

# **California Victim Compensation and Government Claims Board**

## **Open Meeting Minutes**

### **September 18, 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 Thursday, September 18, 2008, at 10:05 a.m. Also present was Board member Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was absent.

Board staff present included Julie Nauman, 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 August 21, 2008, Board Meeting**

The Board voted to adopt the minutes of the August 21, 2008, Board meeting.

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

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

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

The Executive Officer gave the following report:

- California had the honor of being the host state for the annual National Training Conference of the National Association of Crime Victim Compensation Boards (NACVCB) held in San Diego on September 8-12. The conference was well attended by nearly 41 states represented by over 200 participants, which was the largest participation in the history of the organization. Secretary Marin addressed the participants at the opening session. Conference topics of discussion included challenging issues facing victim compensation programs, the dynamics of domestic violence, elder victims, child victims, and privacy rights just to name a few. The Executive Officer commended VCGCB staff for their role in assisting the NACVCB with planning and organizing the conference.
- September 25<sup>th</sup> is the National Day of Remembrance for Murder Victims. It is a day to honor the memory of murder victims and recognize the impact that violent crime has on victims, surviving family members, and loved ones. The VCGCB will join with family members and victim services providers to honor those who have lost their lives to violent crime. The VCGCB, on behalf of the Board, sent a letter to all JP and County Victim Witness Offices encouraging them to use this day of remembrance as an opportunity to educate others about victim compensation and other resources available to victims of crime. The VCGCB has highlighted this annual remembrance on our website. In addition, a communication will be sent to all Board staff on the remembrance day emphasizing the significance of the event.
- The VCGCB convened its quarterly meeting of the Victim Compensation Advisory Committee on September 17, 2008, in Sacramento. Committee members provided updates on activities within their organizations and the Sacramento Police Department gave a presentation on hate crimes. The committee is comprised of representatives from several statewide organizations that provide services to crime victims. The quarterly meetings offer a forum to discuss challenging issues regarding victim services.
- The VCGCB held its California Crime Victim Assistance Association Committee meeting on September 2, 2008, here at VCGCB headquarters. VCGCB staff meet regularly with committee members to share news on recent developments with the Victim Compensation Program and to interact with Victim Witness representatives from across the state.
- The VCGCB participated, or will participate, in a number of events and meetings.

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

The Executive Officer presented the Contract Report to the Board. The Executive Officer stated beginning October 23, 2008, she will report all contracts for approval that exceed \$200,000 including contracts for IT services and medical bill review services.

#### **Government Claims Program**

#### **Item 5. Consent Agenda (Nos. 1- 279)**

The Board voted to adopt the staff recommendations for numbers 1-279 with the following exceptions: number 47, G572958, removed at the request of the claimant in order to address the Board and number 50, G573686, removed at the request of the claimant in order to address the Board.

The Board voted to adopt the staff recommendations for numbers 1-279 with the exceptions noted above.

#### **Consent Agenda Appearance**

##### **Item Number 47**

Gay Phillippi, claimant, appeared. Steven Tolle appeared on behalf of the Department of Corrections and Rehabilitation. Bryan Bruno appeared on behalf of the Department of Personnel Administration. The Board voted to reject the claim.

#### **Consent Agenda Appearance**

##### **Item Number 50**

Katherin Moon, claimant, appeared. The Board voted to reject the claim.

#### **Item 6. Karen A. Buckley**

##### **Claim Number G571173**

Bryan Bruno 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 \$647.79 to be paid under authority of Government Code section 965 (agency pay).

#### **Item 7. San Luis & Delta-Mendota Water Authority**

##### **Claim Number G572074**

Karen Shine appeared on behalf of the Department of Water Resources. The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$50,836.71 to be paid under authority of Government Code section 965 (agency pay).

#### **Item 8. WestCare California, Inc.**

##### **Claim Number G573352**

Maurice Lee appeared on behalf of WestCare California, Inc. The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$104,952.13 to be paid under authority of Government Code section 965 (agency pay).

**Item 9. Regents of the University of California, San Diego**  
**Claim Number G573542**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$73,964.77 to be paid under authority of Government Code section 965 (agency pay).

**Item 10. Johnny Quick Foods Stores, Inc.**  
**Claim Number G574156**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$54,421.01 to be paid through the state's omnibus claims bill (legislative pay.)

**Item 11. Lodi Memorial Hospital Association, Inc.**  
**Claim Number G574779**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$87,443.18 to be paid under authority of Government Code section 965 (agency pay).

**Item 12. Per Diem Rates for Members of the State Legislature**

The Executive Officer stated the item would be continued to the October 23, 2008, Board meeting. In addition to this item, the Executive Officer stated staff would draft a proposal to pursue a regulatory change that would automatically align the state rate with the federal employee travel reimbursement rate for travel to Sacramento.

**Item 13. Claim of Permanente Medical Group**  
**Claim Number G571301**

The Board voted to adopt the staff recommendation to grant the claim of the Kaiser physicians, in part, providing reimbursement of attorney's fees in the amount of \$16,003.00.

**Item 14. Bid Protest of Hill-Rom Company, Inc.**  
**Invitation for Bid No. 56724**

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

**Item 15. Bid Protests of MECOM Equipment, L.L.C and**  
**Garton Tractor, Inc.**  
**Invitation for Bid No. 56704**

Joe Owens appeared on behalf of MECOM. The Board voted to adopt the staff recommendation to deny the protests.

**Item 16. Frank Burnett**  
**Claim Number G565353**

Michael Farrell appeared on behalf of the Department of Justice, Office of the Attorney General. 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 10:56 a.m.

### **Request for Authority to File Regulations Under California Code of Regulations, title 1, section 100**

- **Hearing for Indemnification of Citizens Benefiting the Public and Indemnification of Victim of Crime (Art. 5.2)**
- **Indemnification of Citizens Benefiting the Public (Art 5.5)**

Garry Ness, Chief Counsel, presented the item to the Board. The Board voted to approve the filing of the corrected regulations and authorized the Executive Officer to file the corrections with the Office of Administrative Law and to make any corrections required by the Office of Administrative Law with respect to the filing.

### **Consent Agenda (Nos. 1 and 2)**

The Board voted to adopt the staff recommendations, as amended, by correcting the claim number for item 2. The correct number should be 932572.

### **Reconsiderations Following Board Action on a Proposed Decision Recommendation: Deny (Nos. 3A-8)**

The Board voted to adopt the proposed decisions.

### **Proposed Decisions Following Failure to Respond (No. 9)**

The Board voted to adopt the proposed decision.

### **Proposed Decisions Following Failure to Appear (Nos. 10-13)**

The Board voted to adopt the proposed decisions.

## **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 10:59 a.m. to deliberate on the proposed decisions, numbers 14 through 43C.

The Board reconvened into open session at 11:02 a.m.

## **Open Session**

The Board voted to adopt the proposed decisions for numbers 14 through 43C with the exception of number 29 which was continued.

## Adjournment

The Board meeting adjourned at 11:04 a.m.

Julie Nauman  
Executive Officer

---

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of October 23, 2008, at Sacramento, California.

Date: October 23, 2008

By: \_\_\_\_\_  
Board Liaison (Affix Seal here)