

Dayton Oregon District Tragedy Fund, LLC

DRAFT FINAL PROTOCOL

September 6, 2019

Note to the Community

As co-chairs of the volunteer Oversight Committee and fellow members of this community, we want to express our deepest condolences, compassion and prayers to the families whose loved ones were taken and to the individuals who were injured in this terrible tragedy. As the committee charged with overseeing disbursements of the Dayton Oregon District Tragedy Fund, LLC we strove to develop a plan that is in the best interests of these individuals while upholding the intent of the thousands of charitable individuals who have generously made donations for the benefit of others.

Brother Raymond L. Fitz, S.M., Ph.D.

Gary LeRoy, MD, FAAFP

Dayton Oregon District Tragedy Fund, LLC - Draft Final Protocol Distribution		
Estimated Total Fund Balance as of 10/31/2019	\$3,000,000.00	
Category	Estimated % of Fund Balance	Estimated Value of Fund Allocated to Each Category
A. Individual Applications - Deceased	75.0%	\$2,250,000.00
B. Individual Physical Injury Applications for Victims Requiring Hospitalization for 48 hours or Greater - See Group Distribution Below**	20.0%	\$600,000.00
C. Individual Physical Injury Applications of Victims Treated at a Hospital or by a Private Physician or Licensed Clinician within 48 hours of the August 4, 2019 Oregon District Tragedy	5.0%	\$150,000.00
**Category B - Proposed Group Distribution		
Proposed Group	Estimated Category B Percentage allocated to Group	Estimated Value of Category B Allocation to Each Group
48 - 120 Hours (2-5 Days)	10%	\$60,000.00
144 -216 Hours (6-9 Days)	30%	\$180,000.00
240+ Hours (10+ Days)	60%	\$360,000.00

Overview

In the early morning of August 4, 2019, a shooter attacked individuals in the Oregon District of Dayton, Ohio. The Dayton Oregon District Tragedy Fund (the “Fund”) was created at The Dayton Foundation the morning of the incident at the requests of the City of Dayton and Montgomery County, Ohio. Numerous businesses and individuals donated to the Fund to provide a charitable vehicle to assist victims of this tragic event. All donations to the Fund will be used to assist the victims of the August 4th tragedy, in particular the families who had someone taken and those individuals physically injured who meet the requirements of the Final Protocol.

On August 16, 2019, the Dayton Oregon District Tragedy Fund, LLC (the “LLC”) was formed for the sole purpose of distributing charitable gifts from the Fund to eligible recipients. The LLC’s Oversight Committee is responsible for determining and overseeing the Final Protocol that will allow the donated funds to go to the families who had someone taken or those individuals physically injured in the most equitable, transparent and timely manner possible. The Oversight Committee has been advised on a volunteer basis by Mr. Ken Feinberg and Ms. Camille Biro. Mr. Feinberg and Ms. Biro have consulted on 30 victim compensation funds and the distribution protocols for those funds. All Oversight Committee work and services are being performed pro bono. In doing its work, the Oversight Committee understands that addressing the pain and hardship is of utmost importance, thus all of the interactions and communications with victims will be compassionate and transparent.

Donations to the Fund must be received by The Dayton Foundation by 6:00 p.m. October 31, 2019, to be available for the first distribution to certified eligible applicants. On November 1, 2019, The Dayton Foundation will transfer the balance of the Fund to the LLC for distribution pursuant to the Final Protocol. It is anticipated that donations may be received by The Dayton Foundation after that date, and that there may be another distribution by the LLC to the certified eligible applicants in accordance with the Final Protocol. Donations made to the Fund after the LLC completes its final distributions will be distributed by The Dayton Foundation’s Governing Board to mental health service providers, after obtaining donor consent.

The Final Protocol has been approved by the LLC’s Oversight Committee and incorporates feedback received from the community at large. The distributions made by the LLC are to be apportioned in accordance with the Final Protocol.

The proposed distribution categories are outlined below.

NOTE: Determination of the amounts for each of the following categories depends upon the following: 1) The balance of the Dayton Oregon District Tragedy Fund on October 31, 2019; 2) the receipt of updated data regarding the nature and the number of injuries; 3) completion of the review of all submitted applications and certification of those that meet the eligibility requirements of the Final Protocol; and 4) review and approval by the Fund Administrator.

Proposed Prioritization of Distributions to Eligible Applicants

Eligible applicants may be victims, family members or personal representatives of deceased victims as explained in more detail below.

A. Individual Applications – Deceased Victims

Those certified eligible applicants submitting claims relating to victims killed as a result of the shooting in the Oregon District tragedy on August 4, 2019, will receive the highest category of payment under the scope of the Final Protocol. All eligible applicants in this category will receive the same payment regardless of circumstances. Each distribution determination will be made upon certification of the application and is subject to the Note above.

B. Individual Physical Injury Applications for Victims Requiring Hospitalizations for 48 Hours or Greater

Applicants who were hospitalized due to physical injuries resulting from the Oregon District tragedy for 48 hours or more will be eligible for a distribution under the Final Protocol. Payments to eligible applicants in this category will be grouped based on length of hospital stay regardless of their specific injury or circumstances. Each distribution determination will be made upon certification of the application and is subject to the Note above.

C. Individual Physical Injury Applications of Victims Treated at a Hospital or by a Private Physician or Licensed Clinician Within 48 Hours of the August 4, 2019 Oregon District Tragedy

Applicants who were physically injured as a result of the Oregon District tragedy on August 4, 2019, and were treated and released on an emergency out-patient basis within 48 hours of the Oregon District tragedy at a hospital or treated by a private physician or licensed clinician, will be eligible for a distribution under the Final Protocol. Eligible applicants in this category will receive the same distribution regardless of their specific injury or circumstances. Each distribution determination will be made upon certification of the application and is subject to the Note above.

There will only be enough financial gifts to distribute to the families of the deceased and those physically injured in accordance with the Final Protocol. The use of existing mental health services/networks will be encouraged and promoted to assist all those who were affected by the tragedy.

Process and Procedures

Eligible applicants must complete and submit an Application Form to the LLC's Fund Administrator. **A single application form should be submitted with regard to each victim.**

The process and procedures for consideration of applications will be as follows:

- A. The distribution of funds will be administered on behalf of the LLC by an Oversight Committee consisting of the following community representatives:

Co-Chairs:

- Brother Raymond L. Fitz, former President of the University of Dayton
- Dr. Gary LeRoy, associate dean for student affairs and admission at Wright State University Boonshoft School of Medicine, president-elect of the American Academy of Family Physicians and former chair of The Dayton Foundation Governing Board

Voting Members:

- Pastor Renard Allen, St. Luke Baptist Church;
- Melodie Bennett, House of Bread;
- David Bowman, The Ohlmann Group;
- Doug Compton, Fifth Third Bank and The Dayton Business Committee;
- Marva Cosby, Cosby Consulting and vice-chair of The Dayton Foundation Governing Board;
- Sarah Hackenbracht, Greater Dayton Area Hospital Association;
- Sandy Hunt, Montgomery County Prosecutor's Office;
- Helen Jones-Kelley, Alcohol, Drug Addiction and Mental Health Services for Montgomery County;
- Julio Mateo, 361 Interactive, LLC;
- Phil Parker, Dayton Chamber of Commerce;
- Natalie Skilliter, Corner Kitchen;
- Rev. Joshua Ward, Omega Baptist Church; and
- Carolyn Wright, Parity Inc.

Dr. Gary LeRoy will serve as Fund Administrator. The Oversight Committee and Fund Administrator have been given the authority to develop the Final Protocol for the distribution of charitable gifts from the Fund.

- B. A uniform Application Form (one relating to deceased victims and one for the physically injured victims) and Final Protocol will be provided to all known victims and the families or other representatives of those taken. Local law enforcement and other involved agencies will assist in notifying eligible applicants to the best of their abilities. The Final Protocol and Application Forms will also be made available via www.daytonfoundation.org beginning on October 1, 2019. Copies may also be requested by emailing the Fund Administrator at TragedyFund@daytonfoundation.org. **Only one Application Form should be submitted by or on behalf of each victim.** The Application Form should be completed and submitted (along with all required documentation) and received by Dayton Oregon District Tragedy Fund, LLC no later than 6:00 p.m. October 31, 2019.
- C. Application Forms should be mailed, hand delivered during normal business hours, or sent via overnight courier to:

Dayton Oregon District Tragedy Fund, LLC
Attn: Fund Administrator
1401 S. Main Street, Suite 100
Dayton, OH 45409

All Application Forms must be received by 6:00 p.m. on October 31, 2019 at the address above.

- D. In the event that an applicant submits an incomplete or deficient Application Form, e.g. the applicant fails to include required documentation or fails to sign the Application Form, a representative will work with the applicant in an effort to cure any such deficiencies.
- E. Denial letters will be sent to applicants who do not meet the eligibility requirements as outlined in the Final Protocol. All decisions are final and there will not be an appeal process.
- F. Payments will be issued shortly following the rendering of a final review and certification of all eligible applications by the Fund Administrator. The Fund Administrator will submit final distribution determinations to the LLC for transmission of payments, by check, to each certified eligible applicant.
- G. Application Forms relating to deceased victims will require the spouse's signature if the deceased individual was married at the time of death. In cases where the victim was not married, the personal representative legally authorized to administer the victim's estate must sign the Application Form. The personal representative must prepare a proposed plan of distribution of the funds among the decedent's legal heirs and beneficiaries, each of whom must consent to the proposed distribution by signing a consent form. If agreement among the heirs and beneficiaries cannot be reached as to who will serve as the personal representative or with regard to the proposed distribution, the applicant(s) will be required to obtain legal authorization from the Probate Court having jurisdiction to determine which person is the legally responsible person eligible to submit the application. Under those circumstances, the Fund Administrator will recommend that the LLC deposit affected funds with the Probate Court having jurisdiction, to be held in a separate account and to be distributed only upon resolution in accordance with a valid court order.
- H. For applications relating to a minor child, the Application Form will require the signature of both parents (if both parents are living). For applications for incompetent adults, the Application Form will require proof of representative capacity, such as a power of attorney, guardianship, appointment of guardian or attorney ad litem.
- I. An Application Form submitted for a physical injury applicant must include a hospital or medical facility statement on official letterhead from the hospital or medical facility that confirms 1) treatment date and if applicable admission and discharge dates to the hospital or medical facility and 2) the nature of the injury and 3) verification that the injury was sustained as a result of the Oregon District Tragedy on August 4, 2019.

- J. The LLC cannot provide tax advice to those receiving payments. The Oversight Committee recommends that applicants consult with personal tax advisors for any questions regarding tax liability for these payments. No person has a legal claim or entitlement to receive distributions from the LLC.
- K. A full independent review of the Fund and distributions, verifying that all charitable donations received were distributed in accordance with the provisions of the Final Protocol established by the Oversight Committee, will be conducted as soon as practicable after November 30, 2019. The results of this review will be made available to all applicants, donors and the general public, along with a Report to the Community from the Fund Administrator.

Outreach

- A. Two public meetings were conducted by the Oversight Committee on September 16, 2019 at 10:00 a.m. and 6:00 p.m. to explain the contents of the draft Final Protocol and the Application submission process and to invite input and comments specifically addressing the Final Protocol from potential applicants and the general public. Information collected from these public meetings and various communications and correspondence between the Applicants and other interested parties and the Oversight Committee were considered in finalizing the Final Protocol.
- B. The Final Protocol and the Application Forms will be disseminated to all known victims and made available on the www.daytonfoundation.org website beginning October 1, 2019. Email requests for copies of the final documents should be made to TragedyFund@daytonfoundation.org. The deadline for submission of an Application Form is 6:00 p.m. October 31, 2019. The Victim Witness Division of the Prosecutor's Office, Montgomery County, Ohio, will appoint an advocate to work directly with all applicants as requested to assist with the application process. The Victim Witness Division can be reached by telephone at (937) 225-5623.
- C. Advisory legal resources will be available to assist the family members or other persons submitting applications relating to deceased victims with the filing of the Application Forms. To schedule a meeting with one of these legal advisors, those applicants should call the Victim Witness Division at (937) 225-5623.

Timeline

September 16, 2019:	Two public meetings at 10 a.m. and 6 p.m. at Sinclair Community College, 444 West Third Street, Building 12, Dayton, OH 45402 conducted by the Fund Administrator in Dayton, Ohio, each lasting 90 minutes
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September 20, 2019	Last day to submit comments on the Protocol
September 24, 2019:	Approval of Final Protocol
October 1, 2019:	Communicate and distribute Final Protocol and Application Forms
October 1 – October 31, 2019:	Application Forms to be completed and submitted to the Fund Administrator, along with all required documentation
October 31, 2019:	Deadline for submission of Application Forms 6:00 PM EST
November 1, 2019	The Dayton Foundation transfers balance of the Dayton Oregon District Tragedy Fund to the LLC
November 15, 2019:	Qualifying applications certified; Letters sent to those persons whose applications are not certified
November 18-29, 2019	Certified applications processed for distribution
Post Distribution	Independent review of Fund contributions and distributions completed and reported to the Community