

California Victim Compensation and Government Claims Board

Open Meeting Minutes

March 19, 2009, 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, March 19, 2009, 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.

Leslie Lopez stated she is acting chairperson for the meeting for Secretary Fred Aguiar. She stated Secretary Aguiar was appointed Secretary of State and Consumer Services Agency on March 18, 2009, and he looks forward to chairing next month's meeting.

Item 1. Minutes of the February 19, 2009, Board Meeting

The Board voted to adopt the minutes of the February 19, 2009, Board meeting.

Item 2. Public Comment

The meeting was opened to public comment. No public comment was offered.

Item 3. Executive Officer's Statement

The Executive Officer gave the following report:

- Last week the VCGCB hosted the Victim Compensation Program Advisory Committee's (Committee) first meeting of the new calendar year. The Committee is comprised of representatives from across the victim services spectrum including allied state agencies, county victim witness assistance centers and several victim services and advocacy organizations. At the meeting, VCGCB staff updated the members on a number of issues and initiatives including pending legislation, the development of an online application, and highlights of the draft comprehensive communication and outreach plan. Feedback from the members was very positive. The Committee meetings are a valuable opportunity for making connections and building teamwork among the constituencies within the victim services community. The committee members will assist the VCGCB with its new outreach strategies and efforts to enhance restitution collections.
- Last month the Executive Officer reported she was invited to appear at an informational hearing of the Senate Committee on Public Safety, chaired by Senator Leno, that occurred on February 24. The subject of the hearing was "Caring for Victims of Violent Crime: Compensation for Services and Comprehensive Trauma Recovery. The hearing also included a presentation by the State Auditor who reviewed the findings and recommendations of the recently completed audit of the VCGCB. At the end of hearing there was an understanding that both compensation and trauma services can coexist and benefit victims of crime. The challenge, first and foremost, is to maintain the stability of Restitution Fund for the VCP. At the hearing the Executive Officer provided the committee with up-to-date information on the VCP, restitution recovery, administration of the Restitution Fund, and the CaRES claims management system, all of which were key issues that were identified in the audit.

- The development of an online application is underway. Last week the VCGCB's Information Technology Services staff gave a preview of the online application. It is extremely user friendly and has helpful guidance that will make it easy for victims and victim witness advocates to engage in a newer technologically advanced form of applying for benefits from the VCP. It is anticipated that the online application will be completed by the end of April.
- In keeping with the VCGCB's Strategic Plan, we continue to move forward with projects. Among the goals of the Strategic Plan is improving customer service and employee satisfaction. Earlier this year a confidential employee satisfaction survey was distributed to all staff. The survey was an important first step in understanding how we will work together to make the VCGCB one of the best places to work in California. Over 76 percent of staff participated in the survey, which is a strong return rate and demonstrates staff's commitment to achieving the Strategic Plan goals. An all staff meeting will be held next week to review the survey outcome information with staff and work on developing follow up plans to address key issues identified by staff. A training needs assessment survey was also distributed to staff.
- Last Thursday staff were invited to a presentation on Identity Theft Prevention provided by the California Office of Privacy Protection. A presentation will be held later this month on Information Security in the Workplace presented by the Office of Information Security.
- VCGCB is honored to join its partners throughout California in observing National Crime Victims Rights Week on April 26 through May 2. The annual event not only allows the VCGCB to show support for victims of crime, their families and survivors but also to stand beside our fellow victim service providers and recognize their work and sacrifice on behalf of victims. The VCGCB will participate in a variety outreach events and activities throughout the week. State and local events are posted on the VCGCB's website calendar of events.

The Executive Officer distributed copies of the March edition of the *Victim Compensation Connection* newsletter. The Executive Officer stated the newsletter will also be made available to VCGCB stakeholders.

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.

Government Claims Program

Item 6. Consent Agenda (Nos. 1- 352)

The Board voted to adopt the staff recommendations for numbers 1-352, with the exception of number 106, which was removed. Number 158 was removed in order to allow the claimant an opportunity to address the Board.

Consent Agenda Appearance

Item Number 158

Karen Irvin appeared and addressed the Board. Mark Fields appeared on behalf of the CHP.

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

Item 7. Tara H. Armstrong
Claim Number G576634

The claim was removed and continued to the next meeting at the request of the claimant and with the agreement of the impacted state agencies.

Board member Les Kleinberg directed staff to review an email communication between the claimant and the Employment Development Department's Human Resource Section.

Item 8. Thomas Philips & Christa Philips
Claim Number G579326

Jean Cramer appeared on behalf of the Franchise Tax Board. Chairperson Leslie Lopez asked whether there was a determination that the amount the claimant is requesting is the correct amount. Ms. Cramer stated the amount is correct. Board member Les Kleinberg asked if the Franchise Tax Board was taking a neutral position on the matter. Ms. Cramer stated the law concerning the statute of limitations does not have any exceptions, it is very strict, and the Franchise Tax Board cannot support the claim; however, if the Board of Equalization supports the claim, it is the Franchise Tax Board's policy to take a neutral position.

The Board voted to adopt the staff recommendation.

Item 9. Donald Lucas II
Claim Number G579603

The Board voted to adopt the staff recommendation.

Item 10. Pro Pharma, Inc.
Claim Number G579851

The Board voted to adopt the staff recommendation.

Item 11. Care Now Staff, Inc.
Claim Number G579904

The Board voted to adopt the staff recommendation.

Item 12. National Medical Registry, Inc., dbc Solvere
Claim Number G579958

Stan Bjorin appeared on behalf of the Department of Mental Health (DMH). Chairperson Leslie Lopez asked when the contract was submitted to the Department of General Services (DGS) for their review. Mr. Bjorin stated he did not know the exact date. Mr. Bjorin stated that the DMH recognized it was at fault in submitting the contracts timely because of a discussion on the bid solicitation with DGS. The DMH is now correcting its bid solicitation process with the assistance of DGS attorneys so this situation can be avoided in the future. Mr. Bjorin stated that when the contracts were submitted, they were not approved by DGS due to incorrect solicitation on the part of DMH.

The Board voted to adopt the staff recommendation.

Item 13. Just In Time Staffing, Inc.
Claim Number G580201

The Board voted to adopt the staff recommendation.

Item 14. All Health Services
Claim Number G580445

The Board voted to adopt the staff recommendation.

Item 15. Bid Protest of RAM Enterprises
Inviataion for Bid Nos. 5465, 5466, 5467, and 5473

Chairperson Leslie Lopez stated the bid protest was withdrawn by the protestant.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:33 a.m.

Proposed Decision Following Failure to Respond
(Nos. 1-22)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Appear
(Nos. 23)

The Board voted to adopt the proposed decision.

Closed Session

Pursuant to Government Code sections 11126(c)(3) and 11126 (e)(1), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, Chief Counsel, and Senior Staff Counsel at 10:34 a.m. to deliberate on the proposed decisions, numbers 24 through 47 and to confer with counsel regarding pending litigation in the matter of *Donald Thomas v. Victim Compensation and Government Claims Board*, Case No. BS116217.

The Board reconvened into open session at 10:45 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 24 through 47.

Adjournment

The Board meeting adjourned at 10:46 a.m.

Julie Nauman
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of April 16, 2009, at Sacramento, California.

Date: April 16, 2009

By: _____
Board Liaison (Affix Seal here)