



Joint House/Senate Subcommittee on Claims

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To: Rep. Luke Frederick and Sen. Jim Carlson

From: Jason F. Kuenle, Subcommittee Legal Co-Counsel

Date: May 4, 2023

Re: Summary of 2023 claims amendment

The annual claims bill for 2023 was introduced in the Senate as S.F. 3308, and in the House as H.F. 3288. After the subcommittee meeting on May 4, 2023, identical author's amendments have been prepared for each body.

The 2023 claims bill appropriates a total of \$1,157,068.32. The subcommittee approved three claims under the Imprisonment and Exoneration Remedies Act (Minnesota Statutes sections 611.362 to 611.368).

- \$810,431.86 to **Terrell James Buechner**. Mr. Buechner was convicted of an unrelated crime. When he was released, the Department of Corrections determined that Mr. Buechner should be on the predatory registration list for a prior conviction in Wisconsin. In 2009, 2011, and 2017, claimant pleaded guilty for failing to register as a predatory offender. In 2019, the court determined that Mr. Buechner should not have been required to register as a predatory offender. The claimant's convictions were vacated. Mr. Buechner was improperly on the predatory registration list for 14 years and 240 days and served approximately eight and a half years in prison.
- \$56,008.26 to **Ronald James Fairbanks**. In 1994, Mr. Fairbanks was found guilty of a crime that required him to register as a predatory offender. In 2016, claimant was arrested and charged with failure to register. Claimant pleaded guilty, but later appealed his conviction requesting to withdraw his plea. The crime of failure to register requires that the person "knowingly violate" the registration statute. In 2013, claimant suffered a traumatic brain injury that caused him to develop substantial cognitive and memory deficiencies. Due to these deficiencies, the court at rehearing found that claimant did not knowingly violate the statute and should not have been allowed to plead guilty. Mr. Fairbanks served 274 days in prison.
- \$240,000 to **Joe Maria Vento**. Mr. Vento pleaded guilty to felony DWI-test refusal. Claimant filed a post-conviction relief petition on the basis that the statute that he was charged under had been found unconstitutional. Claimant's conviction was vacated. Mr. Vento served 529 days in prison and 30 days on supervised release.

The remaining claims in the bill relate to personal injury claims against the Minnesota Department of Corrections.

- \$2,968.12 to reimburse the DOC for claims under \$7000 and other claims already paid by the department between February of 2021 and April of 2023 for injuries under the community work service or sentence-to-service programs. There were 4 of these claims.
- \$3940 to **Nicholas Edwards** for permanent injuries to his right index finger while performing assigned duties at MCF – Moose Lake. Mr. Edwards had a portion of the finger crushed by a grommet machine. He was rushed to the hospital, where the hospital staff determined that the proper treatment was a partial amputation. The amputation equals a 5% worker's compensation rating, or \$3940.
- \$520.08 to **Jeron Falkner** for permanent injuries to his left thumb while performing assigned duties at MCF – Stillwater. Mr. Faulkner was splitting and stacking firewood when his thumb was crushed by a wood splitter. Medical records show that claimant's thumb healed well, but with some permanent loss of flexion. The function loss equals a .66% workers compensation rating or \$520.08.
- \$43,200 to **James Vandevender** for permanent brain injuries sustained while performing assigned duties at MCF – Rush City. Mr. Vandevender was assaulted by another offender with a wooden board. Claimant sustained a traumatic brain injury. Rating brain injuries under workers compensation requires a combination of medical evaluations and functional performance. Given the controlled nature of a correctional facility some of these functional performance questions, specifically those relating to levels of required supervision and employability, are currently difficult to observe. At a minimum, claimant has mild impairment of complex cerebral function demonstrated by psychometric testing and able to live independently but requiring supervision with executive function. Claimant also has mild emotional disturbance present at all times but can live independently and relate to others. Combined, these equal a 36% workers compensation rating, or \$43,200. Unlike the usual recommendation from the subcommittee, this is not a recommendation for full and final payment, but one for the minimum ascertainable disability amount. Any future recommendation for full and final payment will have this amount subtracted from it.

Under Minnesota Statutes 270A.03, Subd. 7, payments made in the annual claims bill are subject to revenue recapture (i.e. for debts to the state and other governmental entities, and for restitution).