



## Final Protocol (dated 4/6/23)

### Overview

The Monterey Park Lunar New Year Victims' Fund ("the Fund") was established by Asian Americans Advancing Justice Southern California ("AJSOCAL") in coalition with local AAPI-serving community-based organizations and philanthropies, to raise funds in support of victims and survivors of the January 21, 2023, shooting at the Star Ballroom Dance Studio in Monterey Park, CA ("the Shooting"). The Fund will distribute funds as gifts to victims and survivors of the Shooting. The funds may be used however the recipients wish.

From the start, the Fund has been guided by a local Steering Committee comprised of representatives from AJSOCAL and the various organizations that launched the Go Fund Me fundraiser immediately following the Shooting. Decisions about eligibility and distribution are made by the local Steering Committee with intentions of transparency, integrity, compassion, and fairness. This Final Protocol contains the rules which govern this Fund and was created with guidance from National Compassion Fund ("NCF"), which has led numerous similar efforts after mass casualty events. The Steering Committee published a Draft Protocol on 3/15/23 and solicited feedback on the proposed rules.

The Final Protocol includes three categories of eligibility:

- Legal heirs of those who were killed as a direct result of the Shooting
- Those who were physically injured in the Shooting and hospitalized overnight
- Those who were physically injured as a direct result of the Shooting, and who only received medical treatment on an outpatient basis

An online application will then be available on or around April 26, 2023.

All interested parties should sign up for the Fund's contact list by filling out and submitting the form on [www.NationalCompassion.org/MontereyPark](http://www.NationalCompassion.org/MontereyPark). **Potential applicants already in contact with AJSOCAL need not sign up for this list.** Emails will be sent to individuals who sign up for this list, as well as all known potential applicants who are already in contact with AJSOCAL, regarding:

- When the Final Protocol for the Fund is available
- When the application is available
- When the deadline for submitting an application is approaching

Representatives from the NCF and AJSOCAL are available to help throughout this process through meetings or phone calls. Email

MontereyPark@NationalCompassion.org and [alee@ajsocal.org](mailto:alee@ajsocal.org) with any questions or to set up a meeting.

### Monterey Park Lunar New Year Victims' Fund Steering Committee

- **AAPI Equity Alliance (AAPIEA):** Norbert Tan, Deputy Director
- **Asian Americans Advancing Justice Southern California (AJSOCAL):** Connie Chung Joe, CEO; Aileen Louie, Chief of Staff; Christina Yang, General Counsel and Pro Bono Coordinator; Olivia Samad, Board Members
- **Asian Pacific Community Fund (APCF):** Chun-Yen Chen, Executive Director
- **Chinatown Service Center (CSC):** Peter Ng, Executive Director; Daisy Ma, Chief Government & Community Relations Officer
- **Gold House:** Bing Chen, Executive Chairman, Co-Founder
- **Stand with Asian Americans:** Mark Young and Justin Zhu, Co-Organizers
- **Stop AAPI Hate (SAH):** Ly Nguyen, Director of Corporate Engagement
- **The Asian American Foundation (TAAF):** Charity Espiritu, Deputy Director; Baonam Giang, Community Engagement Manager

***Fund Administrators: AJSOCAL and the National Compassion Fund***



## Final Protocol

April 3, 2023

**This is the Final Protocol, which will govern distribution of the Monterey Park Lunar New Year Victims' Fund (the Fund). It was developed by the Fund Administrator, incorporating relevant and appropriate feedback from the Steering Committee, the National Compassion Fund (NCF), and the survivors and victims, and any deceased victims' families.**

**The money paid by the fund is a gift to which no person has a legal claim or entitlement. All aspects of this Protocol including, without limitation, the classifications of applicants, distribution criteria, application process, and timetable, may be revised and are subject to the full and complete discretion of NCF, which serves as Fund Administrator, taking into consideration input from the Steering Committee as needed. The level of benefits paid within each category of eligibility is determined by the Steering Committee.**

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Asian Americans Advancing Justice Southern California (AJSOCAL) is a 501(c)(3) California nonprofit organization which created the Fund and collected donations in coalition with local AAPI-serving community-based organizations and philanthropies. The Fund was enhanced through the generosity of businesses, foundations, and individual donors. It will be used to assist the families of the victims who were killed, the victims who were physically injured requiring hospitalization, and the victims who were physically injured and treated on an outpatient basis, as a result of the shooting at Star Ballroom Dance Studio on January 21, 2023. AJSOCAL will be assisted by the National Compassion Fund, LLC, a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization (Federal Tax ID #30-0022798).

**ALL APPLICATIONS MUST BE SUBMITTED ONLINE NO LATER THAN May 17, 2023, TO BE ELIGIBLE TO RECEIVE PAYMENT. IF THE VICTIM IS UNDER THE AGE OF 18 OR IS A VULNERABLE ADULT, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM'S BEHALF.**

The amounts awarded from the Fund will take into consideration variables that include: (1) the balance in the Fund; (2) the completion of the review of all submitted applications; and (3) the review and approval by the Fund Administrator and Steering Committee. The Fund Administrator and Steering Committee reserve all rights as to determining the validity of all information submitted by applicants.

Neither citizenship nor immigration status will be considered in determining an applicant's eligibility.



## SECTION ONE: ELIGIBILITY

### CATEGORIES OF ELIGIBLE APPLICANTS (ELIGIBILITY IS LIMITED TO ONE CATEGORY)

#### A. Application for Legal Heirs of Those Killed

Eligible applicants for deceased victims killed as a result of the Shooting will receive the highest level of payment under the scope of this Final Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

#### B. Individual Physical Injury Applications for Victims Requiring Overnight Hospitalization

Eligible applicants who were physically injured as a direct result of the Shooting and, who were hospitalized overnight, will receive payment under this Final Protocol.

#### C. Individual Physical Injury Applications of Victims Treated on an Out-Patient Basis

Eligible applicants who physical injuries as a result of the Shooting, and who received medical treatment no later than Tuesday, January 24, 2023, will receive a payment under this Final Protocol.

## SECTION TWO: PROCESS AND PROCEDURES

Eligible applicants must file an application in order to receive a payment from the Fund. **ALL APPLICATIONS MUST BE SUBMITTED BY THE DEADLINE OF MAY 17, 2023;** however, the Fund Administrator reserves the right in its sole discretion to grant a deadline extension.

When completing the application, applicants will specify the category of the applicant: for deceased victims, for physical injury with hospitalization, and for physical injury with outpatient medical treatment. In their application, applicants must choose only one distribution category for which they are eligible.

Each eligible applicant should submit only one application per victim. An applicant may submit more than one application only on behalf of separate victims. For example, a person who was injured may submit their own application. They may also submit an application on behalf of a minor (if that person is the designated parent or legal guardian of the minor) or on behalf of a family member who was killed (if they are the designated representative).

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

A. The Fund logistics will be led by AJSOCAL with assistance and guidance from NCF as



Fund Administrator. On or around April 7, 2023, the Final Protocol to govern the Fund and a link to submit an online application for benefits will be emailed to all known potential applicants who are already in contact with AJSOCAL and/or have signed up for the Fund's contact list on the NCF website (<https://nationalcompassion.org/fund/montereypark/>). All Fund protocols and application materials will also be available in Chinese. Representatives from NCF will process the applications. Only one application should be submitted by, or on behalf of, each victim. All applications must be completed and submitted to the Fund Administrator (along with all required supporting documentation detailed in the application or such information curing any deficiencies in information) no later than May 17, 2023. Questions regarding the completion of an application should be sent via email to [MontereyPark@NationalCompassion.org](mailto:MontereyPark@NationalCompassion.org) and [alee@ajsocal.org](mailto:alee@ajsocal.org). For those applicants who have already submitted supporting documentation to AJSOCAL to receive advance payments, AJSOCAL will assist upon request in submitting those documents as part of the NCF online application for final payments.

**B.** Two identical virtual Zoom meetings were conducted by the Fund Administrator and Steering Committee the week of March 27, 2023. Interpretation was available in Mandarin and Cantonese. During these two meetings, there was an explanation of the Draft Protocol and the application submission process, and the Fund Administrator and Steering Committee invited questions, input, and comments from potential applicants. Information collected from these group meetings, various communications, and correspondence between the applicants, other interested parties, and the Fund Administrator and Steering Committee were considered in finalizing the Final Protocol.

**C.** Access to the application online will be available at a link distributed by AJSOCAL on or around April 26, 2023. Applicants who lack access to the internet are invited to call AJSOCAL toll-free at 888.349.9695 (English) or 800.520.2356 (Chinese) for alternative filing assistance. NCF will provide additional technical assistance as needed, in collaboration with AJSOCAL.

**D.** In the event that an applicant submits an incomplete or deficient application (e.g., the applicant failed to include required documentation or failed to fully complete the application), a representative from NCF's office will send an e-mail notification to the applicant in an effort to resolve any such deficiencies. AJSOCAL will also endeavor to call the applicant to notify them.

**E.** Shortly after the deadline for submission of all financial contributions and the final review and determination of all eligible applications by the Fund Administrator, payments will be issued. The Fund Administrator will submit final payment determinations to the Steering Committee for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant. Applicants may not rely on the timing of any payment. The Administrator, the Steering Committee,



NCF, and AJSOCAL shall have no liability whatsoever for any damage of any kind arising out of or resulting from the timing of any payment from the Fund.

**F.** Applications for deceased victims with a Last Will & Testament: If the deceased victim had a Last Will & Testament, the personal representative legally authorized to administer the Estate must submit the application, along with a copy of the Will and the Fund will issue payment in accordance with the Will.

**G.** Applications for deceased victims with no Last Will & Testament:

- a. If a personal representative has been appointed by the court to administer the Estate, such personal representative must submit the application and provide the information set out below.
- b. If there is no court appointed personal representative and the deceased victim was married at the time of death, the deceased victim's spouse or legal partner will submit the application and provide the information set out below.
- c. If there is no court appointed personal representative and the deceased victim was not married, one application should be submitted on behalf of all of the deceased victim's heirs and provide the information set out below.
- d. For deceased victims who did not have a Last Will & Testament, the application shall include information pertaining to individuals (e.g. spouse, children, parents, siblings) who may be eligible to receive compensation under the local intestacy law of California. In circumstances where the deceased was, at the time of their death, engaged to be married, cohabitating with an intimate partner, or separated from a spouse, the Fund Administrator may, in their discretion, require a fiancé or intimate partner to be included in the class of heirs for purposes of making a distribution from the Fund. Each application for a deceased victim who did not have a Last Will & Testament must include a proposed plan of distribution of the funds among the deceased's legal heirs and beneficiaries. **The proposed plan will be distributed to all known legal heirs, beneficiaries, and fiancé or cohabitating intimate partner, each of whom must consent to the proposed distribution.**

**H.** If a minor child's application must be submitted and signed by a parent or legal guardian. If an application is required for a vulnerable adult lacking legal capacity, it will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

**I.** An application filed for a physical injury applicant must include an authorization to



release medical information which confirms: (i) the date of initial treatment, (ii) the date of admission to the hospital if applicable, (iii) the date of discharge from the hospital if applicable, and (iv) the nature of the injury and contemporaneous evidence from the treating professional that the injury was sustained as a result of the Shooting.

**J.** The Fund Administrator and the Steering Committee will use reasonable efforts to maintain confidentiality of all information submitted by applicants but cannot guarantee confidentiality. Applicants are asked to consider any personal ramifications should any information submitted under this Draft Protocol become publicly available.

**K.** For Applicants who received an advance payment, all advance payments will be deducted from the final distribution amount for the category in which the applicant is validated.

**L.** The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrator recommends consulting a tax advisor for any questions regarding tax liability for these payments.

**M.** When all distributions of payments have been completed, a full examination of the Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. The results of these Agreed Upon Procedures will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrator. [OBJ]



### SECTION THREE: OUTREACH AND COMMUNICATION

**A.** AJSOCAL may conduct outreach to victims of the Shooting by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on applications, and to work to ensure that all eligible persons who wish to submit applications are able to do so before the April 26, 2023, filing deadline. Neither AJSOCAL nor NCF can guarantee that all who may be eligible will be contacted, nor do they guarantee that all eligible persons who are in contact with AJSOCAL or NCF will be included in the Final Distribution. It is the responsibility of the applicant to make sure that the application is timely filed and received. Contact information that is held by law enforcement or healthcare professionals is never shared with AJSOCAL or NCF, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with law enforcement or any other governmental agency or service provider. Contact information for potentially eligible applicants must be shared with NCF via the Fund-specific online contact form.

**B.** Once finalized, the Final Protocol and application information will be disseminated to all known victims who have signed up for the online contact form on <https://nationalcompassion.org/fund/monterey-park/>. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the May 17, 2023 deadline.

**C.** Applicants may request to schedule optional video conference meetings or by telephone with the Fund Administrator and/or AJSOCAL during the application processing period between April 26, 2023, and May 17, 2023. All applicants requesting meetings with the Fund Administrator and/or AJSOCAL before their application is processed will be afforded such a meeting during this period. Meetings will be scheduled at mutually convenient times. To request a meeting, please email a request to [MontereyPark@NationalCompassion.org](mailto:MontereyPark@NationalCompassion.org) and [alee@ajsocal.org](mailto:alee@ajsocal.org).





#### SECTION FOUR: PROPOSED MONTEREY PARK TIMELINE

- January 21, 2023 – Shooting occurs
- February 2023 – Applications for advanced payments available, and advanced payments made to applicants
- March 20, 2023 – Publish Draft Protocol (including translation into Chinese) and public comment period begins
- Week of March 27, 2023 – Feedback meetings with families and public comment period ends (one meeting at 6 pm on Monday 3/27, and one meeting at noon on Tuesday 3/28). The meetings will be identical, and each meeting will be 90 minutes.
- Week of April 3, 2023 – Steering Committee votes to approve Final Protocol
- Week of April 3, 2023– Final Protocol emailed out to survivors, victims, and interested parties, including translation into necessary Asian languages
- April 26, 2023 – Application is available online (including translated version). Application instructions are disseminated to all known applicants and potential applicants.
- April 26 – May 17, 2023 – Applications completed (with required documentation) and submitted to the Fund Administrator
- May 17, 2023 – Deadline for submission of applications
- Week of June 19, 2023 – Steering Committee approves Funds Distribution Plan
- Week of June 26, 2023 – Distribution of payments to approved eligible beneficiaries begins on a rolling basis
- July 2023 – Three weeks after the end of the month in which all disbursements are completed, independent auditing firm conducts examination of Fund according to Agreed Upon Procedures

