

California Victim Compensation and Government Claims Board

Open Meeting Minutes

June 18, 2009, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Leslie Lopez, General Counsel and Deputy Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, June 18, 2009, at 10:00 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 May 21, 2009, Board Meeting

Chairperson Leslie Lopez and Board member Les Kleinberg voted to adopt the minutes of the May 21, 2009, Board meeting. Board member Michael Ramos abstained from the vote.

Item 2. Public Comment

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

Item 3. Executive Officer's Statement

The Executive Officer provided the following update:

- Payouts for FY 08-09 are projected to reach \$90 million. Last years' payouts totaled \$82 million, which is an increase of approximately \$8 million or 10 percent over last year.
- Applications are projected to reach 59,000. Last year the Board received nearly 51,000 applications. This represents an increase of approximately 16 percent in applications received.
- Medical payments are projected to reach approximately \$29.3 million and mental health payments are projected to reach approximately \$23.8 million. Medical payments and mental health payments are the Board's two highest categories of payments.
- The online application is in the final stages of testing. After the testing is completed, the online application will be piloted with four Joint Powers counties. The testing is expected to be completed by the end of June and will be rolled out to all counties later this summer. In addition, service providers will be identified to pilot the online status feature, which is a program that will provide service providers the ability to check the status of their bills and payments received.
- The recently adopted Victim Compensation Program regulations were approved by the Office of Administrative Law on June 12. The regulations will go into effect 30 days after the approval date, which will be July 12th.
- The quarterly meeting of the Victim Compensation Program Advisory Committee was held yesterday and provided a great opportunity to bring together key stakeholders. The Committee received an informative and eye-opening presentation by the Sacramento County High Task Force on cyber crime. In addition, the Committee agreed to meet twice a year rather than quarterly.
- There will not be a Board meeting held during the month of July. The next Board meeting will be held on Thursday, August 20th.

Item 4. Contract Report

The Executive Officer stated the Contract Report is an information item that requires no action and consists of one item, an amendment to the Santa Barbara County Joint Powers contract.

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- 494)

The Board voted to approve the staff recommendations for numbers 1-494 with the following exceptions: numbers 112 and 277, removed in order to allow the claimants an opportunity to address the Board; number 465, removed and continued pending review of additional information received; and number 494, removed pending further investigation of additional information.

Consent Agenda Appearance

Item Number 112

The claimant did not appear. The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance

Item Number 277

The claimant did not appear. The Board voted to adopt the staff recommendation to reject the claim.

Item 7. County of Imperial, Registrar of Voters

Claim Number G579969

Kaye Kaufman appeared on behalf of the Secretary of State. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$92,606.89, under authority of Government Code section 965 (agency pay).

Item 8. Taborda Solutions/Symantec

Claim Number G580107

Board member Les Kleinberg asked Jackie Tinetti, Government Claims Program Manager, to explain the difference between the amount requested by the claimant and the partial amount recommended by Caltrans and Government Claims Program staff.

Ms. Tinetti stated the claimant used a different methodology to arrive at the requested amount, which is significantly higher. Ms. Tinetti stated the claimant used a different price structure than was in effect at the time the original services were negotiated. Caltrans arrived at the partial amount by using the existing numbers that were in place at the time the services were requested to be continued.

Board member Les Kleinberg asked if the claimant, or its representative, agrees with the partial amount recommended. Ms. Tinetti stated the claimant did not provide information

regarding whether they are amenable to accepting the recommended partial amount in lieu of the amount requested. Mr. Kleinberg asked if the claimant was in attendance at the meeting. Ms. Tinetti stated neither the claimant nor a representative is in attendance.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$90,712.26, under authority of Government Code section 965 (agency pay).

Item 9. Debra Coplan
Claim Number G581713

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$100,500.00 to be paid under authority of Government Code section 905.2(b)(4) (legislative pay).

Item 10. Lillian B. Goldfarb
Claim Number G581725

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$81,083.02 to be paid under authority of Government Code section 905.2 (b)(4) (legislative pay).

Item 11. Keith Winston Lambert
Claim Number G581819

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$227,095.24 to be paid under authority of Government Code section 905.2 (b)(4) (legislative pay).

Item 12. Pedro Eva, MD Psychiatric Consultants
Claim Number G581915

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$311,050.00 to be paid under authority of Government Code section 965 (agency pay).

Item 13. Northpoint Institute for Public Management, Inc.
Claim Number G581989

Board member Les Kleinberg asked why funds were exhausted by August 2008, only one month into FY 08-09.

Steven Tolle, Manager, California Department of Corrections and Rehabilitation (CDCR), stated the funds were subject to money being made available pursuant to AB 900, the bill relating to prisons and reconstruction; however, CDCR did not obtain additional funding due to the Receiver's request for that money for his projects.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$196,500.00 to be paid under authority of Government Code section 965 (agency pay).

Item 14. University of California Riverside
Claim Number G582114

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

Item 15. Applications for Discharge from Accountability for Collection

The Board voted to adopt the recommendations of Government Claims staff and the Office of the State Controller to allow the 23 requests from various state agencies for discharge that have all satisfied the criteria for discharge from further accountability for collection and the criteria for authorization to close the books.

Item 16. Request for Delegation of Authority Under Government Code Section 935.6 by the California Department of Corrections and Rehabilitation

The Board voted to adopt the staff recommendation.

Item 17. Request for Delegation of Authority Under Government Code Section 935.6 by the Department of General Services

Board member Les Kleinberg noted the Department of General Services (DGS) reported it received one claim last year and asked if pursuing the delegation is worthwhile. Ms. Tinetti stated DGS would like to continue to have discretion because it is unclear whether that trend will continue or if there will be a spike in the number of claims.

The Board voted to adopt the staff recommendation.

Item 18. Bid Protest of RTZ Associates, Inc. Request for Quote No. 57189

A representative from RTZ submitted a written statement requesting the Board continue the matter to the August 20, 2009, Board meeting due to their counsel's inability to attend this meeting.

Kathleen Yates appeared on behalf of DGS. Ms. Yates stated funding for the contract will expire on June 30 and requested the Board issue their decision on the protest at this meeting.

The Board voted to adopt the proposed decision to deny the protest of RTZ Associates, Inc.

Item 19. Cheryl Jones (Pen. Code, § 4900 et seq.) Claim Number G564792

Maggie Krell appeared on behalf of the Attorney General's Office. The Board voted to adopt the staff recommendation to reject the claim.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:38 a.m.

Regulations Governing Hearings for Indemnification for Citizens Benefiting the Public and Indemnification of Victim of Crime Approval of Responses to Public Comment; Adoption of the Regulations; and Authorization to File the Regulations with the Office of Administrative Law

Garry Ness, Chief Counsel, presented the final hearing procedure regulations for adoption relative to the Victim Compensation Program. Mr. Ness stated the VCGCB held a public comment period and

thereafter staff prepared a summary of the comments received that included recommendations on action taken in response to the comments. Mr. Ness also stated staff identified one typographical error regarding regulation section 647.37, which is an existing regulation and there is no intent or indication that it will be superseded or repealed. Staff will correct the technical change by changing the number to regulation section 647.37.1.

The Board voted to adopt the staff recommendation to approve the proposed responses to the public comments, adopt the hearing regulations, and authorize the Executive Officer to file the hearing regulations with the Office of Administrative Law for its review and approval.

Reconsiderations Following Board Action on a Proposed Decision

Recommendation: Deny

(Nos. 1-8)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Respond

(Nos. 9-24)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Appear

(Nos. 25-39)

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 10:40 a.m. to deliberate on the proposed decisions, numbers 40 through 65.

The Board reconvened into open session at 10:47 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 40 through 65 with the exception of number 61, which was referred back to staff.

Adjournment

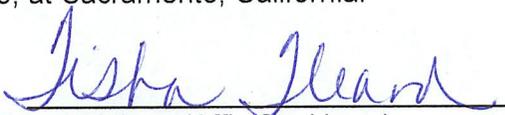
The Board meeting adjourned at 10:48 a.m.

Julie Nauman
Executive Officer



I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of August 13, 2009, at Sacramento, California.

Date: August 13, 2009

By: 
Board Liaison (Affix Seal here)