an increase in school attendance. Of the counties reporting an increase in school attendance, 27 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDE).
- In comparing the most recent Mississippi Department of Education statistical data available, FY 2005, to the baseline data established in FY 2002, 59 of Mississippi's 82 counties reported an increase in high school graduation rates. Of the counties reporting an increase in graduation rates, 35 had TANF programs funded by the Legislative appropriation to the Office of the Attorney General. (Statistics obtained from MDE).

Summary of At-Risk Youth Programs:

<u>Programs Funded</u>	<u>Number of Sites</u>	<u>Counties Served</u>	<u>Schools Participating</u>	<u>Youths Served</u>
Boys and Girls Clubs	58	43	271	20,912
Families First Resource Centers	11	4	53	963
Y-CAP of DeSoto County	2	2	18	94
Communities in Schools	16	16	16	1680
Adolescent Offender Program	7	7	51	394
Big Brothers Big Sisters	82	12	98	1,173
TOTALS	176	55	464	25,216

The programs above serve the most at-risk youths with the following demographics:

- 20,498 are African American
- 89% of youths served are TANF eligible
- 1,279 of youths participating had youth court involvement during year
- 1,362 behavior incidents of youths participating in the program
- 12,870 youths come from single parent families
- 949 youths have one or both parents incarcerated
- 986 of youths participating are enrolled in alternative school
- 31 of youths participating became pregnant during the reporting quarter
- 844 of youths participating were not promoted academically to next grade level

Other work of the Youth Services Division

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

VICTIM COMPENSATION DIVISION

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

No tax dollars fund the Crime Victim Compensation Division. Revenue is collected from fees, fines, and penalties imposed on criminals, including court ordered restitution, reimbursement through subrogation rights, and federal Victims of Crime Act (VOCA) funds. Through an application process, financial assistance is available to help reduce the financial burden of crime by reimbursing innocent victims for crime related expenses not covered by any other source of benefit. Compensation may be awarded to the victim, the dependents of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent. Benefits are awarded for medical care, rehabilitation, counseling services, work loss, loss of support for dependents of homicide victims, travel and funeral expenses.

From July 1, 2005 through June 30, 2006, the Division received 840 claim applications and awarded \$1,437,827 in financial assistance. The Division received a \$909,000 Victims of Crime Act (VOCA) Victim Compensation federal grant from the U.S. Department of Justice, Office for Victims of Crime.

The Division provides training to educate and inform professionals who work with and come in contact



Seated: Janet Kennedy, Division Director; Standing (l to r) Amy Walker, Vanessa Wilbert, Yolanda Parris, Carla Garrett and Hazel Morrow

with victims of violent crime. Staff conducted approximately 24 Victim Compensation/Victim Assistance/Crime Victims' Bill of Rights training sessions and presentations across the state, including nine law enforcement sessions, training session for victim advocates and victim service providers at "Putting Victims' First" Conference, MS Department of Health social worker training, Mississippi Prosecutors' Training Conference, Sexual Assault Nurse Examiner Training, Hinds County District Attorney's Office Victims Update, training session with post-secondary students majoring in criminal justice, Pediatric Maltreatment Summit training, and Mississippi Counselors' Association Conference.

Effective July 1, 2005, the Division began paying for sexual assault medical forensic exams conducted in hospitals and clinics across the state. Counties are no longer responsible for this expense. From July 1, 2005 through June 30, 2006, the Division received 414 claim applications and paid out a total of \$209,502 to medical providers for sexual assault forensic exams conducted.

In order to facilitate the collection of forensic evidence and to ensure that all hospitals are paid uniformly, a standardized sexual assault examination form was created and disseminated for use. The Division collaborated with the Mississippi Coalition Against Sexual Assault, medical professionals, crime lab experts and members of the criminal justice system to develop and update sexual assault forensic exam forms and payment policies. Following the standards set by the US Department of Justice National Protocol for Sexual Assault Medical Forensic Examinations, the standardized sexual assault forensic exam form guides medical professionals through all the steps of the National Protocol necessary to collect evidence and provide for the medical needs of a victim of sexual assault. The Division continues to work with medical professionals and others for quality assurance of this process and has received a \$14,880 STOP Violence Against Women Act (VAWA) Grant to assist in this endeavor.

The Division conducted statewide regional trainings on sexual assault exam payment for medical professionals. Hospital staff in attendance included physicians, nurses, billing and emergency room directors.

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

VICTIM ASSISTANCE PROGRAM

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

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

In addition, the VAP provides educational training and awareness for law enforcement and the public-at-large regarding crime victim rights. While many victims in rural areas may not have access to local victim services, the VAP works to provide and locate assistance to these victims.

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

In Fiscal Year 2006, the VAP assisted 774 victims of violent and non-violent crimes. Approximately 3,101 units of service were provided, including referrals, *sup-continued on next page*

port, advocacy and information on the Crime Victim Compensation Division and the Mississippi Crime Victims Bill of Rights. Additionally, the VAP received a Victim of Crime Act (VOCA) grant for \$61,515 and awarded approximately \$10,711 to victims of violent crime who incurred crime scene cleanup, repair/replacement and court related expenses related to their victimization, bringing the cumulative program total through FY 2006 to approximately \$55,860.

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

Other Victim Advocacy Outreach Programs:

- **The second Annual Tree Lighting Ceremony** held in December of 2005 in honor and in memory of Mississippi crime victims. The ceremony was attended by victims, victim advocates, service providers and public servants across the state. All were encouraged to participate in the program by placing an ornament on the memorial tree in honor of a crime survivor or homicide victim.
- **Dating violence awareness and stalking awareness** educational session presented to high school students.
- **College Campus Stalking Summit** held in January in recognition of Stalking Awareness Month. There were 20 different colleges and universities represented by participants. The participants included campus

law enforcement, counseling centers, health centers, student life, Dean of Students, residence hall directors and Student Government Association representatives.

- **Safety education and awareness training** for staff in the Office of the Attorney General. Capitol Police presented information on how to prevent victimization, including safety awareness while in areas such as parking lots.
- The newly organized and established **Mississippi Crisis Response Team (MS-CRT)**. Trained in crisis intervention by the National Organization for Victim Assistance (NOVA), volunteers applied for and became members of the MS-CRT. Members of the team include victim advocates, law enforcement, mental health and medical professionals, and clergy. A grant received from the Office for Victim of Crime (OVC) Training and Technical Center provided financial assistance for the 40-hour NOVA training. The MS-CRT responded to the March 17, 2006 workplace violence shootings in Port Gibson, Mississippi, by providing on-site crisis intervention training for local law enforcement agencies and first responders to help meet the needs of those they serve. The MS-CRT also provided 10 group crisis intervention sessions over a four day period to members of the community affected by the shootings.
- **Crime Victims Rights Week's Activities** in April included the "Art of Recovery" art exhibit featuring art by victims/survivors of violent crime, press conference, Gubernatorial Proclamation, and a candlelight vigil in honor of crime victims.
- Co-sponsorship of the **Fifth Annual Retreat for Homicide Survivors**
- Workplace Violence Victim Advocate disseminated **Work-Place Violence Handbooks**, information, advocacy, and referral services to victims of workplace violence.

CRIMINAL DIVISION

CRIMINAL DIVISION



Charles W. Maris, Jr., Division Director / SAAG

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

convictions and sentences are upheld by the courts.

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

Appellate Section

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

During Fiscal Year 2006, among other various matters, the attorneys in the Appellate Section filed 344 briefs; as well as numerous miscellaneous motions and responses in the Mississippi Supreme Court and the Mississippi Court of Appeals, winning approximately 93% of the criminal cases disposed of by the Supreme Court and Court of Appeals, and processed 152 extraditions.

Death Penalty Section

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

During Fiscal Year 2006, among other various matters, the attorneys in the Death Penalty Section won four direct appeals in death penalty cases in the Missis-

Death Penalty Section Attorneys (from left) Jason Davis, Marvin White and Pat McNamara



Mississippi Supreme Court, with the Court affirming both the convictions and sentences in all of the cases, and lost just one; and, completed appeals, with the death sentence carried out, in the case of *John B. Nixon v. State*, on December 14, 2005.

Federal Habeas Section

The attorneys in the Federal Habeas Section of the Criminal Division represent the State of Mississippi in non-death penalty habeas corpus proceedings in all federal courts. During Fiscal Year 2006, the attorneys in the Federal Habeas Section of the Criminal Division filed 359 answers, briefs, motions, and responses in the United States district courts for the Southern and Northern Districts of Mississippi and in the Court of Appeals for the Fifth Circuit, obtaining a favorable result in 100% of cases handled, and also handled two evidentiary hearings in federal district court.



Federal Habeas Section Attorneys Jerrolyn Owens (left) and Paula Broome. Not Pictured: Lesley Gunn

Significant Cases

Bennett v. State, 933 So.2d 930 (Miss.2006): Mississippi Supreme Court affirmed the capital murder conviction and death sentence given to Devin Bennett as the result of his killing his infant son.

Bradley v. State, 921 So.2d 385 (Miss.App.2005): Mississippi Court of Appeals affirmed convictions of two counts of sexual battery and two counts of fondling in this case from Harrison County, along with the cumulative total sentence of 30 years in prison.

Jordan v. State, 936 So.2d 368 (Miss.App.2005): Mississippi Court of Appeals affirmed Hinds County convictions of two counts of kidnapping, two counts of sexual battery, and one count of rape, along with cumulative sentences of 130 years.

Kerns and McKinney v. State, 923 So.2d 196 (Miss.2005): Mississippi Supreme Court, upon granting the State's petition for a writ of certiorari, reversed the decision of the Court of Appeals as to McKinney and reinstated his convictions for one count of manufacture of methamphetamine, one count of posses-

sion of methamphetamine with intent to distribute, and one count of possession of precursor chemicals with intent to manufacture methamphetamine and the resulting cumulative 50 year sentence with 40 to serve. Kerns' convictions and sentences, which were identical to those of McKinney, and which had been affirmed by the Court of Appeals, were likewise affirmed by the Supreme Court.

Lattimer v. State, 2006 WL 1073190 (Miss. App.2006): Mississippi Court of Appeals affirmed convictions for two counts of sexual battery and resulting cumulative 60 year sentence with 40 years to serve, day-for-day.

McKenzie v. State, 2006 WL 1320592 (Miss. App.2006): Mississippi Court of Appeals, in affirming the denial of post-conviction relief, rejected, among other issues, the prisoner's novel assertion that his statutory rape victim's age should be counted from the estimated day of conception rather than birth date. Such a date would have placed his victim outside the scope of the protection of the statutory rape law.



Criminal Division Special Assistant Attorneys General: (seated l to r) Billy Gore and Jeff Klingfuss; (standing l to r) Deirdre McCrory, Jacob Ray, Deshun Martin, John Henry and Ladonna Holland

Sessom v. State, 2006 WL 1320723 (Miss.App.2006): Mississippi Court of Appeals affirmed a felony escape conviction and sentence, finding that defendant who fled courthouse after first failing to appear committed the crime of felony, rather than misdemeanor, escape.

Townsend v. State, 933 So.2d 986 (Miss.App.2005): Mississippi Court of Appeals affirmed Lee County convictions of one count of rape and two counts of sexual battery and the resulting cumulative sentence of 95 years, with 75 to serve, in the custody of the Mississippi Department of Corrections.



Criminal Division Support Staff (l to r): Debbie Morgan, Debra Morrow, Kay Graves and (seated) Sandra Simon

Underwood v. State, 919 So.2d 931 (Miss.2005): Mississippi Supreme Court denied a death-row prisoner's request to return to trial court to pursue post-conviction relief. Underwood had been convicted of capital murder and sentenced to death for the 1994 kidnapping and killing of Virginia Ann Harris.



MEDICAID FRAUD DIVISION

MEDICAID FRAUD CONTROL UNIT



*Scott Stuart, Special
Assistant Attorney General /
Unit Director*

UNIT OVERVIEW

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 of facilities licensed by the Mississippi Department of Health.

MFCU negotiated settlements with numerous providers whose misconduct (e.g., erroneous billing, etc.) had not risen to the level of criminal fraud, but which justified payment of restitution, civil penalties and/or investigative costs. In terms of participation in Global (multi-state) litigation, Mississippi’s efforts netted \$824,991.45 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.

MFCU is located in Jackson, Mississippi—with no satellite offices elsewhere in the state. With a total of five (5) investigators assigned to the investigation of neglect, abuse and exploitation of vulnerable adults in eighty-two (82) counties, we continued in 2005-2006 to train and assist local law enforcement agencies and local prosecutors in the peculiarities of prosecuting elder abuse. We are still faced with an expansion of ever-evolving financial crimes against the elderly. We have attempted to continue to form a partnership with local law enforcement which addresses abuse and neglect case in their respective jurisdictions. This has allowed MFCU Investigators the ability to more adequately focus on this area of crime, resulting in multiple arrests and prosecutions.

Significant Cases

During fiscal year 2005-2006, these are the global cases which were settled:

Gambro Health Care: In September of 2005, Gambro, Inc. settled an action involving the use of a “shell corporation” to erroneously obtain a higher billing rate for certain dialysis procedures. A dialysis provider can bill at more profitable rate if it qualifies as a Durable Medical Equipment Prosthetics Orthotics and Supply Company (DMEPOS) under Medicaid regulations. Settlement amount: Restitution and penalty to the Mississippi Division of Medicaid and the Medicaid Fraud Control Unit totaling \$81,655.44.

Serono Laboratory: Serono is the manufacturer of the synthetic human growth hormone, Serostim. Serono settled a case against it in December of 2005 based on findings that it had promoted the use of unapproved software to be run in conjunction with the test results of potential candidates for treatment with the product—artificially inflating the number who should actually qualify. Furthermore, Serono engaged in aggressive marketing practices geared toward increased utilization of the drug in “off label uses” and unapproved uses. Settlement amount: Restitution and penalty totaling \$115,869.59.



Medicaid Fraud Investigators (l to r) Richard Cameron, George Ferguson, Rob Rushton, Dana Crenshaw, Pamela Smith and Randolph Brown

Tenet Health Care: On January 17, 2006 Tenet Health Care, the owner of various hospital facilities, settled a case by paying restitution in the sum of \$3,703.30 to the Mississippi Division of Medicaid for the state's share. The restitution was for overbilling for outpatient laboratory procedures performed in the hospital's medical facilities.

King Pharmaceutical: On March 22, 2006 King Pharmaceutical paid restitution and a penalty to the Division of Medicaid and to the Medicaid Fraud Control Unit in the amount of \$623,763.12. King failed to follow all aspects of the prescribed methodology for determining the action. Information from NAMFCU indicated that King had determined that it did not follow all aspects of the prescribed methodology under applicable statutes for calculating AWP and determining the resulting "Best Price" for products from 1998 - 2002. Based on its own audit of all prices of innovator drugs during the prescribed time period, King estimated it owed money to the various Medicaid agencies around the country.

Insider's Look - Medicaid Fraud

Three typical cases handled by the abuse, neglect, and exploitation section of the office are the prosecutions of Dorothy Reed, Kristi Wright, and Diana Channell.

Dorothy Reed entered a plea of guilty in Leflore County Circuit court on December 5, 2005 to one count of felony exploitation of an adult. Reed altered five checks belonging to a resident of Golden

Age in Greenwood, Mississippi. The Court sentenced Reed to serve three years in the custody of the Mississippi Department of Corrections, with two years suspended, and one year to serve on house arrest. The Court ordered Reed to pay restitution in the amount of \$500, a fine in the amount of \$500, and court costs in the sum of \$322.50.

Kristi Wright entered a plea of guilty to one count of felony abuse of a vulnerable adult for taking the prescribed pain medication of a resident of BHC in Amory, Mississippi. The Court sentenced Wright to three years, three years suspended, and three years on probation. The Court ordered Wright to pay a fine in the amount of \$1,979.50, restitution, and a payment to the Mississippi Crime Victims Compensation Fund.

Diana Channell entered plea a of guilty on November 4, 2005 in the Circuit Court of Copiah County to three counts of felony embezzlement. Channell appropriated the funds of her step-grandfather who was in a nursing home. The Court sentenced Channell to a term of three years, two and one-half years suspended, six months house arrest, and two and one-half years on supervised probation. The Court ordered Channell to pay a fine in the amount of \$1,500, court costs in the amount of \$277.50, \$3,500 to the Medicaid Fraud Control Unit for reimbursement of investigative costs, and a bond fee of \$100.

Two typical cases handled by the fraud section of the office were the prosecutions of Willie Woods and Tonya Elmore.



Medicaid Abuse Investigators (l to r) Don Scott, Joe Sanderson, Randy Dearman, Keith Milsap, and David Flowers

Willie Woods was a case manager with Southwest Mississippi Regional Mental Health Center. He was found guilty of four counts of submitting false service activity logs and case management notes to his employer for services Woods had not rendered. The false entries resulted in fraudulent billing to the Division of Medicaid.

After a jury trial, the Circuit Court of Pike County sentenced Woods on August 19, 2005 to the maximum sentence of five years per count for a total of twenty years. The Court suspended three years on each count and ordered Woods to serve two years per count for a total of eight years. The Court ordered Woods to pay a fine of \$15,000 and \$5,000 to the Victims Compensation Fund.

Another case involved the prosecution of Tonya Elmore, R.N., for two counts of knowingly making a false statement to obtain or increase a Medicaid benefit or payment. Elmore entered a plea of guilty in the Justice Court of DeSoto County. The Court sentenced Elmore to sixty days, sixty days suspended. The Court ordered Elmore to pay restitution, court costs in the amount of \$292.00, a fine in the amount of \$1,000, and a treble penalty to the Mississippi Medicaid Fraud Control Unit in the sum of \$205.08, and investigative costs in the amount of \$2,000, for a total of \$3,695.56.



Auditors (l to r) Gilda Holbrook, T. Y. Gardner and Program Specialist Teresa Matthews



Attorneys and Support Staff: (front row, l to r) Vickie Collinsworth, Shulawnda Johnson, Elaine Clark; (back row, l to r) Stewart Smith and Michael Bland.



OPINIONS & LOCAL GOVERNMENT

OPINIONS & LOCAL GOVERNMENT

In Fiscal Year 2006, the division issued more than 700 official opinions, mostly to local governments. Of these, more than 75 percent were issued within 30 days after the request was submitted.

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

In Fiscal Year 2006, the division issued more than 700 official opinions, mostly to local governments. Of these, more than 75 percent were issued within 30 days after the request was submitted. The opinions addressed 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. Fourteen opinions were issued to state legislators.



Mike Lanford, Special Assistant Attorney General / Division Director

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. Both training and direct advice are provided.

This section spent more than 3,000 hours giving general advice by telephone in Fiscal Year 2006. Over 500 hours were spent 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. Such support is provided through direct advice to agency officials and in assistance to other AG lawyers directly assigned to the agencies. Attorneys in the Opinions and Local Government division also serve as hearing officers for state agencies.



Delisa Jones, Support Staff



Opinions Attorneys (l to r) Chuck Rubisoff, Jimmy Dale, Reese Partridge, Phil Carter; (Seated) Ellen O'Neal, Mike Lanford and Heather Wagner

Elections and the Voting Rights Act

This office handles all questions and submissions pertaining to the Voting Rights Act of 1965. Fifteen submissions for administrative review by the United States Department of Justice made in 2006 have been approved thus far.

The Attorney General's Office participates in training sessions for election officials throughout the state. Training is conducted for circuit clerks, election

commissioners, and party executive committee members.

Open meetings and Public Records

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



PROSECUTORS TRAINING

PROSECUTORS TRAINING

The mission of the Office of Prosecutors' Training is to work closely with the Mississippi Prosecutors' Association to provide training and services to Mississippi's prosecutors. These services include

- ✓ continuing legal education
- ✓ case updates, and
- ✓ legal research for district attorneys, county, municipal, and youth court prosecutors, as well as their support staff.

The Prosecutors' Training Division offers two major statewide conferences each year for all prosecuting attorneys. Specialized training for victim assistance coordinators and investigators is included at these conferences. Breakout classes expand the large general prosecutors conferences and include training sessions to target individual groups such as youth court and newly assigned prosecutors. Training sessions are also provided for the staffs of the Worthless Check Units. Our large conferences are regularly attended by between 350-400 prosecutors.

Specific focus training sessions are offered for District Attorneys and Assistant District Attorneys, municipal prosecutors, and youth court prosecutors to provide crucial legal updates and to address individualized needs.

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

The division continues to expand resources and training for county and municipal prosecutors as well as law enforcement across the state of Mississippi. The Traffic Resource Safety Prosecutor (TSRP) provides full-time assistance for DUI prosecutors. In addition to training prosecutors, and providing specialized trial

assistance, the TSRP trained over 400 law enforcement officers throughout the year.

A well-maintained list server facilitates the exchange of information among prosecutors. Prosecutors are able to share and compare information on expert witnesses and requests for assistance on various issues. Regular case updates from the United States Supreme Court, the Mississippi Supreme Court, the Mississippi Court of Appeals and the 5th Circuit Court of Appeals, are sent out through the list server. The office also assists in conducting legal research as needed, to include actual trial assistance.

On-going support for the Legal Edge Case Management software used by most of the district attorneys is provided as the office upgrades to the new CIBER system. Implementation began in September on the Mississippi Automated System Project. This system promises to allow all district attorneys to share criminal information data. The system will connect district attorneys with arresting agencies, the courts, and the Mississippi Criminal Information Center.



Leslie Lee, Special Assistant Attorney General / Division Director



Glynn McMillen, System Analyst

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

PUBLIC INTEGRITY DIVISION

PUBLIC INTEGRITY DIVISION

Significant Cases

Convictions

Canton Police Officer Convicted of Extortion

Canton Police Officer Johnny Burse was convicted of extortion in Madison County Circuit Court and sentenced to serve five years and pay a \$3,000 fine. The conviction resulted from the officer's scheme to extort money from an individual in return for dismissing criminal charges against him.

Canton Police Officer Pleads No Contest to Conspiracy to Commit Extortion

Canton Police Officer Willie Earl Harper pled No Contest to one count of conspiracy to commit extortion and was sentenced in Madison County Circuit Court to five years, two years suspended, three years to serve and five years probation. He was also ordered by the court to pay a \$2,000 fine and court cost.

Shelby Mayor Convicted of Bribery

The Mayor of Shelby, Robert Patton, was convicted of bribery and sentenced to five years in the custody of MDOC, with four years suspended and one year to serve. The conviction resulted from a scheme where Patton would pay the Chief of Police to notify him

when the Gaming Commission was coming to town so Patton could notify his brother to remove the gambling machines from his business.

Shaw Chief of Police Pleads Guilty to Extortion

Don Walker, Chief of the Shaw Police Department, pled guilty to two counts

of extortion. Walker was sentenced to two years probation and ordered to pay \$600 restitution and fined \$250 per count.



Scott Johnson, Special Assistant Attorney General (SAAG) / Division Director

Woman Pleads Guilty to Uttering a Forged Instrument

Bernita Starling Burks pleaded guilty in Madison County Circuit Court to one count of uttering a forgery and sentenced to five years of probation supervised by MDOC. Burks was ordered to pay \$18,000



PID Staff Members (front from left) Amy Ashley, Paralegal; Lisa L. Blount, SAAG; Carla Canoy, Legal Secretary; (back row, from left) Martin Millete, SAAG; Brandon Ogburn, SAAG; Ed Snyder, SAAG; and Jim Giddy, SAAG.

restitution to the Bank of Yazoo and \$1,378 to Bank Plus.

MDOT Employee Pleads Guilty to False Pretense

MDOT employee Deborah Alford pled guilty to one count of misdemeanor false pretense. After repaying all sums owed MDOT, Alford was sentenced to six months suspended, one year probation, and ordered to pay court cost.

Mortgage Company Owners Enter Guilty Plea to Communications Fraud

Rhonda Hare, owner of Hare Mortgage Company, pleaded guilty to three counts of communications fraud; and David Hand, owner of Mid-South Mortgage Company, pled guilty to two counts of communications fraud. Both Meridian based mortgage company owners conspired with Linda Stevens.

Stevens was an employee of a local real estate attorney, who also pled guilty to one count of communications fraud. The scheme involved submitting potential home buyer falsified applications, inflated home appraisals, inflated sales contracts and falsified HUD statements to convince various lending companies to fund mortgages for unsuspecting home buyers who could not afford a home. Once the loan was funded, the defendants pocketed some, if not all, of the difference between the actual home's value and its inflated purchase price, leaving the home buyer with a mortgage much greater than the home's value. Rhonda Hare was sentenced to serve one year house arrest, four years probation and to pay a \$10,000 fine. Linda Stevens was sentenced to three years probation and to pay a \$20,000 fine. David Hand was sentenced to serve six months house arrest and to pay a \$5,277 fine.

INSURANCE INTEGRITY ENFORCEMENT BUREAU

- ✓ Responded to 314 new referrals
- ✓ Had 44 active criminal investigations
- ✓ Recovered \$3,852.80 in investigative costs, which went back into the State General Fund
- ✓ Had \$37,347.90 ordered in restitution
- ✓ Achieved a positive result in 100 percent of workers' compensation and other insurance cases



Insurance Fraud Staff: Courtney Schloemer (left), SAAG; and Linda Manning, Legal Secretary.

Significant Cases

Convictions

Tishomingo County Woman Pleads Guilty to Forgery

Leslie Brewer entered a guilty plea to one count of misdemeanor forgery in Tishomingo County Justice Court. Brewer was sentenced to serve six months in

the Tishomingo County Jail, with six months suspended, and six months probation. Brewer was ordered to pay \$200 in investigative costs, \$152 court costs and a \$100 fine.

Hinds County Woman Pleads Guilty to False Pretense

Janice Ritchey entered a guilty plea to one count of misdemeanor attempted false pretense. Ritchey was

sentenced to serve six months in the Hinds County Jail, with six months suspended, and six months probation. Ritchey was ordered to pay \$1,121 restitution to St. Paul Travelers Insurance, \$2,644 to American Casualty Company of Reading Pennsylvania and \$250 in investigative costs.

Simpson County Man Pleads Guilty to False Pretense

Robert S. Turner entered a guilty plea to six counts of misdemeanor false pretense. Turner was sentenced to six months for each count in the Simpson County Jail, with six months suspended, and six months probation, with the sentence for each count to run concurrent to each other. Turner was ordered to pay a \$600 fine, with \$500 suspended, \$118 court costs, \$165 investigative costs to the State General Fund and \$219 restitution.

Pike County Woman Pleads Guilty to Insurance Fraud

Angela Harness entered a guilty plea to one count of insurance fraud involving a slip and fall injury claim. Harness was sentenced to serve six months in the Hinds County Jail, three years probation and ordered to pay a \$500 fine, \$250 to the Crime Victim's Compensation Fund, \$645 restitution, \$750 court costs and for her court appointed attorney.

Harrison County Woman Pleads Guilty to Insurance Fraud

Tracy A. Ball pled guilty to one count of insurance fraud. Ball received three years in the custody of MDOC, suspended, with five years supervised probation. Ball was ordered to pay a \$1,500 fine, \$10 to the Crime Victim's Compensation Fund, court costs, \$500 investigative costs and \$4,717 restitution to Seabright Insurance at \$200 a month until paid in full.

Adams County Man Pleads Guilty to Embezzlement

Bobby Joe Pennington entered a guilty plea in Adams County Justice Court to one count of misdemeanor embezzlement. Pennington was ordered to serve six months in the Adams County Jail, with six months suspended, and placed on six months probation. Pennington was also ordered to pay, within 45 days of his sentencing, a \$200 fine, \$147 court costs and \$300 investigation costs.

nington was also ordered to pay, within 45 days of his sentencing, a \$200 fine, \$147 court costs and \$300 investigation costs.

Prentiss County Man and Woman Sentenced for Four Counts of Embezzlement

The Prentiss County Circuit Court sentenced Michael and Marie Salts on three felony counts and one misdemeanor count of embezzlement of burial/pre-need premiums. The Salts each received on the first felony, five years to serve in the MDOC, five years post-release supervision, a \$10,000 fine and restitution to the named victim. On the second felony, the Salts each received five years in MDOC to be served consecutive to the first count; on the third felony, the sentence was to be served concurrent to the other counts. On the misdemeanor charge the Salts were sentenced to six months in prison, to be served concurrently with the other sentences, and a \$1,000 fine.

Noxubee County Man Pleads Guilty to Insurance Fraud

Timothy Anderson pled guilty to one count of insurance fraud. Anderson was sentenced to three years supervised probation under the non adjudication statute. Restitution of \$28,000 was paid in full.

Insurance Company President Pleads Guilty to Conspiracy to Commit Mail Fraud and Communication Fraud

John Alvis Hackney, a former president of an insurance company, entered a guilty plea in Hinds County Circuit Court to one count of communication fraud and one count of conspiracy to commit mail fraud. On the conspiracy to commit mail fraud Hackney was sentenced to four years in the custody of the MDOC, two years suspended with non-reporting probation and ordered to pay restitution and a \$5,000.00 fine. For communication fraud, Hackney received four years in the custody of the MDOC with two years to serve and two years suspended with non-reporting probation, a \$5,000 fine and restitution. The time to serve on the two sentences was ordered to be served concurrently. Further, the Court ordered that these two years were to run concurrently to another sentence being served by Hackney on federal charges.

- ✓ 69 new cases with 25 closed
- ✓ 5 search warrants executed
- ✓ 29 subpoenas issued
- ✓ 20 computers imaged onsite
- ✓ 62 computers seized

CYBER CRIME UNIT

The investigation, technical assistance and training of local law enforcement, forensic evaluation and analyses, and the education of the public resulted in 69 new investigations opened by the Mississippi Attorney General's Cyber Crime Center in 2006. Categories of new investigations included: possession of child pornography; transmission of child pornography; luring of child; sexual battery; child exploitation; money laundering; identity theft; eBay fraud; embezzlement; murder; wire fraud; rape; sexual assault; child molestation; harassment; public fraud; check forgery and price gouging.

Significant Cases, Investigations and Training

Convictions

eBay Fraud Victims to Receive Restitution

Jeremy Pendleton pled guilty in Tate County to four counts of fraud on eBay and sentenced to five years in the custody of MDOC with five years suspended on each of the four counts and five years post release supervision. Pendleton was ordered to pay \$1,843 restitution to the victims, court costs, \$250 to the Crime Victims' Compensation Fund and \$800 to the Attorney General's Cyber Crime Unit for investigative fees.

Warren County Man Sentenced to 30 Years & Fined \$25,000

Kenneth Hearon pled guilty in Warren County to four counts of transmission of child pornography and



Jean Vaughn, SAAG / Unit Director

10 counts of possession of child pornography. Hearon was sentenced to 30 years with the MDOC, two years on each count, with eight years to serve and 22 years suspended, and five years post release supervision. Hearon was ordered to register as a sex offender and receive psychological counseling. As a condition of

post release supervision, Hearon's Internet usage is restricted for purposes of work only and monitored at random by an investigator from the Attorney General's Cyber Crime Unit. Hearon was ordered to pay a supervisory fee of \$50 per month until completion of the five years to the Office of the Attorney General. Further, Hearon forfeited his personal computer, was ordered to register as a sex offender and to pay a \$25,000 fine, \$150 to the Crime Victims' Compensation Fund and \$1000 investigative cost to the Cyber Crime Unit.

Possession of Child Pornography Gets Newton County Man Two Years

Joel Hartfield pled guilty in Newton County to two counts of possession of child pornography and sentenced on the first count to two years with one year to serve in the custody of the MDOC and one year suspended. On the second count, Hartfield received two years with one year to serve and one year suspended, with the sentences on both counts to run concurrently. Hartfield also received five years post release supervision and ordered to register as a sex offender, receive psychological counseling and to pay a fine of \$1,500 to Newton County.

Pearl River County Man Sentenced to 15 Years and Fined \$25,000

Adam Bennett pled guilty in Pearl River County to five counts of possession of child pornography and sentenced on each count to 15 years in the custody

of MDOC with two years to serve and 13 years under post-release supervision of the MDOC. The serving of the sentences was ordered to run concurrently. Bennett was ordered to pay \$1000 investigative fees, \$1000 to the Crime Victims' Compensation Fund and court costs. Further, Bennett was fined \$25,000 with \$20,000 suspended and forfeited his computer.

Indictments

Adam Bennett was indicted in Pearl River County on five counts of possession of child pornography.

Chris Bolton was indicted in Hinds County for on two counts of child exploitation, solicitation of a minor for sex via the Internet.

Kenneth Hearon was indicted in Warren County on five counts of transmission of child pornography and ten counts of possession of child pornography.

Dominic Argo was indicted in DeSoto County on 15 counts of possession of child pornography.

Victor Paul Smith was indicted in Jackson County on five counts of possession of child pornography.

Joel Hartfield was indicted in Newton County on two counts of possession of child pornography.

Mark Schear was indicted in Rankin County on ten counts of possession of child pornography.

John Boyles, Jr. was indicted in Marion County on three counts of fondling and seven counts of possession of child pornography.

Michael A. Horrall was indicted in Holmes County on five counts of eBay fraud.

Linda Cockrell was indicted in Covington County on one count of embezzlement.

Forensic Examinations and Analyses

Fifty-one forensic examinations of computers were conducted by the Cyber Crimes Center in 2006 as well as examinations of other media such as additional hard drives, floppy diskettes, compact disks, DVDs, cellular phones, camera media cards and other digital equipment.

Assistance to Mississippi Law Enforcement and Prosecutors

The Cyber Crime Center responded to 72 technical assistant inquiries from state law enforcement agencies. These inquiries included requests for subpoena information and drafting; search warrant guidelines; reviews of warrants on the search and seizure of electronic data; general investigation inquiries; general statute inquiries and prosecutorial assistance.

Upon completion of the forensics, the Center returned analyzed evidence to local agencies to assist in local prosecutions. The Center provided current case law and research on issues in the prosecution of cyber crimes to district attorneys.

Assistance was also provided to federal counterparts resulting in guilty pleas in federal court. For example, Robert Swilley pled guilty to a federal felony on Internet spam. Billy Ted Hale pled guilty to a federal charge of visual depiction of a minor engaged in sexual activity and was sentenced to 78 months in federal prison and lifetime supervised probation.

Training and Public Education

The Cyber Crime Center trained over 250 law enforcement officers; educated over 1,830 local school students on Internet safety; and provided information to the public, through conferences and speeches, on Internet social networks and electronic stalking.

CHILD DESERTION UNIT

Significant Cases

Convictions

Hinds County Man Pleads Guilty to Felony Non-support

Dexter Slaughter pled guilty in Hinds County to one count of non-support of a child. He was sentenced to five years under supervised probation with MDOC. Slaughter was ordered to pay restitution to the mother of his minor children in the amount of \$30,600 at a rate of \$750 per month for 60 months.

Washington County Man Ordered to Pay \$36,704

James David Simon pled guilty in Washington County to one count of felony non-support of a child. He was sentenced to five years of unsupervised probation. Simon was ordered to pay \$100 per month, in addition to his current \$200 monthly payment, to reduce an arrearage of \$36,704. He was also ordered to pay several lump sum payments of \$8,000, a \$250 assessment to the Crime Victims' Compensation Fund and court costs.

Deadbeat Parent Ordered to Help in Hurricane Relief

Rackhuitt Dale Watson pled guilty in Rankin County to three counts of felony non-support of a child. Watson was sentenced to serve five years in the custody of MDOC. One year of his sentence was to be served rebuilding homes on the Mississippi Gulf Coast to help the Hurricane Katrina recovery effort and four years were suspended under supervised probation. He was ordered to pay \$23,835 restitution to the mother of his minor children at a rate of \$400 per month, a \$300 fine and court costs.

Leflore County Man Pleads Guilty

Charles Smith pled guilty in Leflore County to one count of felony non-support of a child. Smith was sentenced to five years of non-supervised probation. Smith paid \$1,000 towards his child support arrearage at the time of sentencing and was ordered to pay



Frances Croft (left), Special Assistant Attorney General / Unit Director and Kynda Walker, Case Worker

all court costs and \$125 per month until the arrearage of \$7,738 is paid in full.

Guilty of Two Counts Failure to Support Child

James Jacobs pled guilty to two counts of non-support of a child in Harrison County. He was sentenced to five years unsupervised probation and ordered to pay the entire arrearage of \$88,038. Jacobs will pay both his current child support obligation of \$546 per month and an additional \$300 per month to be applied to the arrearage. Upon his oldest child being emancipated Jacobs was ordered to pay \$273 child support per month and \$573 per month toward the arrearage. On October 1, 2009, the current child support obligation will end and the entire payment of \$846 per month will go towards the arrears until it is paid in full. Jacobs was also ordered to pay \$500 to the county public defender program.

Failure to Pay Support Sends Man to Restitution Center

Guy Parnell pled guilty in Montgomery County to three counts of felony non-support of a child. He was sentenced to serve five years in the custody of MDOC, with five years suspended on supervised probation. Parnell was ordered to the Hinds County Restitution Center and must satisfy the terms and conditions of said restitution center prior to his release. Parnell was ordered to pay \$18,490 restitution, a \$250 fine, all court costs, and a \$250 assessment to the Crime Victims' Compensation Fund.

Harrison County Man Sentenced to Four Years

Charles Woods pled guilty to two counts of non-support of a child in Harrison County. He was sentenced to four years for each count in the custody of the MDOC. All four years are to be served as post release supervision and will run concurrent. Woods was ordered to maintain the current child support obligation of \$260 per month, as well as make restitution payments of \$740 per month on a balance owed of \$35,000. He was also ordered to pay the court costs and a \$500 fine. At the time of the plea, Woods was also required to make a \$2,000 payment.

Deadbeat Dad Paid \$6,700 Back Child Support

Scott Voytko pled guilty in Harrison County to one count of non-support of a child. Prior to sentencing, Voytko paid full restitution in the amount of \$6,700 and was sentenced to serve two years in the custody of the MDOC, with both years suspended. He was placed on two years unsupervised probation. Voytko was ordered to pay a \$250 fine and \$250 to the Crime Victims' Compensation Fund.

Tunica County Man Receives Five Years Suspended Sentence

Perry Byrd pled guilty in Tunica County to one count of felony non-support of a child and paid \$6,000 towards his restitution. Byrd was sentenced to serve five years with the MDOC with five years suspended and five years of supervised probation. Beginning in June 2007, he will make yearly payments of \$5,000 to further extinguish his remaining child support arrearage of \$31,778. Byrd was ordered to perform ten hours of community service each month, pay court costs,

and stay current with his \$300 per month child support obligation while on probation.

Non-support Gets Deadbeat Five Years

Dewayne Rooney pled guilty to one count of felony non-support of a child in Harrison County. He was sentenced to serve five years in the custody of the MDOC with all five years suspended, and placed on five years probation. Rooney was ordered to pay court costs and full restitution in the amount of \$16,539 at a rate of \$350 per month.

Indictments

Douglas Herrington was indicted in Rankin County on one count of felony non-support of a child. Herrington's child support arrearage was \$28,185.

Ronald McGowin was indicted in Newton County on one count of felony non-support of a child. He owed \$14,779 in child support arrears.

Guy Purnell was indicted in Montgomery County on three counts of felony non-support of a child. He owes approximately \$18,490 in back child support to his three children.

Frederick Doss was indicted in Clay County on one count of felony non-support of a child. Doss owed \$15,760 in unpaid child support.

Deborah Nelson Smith was indicted in Rankin County on two counts of non-support of a child. Smith owed \$16,866 back child support for her two children.

VULNERABLE ADULTS UNIT

- ✓ Opened 15 active cases for criminal investigation
- ✓ Conducted 9 training sessions with local law enforcement at the Mississippi Law Enforcement Officers' Training Academy in Rankin County, the Southern Regional Public Safety Institute in Hattiesburg and the Mississippi Delta Community College Law Enforcement Training Academy in Moorehead
- ✓ Conducted 17 training sessions with elder organizations, agencies, home health and banks
- ✓ Attended Elder Abuse Training at the National Advocacy Center
- ✓ Provided law enforcement and DHS assistance in 61 cases



Denise Whitehead, Support Staff, and Marvel Gordon, Unit Director. Not Pictured: Jamie Thompson

Significant Cases

Convictions

Washington County Man Pleads to Exploitation of Vulnerable Adult

Antonio Edwards pled guilty to one count felony exploitation of a vulnerable adult in Washington County. Edwards was sentenced to serve a term of ten years in the custody of MDOC with two years to serve in the restitution center and eight years suspended. Edwards was also placed on five years supervised probation and ordered to complete an in-house drug treatment program. Edwards was ordered to pay full restitution in the amount of \$9,843; \$250 to the Crime Victims' Compensation Fund and all court costs.

\$3,250 Restitution Ordered Paid to Vulnerable Adult

Mary Lisa Seawood pled guilty to three counts of felony exploitation of a vulnerable adult and one count of misdemeanor exploitation of a vulnerable adult in Montgomery County. She was sentenced to a non-adjudication and two years probation, and ordered to pay \$3,250 restitution, \$250 to Crime Victims' Compensation Fund, court costs and assessments.

Warren County Woman to Serve 3 Years for Exploitation

Carrie Dee pled guilty in Warren County to three counts felony exploitation of a vulnerable adult. Dee was sentenced to serve three years in the custody of the MDOC, with one year house arrest, two years suspended and three years post release supervision. She was also ordered to pay \$250 to the Crime Victims' Compensation Fund, \$302 court costs and assessments and full restitution to the victim in the amount of \$6,036.

\$24,103 Restitution Ordered

Danny Pannell pled guilty in Pontotoc County to exploitation of a vulnerable adult and sentenced to ten years in the custody of the MDOC, with nine years and 11 months suspended; and five years post release supervision. Pannell was ordered to pay \$24,103 restitution, \$250 to the Crime Victim's Compensation Fund, court costs and insurance on the victim until restitution is paid.

Man Sentenced to 10 Years for Exploitation

Fadell Wilson pled guilty to one count of felony exploitation of a vulnerable adult in Warren County. He was sentenced to serve a term of five years in the custody of the MDOC with one year house arrest and four years suspended. Wilson was placed on one year supervised probation and ordered to complete alcohol and drug treatment program. Wilson was ordered to pay a \$250 fine, \$250 to the Crime Victims' Compensation Fund and \$302.00 in court costs and assessments. Wilson paid full restitution of \$2,000 to the victim who currently resides at the Vicksburg Convalescent Home.

Hinds County Man Pays Restitution

Samuel Tate pled guilty to one count of forgery in

Hinds County. Tate was sentenced to four years in the custody of the MDOC, suspended. He was ordered to pay full restitution in the amount of \$1,000 (paid at the time of the plea), a \$500 fine, \$250 to the Crime Victims' Compensation Fund and court costs.

Indictments

Chris Harkness was indicted in Pontotoc County for felonious abuse of a vulnerable adult.

Samuel D. Pickens was indicted in Pontotoc County for statutory rape.

Wilma J. Weston was indicted in Tallahatchie County for exploitation of a vulnerable adult.

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

During the period of July 1, 2005 - June 30, 2006 the Alcohol and Tobacco Enforcement Division conducted the following:

- 6,306 Beer Inspections, with 386 Violations
- 6,225 Tobacco Inspections, with 260 Violations
- 62 Retailer Training Sessions
- 67 Clerk or Cop Operations

The division also transferred 20 cases over to the MS State Tax Commission, with the recommendation of beer permit suspension.



Brenda Johnson, Administrative Assistant



U.S.S. MISSISSIPPI
Gifted to the
Second United States Mississippi
Presented to the
State of Mississippi
By the U.S. Army Department
December 1902

STATE AGENCIES

AGRICULTURE DIVISION



Bob Graves, Special Assistant Attorney General (SAAG) / Division Director

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

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

Attorneys in the division compiled and re-numbered all the existing regulations for the Department of Agriculture this year. These regulations will be submitted to the Secretary of State for publication in

the Mississippi Administrative Code. Attorneys also drafted a workplace violence policy for the agency and obtained an injunction prohibiting the operation of an unlicensed grain warehouse in Tate County. The legal work necessary to establish a peanut inspection facility in Anguilla also was provided. Attorneys in the division drafted a drug and alcohol policy to be used by the Fair Commission for its employees. The staff played a key role in negotiating and drafting a long-term contract for beverage service at the State Fairgrounds with a national beverage company.

The Farmers Market opened a new state-of-the-art market on the State Fairgrounds, with attorneys in the division providing the legal services in connection with this development. The drafting of contracts and rules, as well as giving advice to the board of directors were among the services rendered.

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



Special Assistant Attorneys General Julie McLemore (left) and Rebecca Wilson

DEPARTMENT OF CORRECTIONS

Special Assistant Attorneys General David Scott and Jane Mapp serve as legal counsel to the Mississippi Department of Corrections (MDOC). MDOC employees have the responsibility of overseeing over 50,000 inmates, probationers and parolees. Providing legal assistance to such a large agency necessitates addressing numerous legal issues on a daily basis. As MDOC legal counsel the duties of Scott and Mapp include representing the agency in administrative and civil litigation proceedings; drafting and reviewing contracts, policies, procedures, and proposed legislation; advising the department on all legal matters related to the agency including both employee and inmate matters; and overseeing agency compliance with existing court orders.

The diverse litigation matters handled by the MDOC attorneys range from Title VII discrimination cases filed by employees to conditions of confinement cases filed by inmates. Scott represents the department in all personnel matters filed with the Employee Appeals

Board, Equal Employment Opportunity Commission, Employment Security Commission, and U.S. District Courts. Mapp is involved in the representation of the Department in both employee and inmate litigation, assisting in trial preparation, attending hearings, and preparing motions and briefs.



Special Assistant Attorneys General (l to r) Linda Craft, David Scott and Jane Mapp

MISSISSIPPI DEVELOPMENT AUTHORITY



Patricia Hancock, Special Assistant Attorney General

Patricia A. Hancock serves as legal counsel to the Mississippi Development Authority (MDA) and the Mississippi Major Economic Impact Authority (MMEIA). MDA oversees the Mississippi State Port Authority and the Yellow Creek State Inland Port Authority and a number of energy management programs.

MDA also provides assistance to the Mississippi Telecommunication Conference and the Training Center Commission. MMEIA was created by the legislature as an entity with the power to offer incentives so that existing Mississippi businesses and industries could expand and new businesses and industries would locate in this State. MMEIA also serves as the body responsible for the duties of the former Mineral Leasing Commission.

As the agency designated by the Governor to administer Community Development Block Grant funds appropriated by Congress after Hurricane Katrina caused unprecedented damage to Mississippi in 2005, a great deal of time and effort at MDA has been dedicated to creating and administering programs for the benefit of victims of Hurricane Katrina. A major component of this effort is a Homeowners Assistance Grant Program.

continued on next page

A number of grant and loan programs are administered by MDA and are available to public and private entities to promote economic development. Legal service to the agency includes:

- representing the agency in administrative and civil litigation proceedings including Employee Appeals Board Hearings and Equal Employment Opportunity Commission matters
- drafting and reviewing contracts, policies, procedures and legislation
- reviewing Regional Economic Development

Alliances, tax incentive agreements and port contracts

- responding to Public Records Requests; preparing bond resolutions
- drafting incentive agreements; providing legal research and general advice to the agency.

In 2006, approximately 13 incentive agreements were drafted memorializing the commitment of private industry or business to create new jobs and to make substantial monetary investment in the State of Mississippi.

DEPARTMENT OF EDUCATION

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

During 2006, the Department of Education attorneys continued to devote a great amount of their time to aiding the State Board and the Department in their response to the devastating impact of Hurricane Katrina on local school districts and educational interests in our state. Very few of the state's 152 districts were not affected by this disaster and the Department of



Charlene Pierce (seated) and Kathy Boteler, Special Assistant Attorneys General

Education attorneys assisted the Board and Department in helping local districts, most of whom sustained significant damage, to meet their educational responsibilities.

Also in 2006, the Office of the Attorney General partnered with the Department of Education in providing training on School Discipline Law and Policy Development at the Teachers Rigor Administrators Leaders Involvement Network of Support (TRAIN) Summer Conference, the Mississippi Institute on School Health, Wellness and Safety, the Mississippi Association of School Resource Officers Annual Conference, the School Attendance Officers Annual Conference, and three (3) regional conferences. At these conferences, the Office of the Attorney General provided statutes, case law, opinions of the Attorney General and numerous resources on disciplinary issues, including procedural and sub-

stantial due process required for disciplinary action, authority to impose discipline and immunity granted, individual and general search and seizure, drug testing policies, the mandatory reporting of unlawful acts on educational property, mandatory reporting of law enforcement to school officials of students arrested for crimes off campus and the authority of school districts to protect students and staff from students who have committed violent or threatening offenses away from school and school related functions.

Attorneys for the Department counseled the Board and the Department in their efforts after the declaration of a state of emergency and the take-over of the North Bolivar School District when a majority of the schools in that district were designated as priority schools. And, attorneys for the Department also provided counsel when safety and educational concerns in the Holmes County School District led to a declaration of a state of emergency by the Governor and the take-over of that school district by the Board and Department.

Representatives from the Office of the Attorney General and the Department of Education attended the National Institutes Against Hate Crimes and Terrorism Tools for Tolerance Conference supported by a special grant from the Bureau of Justice Assistance, U.S. Department of Justice. As a result of this con-

ference, the Office of Attorney General and the Department of Education will partner to provide training in 2007 regarding the state legislation passed in 2006 requiring the Department to provide assistance and advice to K-12 schools with respect to the Civil Rights Movement and human rights education and awareness, state laws punishing crimes of intolerance, multi-cultural understanding, understanding and responding to bullying-type behavior and policies prohibiting intimidation and harassment in the school environment.

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

DEPARTMENT OF FINANCE AND ADMINISTRATION

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

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



Support Staff Linda Nesline (far left) and Leigh Janous and Special Assistant Attorney General Romaine Richards (foreground, seated)

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

Berry serves as counsel to the Bureau of Building, Grounds and Real Property Management (the BOB), whose primary function is to properly administer funds, appropriated by the Legislature in accordance with state laws, regulations and established procedures, for construction and maintenance of state-owned facilities and real property. Berry is responsible for reviewing both construction and professional contracts for all projects under the control of the Bureau of Buildings; providing legal advice during the progress of construction projects and other real prop-

erty transactions; counsel on procurement matters and other related issues. Berry also advises the Public Procurement Review Board, which approves procurement by state entities and hears protests and contract disputes generating from those procurements and the

Office of Purchasing and Travel, which serves as the State Procurement Office, on legal matters regarding procurement, statutes, regulations, contracts, policies and procedures, protests and the State's Master Lease Purchase Program.

MISSISSIPPI FORESTRY COMMISSION

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

Role of the Agency Attorney

The attorney provides advice and assistance to the Forestry Commission in all areas of its operations requiring legal counsel, including personnel, purchasing, accounting, equipment acquisitions, fire protection, timber management and general administration. Counsel Compere assists in all aspects of personnel actions and discipline, with questions regarding purchasing laws and procedures and is involved as needed when questions arise regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes. Additionally, he reviews and drafts contracts as needed.



Richard Compere, Special Assistant Attorney General (SAAG)

Projects or Cases

Day in and day out the Commission engages in operations and services that require and create legal issues. By statute the Commission has the duty to suppress wildfires and has the authority to recover the costs of the suppression from the party responsible for the fire. Legal representation has been provided to assist in the normal daily operations of the Commission, which has been in the process of evaluating and implementing new organizational structures consistent with applicable law as the result of agency reorganization and reduction in force that occurred during the latter half of fiscal year 2005.

MISSISSIPPI GAMING COMMISSION

During 2006, Gaming Division attorneys represented the Mississippi Gaming Commission in the revocation of approximately 11 gaming work permits and in the appeal of approximately 50 denials of original work permit applications or applications for work permit renewals. Currently Gaming Division attorneys are representing the Commission in state court on two appeals from work permit denials and anticipate a third state circuit court appeal arising from a denial on renewal in the next few months. During 2006 Gaming Division attorneys advised the Executive Director on 17 requests for unanimous approval of work permit applications. There were 11 patron dispute matters heard during this time period, one involving an amount in excess of \$1,000,000.00.

Gaming Division attorneys are currently representing the Mississippi Gaming Commission in litigation of a matter arising from the extension of a site approval by the Commission and the resulting appeal of that decision to the Mississippi Supreme Court. They are also representing the commission in federal litigation filed by a former casino employee wherein the former employee has alleged false arrest and malicious prosecution by a Commission enforcement agent.

The Gaming Division prepared three Orders to Show Cause issued by the Mississippi Gaming Commission in 2006 against gaming licensees for various violations of the Gaming Control Act and/or the Regulations, including failure to obtain prior approval from



Terry Stone, SAAG / Division Director

the Commission for involvement in foreign gaming, the payment of a jackpot to a self-excluded patron, and the transfer or pledge of equity interests without the prior approval of the Commission. Gaming Division attorneys advised the Executive Director in conducting the hearings and prepared Disciplinary Complaints resulting from the hearings for subsequent prosecution before the Commission.

Gaming Division attorneys worked closely with the Criminal Intelligence Division of the MGC as well as the District Attorneys in several counties including Washington, Sunflower and Hinds. These efforts resulted in the confiscation of illegal gaming devices and in the prosecution of criminal charges. Attorneys also worked with CID and the Mississippi Band of Choctaw Indians in the prosecution of an organized cheating ring. During 2006, Gaming Division attorneys also worked with the Civil Litigation Division on a Mississippi Supreme Court appeal involving a constitutional challenge to the illegal gambling devices statute. Throughout the year they also assisted

continued on next page



Gaming Attorneys and Support Staff: (l to r) Patricia Edwards, Sharon Smith, Tom Mueller and Deanne Saltzman

various DA's, ADA's and other state law enforcement agency personnel by providing information and training in the handling of matters relating to illegal gaming devices and the growing problem of illegal poker tournaments.

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

HEARING EXAMINER

The hearing examiner for the Mississippi Gaming Commission — Special Assistant Attorney General Joan Myers — conducts hearings and renders written decisions and recommendations to the Gaming Commission in various proceedings that come before the Commission.

These include cases concerning revocations and denials of gaming work permits. Some of these cases stem from acts of larceny or embezzlement committed by casino employees against gaming licensees. Many of the cases involve other types of criminal acts by gaming employees. The revocation and denial proceedings have been very effective in helping to ensure that licensed gaming in Mississippi is free from criminal elements and that the safety and welfare of casino patrons are protected.



Joan Myers, SAAG / Hearing Examiner

Some of the most interesting cases before the hearing examiner are patron dispute cases, where a patron and a casino are unable to resolve a dispute over alleged winnings. Hearings about disciplinary matters involving gaming licensees and charitable bingo licensees also are conducted by the hearing examiner.

DEPARTMENT OF HEALTH

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



*Ricky T. Moore, SAAG /
Division Director*

General Advice

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

Enforcement of Environmental Laws

The Department's Bureau of Environmental Health received legal assistance with enforcement of environmental laws in the areas of boiler and pressure vessel safety, radiological health, food sanitation, general sanitation involving regulation of wastewater, institutional sanitation, milk sanitation, water supply involving enforcement of Mississippi Safe Drinking Water Act and certification of operators of water systems.

Activity in these areas involved advice, administrative hearings and litigation.

Enforcement efforts in these areas led to the following actions:

- On-Site Wastewater - Assistance in enforcement training of new employees; administrative enforcement actions against professional installers; advised staff regarding cases in justice court concerning failing wastewater systems and resulting sewage on neighboring property; worked with the Department of Environmental Quality, boards of supervisors and departmental staff in resolving wastewater issues in several counties.
- Public Water Supply - Administrative enforcement actions against public water systems for endangerment of the health of their customers by noncompliance with applicable statutes and regulations.
- Food Protection - Administrative enforcement actions against retail food service facilities for endangerment of the health of their customers by noncompliance with applicable regulations governing retail food sanitation.

Health Facilities Licensure/Certification

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

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

Certificate of Need and Health Planning

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

Emergency Medical Services (EMS) Licensure / Statewide Trauma System

Attorneys provided legal advice to the Department in matters pertaining to the licensure and regulation of emergency medical technicians and emergency medical (ambulance) services, including disciplinary proceedings. They have also continued to assist the Department in the operation of Mississippi's first statewide trauma system. Counsel to the Department has been provided on matters such 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 over 800 chancery court complaints to correct birth certificates, death certificates and other vital records, responded to telephone calls and letters from attorneys having filed such complaints or planning to do so, and met with numerous such attorneys. In addition, general advice was provided to the public regarding vital records and statistics.

Community Health Services

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

Child Care and Professional Licensure

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

Disaster Preparation

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

Privacy Law Considerations

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

Personnel

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

HUMAN SERVICES DIVISION

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

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

Contracts

Contractual procurements, agreements and partnerships remain essential to MDHS' service delivery system. During SFY 2005, the Human Services Division:

- Reviewed, revised, drafted, and/or negotiated over 925 contracts, subgrants, requests for proposals, memoranda of understanding and other agreements.

Division of Child Support Enforcement

- Reviewed contractual agreements and responded to other inquiries for the Division of Child Support Enforcement which contributed in receipts of \$230,206,701.57 in child support collections for SYF 05.
- Drafted and negotiated a \$2 million contract between MDHS and a private law firm to work child

support related cases for individuals in the 49 counties affected by Hurricane Katrina.

Office of Children & Youth

Sub-grants administered by the Office of Children and Youth provided 40,045 child care certificates and 1,197 slots for low-income families in need of child care services. \$33,494 was recovered

through attorney demand letters and sub-grants from sub-grantees. More cases are currently pending before administrative bodies or the court system.

Division of Youth Services

Through this division sub-grants with community-based organizations were issued to operate its Adolescent Offender 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. In SFY 2005, AOP served 1,455 clients and safely diverted 1,264 youth from the state training schools.

Division of Community Services

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

- From April 1 thru October 31, 2005 this program provided assistance to a total of 93 homes, and 185 elderly persons, 30 disabled persons and 37 children.

- In addition, this division also provided assistance to 161,349 households through various programs such as CSBG, LIHEAP and ECIP.

continued on next page



Earl Scales, Assistant Attorney General / Division Director



Human Services Division Attorneys: (standing l to r) Catherine Farris, Cyndi Eubanks, Earl Scales, Anna Toms, Billy Taylor, Laura Tedder; (seated l to r) Kay Frost, Emily Ryan, and Sara Harvey

Division of Family and Children's Services

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

In SFY 2005, 386 new TPR cases were referred to this Division. Also, in SFY 2005, Human Services attorneys obtained court orders terminating parental rights for 265 children and voluntary surrenders of parental rights for 28 children. TPR was discontinued for 23 children. Thus, 288 children were removed from the TPR referral list.

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

Attorneys in the Division of Human Resources:

- handled 32 personnel cases for the Mississippi Department of Human Services (MDHS).
- responded to more than 170 subpoenas and open public records requests.
- processed over 150 writs of garnishments and other wage withholding matters.



Department of Human Services Support Staff (l to r) Velma Rush, Jessica Walton and Arnette Warren

Other Activities of the Division of Family and Children's Services

- 15 vulnerable adult cases were handled.
- 56 administrative fair hearings were conducted. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry.
- Legal staff completed 347 legal clearances for the adoption unit, which allowed children to be adopted by loving families.
- Local and state level training sessions with social workers were conducted.
- New forms and procedures to help expedite the time frame for getting children freed for adoption were developed.
- Several cases were presented to the Mississippi Supreme Court on behalf of MDHS. A Termination of Parental Rights case was argued before the Court of Appeal.
- The Supreme Court affirmed two cases presented by Earl Scales, Special Assistant Attorney General.

Oakley and Columbia Training Schools

The division's correspondence with the Department of Justice and Federal Court Monitor for 2006 was well over 500 occurrences. On average the division had two conference calls each month with the Department of Justice, Federal Court Appointed Monitors, and various experts and consultants to discuss a wide range of issues. We also submitted the States Compliance Report, filed approximately every four months to report the progress of the State with the Agreement and MOA.

In addition, this Division reviewed:

- Contracts relating to the training schools, including contracts for medical services and consulting services.
- Easements with Bell South for Columbia and Gulf South Pipe Line for Oakley Training School
- Warranty Deeds for Oakley Training School.

INFORMATION

TECHNOLOGY SERVICES



Donna Rogers, Special Assistant Attorney General

During the past fiscal year, Donna Rogers drafted and/or negotiated 232 contracts of various types (software licenses, software development contracts, turnkey agreements, purchase contracts, maintenance contracts, leases, web development and hosting contracts, and professional services contracts) with providers of data processing and telecommunications hardware, software and services. Some of the contracts involved projects to design and implement an enterprise GIS clearinghouse/portal, and a contract for statewide telecommunications infrastructure operations. In addition to contract negotiations, Rogers:

- provided legal advice to the Executive Director and staff of ITS
- responded to garnishments
- conducted research in connection with the emerging law of electronic commerce statutes governing ITS, public access to public records, and a multitude of other issues.

DEPARTMENT OF INSURANCE



Mark Haire, SAAG / Division Director

Special Assistant Attorneys General Mark Haire, Stephanie Ganucheau, Kim Gilmer, Joel Jones, and Andy Rhea are assigned as legal counsel to the Department of Insurance. Mark Haire Serves as Division Director specializing in life and health insurance, market conduct examinations, and corporate matters. Stephanie Ganucheau specializes in life, health, and disability insurance, and corporate

matters. Joel Jones specializes in viatical settlements, agent enforcement, burial insurance, departmental personnel matters, and property and casualty insurance. Kim Gilmer specializes in agent enforcement, bail bond matters, burial insurance, property and casualty insurance, and legislative affairs. Andy Rhea specializes in agent enforcement, bail bond matters, and property and casualty insurance.

The legal staff is responsible for consulting with the Commissioner and Deputy Commissioner, as well as technical and professional staff, to insure compliance with state law and Department rules, and regulations. The legal staff also represents the Commissioner in various proceedings regarding receiverships, liquidations and insolvency of insurance companies, corporate matters, and disciplinary actions. The legal staff serves as counsel for the Commissioner of Insurance,

State Fire Marshal Division, Liquefied Compressed Gas Division, and the Mississippi State Fire Academy. Throughout the fiscal year the legal staff participated in numerous administrative hearings concerning insurance agents and companies, resulting in the collection of administrative fines and or the suspension or revocation of the agents' or companies' license. Fines collected and premium refunds obtained from agents and companies in FY 2006 totaled \$842,743.65.

Katrina Related Support

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

- Bulletin 2006-1, which provides that the failure of an insured to submit a proof of loss statement or notice of claim filing to an insurance company shall not serve as a bar to a Katrina claim.
- Bulletin 2006-3, which suspends the 180-day deadline in replacement insurance policies for making repairs, making a claim for additional liability, or for providing notice of intent to make a claim for additional liability.
- Bulletin 2006-7, as Amended which provides for the relicensing of emergency Katrina Adjusters to ensure the proper resolution of claims and to avoid further hardship for claimants.
- Bulletin 2006-8, providing that any provision in an insurance policy that limits the statute of limitations for filing a legal action to any period less than three years as prescribed by statute is null and void.
- Bulletin 2006-10, which clarifies the fees that may be charged by a registered public adjuster with respect to Katrina claims.



Special Assistant Attorneys General in the Department of Insurance: (Front) Kim Gilmer (l) and Stephanie Ganecheau; (Back row, l to r) Andy Rhea, Joel Jones, and Mark Haire

DEPARTMENT OF MARINE RESOURCES



Joseph Runnells, Special Assistant Attorney General

Special Assistant Attorneys General Joseph Runnells and Sandy Chesnut serve as general counsel to the Mississippi Department of Marine Resources (DMR) and the Mississippi Commission on Marine Resources (CMR). Their duties include: drafting legislative amendments to marine resources related statutes and CMR ordinances; coordinating

defense with outside counsel on tort claims; drafting and reviewing contracts, memoranda of agreement, and memoranda of understanding; handling employee law issues including workers' compensation and employment grievance cases appealed to the Mississippi Employee Appeals Board; pursuing enforcement of non-compliance with the CMR's wetlands restoration orders and derelict vessel removal notices; prosecuting judicial and administrative forfeiture of seized

illegal equipment; counseling the Executive Director and the CMR during Commission meetings; interpreting laws, ordinances, policies and other controlling authorities (e.g., Mississippi Coastal Program and federal environmental laws) advising DMR personnel and the CMR on compliance and enforcement issues; drafting Official Attorney General Opinions applicable to the CMR and DMR; identifying and disseminating legal reference materials applicable to the DMR and CMR's duties and responsibilities; and defending the CMR and DMR'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.

In 2006, Counsel for the DMR/CMR spent much of their time on efforts to recover from the Hurricane Katrina disaster. In this regard, counsel has been active in evaluating federal regulations implemented by the Federal Emergency Management Agency. Counsel has been busy drafting and approving agreements related to reestablishment of the coastal infrastructure and the administration of disaster relief programs designed to assist those engaged in the seafood industry.

MEDICAID DIVISION

Four Special Assistant Attorneys General — Richard Roberson, Bill Mounger, Chuck Quarterman and Anita Clinton Craig — as well as administrative assistants Carnetta Vann and Annette Carter provide legal services to the Division of Medicaid. The Division of Medicaid has a total budget of nearly \$4 billion and provides health care coverage to approximately one of every four Mississippians. The agency has more than 900 employees.

The four Special Assistant Attorneys General represent the agency on a variety of matters, including statutory and regulatory issues, administrative appeals and hearings, contracts and procurements, personnel actions, requests for public information, third party subrogation, estate recovery, garnishments, levies, bankruptcies and tax liens. In addition, the attorneys facilitate investigations for the Medicaid Fraud Control Unit. The attorneys working with third party recovery cases have more than 1,000 active files and successfully recovered over \$5 million for the agency during calendar year 2006.



*Richard Roberson,
SAAG / Division
Director*

Agency attorneys assisted the Attorney General's Civil Litigation Division in defense of the agency in a lawsuit filed in U.S. District Court regarding a state law that imposes a limit on the number of prescription drugs which Medicaid can provide to recipients. In addition to state level agency administrative hearings, the legal division has represented the Division of Medicaid in matters before the Employee Appeals Board, the EEOC, United States Bankruptcy Court, and other state and federal courts. Agency attorneys also have negotiated settlements in multi-district litigation in New York regarding the pharmaceutical drug Zyprexa and continue to assist special counsel retained by the Office of the Attorney General to pursue State claims against pharmaceutical manufacturers concerning the drugs Vioxx and Zyprexa, and fraudulent drug pricing practices.



Chuck Quarterman (l) and Bill Mounger, Special Assistant Attorneys General, Medicaid Division. Not Pictured: Anita Clinton Craig, Special Attorney Assistant General; and, Administrative Assistants Annette Carter and Carnetta Vann

DEPARTMENT OF MENTAL HEALTH

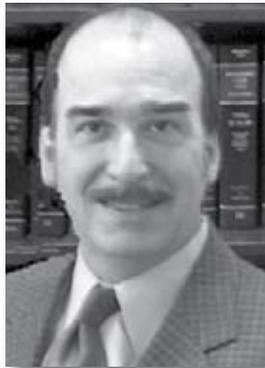


Welbourn Johnson, Special Assistant Attorney General

Welbourn Johnson serves as legal counsel to the Department of Mental Health. His duties include handling defense of cases filed against the Department of Mental Health, including EEOC claims, discrimination claims, Americans with disabilities claims, and other matters that are filed against the Department of Mental Health and its various agencies. He attends court on behalf of the Department of Mental Health in cases where a minor with special needs is a party, serving as a liaison between the Department of Mental Health and various judges as questions arise concerning the placement of minors or adults with mental problems. He ensures that the placement is proper, and advises judges on the most appropriate placement of mentally ill persons.

STATE PERSONNEL BOARD

Special Assistant Attorney General Bob Fagan serves as General Counsel to the State Personnel Board (SPB). His duties as general counsel include assisting the State Personnel Director and the Board in the performance of their statutory responsibilities; assisting in the development of Board decisions, regulations, opinions, and other statements concerning implementation of personnel policy; interpreting and defining state and federal laws, including Title VII of the Civil Rights Act of 1964 and related amendments, the Civil Rights Act of 1991, the Age Discrimination in Employment Act, the Equal Pay Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Pregnancy Discrimination Act of 1978, and the Fair Labor Standards Act of 1938, as amended; and, assisting state agencies and their legal counsel as well as the general public concerning specific employment and human resource issues.



Bob Fagan, SAAG

Attorney Fagan also represents the Board in litigation in all courts; analyzes contracts for outside legal services submitted to the Board for approval; develops and drafts proposed rules and regulations and legislation; monitors legislation during the legislative session; serves as a liaison between the Board officers and the Office of Attorney General; and, conducts seminars and training in employment law and human resource management for state attorneys, human resource professionals, and supervisors.

As General Counsel to the State Personnel Board and the Statewide Personnel System, Fagan also serves as legal counsel to the Personal Service Contract Review Board (PSCRB) and the Mississippi Employee Appeals Board (EAB). He reviews all personal and professional service contracts with state agencies in excess of \$100,000.00 to ensure compliance with state law and PSCRB procurement regulations.

During Fiscal Year 2006, 233 contracts were approved for execution through Fiscal Year 2010 by the PSCRB, totaling approximately \$418,086,475.00.

PROFESSIONAL LICENSURE AND REGULATORY SECTION



Onetta Whitley, Deputy Attorney General / Division Director

General Leyser Morris-Hayes, Maudine Eckford and Gloria Green.

The division's work includes 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, selected civil litigation and appeals from administrative decisions.

The Professional Licensure and Regulatory Section of the State Government Division of the Attorney General's Office is charged with providing legal representation to the various professional licensing and regulatory boards and commissions of the State of Mississippi. Attorneys of the division are Deputy Attorney General Onetta Whitley and Assistant Attorneys

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

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

In 2006, legal services provided to agencies via contractual agreements between the agencies and the Office of the Attorney General have resulted in an estimated savings of over \$11,070,770.00 in legal costs.

(standing l to r) Assistant Attorneys General Leyser Morris-Hayes and Maudine Eckford; and, Sandra Corley, Support Staff.



PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

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

Bowers' responsibilities include: ensuring the governmental status of entities for requesting membership in the System, drafting of contracts, assisting outside counsel on securities cases; assisting outside counsel in the preparation of documentation necessary to become involved in alternative investments; assisting the third party administrator for the Deferred Compensation Program address legal questions relative to the Plan as well as ensuring that federal guidelines are satisfied; assisting in personnel matters; and representation of PERS at Administrative hearings including Disability appeals, and Circuit Court and Supreme Court appeals relative to disability claims and membership service claims. Presently there are 42 appeals before the Circuit and/or Supreme Court.

Bowers also assists the Personnel Director with issues related to employee relations; responds to opinion requests relative to the Retirement System and the programs it administers; offers advice and assistance

in drafting legislation and agency regulations; assists the staff within the Retirement System, as well as staff from other agencies, in responding to questions regarding the application of the statutes governing the administration of PERS and the separate plans it administers. Issues include service credit, disability benefits, garnishments, beneficiary disputes, eligibility for benefits, membership in PERS or other retirement plans, refunds, investments, the fiduciary responsibility of the Board of Trustees and the monitoring of federal legislation for impact on PERS.



Margo Bowers, Special Assistant Attorney General (seated) and Patricia Wolfe, Support Staff

DEPARTMENT OF PUBLIC SAFETY



Lisa Blount, SAAG

Special Assistant Attorney General (SAAG) Lisa Blount assisted in the drafting of legislation affecting sex offenders. The legislation:

- revises the Mississippi sex offender registration laws to conform with the Federal Adam Walsh Act;
- requires sex offenders to obtain a new driver's license, driver's permit or nondriver's identification card that identifies the individual as a sex offender; and,
- restricts sex offenders' presence in school zones.

DEPARTMENT OF REHABILITATION SERVICES

Special Assistant Attorney General Sara DeLoach represents the Department of Rehabilitation Services regarding employment issues, in house, as well as before the Equal Employment Opportunity Commission, Employee Appeals Board, and the Department of Employment Security. She

also advises and represents the agency concerning

- Open Meetings
- Public Records
- Subrogation
- Bankruptcy
- Garnishments
- Administrative Procedures
- Subpoenas
- Public purchasing

- Workers' Compensation
- Immigration
- American Indians
- Contracts and leases
- Board representation
- Americans with Disabilities Act
- Social Security



Sara DeLoach, SAAG

SECRETARY OF STATE PUBLIC LANDS DIVISION

Special Assistant Attorney General Nancy Morse Parkes is assigned to the Secretary of State's Office Public Lands Division. Her duties include providing general legal advice regarding tax sales, AG opinion research, and other related matters. Additionally, she works closely with the Secretary of State's Senior Public Lands Attorney on "16th Section Land" issues.



Nancy Parkes, SAAG

property in question, and files the appropriate answer and other pleadings. Nancy handled more than 238 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.

Counsel 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

Counsel Parkes provides legal assistance to the Elections Division in regard to the campaign finance reporting and lobbying laws. 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.

DEPARTMENT OF TRANSPORTATION

The Transportation Division, which represents the Mississippi Transportation Commission and its executive arm, the Mississippi Department of Transportation, employs 10 Special Assistant Attorneys General under its contract with the Attorney General's Office. Also performing work for the agency were three attorneys employed by the Department of Transportation: one Senior Attorney in Human Resources Division, another in Right-of-Way Division, and a part time attorney representing Law Enforcement Division. Support staff includes three secretaries employed under the Attorney General contract, as well as a paralegal, one part-time secretary, two part-time receptionists, and two law clerks employed by the Department.

The Commission also had master contracts with a number of attorneys who provided services on an hourly, as-needed basis for various reasons, such as in situations where special expertise was required, or when in-house attorneys had a conflict.

The Commission paid \$1,103,166.24 to the Attorney General under its contract, although some of these funds were to be credited back to the Commission for work done by Division attorneys for other agencies. It also paid \$913,382.05 to nineteen different firms for eminent domain work, \$750,699.05 to eleven firms for title and closing work related to property acquisition, and \$242,413.23 to ten firms for general representation. The Division continues to emphasize avoiding lawsuits rather than defending them, and on handling more and more complex litigation in-house rather than relying on outside counsel, so as to be good stewards of the funds entrusted to it by the people of Mississippi.

General

The Transportation Commission moved forward with its ambitious and innovative plan to work through Interlocal Cooperative Agreements with other governmental entities to issue bonds for construction of transportation facilities, to be repaid largely by Federal matching funds through the Federal Highway Ad-

ministration. More than \$500 million in bond issues were in progress, at one stage or another, during the year.

Efforts to recover from Hurricane Katrina continued to dominate the thoughts and time of the attorneys within the Division. Judy Martin is lead counsel on the design/build contracts for replacing the two bridges

on Highway 90 spanning St. Louis Bay and Biloxi Bay. These are two of the largest bridge contracts in Mississippi history, and were let for a total of more than \$600 million. Both bridges are expected to be completed by March, 2008. Lloyd Arnold was instrumental in effecting the agreement through which ferry service at Bay St. Louis was initiated, a first for this state. With assistance from admiralty lawyer John H. Clegg of McGlinchey Stafford, the Commission is in U.S. District Court pursuing reimbursement from Signal International, LLC, the owner of barges which struck and caused damages in excess of \$7 million to the Interstate 10 bridge near Pascagoula. Virtually the entire staff continued to field questions and requests for assistance on a regular basis regarding the numerous issues which arose as a result of this catastrophic event.

Anthony Williams and Larry Schemmel, along with Department of Transportation Senior Attorney Joe Goff, defended the agency in a discrimination suit in Federal District Court. Thomas S. Coleman was lead counsel in an inverse condemnation suit in the Circuit Court of Lafayette County.

Several other state agencies also availed themselves of the staff's expertise during the year. Walker Watters, Billy D. Hall, and Roy Tipton worked with the Missis-

continued on next page



*Roy Tipton, SAAG /
Division Director*



Special Assistant Attorneys General (l to r) Woody Woodcock, Lloyd Arnold, and Larry Schemmel. Not Pictured: Judy Martin, Linda Taylor and Jimmy Isonhood. (See Isonhood on next page)

Mississippi Department of Finance and Administration on the Capitol Green project, which offers great potential for revitalizing downtown Jackson. Walker Watters handled one case for the Mississippi Emergency Management Agency relative to Hurricane Katrina, and assisted the Mississippi Economic Impact Authority in developing rules and regulations dealing with leasing and seismic exploration of state land. Larry Schemmel, a qualified patent and copyright attorney, obtained or applied for six patents for various Mississippi state universities, in addition to one patent he obtained for the Department of Transportation. He also worked on trademarks, and handled trademark infringement claims for Delta State University and Mississippi State University. Schemmel also handled construction cases for the Veterans' Home Purchase Board and Mississippi Valley State University. Walker Watters is also handling a case for the Department of Mental Health. J.D. "Woody" Woodcock represented the Nursing Board, the Agriculture Aviation Board, and the Architectural Board, in addition to spending fifty percent of his time representing the Transportation Commission. Walker Watters represented the Oil and Gas Board half time.

Jimmy Isonhood continued his work on the task of keeping the rights-of-way clear of obstructions and opening 109 new encroachment cases. With

the assistance of paralegal Ledell Lumpkin he collected \$115,424.48 on thirty-five cases of damage to the Department's motor vehicles, and an additional \$107,262.38 in twenty-five cases of damage to bridges and other Department property.

As always, the Division provided the general day-to-day advice, assistance, and representation expected by an agency with some 3,300 employees and a base appropriation of over \$783 million.

Property Acquisition

The Commission acquires thousands of parcels of property in a typical year to utilize in construction of highways and other facilities, a process overseen by Billy D. Hall. The agency's Right-of-Way Division has continued to place extra emphasis on making good faith efforts to purchase this property at fair market value rather than condemning it, so only 83 new cases were filed during the year. For a variety of reasons, notably the perception that local attorneys are more effective when engaged in the emotionally charged issue of taking property away from its owners, most eminent domain cases were pursued by outside counsel. Special Assistant Attorney General Judy Martin is lead counsel in four cases, but the past practice of employing fee counsel is satisfactory to the Department. During the year 92 agreed judgments were obtained, while 51 cases were tried before juries.



Attorneys and Support Staff: (l to r) Tom Coleman, Billy Hall, Walker Watters, Tony Williams; Linda Craft, and Jim Isonhood

Tort Claims

Performing construction work and operating thousands of vehicles are inherently dangerous activities, and as a result a large number of tort claims are filed against the Department of Transportation each year. According to the Tort Claims Board, a total of \$630,059.14 was paid in damages on behalf of the Department of Transportation during the year, while the Board paid \$551,085.04 to fee counsel for defense work. The Department's assessment was \$2,729,257.77. Anthony Williams has continued in his role of representing the agency in this area. He is lead counsel in a number of cases, in addition to his oversight responsibilities.

Workers' Compensation

The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$1,391,042.02 in disability benefits to current and former employees of the agency, and \$1,204,608.95 to medical providers on behalf of these individuals. There were some forty

controversial cases active at some point during the year, with Walker Watters as lead counsel in approximately fifteen of them, and Woody Woodcock in two others. The rest were assigned to outside counsel. The sum of \$48,348.70 was collected for the agency through subrogation claims asserted against third parties responsible for accidents which resulted in claims.

Conclusion

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

UNIVERSITIES DIVISION

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



*Van Gillespie, SAAG /
Division Director*

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

The IHL Board offices and the Institutions of Higher Learning, as authorized by the state legislature, operate under the Mississippi Tort Claims Act separately from the administration provided by the State Tort Claims Board. The Universities Division works close-

ly with the IHL Insurance and Risk Management Division and plays a vital role in the evaluation and disposition of tort claims filed. Attorneys assigned by the Attorney General's Office to the Universities Division provide a number of other legal services to the Agency including:

- Advice and assistance with numerous construction and renovation projects for developing facilities on and off campus at each of the institutions during FY 2006.
- Assistance to the University Press of Mississippi with various intellectual property and contractual issues.
- Assistance to 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.
- Representation for the Mississippi Automated Resource Information Systems and review of their contracts with other agencies.
- Gillespie functions as the affirmative action officer for the IHL Board offices and as parliamentarian for meetings of the Board of Trustees.
- Assistance to the Commissioner of Higher Education in drafting new Policies and Bylaws for the Institutions of Higher Learning.
- Gillespie serves as in-house counsel to the Mississippi Commission on College Accreditation, which has offices located in the Education and Research Center.
- Counsel to IHL on Ayers implementation issues in furtherance of the settlement of that lawsuit.
- Counsel to the IHL Board Office of Human Resources in advising on various employment issues.

- Assistance to the IHL Office of Contracts and Grants in reviewing and/or drafting all contracts for that office.
- Representation and legal advice to GEAR-Up in all legal matters.
- Representation and legal advice to America Reads Mississippi in all legal matters.
- Assistance to the IHL Finance and Academic Departments in addressing various legal issues affecting the departments.



Attorney and Support Staff (l to r) Sharon Smith, Keyla McCullum and Patsy Dorman

STATE VETERANS AFFAIRS BOARD



Treasure Tyson, SAAG

Special Assistant Attorney General Treasure Tyson serves as General Counsel to the State Veterans Affairs Board. Her duties include representing the agency before the Equal Employment Opportunity Commission, the Employee Appeals Board and various other agencies and courts. As in-house counsel, she advises and represents the agency in matters concerning Open Meetings, public records, administrative procedures, contracts, leases and policies as well

as provides on-site training to the employees of the nursing homes.

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

DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS

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

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

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

In 2006, the continuing recovery from Hurricane Katrina placed additional requirements upon legal counsel to the Department of Wildlife, Fisheries and Parks. The need to effect fast and thorough debris clean-up of Department properties had to be balanced with the ever-present possibility of fraud as consumers, both public and private, vied for FEMA dollars. Several parks and wildlife management areas in South Mississippi required massive debris removal. Additionally, timber damaged by the storm had to be cut. This situation necessitated counsel's advice on matters concerning compliance with State purchasing regulations as well as the regulations of the Personnel Services Contract Review Board and the State Forestry Commission. Damaged timber not readily determined by observation resulted in numerous tort claims for falling limbs and related damage. Risk management

issues at state parks regarding storm damage were more prevalent than in prior years. The attorney maintains a close working relationship with the Tort Claims Board in order to ensure that claims are processed promptly, as well as providing support and assistance to law firms hired by



Doug Mann (right) Special Assistant Attorney General, and Annette Clark, Support Staff

the Tort Claims Board to defend the Department in liability suits.

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



SUPPORT SERVICES

SUPPORT SERVICES



Robert Kersh, Division Director

management of interagency legal contracts and information systems.

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

Budgeting

The Budgeting area includes the planning and preparation of the Agency's annual budget for submission to the Legislative Budget Office; this process includes reviewing and compiling financial information for all funds and programs and maintaining systems and methods to capture performance measurement data to comply with the "Mississippi Performance Budget

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, legal contracts and

and Strategic Planning Act of 1994." A part of the budgeting process is the compilation of supplemental information on program accomplishments and assistance in Legislative Budget Hearings through compilation of costs associated with new, expanding, and/or existing programs. The culmination of the budgeting process is the preparation of the Agency's Z-1 budget with subsequent revisions as necessary throughout the fiscal year. An additional part of the legislative budget process is the preparation of the personal services budget as required by the State Personnel Board which ensures adequate manpower in accomplishing the Office's mandates.

Human Resources and Personnel

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

Grant Management and Reporting

Support Services provides financial and administrative support to all divisions within the Office working under grants and contracts. This support includes assisting with the preparation of grant applications and budgets, interpreting grant language, making recommendation on implementation, and fulfilling all grant reporting requirements, e.g., Financial Status Reports (FSR), Cost Reimbursement Reports, Federal Cash Transactions Reports, and various programmatic reports. During FY 2006, the Office entered into over \$2,400,000 in grants/contracts with DHHS-Medicare Fraud, Public Safety, MS Leadership Council on Aging, University of Mississippi - Cyber Crime Cen-

ter, and Youth Crime Watch of America and also assisted in the administration of \$5,500,000 in awards to Communities in Schools of Greenwood-Leflore County, Big Brothers Big Sisters of MS, Boys and Girls Clubs, and YMCAs for the purpose of serving the unmet needs of “at risk” youth in the State of Mississippi.

Purchasing, Property Management, Space Management

Support Services is responsible for all procurement of goods and services for the Office in compliance with the Department of Finance and Administration and ITS including preparation of bid specifications and local advertisement for certain goods, negotiation of building leases, office moves, and space management. During FY 2006 the Support Services Division continued to work with the architectural firm in charge of the renovation of the Sillers Building on space allocation and designation in preparation for the move in June, 2007.

Payroll

Support Services is responsible for processing a monthly payroll for 200+ 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 (Youth Services), and other contractual workers.

Law Library

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



Debbie Hardin, Librarian

Management of Interagency Contracts and Outside Legal Counsel

During FY 2006, the Attorney General’s Office entered into sixty-nine (69) interagency contracts to provide legal services to various state agencies, boards and commissions. Support Services prepares all contracts, computes costs, maintains all contracts on file, makes adjustments when necessary, prepares invoices and ensures collection of amounts billed. Additionally, Support Services is responsible for ensuring the review and processing of all Outside Legal Counsel Contracts.

Support Staff: (Seated, l to r) Kristi Mullen, Darry Davis, Tanya Rass; (Standing l to r) Paula Lewis, Liza Hammett, Caroline Jacobs



Information Systems

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

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



Information Systems Staff: (Standing l to r) Rick Moore, Marsha Shirley, Daniel Ntoka and Al Buchanan

Attorney Coast Pilot Project with a grant from Homeland Security. The shared database will interface with the local Jail Management System and receive case download information. The shared database will also interface with CIC and provide case disposition data. Future planned interfaces include AOC (Administrator of Courts) and several Court systems. Final acceptance of the DA Coast Project is scheduled for summer of 2007. Future plans include adding other district attorneys to the shared database.

**ATTORNEY GENERAL'S OFFICE
ACTUAL EXPENDITURES**

Fiscal Year Ending June 30, 2006

PERSONAL SERVICES

Salaries, Wages & Fringe Benefits	16,034,572
Travel & Subsistence (In-State)	455,033
Travel & Subsistence (Out-of-State)	125,455
TOTAL PERSONAL SERVICES	16,615,060

CONTRACTUAL SERVICES

Tuition	50,402
Communications & Utilities	87,574
Public Information	0
Rents	585,443
Repairs & Services	32,086
Fees, Professional & Other Services	855,466
Other Contractual Services	114,813
Data Processing	617,926
Other	16,831
TOTAL CONTRACTUAL SERVICES	2,360,541

COMMODITIES

Printing & Office Supplies & Materials	174,816
Equipment, Repair Parts, Supplies & Accessories	53,094
Professional & Scientific Supplies & Materials	491
Other Supplies & Materials	100,574
TOTAL COMMODITIES	328,975

CAPITAL OUTLAY

Automobiles, SUV, Vans, Trucks & Other Vehicles	117,352
Office Machines, Furniture, Fixtures & Equipment	25,213
IS Equipment (Data Processing & Telecommunications)	112,772
Other Equipment	12,965
Wireless Communication Devices	24,436
TOTAL CAPITAL OUTLAY	292,738

SUBSIDIES, LOANS & GRANTS

TOTAL SUBSIDIES, LOANS & GRANTS	4,425,339
--	------------------

TOTAL EXPENDITURES	24,022,653
---------------------------	-------------------

Funds Recovered
Through The Authority Of The Attorney General
July 1, 2005 To June 30, 2006

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit	3,819,377	State of MS; Division of Medicaid
Consumer Protection Division	1,792,153	State of MS; Restitution to Consumers
Insurance Integrity Enforcement	41,201	State of MS
Civil Litigation Division - Audit Recoveries	1,017,920	State of MS
WorldCom / MCI Settlement Funds	6,885,000	State of MS
MDOT - Damage Claims; W'Comp Subrogated Claims	271,036	State of MS; MS Dept of Transportation
Medicaid - Estate Recovery and Subrogation	<u>5,000,000</u>	State of MS; Division of Medicaid
Total	<u>18,826,687</u>	

Attorney General's Office

Report Of State-Owned Automobiles

Description	Miles Travelled in FY 2006	Depreciation Expense FY 2006
1 Dodge Intrepid	23,208	Fully Depreciated
2 Dodge Intrepid	19,872	Fully Depreciated
3 Dodge Intrepid	22,899	Fully Depreciated
4 Ford Explorer	23,352	Fully Depreciated
5 Ford F-150 Truck	20,052	Fully Depreciated
6 Ford F-150 Truck	20,891	Fully Depreciated
7 Ford Taurus	30,251	Fully Depreciated
8 Ford Taurus	26,440	Fully Depreciated
9 Ford Crown Victoria	18,480	Fully Depreciated
10 Ford Crown Victoria	26,278	Fully Depreciated
11 Ford Crown Victoria	18,062	Fully Depreciated
12 Ford Taurus	18,989	\$4,322
13 Ford Taurus	24,404	\$4,189
14 Ford F-150 Truck	20,330	\$4,649
15 Ford F-150 Truck	21,821	\$4,649
16 Ford Taurus	27,446	\$3,808
17 Ford Taurus	23,946	\$3,808
18 Ford Taurus	11,365	\$3,808
19 Ford Taurus	33,488	\$3,808
20 Ford Taurus	26,344	\$3,808
21 Ford F-150 Truck	11,122	\$6,490
22 Pontiac Grand Prix	6,273	\$5,295
23 Pontiac Grand Prix	3,030	\$5,467
24 Pontiac Grand Prix	3,070	\$5,467
25 Pontiac Grand Prix	93	\$5,734
26 Ford Crown Victoria (not received)	0	\$0
27 Ford Crown Victoria (not received)	0	\$0
Total	<u>481,506</u>	<u>\$65,302</u>

Attorney General's Office

Report Of State-Owned Automobiles *(continued)*

Number of State-Owned Automobiles: 27

FY 2006 State-Owned Automobile Costs:

Depreciation expense, fuel, tires, repairs & maintenance - \$140,164

Average Cost Per Mile: 0.29

REPORT OF MILEAGE IN PRIVATELY OWNED AUTOMOBILES

Total Number of Miles Traveled in Privately Owned Automobiles	Cost Per Mile	Total Costs for Mileage in Privately Owned Automobiles
643,111	0.4532	\$291,457



Jim Hood, Attorney General
Office of the Attorney General
State of Mississippi
Post Office Box 220
Jackson, Mississippi 39205-0220
(601) 359-3680 • www.agjimhood.com

• • • • •

Alcohol & Tobacco Enforcement Division, 1-888-213-8830

Consumer Protection Division, 1-800-281-4418

Gaming Division, 1-800-504-7529

Insurance Fraud Division, 1-888-528-5780

Marine Resources Division, 1-800-374-3449

Medicaid Fraud Division, 1-800-852-8341

Prosecutors Training Division, 1-800-852-1281

Victim Compensation Division, 1-800-829-6766



Jim Hood, Attorney General
Office of the Attorney General
State of Mississippi
Post Office Box 220
Jackson, Mississippi 39205-0220
(601) 359-3680 • www.agjimhood.com