

California Victim Compensation and Government Claims Board

Open Meeting Minutes

April 22, 2008, Board Meeting

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Tuesday, April 22, 2008, at 2:03 p.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.

Chairperson Marin stated the order of items on the agenda would be changed. Chairperson Marin stated the Board would take up Items 1 and 2 first then move into closed session.

Item 1. Minutes of the March 20, 2008, Board Meeting

The Board voted to adopt the minutes of the March 20, 2008, Board meeting.

Item 2. Public Comment

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

Closed Session

Pursuant to Government Code section 11126(e)(1), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, Chief Counsel, and Counsel for the Department of Personnel Administration at 2:05 p.m. to confer with counsel regarding arbitration DPA No. 06-01-0022 (*SEIU v. VCGCB*).

After meeting and conferring with counsel regarding DPA No. 06-01-0022 (*SEIU v. VCGCB*), the Board reconvened into open session at 2:31 p.m.

Item 3. Executive Officer's Statement

The Executive Officer thanked the State and Consumers Services Agency for their assistance with expanding awareness of victims' issues during National Crime Victims' Rights Week and the State Controller's Office for including information about Victims' Rights Week on all state pay warrants. The Executive Officer congratulated San Bernardino County for initiating the pilot project billboard in Victorville during Victims' Rights Week. The Executive Officer reported VCGCB staff attended a number of events and conferences in recognition of Victims Rights' Week. The Executive Officer gave her report to the Board, which included the following information:

- Governor Schwarzenegger proclaimed April 13-19 as Crime Victims' Rights Week in California. Governor Schwarzenegger presented the 2008 Crime Victim Advocacy Awards to 12 individuals and organizations that made exceptional contributions to the support and service of victims of violent crimes.
- Dan Eddy, Executive Director of the National Association of Crime Victim Compensation Boards, was the recipient of the Ronald Wilson Reagan Public Policy Award. In addition, two Californians also received national recognition.

- The VCGCB completed an update of its 2008-2012 Strategic Plan. The four-year plan has an updated Vision, Mission, Core Values, and Strategic Goals. In May the new plan will be rolled out to staff for review and input. The final plan will be provided to the Board.

Item 4. Contract Report

The Executive Officer presented the Contract Report to the Board.

Item 5. Legislative Update

Gary Longholm, Deputy Executive Officer, Legislation and Public Affairs Division, presented the Legislative Update to the Board.

Item 6. Mileage Reimbursement for Elected Officers and Members of the Judiciary

The Board voted to adopt the staff recommendation to amend the California Code of Regulations, title 2, section 714 to automatically adjust the mileage reimbursement rate for elected state officers and members of the judiciary to correspond with the mileage reimbursement rate set by the Department of Personnel Administration for non-represented employees.

Government Claims Program

Item 7. Consent Agenda (Nos. 1- 379)

The Board voted to adopt the staff recommendations for numbers 1-379 with the exception of the following: number 368, G573109, was removed pending review of additional information received from the claimant's attorney; number 229, G573691, was removed pending review of additional information received from the claimant; and number 173, G573117, was removed to allow the claimant to address the Board.

The Board voted to adopt the staff recommendations for numbers 1-379 with the exception of numbers 368, 229, and 173.

Consent Agenda Item Number 173

Bill Courtney addressed the Board. The Board voted to adopt the staff recommendation to reject the claim.

Item 8. EVault Claim Number G569911

Stan Bajorin, Deputy Director of Administration, appeared on behalf of the Department of Mental Health.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$185,435.57 to be paid under authority of Government Code section 965 (agency pay).

Item 9. Knox Attorney Services, Inc. Claim Number G570660

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$49,429.95 to be paid under authority of Government Code section 965 (agency pay).

Item 10. UA 393 B Holdings, LLC
Claim Number G572583

Jason Hoffman appeared on behalf of UA 393 B Holdings, LLC.

The Board offered partial payment of the claim in the amount of \$39,141.85. Mr. Hoffman rejected the offer. The Board voted to reject the claim.

Item 11. Pitney Bowes
Claim Number G569625

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$32,711.74 to be paid under authority of Government Code section 965 (agency pay).

Item 12. Michael Agliano
Claim Number G569100

The claim was removed from the agenda pending additional discussion with the California Department of Corrections and Rehabilitation.

Item 13. AAA Office Solutions 4 Less
Claim Number G571576

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$1,260.36 to be paid under authority of Government Code section 965 (agency pay).

Item 14. Julie Phang
Claim Number G569555

Susan Coats appeared on behalf of the Department of Personnel Administration.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$768.00 to be paid under authority of Government Code section 965 (agency pay).

Item 15. Tri-American, Inc.
Invitation for Bid No. 5115

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

Item 16. James Ochoa (Pen. Code sec. 4900 et seq.)
Claim Number GG565437

Scott Borthwick, attorney, appeared on behalf of James Ochoa. Claimant James Ochoa appeared.

The Attorney General's Office did not appear or present evidence in opposition to Mr. Ochoa's claim.

The Board approved the claim without objection.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 3:51 p.m.

Consent Agenda (Nos. 1- 3)

The Board voted to adopt the staff recommendations.

Requests for Reconsideration

Recommendation: Deny (Nos. 4 & 5)

The Board voted to adopt the staff recommendations.

Recommendation: Deny (Nos. 6-10)

The Board voted to adopt the proposed decisions.

**Proposed Decisions Following Failure to Respond
(Nos. 11 & 12)**

The Board voted to adopt the proposed decisions.

**Proposed Decisions Following Failure to Appear
(Nos. 13- 25)**

The Board voted to adopt the proposed decisions from numbers 13-25 with the exception of number 23 which was removed.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 3:52 p.m. to deliberate on the proposed decisions, numbers 26-59.

The Board reconvened into open session at 4:01 p.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 26-59.

Adjournment

The Board meeting adjourned at 4:01 p.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of May 15, 2008, at Sacramento, California.

Date: May 15, 2008

By: _____
Board Liaison (Affix Seal here)