

# California Victim Compensation and Government Claims Board

## Open Meeting Minutes

January 17, 2008, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of the Chair, Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, January 17, 2008, at 10:03 a.m. Also present were Board members Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

### **Item 1. Minutes of the December 13, 2007, Board Meeting**

Chairperson Marin and Board member Les Kleinberg voted to adopt the minutes of the December 13, 2007, Board meeting. Board member Michael Ramos abstained from the vote.

### **Item 2. Public Comment**

The Board opened the meeting for public comment. No public comment was offered.

Chairperson Marin requested a moment of silence in remembrance of Deanna Henslee a valued, long-time VCGCB employee who passed away on January 12, 2008.

### **Item 3. Executive Officer's Statement**

The Executive Officer announced the following three new appointments at the VCGCB: Chip Skinner, Deputy Executive Officer, Victim Compensation Program; Terri Hamilton, Deputy Executive Officer, Administration Division; and Pat Valencia-Carlson, Deputy Executive Officer, Fiscal Services Division.

The Executive Officer reported on a number of initiatives the VCGCB will undertake this year:

- Focus on customer service to our claimants, service providers, and other customers.
- Move toward a greener California by undertaking various conservation efforts.
- Continue support for small businesses and disabled veteran business enterprises.
- Review and update all regulations on all programs administered by the VCGCB.
- Expand our diverse, multimedia awareness campaign to inform the public about the California Victim Compensation Program.
- Continue to be the restitution resource for the State of California through broader partnerships with local probation and criminal prosecution professionals and organizations.
- Expand our victim appeals hearings throughout the state.
- Conduct provider informational forums to educate providers about our program, encourage participation in the program, and discuss and resolve issues to ensure expedient and quality services for our victims.

### **Item 4. Contract Report**

The Executive Officer presented the Contract Report to the Board.

## **Government Claims Program**

### **Item 5. Consent Agenda (Nos. 1- 567)**

The Board voted to adopt the staff recommendations for numbers 1-567 with the exception of numbers 219, 453, and 493, which were removed due to receipt of additional information.

Item number 255 was removed at the request of the claimant to address the Board.

#### **Consent Agenda Item Number 255**

Claimant Yuriy Voytovich, item number 255 on the consent agenda, appeared. The Board voted to adopt the staff recommendation to reject the claim.

### **Item 6. Claim of Xerox Capital Services** **Claim Number G564435**

The Board voted to adopt the staff recommendation to partially allow the claim in the total amount of \$171,777.69 to be paid under authority of Government Code section 965 (agency pay).

### **Item 7. Claim of Jacqueline A. Avila** **Claim Number G565565**

Ray Asbell appeared on behalf of the Department of Personnel Administration.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$195.00 to be paid under authority of Government Code section 965 (agency pay).

### **Item 8. Claim of Carpenters Training Committee for Northern California** **Claim Number G568173**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$179,863.74 to be paid under authority of Government Code section 965 (agency pay).

### **Item 9. Claim of Inter-Con Security Systems, Inc.** **Claim Number 565485**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$78,541.82 to be paid under authority of Government Code section 965 (agency pay) upon verification by staff that the invoice has not previously been paid.

### **Item 10. Request for Delegation of Authority Under Government Code** **Section 935.6 by the Department of Motor Vehicles**

The Board voted to adopt the staff recommendation to authorize the Department of Motor Vehicles to settle and pay and to reject claims timely claims that do not exceed \$1,000.00 each through January 31, 2009.

### **Item 11. Applications for Discharge From Accountability for Collection**

Garry Ness, Chief Counsel, presented an informational report on the discharge of accountability process as requested by the Board at the October 17, 2007, meeting.

The Board voted to adopt the staff recommendation to discharge the 88 requests totaling \$244,527,077.50 that had been approved by the State Controller's Office and the Attorney General's Office.

**Item 12. Mileage Reimbursement for Elected Officers and Members of the Judiciary**

The Board voted to adopt the staff recommendation to (1) increase the mileage reimbursement rate for the use of private vehicles to 50.5 cents per mile effective January 1, 2008; (2) amend regulation section 714 to increase the mileage reimbursement rate for the use of private vehicles to 50.5 cents per mile; and (3) amend regulation section 714 to incorporate language that will automatically adjust the mileage reimbursement rate to correspond with the mileage reimbursement set by the Department of Personnel Administration for non-represented employees.

**Item 13. Medical Imaging Resources  
Invitation for Bid No. 56464**

The Board voted to adopt the staff recommendation to deny the protest.

**Item 14. Q-Matic Corporation  
Request for Quote No. LOD06-0176**

The Board took a break at 10:46 a.m. to read additional information submitted by the Department of General Services and the proposed awardee, ViiSage. The Board reconvened at 10:50 a.m.

Kathleen Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services. Aaron Silberman appeared on behalf of ViiSage. Gary Hinas appeared on behalf of Q-Matic.

Chairperson Marin and Board member Michael Ramos voted to adopt the staff recommendation to uphold the protest. Board member Les Kleinberg objected.

**Item 15. Longino Acero  
Claim No. G561657**

Anthony Boskovich, attorney, appeared on behalf of Longino Acero.

The Board voted to adopt the staff recommendation to deny the claim.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 11:28 a.m.

**CaRES Update**

Steve Hall presented the CaRES update to the Board.

**Report on the Restitution Fund**

Pat Valencia-Carlson, Deputy Executive Officer, Fiscal Services Division, presented the report on the Restitution Fund to the Board.

Board member Michael Ramos excused himself from the meeting at 11:51 a.m.

Linda Siegel, president, Coalition of Crime Victim Services, and Michael Siegel, attorney, provided comment.

**Consent Agenda (Nos. 1- 4)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the staff recommendations.

**Request for Reconsideration**

**Recommendation: Partial Allow (No. 5)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the staff recommendation to partially allow the claim.

**Requests for Reconsideration**

**Recommendation: Deny (Nos. 6-16B)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the staff recommendations.

**Reconsideration Following Board Action on a Proposed Decision**

**Recommendation: Allow (No. 17)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the staff recommendation.

**Reconsiderations Following Board Action on a Proposed Decision**

**Recommendation: Deny (Nos. 18-23)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the staff recommendations.

**Proposed Decisions Following Failure to Respond  
(Nos. 24- 30)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the proposed decisions.

**Proposed Decisions Following Failure to Appear  
(Nos. 31- 47)**

Chairperson Marin and Board member Les Kleinberg voted to adopt the proposed decisions.

**Closed Session**

Pursuant to Government Code section 11126(c)(3), Chairperson Marin and Board member Les Kleinberg adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 12:14 a.m. to deliberate on the proposed decisions, numbers 48-64.

Chairperson Marin and Board member Les Kleinberg reconvened into open session at 12:18 p.m.

**Open Session**

Chairperson Marin and Board member Les Kleinberg voted to adopt the proposed decisions for numbers 48-64.

**Adjournment**

The Board meeting adjourned at 12:19 p.m.

Karen McGagin  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of February 21, 2008, at Sacramento, California.

Date: February 21, 2008      By: \_\_\_\_\_

Board Liaison                      (Affix Seal here)