

California Victim Compensation and Government Claims Board

Open Meeting Minutes

February 18, 2010, 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, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, February 18, 2010, at 10:02 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; Patty Harris, Chief Deputy Executive Officer; and Wayne Strumpfer, Chief Counsel. Tisha Heard, Board Liaison, called the meeting to order and recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Approval of Minutes of the January 21, 2010, Board Meeting

Chairperson Leslie Lopez and Board member Les Kleinberg voted to approve the minutes of the January 21, 2010, Board meeting. Board member Michael Ramos abstained.

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 gave the following report:

- January was Stalking Awareness Month and in recognition of that observance, the CalVCP invited representatives from WEAVE, Women Escaping a Violent Environment, to educate staff about the crime of stalking. WEAVE provided an outstanding presentation that included discussions on sexual assault, human trafficking, and domestic violence. The informative presentation also included communication tips for staff to use when speaking with victims. The CalVCP has been working with WEAVE and a number of similar organizations to help develop stronger partnerships across the state.
- The VCGCB took part in an unprecedented outreach event at the Valley State Prison for Women in Chowchilla. The Executive Officer received a handwritten letter from inmate Crystal Potter who has been incarcerated for more than 18 years as a result of a homicide conviction. Crystal wrote on behalf of a group of women inmates who belong to an organization within the prison called the Long Termers Organization (LTO), which consists of more than 100 women. The incarcerated women were interested in learning how their crimes affect victims, how the CalVCP helps victims throughout the State every day, and where the restitution money is spent. On February 3rd, the Executive Officer attended one of the LTO's regular meetings. In addition to providing an overview of the program, the Executive Officer shared victim stories including actual examples of victims' expenses, services provided, and the needs of victims as a result of a violent crime. The event was an interesting opportunity for the CalVCP to address concerns inmates have about their victims, as well as address questions about restitution fines and orders, the primary source for the state's Restitution Fund. A representative from CDCR Victim Services and a local victim witness advocate assisted in answering their questions. The event gathered local media attention, with two television crews and the Fresno Bee covering the story. The LTO has raised and donated over \$138,000 through inmate fundraisers to non-profit organizations including the Susan G. Komen Foundation, Hinds Hospice of Fresno County, and victim services organizations.

- As a result of feedback received from a spring 2009 customer service survey conducted by the Government Claims Program (GCP), last month staff gave a presentation to State governmental agencies who receive claims filed against their particular agency to help them understand the process. The presentation covered the history of the program, services provided, and processes followed. The hour-long outreach effort focused on statistical information regarding the number of claims received per year and the most commonly filed types of claims; information regarding timeliness of claims; general claims processing information; and the criteria used to determine whether the agency or the Legislature pays the claim. The outreach presentation was positively received by 40 representatives from eight state agencies including the Department of Alcohol and Drug Programs, the Department of Consumer Affairs, the Department of Developmental Services, the Department of Fish and Game, the Department of Motor Vehicles, the Department of Parks and Recreation, the Department of Social Services, and the State Treasurer's Office. As a result of the first outreach effort, the GCP was invited to partner with the Department of Motor Vehicles and the Department of Parks and Recreation to convey the same information to its district offices and employees. The GCP plans to give more presentations to state agencies throughout the 2010 calendar year and beyond in hopes of reaching every state agency in California.
- February is Black History month, which honors the history and achievements of African Americans. The VCGCB Black History Committee has adopted the theme "Hearts for Haiti" to empower and support over one million disaster victims. During the month of February, fundraising events are being held to reach the committee's goal of \$1,000.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 367)

The Board voted to approve the staff recommendations for numbers 1-367, with the following exceptions: item numbers 64, 227, 230, and 257 were removed pending further review of information received from the involved parties; item numbers 229, 300, 311, and 318 were removed because the Board has no jurisdiction over these claims; and item numbers 93, 97, 104, and 347 were removed in order to allow the claimants an opportunity to address the Board.

Consent Agenda Appearance

Item No. 93, G585299

Claimant Brian Broumas appeared and addressed the Board. Frank Coates appeared on behalf of DMV. CSUS did not send a representative to address the Board.

The Board voted to continue the claim to the March 18, 2010, Board meeting and requested staff ask a representative from CSUS to appear to answer questions of the Board.

Consent Agenda Appearance

Item No. 97, G585367

The claimant failed to appear. The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance
Item No. 104, 585535

The claimant failed to appear. The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance
Item No. 347, G586991

The claimant failed to appear. The Board voted to adopt the staff recommendation to reject the claim.

Item 5. Ali Vaziri, M.D.
Claim Number G587126

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$97,142.97, under authority of Government Code section 965 (agency pay).

Item 6. Request for Delegation of Authority
Under Government Code Section 935.6 by the
Department of Motor Vehicles

Laura Ralls appeared on behalf of the Department of Motor Vehicles. Board member Les Kleinberg stated DMV's average processing time of 90 days is considerably high and asked what steps have been taken to reduce that number. Ms. Ralls stated the furloughs and staff turnaround have contributed to the delay in processing the claims. Ms. Ralls further stated in the next few weeks, with the assistance of Government Claims Program staff, training will be conducted to make staff aware of the importance of responding to claims in a timely manner. The goal of DMV is to reduce their average processing time to within 30 days.

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

Item 7. Larry Duncan (Pen. Code, § 4900 et seq.)
Claim Number G574757

The claimant did not appear. Michael Ferrall, Deputy Attorney General, appeared on behalf of the Office of the Attorney General. The Board voted to adopt the staff recommendation to deny the claim.

Item 8. Craig Smith (Pen. Code, § 4900 et seq.)
Claim Number G578565

The claimant did not appear. 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 10:40 a.m.

Rates and Limitations

Reimbursement of Applicant's Out-of-Pocket Expenses

Wayne Strumpfer, Chief Counsel, presented the item to the Board. Board member Les Kleinberg stated there is a conflict with the Victim Compensation Program Policy and the report provided to the Board regarding the effective date of the notice. Mr. Strumpfer clarified that the effective date is the date the notice is received.

The Board voted to adopt the staff recommendation.

Request for Reconsiderations Following Board Action on a Proposed Decision

Recommendation: Deny

(Nos. 1-7)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Respond

(Nos. 8-45)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Appear

(Nos. 46-48)

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 49 through 60.

The Board reconvened into open session at 10:52 a.m.

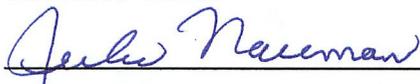
Open Session

The Board voted to adopt the proposed decisions for numbers 49 through 60.

Adjournment

The Board meeting adjourned at 10:52 a.m.

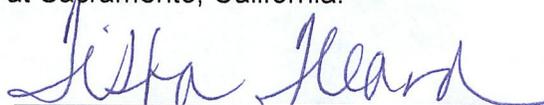
Julie Nauman
Executive Officer



I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of March 18, 2010, at Sacramento, California.

Date: March 18, 2010

By:



Board Liaison (Affix Seal here)

