

VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

BOARD MEETING

MINUTES

October 14, 2003

MEMBERS PRESENT

Melina Dee Perdue, Chair
Cyndi Berry, Vice Chair
Ralph Shelmon
Jim Ritchie
Richard Cathey
McLain O'Ferrall, Jr.
Willette LeHew

ALSO PRESENT

George Deebo, Executive Director
Sharon Payne, Deputy Director
Heather Brunner, Administrative Assistant
Tom & Ann Francis
Eric A. Welter, Welter Law Firm [REDACTED]
John Beall, Office of the Attorney General
Bill McElway, Richmond Times-Dispatch

CALL TO ORDER

Chair, Melina Perdue, called the meeting to order at 3:00 p.m. and introductions were made.

APPROVAL OF MINUTES

The August 12, 2003 minutes were reviewed. A motion was made to approve the minutes. The motion was seconded and the minutes were unanimously approved.

ADMINISTRATIVE

Financial statements, profit and loss and balance sheets as of September 30, 2003 were provided to the Board. The Board reviewed the financial reports. George Deebo noted that the trust home expenses have not been reconciled and the amounts will probably change over the next month.

Ralph Shelman asked about how many renovations are usually going on at one time and Sharon Payne said there are usually approximately 3-7 renovation projects. Renovations include bathroom/bedroom modifications, ramp install and retrofitting.

McLain O'Ferrall asked if the legal expenses seemed high. George Deebo replied that the amount will be higher for the year because private counsel was hired for the first half of the year. There is a contract with the Commonwealth's Office of the Attorney General now but it is not exclusive. There are 3-4 cases still being completed by private counsel.

McLain O’Ferrall asked if the investment fees include brokerage fees. Sharon Payne said that the investment fees are all inclusive but would check to make sure and let him know.

A motion was made to accept and enter into record the September 2003 financial report. The motion was seconded and unanimously approved.

George asked the Board if they wanted to keep the November 11, 2003 meeting date as it falls on Veteran’s Day. The Board agreed to keep the date.

PUBLIC COMMENT

There were no public comments.

CLOSED SESSION

Jim Ritchie moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) Rick Cathey seconded the motion and the Board unanimously agreed.

Melina Perdue motioned that the Board certify the closed session, to the best of each member’s knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. So moved by McLain O’Ferrall. Seconded by Rick Cathey. Unanimously agreed.

RESULTS OF THE CLOSED SESSION

McLain O’Ferrall made a motion for the Program to sell the trust home to the [REDACTED] family for \$517,000 plus closing costs. Jim Ritchie seconded the motion. The motion passed.

The Board and the [REDACTED] family agreed that they would have until January 31, 2004 to present a contract to Melina Perdue at the Program.

Jim Ritchie made a motion that in the event of a child’s death, the Program will have the home appraised within six months. George suggested meeting with Marshall Cooke to discuss options. The motion was withdrawn.

ADMINISTRATIVE

The Board discussed the actuarial report. Melina Perdue asked if Board should schedule a separate meeting or planning session devoted to discussion of the report. She suggested having a representative explain the results. Another suggestion was to have another company provide a report.

George said that the 2003 forecast (without the legislative costs) on page 10 was an improvement compared to last year.

Ralph Shelman made a motion to schedule a separate meeting to go over the actuarial report. Jim Ritchie seconded the motion. The motion was passed.

The November Board meeting will be extended to include discussion of the actuarial report.

Melina Perdue made a motion to move discussion of the guidelines revisions to the November Board meeting. Rick Cathey seconded the motion. The motion passed.

CLOSED SESSION

Jim Ritchie moved that the meeting convene in a closed session to discuss claimant issues pursuant to the exemption at 2.2-3705. (This references 38.2-5002.2) Rick Cathey seconded the motion and the Board unanimously agreed.

Melina Perdue motioned that the Board certify the closed session, to the best of each member's knowledge, discussed only public business matters lawfully exempted and only such matters as were identified in the motion that closed the meeting. So moved by McLain O'Ferrall. Seconded by Rick Cathey. Unanimously agreed.

RESULTS FROM THE CLOSED SESSION

Cyndi Berry made a motion that [REDACTED] notify FEMA for reimbursement for the cost of a generator for [REDACTED]. If FEMA denies the reimbursement then the Program will add their issue to the Board's meeting agenda for discussion. Rick Cathey seconded the motion. The motion was passed.

Bill LeHew made a motion that [REDACTED] notify the power company of their request and if the power company denies the request, then the Program will add their issue to the Board's meeting agenda for discussion. Jim Ritchie seconded the motion. The motion passed.

Bill LeHew made a motion that the Program pay only basic (usual Program approved costs) van expenses for [REDACTED]. Jim Ritchie seconded the motion. The motion passed.

Rick Cathey made a motion that the Board deny request for payment of increased health insurance expenses for the [REDACTED] to go outside of their insurance network. McLain O'Ferrall seconded the motion. The motion passed.

A motion was made to table discussion of the van replacement policy for totaled vehicles and payment of health insurance for claimants. The motion was seconded. The Board unanimously agreed.

Board members were given a copy of the Executive Director's Report.

ADJOURNMENT

George reminded the Board that Regional meetings are coming up.

A motion to adjourn was made, seconded. The motion passed. The meeting was adjourned.