

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MAY 13, 2021**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 1302, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi, with members attending via teleconference.

The following members were present, constituting a quorum:

Chaney, Mike; Insurance Commissioner
Edds, Steve; Chairman
Goodwin, Tommy; Representing Attorney General Lynn Fitch
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
McRae, David; State Treasurer
Smith, Denita; Representing Public Safety Commissioner Sean Tindell
Welch, Liz; Executive Director, MS Department of Finance & Administration
Wells, Chris; Executive Director, MS Department of Environmental Quality

Also present were:

Donaldson, Bruce; Tort Claims Board
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
Milner, Steve; Tort Claims Board
Rayburn, Amanda; Tort Claims Board
Smith, Dan; Attorney General's Office
Wells, Lisa; Cannon Cochran Management Services Inc.
William; Chad; Attorney General Office
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Welch to approve the minutes of the March 11, 2021, meeting. Mr. McRae seconded the motion, which passed unanimously.

There was no Old Business.

In New Business, Mr. Donaldson provided members with the 2021 Legislative Summary and the 2021 Liability Claims Audit Report from Farley Consulting Services. The 2021 Legislative Session ended with no legislative impact on the Tort Claims Board. Mr. Farley's claim audit concluded clean. Mr. Donaldson introduced the new Tort Claims Liability Manager, Amanda Rayburn. She brings to the table 21 years of claims experience and the last 8 years with our TPA, CCMSI. Mrs. Rayburn has a very good relationship with our office. While at CCMSI, she handled the majority of our claims, and already has a good working relationship with most of

our defense attorneys. We are looking forward to her expertise and being a great asset to Tort Claims.

Mr. Logan presented a financial summary for fiscal year 2021 through April 2021. We have received all the state agencies assessments approximately \$4.3 million. The claims expenses thus far is \$2.7 million and the legal expense is right under \$500,000. The total funds by account is \$17.8 with 6.9 million in reserves leaving \$10.9 million unencumbered. In the Budget Comparison Report, the salary for April is up from the normal due to leave payable for two retired employees, Lea Ann and Teresa. Jim will be making an adjustment in contractual to move that into salaries so everything will be covered by the end of the year.

Mr. Wilson presented the investment report through April 2021. The portfolio had just over \$12.8 million invested and \$12.8 in market value. We have seen a dramatic rise in interest rates so we have been able to keep the market rate even with the book value portfolio. We earned right under 50 basis points for the fiscal year and the portfolio yield is a little over 50 basis points. We have earned about \$50,000 and should increase over the next few months. In consultation with Treasury, we are taking some of the floating rate securities we have in the portfolio and selling those. We have begun to buy fixed rate instruments which should drag the yield up on the portfolio. So by the end of the year instead of about 53 basis points, it should be around 75 basis points. It has been a struggle, while the curve is steep, but we have been keeping our market values in finding bonds for the portfolio until recently. We anticipate that the yield will climb in the portfolio and market, we are positioned well.

Mr. Milner provided members a report of his Loss Control activities since our last meeting. We had no known claims from the Mudbug Festival at the Fairgrounds and we will be making a presentation to the Mississippi Highway Patrol class May 27, 2021.

Mr. Donaldson presented two (2) attorneys for inclusion in the approved Attorney Register: Mark Baker, Sr. with Baker Law Firm, P.C. in Brandon, Mississippi and Katrina S. Brown with Brown, Bass & Jeter, PLLC in Jackson, Mississippi. Both meet the eligibility requirements of the Board and staff recommends approval. Mrs. Welch made a motion to approve Mark Baker and David McRae seconded the motion. Mrs. Welch made a motion to approve Katrina Brown and Ms. Kelsey seconded the motion. Mr. Baker passed by majority vote, Ms. Brown passed by unanimous vote.

Mr. Donaldson presented a list of 13 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Ms. Kelsey made a motion to approve the list and Mrs. Welch seconded the motion, which passed by unanimous vote.

For the Claims Report, Mrs. Rayburn presented a summary of the claim of Tim Parker vs. the Mississippi Department of Wildlife, Fisheries & Parks for an incident that took place on August 4, 2018. The Plaintiff and his attorney are alleging excessive force during an unlawful arrest which caused injury to his neck and left shoulder. A settlement conference was held before presiding Federal Judge Keith Starrett with the Plaintiff and his attorneys, as well as the agency's defense attorneys, the agency employee, along with his personal defense attorney. Also present were Mr. Donaldson and Mrs. Rayburn. We were able to reach a settlement on this case

and agreed to pay \$137,500 to resolve any potential state tort negligence exposure. Mr. Chaney made a motion to accept the settlement amount and Mrs. Welch seconded the motion and was unanimously approved.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



DAVID MCRAE, BOARD MEMBER



SEAN TINDELL, BOARD MEMBER



LIZ WELCH, BOARD MEMBER

CHRIS WELLS, BOARD MEMBER

Mississippi Tort Claims Board
 May 13, 2021 - 1:30pm
 13th Floor Conference Room
 First Floor, Woolfolk Building
 Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	<u>DEPARTMENT/COMPANY</u>
Bruce Donaldson	Tort
TRINA Kelly	Tort
Jim Logan	Tort
Steve Milner	Tort
Chad William	AG - Attorney
Amanda Rayburn	Tort
Liz Welch	DFA
Denita Smith	DPS
Lisa Wells	CemSI
Steven Edds	Chairman
Christina Kelsey	Insurance
Dan Smith	MDOT
David McKrae	Treasurer
Tommy Goodwin	AG
Cheis Wells	DEQ
Jeff Wilson	Trinity
Mike Chaney	Insurance

Mississippi Tort Claims Board
Thursday, May 13, 2021 – 1:30 P.M.

AGENDA

- I.** Approval of Minutes
 - A. March 11, 2021

- II.** Old Business

- III.** New Business
 - A. Legislative Summary
 - B. Claims Audit Report
 - C. New Tort Claims Manager – Amanda Rayburn

- IV.** Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson

- V.** Loss Control – Steve Milner

- VI.** Attorney General’s Report – Bruce Donaldson

- VII.** Certificates of Coverage – Bruce Donaldson

- VIII.** Claims Report – Amanda Rayburn

- IX.** Adjournment

Next meeting date and time: July 8, 2021 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MARCH 11, 2021**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 1302, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi, with members attending via teleconference.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Goodwin, Tommy; Representing Attorney General Lynn Fitch
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
McRae, David; State Treasurer
Smith, Denita; Representing Public Safety Commissioner Sean Tindell
Welch, Liz; Executive Director, MS Department of Finance & Administration

Also present were:

Donaldson, Bruce; Tort Claims Board
Henderson, Tom; Tort Claims Board
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Rayburn, Amanda; Cannon Cochran Management Services Inc.
Smith, Dan; Attorney General's Office
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Treasurer McRae to approve the minutes of the January 14, 2021, meeting. Mrs. Kelsey seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided members with a brief summary of relative legislation at this point in the Session. She will continue to provide members with updates as the Session progresses.

In New Business, Mrs. McElroy presented a recommendation to exercise the option to renew the contract with actuary Chris Burkhalter for one year after the current contract expires June 30, 2021. Mrs. Welch moved to approve and Treasurer McRae seconded. The motion passed unanimously.

Mr. Logan presented a financial summary for fiscal year 2021 through February 28, 2021. We have received approximately \$4.25 million in assessments, out of the total assessment of \$4.3 million. One agency is left to pay approximately \$50,000, and we anticipate wrapping

that up by the end of the month. Claim losses for the first half of the fiscal year are just at \$2.5 million. Legal expenses are just under \$350,000 and other expenses are just over \$9,000. The fund has a balance of \$18.3 million, with \$5.2 in cash in the treasury, \$12.8 million in investments, and \$305,000 in the TPA checking account. We have \$7.1 million in reserves and \$11.2 million unencumbered. Under Claims/Reserves Detail, we have paid out \$2.8 million this year. At this point last year we had paid out \$1.4 million. That difference is not uncommon due to the fluctuating nature of claims, but can also be contributed to the slow-down last year as the pandemic closed things down about this time a year ago. The Budget Comparison Report looks categorically at budgeted amounts versus expenditures, and everything is fine with just over 50% of the total budget expended at the end of February.

Mr. Wilson presented the investment report through February 28, 2021. The portfolio has just over \$12.8 million invested and is still carrying an unrealized gain of \$30,000. The internal rate of return is just under 40 basis points for the fiscal year, which equates to about 1% for the calendar year. The current yield is right at 50 basis points, and we anticipate finishing the fiscal year at a higher rate.

In Mr. Milner's absence, Mrs. McElroy provided members a report of his Loss Control activities since our last meeting, noting his work with the Dixie National Rodeo and with MEMA during the ice storm.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 14 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Goodwin made a motion to approve the list and Mrs. Welch seconded the motion, which passed by unanimous vote.

There was no Claims Report.

The Chairman shared Mrs. McElroy's retirement letter with Board members. He and Mrs. Welch thanked her for her service. Mrs. Welch announced that Mr. Donaldson will take Mrs. McElroy's place as Administrator. Mr. Donaldson thanked everyone for their confidence and support, and also introduced Tom Henderson – our new Claims Officer hired March 1.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN

MIKE CHANEY, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

DAVID MCRAE, BOARD MEMBER

SEAN TINDELL, BOARD MEMBER

LIZ WELCH, BOARD MEMBER

CHRIS WELLS, BOARD MEMBER

Tort Claims Act Legislation Summary
2021 Legislative Session

Bill No.	Introduced By	Action	MTCA Reference	Description	Notes
SB2948	Hopson	<p>Referred to Appropriations (2/17)</p> <p>Title Suff Do Pass (2/22)</p> <p>Passed Senate (2/23)</p> <p>Transmitted to House (2/24)</p> <p>Referred Appropriations (2/25)</p> <p>Title Suff Do Pass As Amended (3/11)</p> <p>Amended (3/11)</p> <p>Passed As Amended (3/11)</p> <p>Immediate Release (3/11)</p> <p>Returned For Concurrence (3/11)</p> <p>Decline to Concur/Invite Conf (3/18)</p> <p>Conferees Named Hopson, Polk, Blackwell (3/22)</p> <p>Conferees Named Read, Barton, Oliver (3/22)</p> <p>Conference Report Filed (3/27)</p> <p>Conference Report Filed (3/27)</p> <p>Recommended For Further Conf (3/28)</p> <p>Recommended For Further Conf (3/28)</p> <p>Conference Report Filed (3/29)</p> <p>Conference Report Adopted (3/29)</p> <p>Conference Report Adopted (3/29)</p> <p>Enrolled Bill Signed (4/5)</p> <p>Enrolled Bill Signed (4/5)</p> <p>Partially Vetoes By Governor (4/22)</p>		Full request of \$6,549,647	Passed in the sum of 6,559,057 on 4/22/21.
HB330	Ford (54 th)	<p>Referred to Insurance (1/18)</p> <p>Passed Committee (2/2)</p> <p>Read the Third Time (2/10)</p> <p>Amended (2/11)</p>		Revise the Uninsured Motorist Coverage Law to provide that an insurance policy covering a political subdivision shall be prohibited from	Died in conference 4/1/21.

as of 05/05/2021 3:00pm

			<p>paying for any element of loss if the individual is entitled to receive payment for the same element of loss arising from the same occurrence through another insurance policy purchased by the same political subdivision and which <u>has fully compensated or will fully compensate the individual for said element of loss.</u></p>	
	<p>Passed House as Amended (2/11) Transmitted to Senate (2/12) Referred to Accountability, Efficiency, Transparency (2/17) Passed Committee (3/1) Amended (3/10) Passed Senate as Amended (3/10) Returned For Concurrence (3/11) Concurred in Amend From Senate (3/17) Reconsidered (3/18) Decline to Concur/Invite Conf (3/18) Conferees Named Zuber, Ford (54th), Deweese (3/25) Conferees Named Polk, Branning, Turner-Ford (3/25) Conference Report Filed (3/27) Conference Report Filed (3/27) Conference Report Adopted (3/28) Died In Conference (4/1)</p>			



May 4, 2021

Mississippi Tort Claims Board
% Bruce Donaldson, Administrator
501 N. West Street, Suite 1301
Jackson, Mississippi 39201

by email: bruce.donaldson@dfa.ms.gov

Liability Claims Audit Report – 2021

Dear Mr. Donaldson:

Enclosed is the report of the recent audit of liability claims for the State of Mississippi Tort Claims Board (the Board).

Thank you again for allowing FCS to provide audit services to the Board.

Sincerely,

A handwritten signature in cursive script that reads "Tim Farley".

Timothy P. Farley, CPCU
President

Encl.

Liability Claims Audit – 2021

State of Mississippi Tort Claims Board



May 4, 2021

FCS

**FARLEY
CONSULTING SERVICES, LLC**

14041 N. Running Brook Lane ~ Marana, AZ 85658-4503
Mobile: 760.533.3439 ~ farleyconsulting2000@gmail.com

**An Independent Claims Management
Consulting Firm**



May 4, 2021

The State of Mississippi
Tort Claims Board
501 N. West Street, Suite 1301
Jackson, Mississippi 39201

Attn: Mr. Bruce Donaldson, Administrator

Liability Claims Audit – 2021

This report summarizes the results of an audit of general liability and minor property damage claims for the Mississippi Tort Claims Board (the Board). FCS reviewed 70 claims. Fifty of these claims were reviewed via remote access to the claims management information system of Cannon Cochran Management Services, Inc. (CCMSI) in Ridgeland. Another 20 claims were reviewed at the Board office in Jackson.

The audit was conducted April 13, 2021 through April 23, 2021 and includes:

1. The evaluation of the effectiveness of claims handling practices at CCMSI and the Board office.
2. Interviews and discussions with:
 - Mr. John Burns and Ms. Lisa Wells of CCMSI. An exit discussion of audit findings was conducted with these individuals via teleconference on 4/27/21.
 - Mr. Bruce Donaldson at the Tort Claims Board office. The exit discussion with Tort Claims staff occurred while still on site on April 14, 2021.

The exit discussions presented all findings and included requests that each handling entity provide a rebuttal to these findings. Those rebuttals were received and considered prior to the creation and submission of this report.

3. The acknowledgement that CCMSI is responsible for the handling of higher exposure property and tort liability claims, including all investigation related to those claims. Mr. Donaldson monitors and directs all litigation on Board claims. He is also responsible for establishing case reserves and reviewing and paying legal bills. This is discussed in more detail later in this report.

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An Independent Claims Management Consulting Firm

FCS appreciates the opportunity to complete this important project for the Board.

Respectfully submitted,

FARLEY CONSULTING SERVICES

by 

Timothy P. Farley, CPCU
President

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I. Executive Summary

The audit of 70 liability and minor property damage claims for the Board reveals that claims administration continues to be effective. The audit questions the CCMSI policy of establishing separate claim numbers for components of the same claim (e.g., bodily injury/property damage). There were also minor case reserve accuracy deficiencies. These issues are discussed in more detail later in this report.

FCS makes the following observations and recommendations based on this audit:

1. A significant change in staff at CCMSI was underway as the audit was being conducted. Ms. Amanda Rayburn, the primary CCMSI adjuster on the Board account, was in the process of assuming a position at the Board. Lisa Wells will assume Ms. Rayburn's caseload, and CCMSI has indicated it will begin the process of adding staff immediately. Exhibit 1 on page 4 displays the organizational structure of claim administration personnel at CCMSI and the Board. The CCMSI caseloads are as of the time of this audit and include Ms. Rayburn's CCMSI caseload at that time.

CCMSI supervisory staff and adjusters have the requisite experience for the administration of public entity liability/tort claims.

2. The Tort Claims staff at the Board has also changed since the prior audit. Ms. Teresa Wells is no longer with the Board. Mr. Tom Henderson joined the Board staff at the time of the 2019 audit and has assumed Ms. Wells' caseload.
3. CCMSI is maintaining accurate reserves on the claims reviewed. Still, 3 claims require reserve adjustment. Those claims are discussed in Exhibit 2 on page 6.

The audit acknowledges the policy whereby case reserves are established at the Board claims office prior to assigning the claim to CCMSI. As the claim develops, CCMSI may notify the Board claims office of a need for reserve change. This policy is logical.

4. CCMSI is establishing separate claim numbers for components of the same occurrence. This is not recommended. For example, a claim involving a motor vehicle accident will generate separate claim numbers for the bodily injury component and the property damage component. CCMSI confirmed that both components share the same *occurrence* number. An example is listed on page 8.
4. Investigation is thorough. No investigation deficiencies are identified.
Two claims involved subrogation. Both claims were administered properly.
5. Litigation management is effective. Mr. Donaldson is responsible for all litigation management activity. Two claims seem to lack an updated status from defense counsel. Those claims are listed on page 8.

6. CCMSI and Board staff are maintaining an effective diary policy on all claims reviewed. No diary maintenance deficiencies are identified.
7. Settlements on Board claims are logical. The resolution of all claims is supported by a clear and accurate assessment of the likely exposure to the Board. No settlement deficiencies are identified. This has been a conclusion in all prior audits.
8. Documentation of claim activity is thorough on the two Board claims management information systems. No documentation clarity deficiencies are identified.
9. Supervisory instructional input is thorough and clearly documented at CCMSI and the Board.

These and other elements of the audit are discussed in more detail in the remainder of this report.

II. Audit Results

A. Background

The Board seeks a comprehensive review of all elements of the administration of general liability and minor property damage claims presented against the State of Mississippi. This audit assesses the level of performance at CCMSI and the Tort Claims Board. The project seeks to analyze the degree to which each entity is complying with accepted industry claims handling practices and Mississippi tort claim legislation.

The last audit of Tort Claims Board claims was conducted in March 2019.

A list of the claims reviewed appears in the Appendix to this report.

B. Current Staffing and Caseloads

CCMSI

A significant change in staff at CCMSI was occurring as the audit was being conducted. Ms. Amanda Rayburn, the primary CCMSI adjuster on the Board account, was in the process of assuming a position at the Board during this audit process. Lisa Wells will assume Ms. Rayburn's caseload, and CCMSI has indicated it will begin the process of adding staff immediately. Exhibit 1 on page 4 displays the organizational structure of claims administration personnel at CCMSI and the Board. The exhibit records the positions and caseloads as of the day the audit was completed and does not factor in any subsequent staffing changes. The CCMSI caseloads in the Exhibit are reasonable.

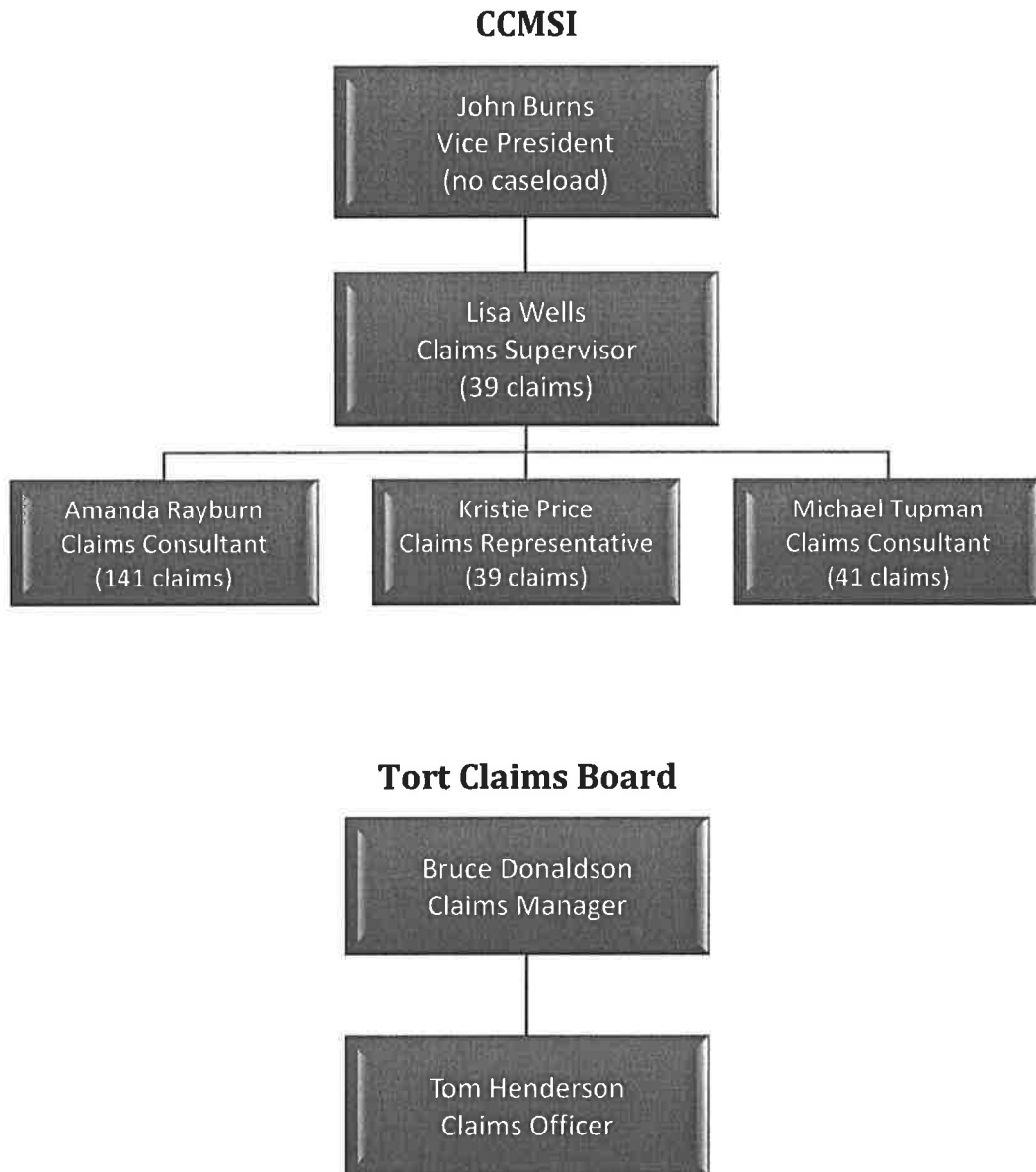
Tort Claims Board Office

Personnel at the Board office includes Mr. Donaldson and one adjuster:

- Tom Henderson, Claims Officer

Both individuals at the Board office are maintaining reasonable caseloads and have the requisite public entity claims administration experience.

Exhibit 1 – Organizational Structure



C. Claims Handling Analysis

The claims reviewed at CCMSI were chosen from a loss run sent by CCMSI electronically. FCS selected the claims and provided that list to CCMSI approximately 2 weeks prior to the on-site review. Claims reviewed at the Board office were also selected from a spreadsheet provided electronically by the Board. That list was sent to the Board about 1 week prior to the on-site visit.

1. Case Reserve Accuracy

Board claim reserves are based on:

- Extent of liability attributable to the Board.
- Extent of damages (bodily injury and/or property damage).
- Existence of immunities or defenses applicable to the Board.
- Incorporation of relevant Mississippi tort liability caps.
- Anticipated legal expenses.
- Settlement trends of venues where the losses occur.
- Injury history information of the claimant to identify other non-related causes of injuries.

CCMSI is establishing and maintaining accurate case reserves on the claims it handles. Discussions with CCMSI staff and Mr. Donaldson confirm that CCMSI is not responsible for establishing and maintaining case reserves. Mr. Donaldson will establish reserves upon first receipt of loss notice and communicate those reserves to CCMSI at the time the claim is assigned. CCMSI may, as the claim develops, determine that a reserve change is necessary. Those recommended changes are approved by Mr. Donaldson.

Three claims require reserve adjustment. Those claims are discussed in Exhibit 2 on page 6.

Exhibit 2 – Case Reserve Analysis

CCMSI Claim No.	Current Outstanding Reserve	Recommended Outstanding Reserve	Comments
14S26E554003	\$25,000 (legal expense)	\$50,000 (legal expense)	This claim involves a serious motor vehicle accident resulting in a fatality. The claim is litigated and discovery will likely be extensive.
11S26C322631	\$75,000 (bodily injury)	\$250,000 (bodily injury)	The claim alleges improper handling/care of a minor. Liability is possible and the Board's exposure may be significant.
19S26J144488	\$25,000 (legal expense)	\$50,000 (legal expense)	A bicyclist was struck and killed by a motor vehicle. The claim alleges the state created a dangerous condition. Liability is questionable, but litigation may be extensive.

2. Investigation

Thorough investigation of Board general liability and minor property damage claims requires the following activity:

- Making prompt contact with the injured parties or their representative.
- Verifying that the injury is related to the incident.
- Canvassing for possible witnesses to the incident.
- Obtaining recorded or written statements regarding the incident from the claimant or witnesses when possible.
- Obtaining photographs of accident scenes or instruments causing injury when applicable.
- Follow-up contact with medical providers and attorneys to gain a clear understanding of the severity of the injury.
- Obtaining and analyzing property damage estimates.
- Obtaining police accident reports, if applicable.
- Identifying additional tortfeasors to transfer liability away from the Board.
- Consideration of the relevant Mississippi tort cap.
- Invocation of immunities and defenses unique to Mississippi governmental agencies.

CCMSI and Board staff are conducting thorough investigation of Board claims. No investigation deficiencies are identified.

Subrogation

Two of the claims reviewed involved instances where another party was deemed responsible for the loss sustained by the Board. CCMSI pursued the responsible party aggressively in both instances.

3. Litigation Management

When evaluating this category, FCS:

- Confirmed that cases are referred to defense counsel timely.
- Evaluated whether the Board simply defers all responsibility to the attorney once it is referred or continues to closely monitor all defense activity.
- Confirmed that defense counsel is providing timely and informative status updates to the Board.
- Evaluated the timeliness and reasonableness of legal defense payments.
- Litigation management is handled by Mr. Donaldson, the Board Claims Manager. All referrals are assigned by him. Legal expense reserves and payments are monitored by him utilizing the 3-year established value of \$75,000 per litigated case. CCMSI's only involvement is the payment of approved legal expenses.

Forty-six of the 70 claims reviewed involved some element of litigation. Cases are referred to counsel timely in all instances. Two litigated claims lack timely status updates from defense counsel:

- 17S26F279285
- 17S26F555265

The evidence of absent status updates was observed during the audit of CCMSI. This audit acknowledges that those status updates are referred to Mr. Donaldson, but confirmation of any status updates from counsel should be forwarded to CCMSI for inclusion in claim documentation.

4. Diary/File Closure

Industry standards dictate that all active general liability and minor property damage claims should be reviewed at least every 45 days.

CCMSI is maintaining a timely and compliant diary. No diary maintenance deficiencies are identified.

5. Claim Data Organization and Information System Clarity

All material viewed to assess performance for both entities was obtained via access to the respective claims management information systems of CCMSI and the Board:

- CCMSI – iCE Claims
- Board – Riskconnect ClearSight and iSynergy-DocuPhase

CCMSI's system is efficiently capturing and documenting vital claims administration activity. No documentation clarity issues are identified at CCMSI.

The Board uses two systems. FCS was able to access all necessary data on the claims reviewed. No deficiencies with this process were observed.

CCMSI Claim Number Establishment

Several claims reviewed at CCMSI involved multiple claim components. For example, any motor vehicle accident could involve separate components of bodily injury and property damage. In those instances, CCMSI is assigning separate claim numbers for each component. FCS recommends discontinuation of this policy. An example is:

- 19S26J012598 – A Health Department vehicle was involved in a motor vehicle accident. This listed claim number pertains to the bodily injury component of the occurrence. The property damage component has a separate and different claim number assigned.

6. Supervision

Supervisory instructional activity is seen consistently at CCMSI (Ms. Wells) and the Board (Mr. Donaldson). No supervisory deficiencies are identified for either entity.

**Appendix
Audit Lists**

CCMSI

Claimant	Claim No.
1. Adams, Jonathan	20S26J408009
2. Aron, Jileene	21S26J534349
3. Bankston, Dustin	17S26F279285
4. Bellar, Patsy	19S26J012598
5. Bowie, Darrel	21S26J513772
6. Brown Estate of, Antonia	13S26C485508
7. Burlison, Cristy	21S26J535273
8. Burr, Shannon	17S26F555265
9. Butler, Carla	15S26E847918
10. Carter, Charles	19S26J389875
11. Corn, Penny	16S26F295669
12. Cuevas, Austin	21S26J538245
13. Edwards, Willis	20S26J432652
14. Garrett, Charles	18S26F800871
15. Gill, Thelma	14S26E554003
16. Grant, Marilyn	21S26J511426
17. Grice, Timothy	10S26B453692
18. Griffin, Alice	16S26G896300
19. Guyton, Prentiss	21S26J535568
20. HODGE, LUVENIA	16S26G770173
21. Holland, Cynthia	15S26G234836
22. Houser, Jason	21S26J535749
23. Ivy, Charlene	13S26C702497
24. Jeffcoat, Dan	21S26J534404
25. Johnson, Charles	21S26J538268

Claimant	Claim No.
26. Kelley, Devin	20S26J488799
27. Keyes, Melissa	20S26J389669
28. Lampton, Victoria	16S26G981492
29. Lee, Eric	16S26F028059
30. Lewis, Shirley	21S26J527785
31. Louis, Timmy	21S26J513929
32. Loving, Jason	18S26F680131
33. Lutz, Ronnie	21S26J512369
34. Miller, Eric	21S26J539092
35. Mixon, Timothy	09S26A970920
36. MORIN, GEORGIA	11S26C322631
37. Mosley, Christine	21S26J541749
38. O'Daniel, James	19S26J144488
39. Owens, Timothy	20S26J271486
40. Parker, Tim	18S26F917419
41. Pierce, Ashley	16S26G892810
42. Pollard, Lasandra	15S26G747451
43. Rawls, Lindsay	21S26J535767
44. Rice, Sammie	21S26J542137
45. Swain, Elma	20S26J276638
46. Trinidad, Mayra	21S26J515046
47. Wash, Keana	20S26J441581
48. Webb, Carla	21S26J535541
49. windshield, tort	01S26L186038
50. Wylie, Royce	21S26J535479

Tort Claims Board

Claimant	Claim No.
1. Baxter, Kelli	2021-0000004
2. Burnett, Murphy	2016-0000661
3. Collier, April	2021-0000465
4. Collins, Nikki	2021-0000271
5. Crawford, Aundra	2019-0000812
6. Darby, Layla	2020-0000718
7. Edwards, Willis	2021-0000366
8. Gill, Thelma	2015-0000424
9. Grice, Timothy	2014-0000607
10. Guyton, Prentiss	2021-0000652

Claimant	Claim No.
11. Johnson, Genina	2021-0000679
12. K.C.B. Aminor	2017-0000580
13. Kelley, Devin	2021-0000525
14. Miles, Earlie	2021-0000232
15. Pleasant, Deidra	2021-0000123
16. Scruggs, Kyle	2021-0000011
17. Swain, Elma	2020-0000688
18. Underwood, Sarah	2018-0000796
19. Vega, Mary	2020-0000807
20. Williams, Anthony	2021-0000671

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2021
Fund 3308100000

-----CASH FLOW ANALYSIS-----

	March	April	Year-To-Date
REVENUE:			
Assessments Received	54,103.71	0.00	4,299,818.91
Interest	6,673.31	4,473.93	29,893.84
Investment Interest	5,436.29	3,532.09	49,107.67
Transfer In Funds	0.00	0.00	2,250,000.00
Total Revenue	\$ 66,213.31	\$ 8,006.02	\$ 6,628,820.42
EXPENSES:			
Claim Losses - TCB and TPA	129,032.19	111,047.72	2,727,098.09
Legal Expenses - TCB and TPA	64,478.08	51,076.01	464,609.92
Other Expenses - TCB and TPA	1,640.00	954.00	11,763.77
Administrative Expenses Paid	112,303.83	66,642.10	809,634.06
Transfer of Funds - Out	0.00	0.00	2,250,000.00
Total Expenses	\$ 307,454.10	\$ 229,719.83	\$ 6,263,105.84
FUNDS ON HAND:			
Beginning Balance	\$ 18,349,074.84	\$ 18,107,834.05	
Revenue	66,213.31	8,006.02	
Expenses	(307,454.10)	(229,719.83)	
Adjustments (LAPSE PERIOD)	0.00	0.00	
Total Funds	\$ 18,107,834.05	\$ 17,886,120.24	
Cash in Treasury	\$ 5,146,263.32	\$ 5,021,271.04	
Investment in Treasury	\$ 12,782,859.75	\$ 12,786,391.84	
TPA Trustmark Bank Balance	178,710.98	78,457.36	
Total Funds By Account	\$ 18,107,834.05	\$ 17,886,120.24	
Less Reserves	\$ 7,245,107.50	\$ 6,968,830.12	
Unencumbered Funds Available	\$ 10,862,726.55	\$ 10,917,290.12	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	Mgt. Services	TOTAL
Claims - Payments	\$ 124,740.25	\$ 2,602,357.84	\$ 2,727,098.09
Claims - Legal Expenses	460,293.96	4,315.96	464,609.92
Claims - Other Expenses	105.00	11,658.77	11,763.77
Total Paid Out to Date	\$ 585,139.21	\$ 2,618,332.57	\$ 3,203,471.78
OUTSTANDING RESERVES	322,465.98	6,646,364.14	6,968,830.12
Total Claims & Reserves	\$ 907,605.19	\$ 9,264,696.71	10,172,301.90
Number of Claims Created	481	286	767
Number of Claims Paid	300	192	492
Total Open Claims	170	255	425
AVG. CLAIM \$ / # CLAIMS PAID	\$415.80	\$13,553.95	\$ 5,542.88
AVG. RESERVE / OPEN CLAIMS	\$1,896.86	\$26,064.17	\$ 16,397.25

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report
 Treasury Fund 3308100000
 Fiscal Year 2021

Expenses:	Total Budget	March 2021	April 2021	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 586,647.00	\$ 48,652.38	\$ 60,948.28	\$ 498,820.52	\$ 87,826.48	85.03%
A2-Travel	4,000.00	0.00	0.00	0.00	4,000.00	0.00%
B-Contractual	1,650,000.00	127,493.98	55,733.81	766,378.79	883,621.21	46.45%
C-Commodities	7,000.00	629.65	1,128.52	4,727.86	2,272.14	67.54%
D2-Capital Outlay	2,000.00	0.00	0.00	0.00	2,000.00	0.00%
E-Subsidies	4,300,000.00	4,493.85	11,645.85	2,374,740.25	1,925,259.75	55.23%
SUBTOTAL	<u>\$ 6,549,647.00</u>	<u>\$ 181,269.86</u>	<u>\$ 129,456.46</u>	<u>\$ 3,644,667.42</u>	<u>\$ 2,904,979.58</u>	<u>55.65%</u>
TPA Expended		<u>126,184.24</u>	<u>100,263.37</u>	<u>2,618,438.42</u>		
TOTAL Expended		<u>\$ 307,454.10</u>	<u>\$ 229,719.83</u>	<u>\$ 6,263,105.84</u>		

TRINITY

TRINITY CAPITAL INVESTORS

May 5, 2021

Mr. Bruce Donaldson
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: April 2021 Portfolio Highlights

Total Portfolio	Book Value	\$12,817,198
	Market Value	\$12,803,317
FY 2021 Internal Rate of Return		0.44%
Current Portfolio Book Yield		0.53%
Market Yield		0.55%
Weighted Average Life		Approximately 2 years
YTD 2020 Earnings		49,107
Accrued Interest		6,809

Security Inventory
 Booking Report
 April 2021
MISSISSIPPI TORT CLAIMS FUND

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FFCB	5,800,000	5,797,337.35
	FAMC	1,000,000	1,000,000.00
	FHLB	960,000	960,000.00
CMO	GNMA		1,738,843.93
	FHR		152,650.39
	FNR		1,847,809.24
US TREAS			1,307,939.36
INTEREST			3,532.09
CASH			12,617.52
			12,817,197.79

Transfer:



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

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Insurance Department
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Office of Attorney General
DAVID McRAE, Treasurer
Department of Treasury

SEAN TINDELL, Commissioner
Department of Public Safety
LIZ WELCH, Executive Director
Department of Finance and Administration
CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: May 13, 2021
RE: Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 27 State Property/Leased Property Inspections
- 2 Defensive Driving Classes
- 4 Risk Management Consultations
- 5 Days Mudbug Festival on site risk management services (fairgrounds)
- 4 State Trooper Injury Investigations
- 6 Accident Investigations
- 1 Mudbug Festival Planning Meeting



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CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Bruce Donaldson
DATE: May 13, 2021
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (2) attorney for inclusion on Defense Attorney List

Honorable Mark Baker, Sr.
Baker Law Firm, P.C.
Brandon, Mississippi 39042

Honorable Katrina S. Brown
Brown, Bass & Jeter, PLLC
Jackson, Mississippi 39216

LAW OFFICES

BAKER LAW FIRM, P.C.

306 Maxey Drive
Suite D, Baker Building
Brandon, Mississippi 39042

Attorneys

Mark C. Baker, Sr.
mark@blfmail.com

Adrian W. Mills
adrian@blfmail.com

(601)824-7455

Mailing Address

Post Office Box 947
Brandon, Mississippi 39043

April 5, 2021

Mr. Bruce Donaldson
Administrator
Mississippi Tort Claims Board
P.O. Box 267 Jackson, MS 39205
501 North West Street, Suite 1319
Jackson, MS 39205

Via email: Bruce.Donaldson@dfa.ms.gov

Dear Bruce:

Please accept this letter as my formal request to be added to the approved defense attorney register. I meet the minimum requirements to provide defense of tort claims and I am in good standing with the Mississippi Bar Association.

Attached is a copy of my resume.

With kind regards, I am,

Sincerely,

BAKER LAW FIRM, P.C.

/s/ Mark C. Baker, Sr.
Mark C. Baker, Sr.

Mark C. Baker, Sr.
306 Maxey Dr., Suite "D"
Brandon, Mississippi 39042
601.824.7455
Mark@blfmail.com

Education:

- JD - Mississippi College School of Law 1987, *with distinction*.
- BA - University of Memphis 1984 - Criminal Justice.

Work:

- Baker Law Firm, P.C., Brandon, MS 1997 - present.
- Rainer & Hyche, PLLC, Brandon, MS 1991-1997.
- John Roach & Associate, Jackson, MS 1989-1991.
- Clerk, United States District Judge Dan M. Russell, Jr. (SDMS) 1987-1989.

**Positions/
offices held:**

- City Attorney, City of Brandon. (1992 to present).
- Town Attorney, Town of Puckett. (2002 to present).
- Member, Mississippi House of Representatives - District 74 (2004-2020).
- Republican Leader, Mississippi House of Representatives. (2007-2011).
- Vice-Chairman, Rankin County Republican Executive Committee
- Formerly served as Municipal Judge for the City of Pelahatchie.
- Formerly served as City Prosecutor for the City of Brandon.
- Formerly served on the Mississippi Board of Bar Admissions.

Affiliations:

- Mississippi State Bar. MB#1717. (1987 to present).
- Rankin County Bar Association. (President, 2001-2003).
- Admitted to practice in all state and federal courts in the State of Mississippi, the United States Court of Appeals for the 5th Circuit and the United States Supreme Court.
- Rankin County Rotary Club. (President, 1999-2000).

Rating:

- AV rating - Martindale-Hubbell.

Other Experience:

- Brandon Insurance Services, LLC (Principal/Owner). Independent property and casualty insurance agency.
- Keystone Strategies, LLC (Principal/Owner). Government relations.

Mark Baker - Bio

Mark was born on May 13, 1962 and has been married for 32 years to the former Lady Collins, an English teacher at Brandon High School. They have one son, Chase, who is a first year law student at the University of Mississippi. The Bakers are members of Lakeside Presbyterian Church.

Mark graduated from the University of Memphis in 1984 (B.A., Criminal Justice) and Mississippi College School of Law in 1987 (J.D., with distinction). He has been an active member of the Mississippi Bar since 1987 and engages in private practice in Brandon. His main practice areas include government/regulatory law, litigation, estates and business and real estate transactions. Representative clients include the City of Brandon, the Town of Puckett, Fannin Water Association, Northwest Kemper Water Association, Reed Food Technology, Lamar Outdoor Advertising, Berg Mitigation Banks, and Community Bank. Mark currently serves as the board attorney for the City of Brandon (1992) and the Town of Puckett (2003).

Mark served in the Mississippi House of Representatives from 2004 to 2020 and was the House Republican Leader from 2007-2011. As Republican Leader, Mark coordinated the recruitment, fundraising and campaign efforts which led to a Republican majority in the Mississippi House in 2012. Mark served as Chairman of the House Judiciary *En Banc* and Judiciary A Committees from 2012-2020 and was a member of numerous committees including Appropriations, Ways and Means, Public Utilities, Banking and Transportation. During his tenure in the legislature, Mark received various awards and recognitions including the 2012 State Legislative Achievement Award from the U.S. Chamber Institute for Legal Reform, the 2012-2013 Champion for Children Award from Prevent Child Abuse Mississippi, Outstanding Legislator for 2013 by the Mississippi Association of Realtors, 2014 Legislator of the Year by the Mississippi Homebuilders Association, the 2015 Legislative Award from the Mississippi Municipal League, the 2019 MS Top 50 distinction as an elected official, and the 2019 Community Health Center Association of Mississippi's Legacy Award, and received highly favorable ratings from Mississippi Right to Life, the National Rifle Association, Americans for Prosperity, the American Conservative Union, the Mississippi Farm Bureau Federation, Empower Mississippi, the National Federation of Independent Business, and the Business and Industry Political Education Committee.

Mailing: P.O. Box 22969
Jackson, MS 39225
Street: 1755 Lelia Drive
Suite 400
Jackson, MS 39216



Telephone: (601) 487-8448
Facsimile: (601) 510-9934

www.bbjlawyers.com

Katrina S. Brown
brown@bbjlawyers.com

March 10, 2021

Lea Ann McElroy, Administrator
Mississippi Tort Claims Board
P.O. Box 267
Jackson, Mississippi 39205-0267

VIA U.S. POSTAL MAIL

Re: Request to be added to the MTCB approved attorney list

Dear Ms. McElroy:

Please accept this letter as my formal request to have my name included on the approved attorney list for the Mississippi Tort Claims Board. I have been practicing law for fifteen years in a variety of areas and I am in good standing with the MS Bar. I am including a copy of my resume along with a letter of good standing I received from the MS Bar.

Please give me a call if you have any questions or if I need to submit any additional information for my request to be considered. Due to the COVID-19 epidemic, my law firm is working remotely and can be reached on my cell phone at 601-906-2524.

Sincerely,

BROWN BASS & JETER, PLLC

A handwritten signature in black ink, appearing to read 'Katrina S. Brown', written over a horizontal line.

Katrina S. Brown

Encl(s)



KB

KATRINA BROWN

**POST OFFICE BOX 22969 | JACKSON, MISSISSIPPI 39225
601-487-8448 * BROWN@BBJLAWYERS.COM**

HONORS

- Top Entrepreneur in MS by the MS Business Journal, 2018
- Leader in Law by the MS Business Journal, 2015
- Graduate of Leadership Greater Jackson, Class, 2013-14
- Top 40 under 40 Business Leader by the MS Business Journal, 2014
- Hot List Honoree by Lawyers of Color Magazine, 2013
- Super Lawyers, "Rising Star", 2014-2020
- AV Rated by Martindale-Hubbell

PROFESSIONAL MEMBERSHIPS

- The Magnolia Bar Foundation, President, 2015-present
- The Magnolia Bar Association
- The Mississippi Bar Association
- Capital Area Bar Association

EXPERIENCE

BROWN BASS & JETER, PLLC • MANAGING PARTNER • AUGUST 2015 - PRESENT

- Practice in the areas of employment law, government and administrative law, premises liability, medical negligence, commercial liability, personal injury and general liability

CURRIE JOHNSON & MYERS, P.A. • PARTNER • JULY 2014 - JULY 2015 ASSOCIATE ATTORNEY DEC. 2005 - JULY 2014

- Tried multiple cases to jury verdict in general liability, premises liability and medical matters as lead or sole attorney
- Counseled administrative clients on litigation strategy and pertinent laws and regulations
- Argued motions and routinely litigated before Federal, Circuit and County Courts throughout the State of Mississippi
- Sole counsel in settlement negotiations and mediations

HOLCOMB & DUNBAR, P.A. • LAW CLERK • JANUARY 2005 - DEC. 2005

- Performed legal research on a myriad of issues from contracts to labor and employment law
- Analyzed various legal documents in discovery matters

HILL & MINYARD, P.A. • LAW CLERK • JANUARY 2004 - JANUARY 2005

- Assisted attorneys with trial and motion preparation
- Drafted pleadings, motions and briefs on a host of issues ranging from criminal to bankruptcy matters

EDUCATION

THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW • JURIS DOCTOR • DECEMBER 2005

- Moot Court Board, Space Law Journal

THE UNIVERSITY OF SOUTHERN MISSISSIPPI • BACHELOR OF ARTS, PARALEGAL STUDIES • MAY 2003 *cum laude*

- Minor, English



THE MISSISSIPPI BAR

Post Office Box 2168
Jackson, Mississippi 39225-2168
Telephone (601) 948-4471
Fax (601) 355-8635
E-Mail info@msbar.org
Website www.msbar.org

Letter of Good Standing

TO WHOM IT MAY CONCERN:

As of the date below, the attorney named is a member in good standing of The Mississippi Bar on **Active** status.

Katrina Sandifer Brown, Mississippi Bar Identification Number (102110) was admitted to practice law, May 2, 2006.

Amy S. Ward
Membership Records Coordinator

Date 03/08/2021





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CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Bruce Donaldson
DATE: May 13, 2021
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 13 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, March 13, 2021

Political Subdivisions Recommended for Renewal of Certificate of Coverage

Belden Volunteer Fire Department, Inc.
Clarksdale City Clerk
Fairhaven Fire Department
LSR Volunteer Fire Department
Lincoln-Lawrence-Franklin Regional Library
Magnolia Regional Health Center
Mississippi Coast Transit Authority
Mississippi Municipal Liability Plan (Municipalities)
Mississippi Prison Industries Corporation
Neshoba County General Hospital and Nursing Home
Sharkey-Issaquena Community Hospital
Southwest Madison Fire District
Wayne General Hospital

Total 13



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Department of Finance and Administration
CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board

FROM: Amanda Rayburn

DATE: May 13, 2021

Tim Parker vs. Mississippi Department of Wildlife, Fisheries & Parks