

California Victim Compensation and Government Claims Board

Open Meeting Minutes

December 18, 2008, Board Meeting

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Leslie Lopez, Deputy Secretary and General Counsel, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, December 18, 2008, at 10:04 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 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 November 20, 2008, Board Meeting

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

Item 2. Public Comment

Linda Siegel, victim advocate, and Mercy Care representatives Charles Perez, Founder, Mike Olson, CEO, and Mary Ann Santistevan, Victim Assistance Provider, provided public comment.

Item 3. Executive Officer's Statement

The Executive Officer reviewed and highlighted major accomplishments during the past year at the VCGCB that included the following:

- The Victim Compensation Program reached more victims with increased payouts. In the past fiscal year, the VCP delivered over \$81 million in payments, an increase of 8 percent compared to the prior year. At nearly 51,000, the total number of applications received by the VCP increased by over 4 percent.
- The VCP completed the transition from an outdated mainframe computer system to a new, web-based CaRES claims management system. Many important new features were added to CaRES, such as access for victim advocates statewide and Criminal Disposition Tracking System resources for restitution specialists.
- To improve service to crime victims and the public, the VCGCB rolled out its 2008-2012 Strategic Plan. The plan is guiding the organization with a powerful mission, vision, core values and strategic goals. Several projects are underway to achieve strategic goals for increasing program efficiencies and enhancing customer service, employee satisfaction, public awareness, and revenue recovery.
- Outreach and awareness activities have substantially increased. We have produced a host of new and improved publications, including updated Spanish language publications, expanded our website information, and received an award for our "Helping Victims Every Day" DVD. We focused on outreach to first responders such as law enforcement and mental health service providers.
- The Restitution Fund received an average of \$5.8 million a month in restitution collections as a result of our partnerships with counties, the Franchise Tax Board, and the California Department of Corrections and Rehabilitation.

The Executive Officer stated every other month the Board will meet at 2:00 p.m. rather than 10:00 a.m. The 2009 Board meeting schedule is published on the VCGCB website.

The Executive Officer highlighted and thanked staff involved in the California State Employees Charitable Campaign (CSECC). This year the VCGCB organized a variety of events to raise funds for the CSECC including a cake auction, bingo game, rummage auction, gift basket drawing, and a variety of other food item sales. The events raised \$5,000, a 74 percent increase from the amount raised by events held last year. The Executive Officer introduced and thanked the CSECC Chair, Anita Ahuja, and Vice Chair, Tim Eldred. Anita Ahuja introduced and thanked the CSECC committee members for their hard work and dedication.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 203)

The Board voted to adopt the staff recommendations for numbers 1-203 with a change to item 2, G569995, which was partially allowed in the amount of \$3,860.19.

Item 5. Applications for Discharge from Accountability for Collection

The Board voted to adopt the staff recommendation.

Item 6. Request for Delegation of Authority by the Department of Motor Vehicles

The Board voted to adopt the staff recommendation to approve the request.

Item 7. Bid Protest of NeoGov Request for Quote No. 041PR7116

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

Item 8. Angel Muro (Pen Code, § 4900 et seq.) Claim Number G575235

Bob Snider, Deputy Attorney General, appeared on behalf of the Attorney General's Office. 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 10:33 a.m.

Report on Attorney Payments in FY 2008-2009

Chip Skinner, Deputy Executive Officer, Victim Compensation Program, presented the report.

Request to Adjust Mental Health Treatment Guidelines for Minor Witnesses Pursuant to AB 2809 (Leno)

Chip Skinner, Deputy Executive Officer, Victim Compensation Program, presented the report.

VCGCB staff will research whether minor witnesses may receive more than the statutory limit of \$5,000 in dire or exceptional circumstances.

Request for Direction to Begin the 45-day Comment Period for Regulations Governing Hearings for Indemnification for Citizens Benefiting the Public and Indemnification of Victim of Crime (Art. 5.2)

Board member Les Kleinberg requested staff reevaluate proposed rule 647.35, Failure to Appear or Proceed, to ensure the intent of the proposed rule is to allow the hearing to proceed if there is a telephone failure.

The Board voted to adopt the staff recommendation to authorize the Executive Officer to begin the formal rulemaking process for the proposed changes to the Victim Compensation Program regulations.

Consent Agenda
Nos. 1-3

The Board voted to adopt the staff recommendations.

Requests for Reconsideration
Recommendation: Deny (Nos. 4 and 5A-5C)

The Board voted to adopt the staff recommendation for number 4 and continued number 5A-5C.

Reconsideration Following Board Action on a Proposed Decision
Recommendation: Allow (Nos. 6A and 6B)

The Board voted to adopt the proposed decisions.

Reconsideration Following Board Action on a Proposed Decision
Recommendation: Deny (Nos. 7 and 8)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Respond
(Nos. 9-20)

The Board voted to adopt the proposed decisions.

Proposed Decisions Following Failure to Appear
(Nos. 21-35)

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 10:44 a.m. to deliberate on the proposed decisions, numbers 36 through 59.

The Board reconvened into open session at 10:50 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 36 through 59.

Adjournment

The Board meeting adjourned at 10:51 a.m.

Julie Nauman
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of January 21, 2009, at Sacramento, California.

Date: January 21, 2009

By: _____
Board Liaison (Affix Seal here)