

**California Victim Compensation and Government Claims Board**  
**Open Meeting Minutes**  
**October 18, 2012, Board Meeting**

The California Victim Compensation and Government Claims Board (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, October 18, 2012, at 10:00 a.m. Also present were Board members Richard Chivaro, Chief Counsel, 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; Kathy Cruz, Chief Deputy Executive Officer; and Wayne Strumpfer Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Chairperson Lopez announced that the Great California ShakeOut, an annual statewide earthquake drill, would occur at 10:18 a.m. She stated that the broadcast would not be audible in the auditorium; however, she encouraged everyone to participate in events that increase earthquake safety awareness.

**Item 1. Approval of Minutes of the September 20, 2012, Board Meeting**

Chairperson Lopez and Board member Chivaro approved the minutes of the September 20, 2012, Board meeting. Board member Ramos abstained.

**Item 2. Public Comment**

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

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

**2012 VOCA National Training Conference**

The Executive Officer attended the 2012 National Association of VOCA Assistance Administrators Training Conference in Atlanta on October 1-4, sponsored by the Office for Victims of Crime, Office of Justice Programs. This year in addition to participants from all compensation boards, assistance administrators funded by VOCA also attended. The Executive Officer gave presentations at two panel sessions. The first session, *Using Effective Performance Standards and Scorecards*, focused on performance measures. CalVCP developed performance standards to measure the effectiveness of its program both in terms of the activities at headquarters and at the Joint Powers counties. The session was well received and a number of states requested copies of the presentation and asked for details on how the CalVCP was able to develop and implement the program so they could do likewise. The second session, *Benefits of Using a Bill Review Service*, focused on cost control measures. CalVCP has been very cost conscience over the past several years and the Executive Officer was able to share with the rest of the nation the steps CalVCP has taken to manage its resources carefully. Specifically, CalVCP focused on its use of a billing service to adjudicate the CalVCPs mental health and medical bills. The group was very interested and impressed with the cost effectiveness of the way CalVCP implemented the use of a billing service to save a significant amount of money on an annual basis.

**Suited for Success Clothing Drive**

October is Domestic Violence Awareness Month and the CalVCP is actively involved in helping victims of domestic violence. One in four women in America will experience domestic violence in their lifetime and CalVCP will observe Domestic Violence Awareness Month in the hopes of helping victims through their pain and moving forward in the fight to end the senseless act of violence. This year the VCGCB partnered with the California Partnership to End Domestic Violence and together will promote and implement a clothing drive. The CalVCP will work with the California Partnership to End Domestic Violence, WEAVE, and other local organizations to collect gently used men and women's professional attire to help men and women seeking to get back into the workforce. Bins have been placed in the VCGCB's first floor lobby to accept new and gently used clothing and accessories suitable for job interviews. The clothing drive will go through November 2 and the items

collected will be donated to WEAVE, My Sister's House, and the Domestic Violence Intervention Center.

#### **Item 4. Proposed Board Meeting Dates for Calendar Year 2013**

The Board approved the Board meeting dates for calendar year 2013.

#### **Item 5. Legislative Update**

Jon Myers, Deputy Executive Officer, Legislation and Public Affairs Division, reported the following:

- SB 1299 (Wright), relating to compensation for victims of crime, extends the filing period for CalVCP applications from one year to three years and limits the conditions for acceptance beyond that filing period. It provides that any reduction in maximum rates or service limitations shall not affect payment or reimbursement of losses incurred prior to three months after the adoption of any changes. It also includes several technical changes to CalVCP statutes. The bill was signed by the Governor and will become effective January 1, 2014.
- SB 1210 (Lieu), relating to the collection of restitution fine, enhances restitution collection authority for local jurisdictions to address the implementation of public safety realignment, as follows: (1) authorizes counties to collect up to 50 percent of the wages and trust account deposits of prisoners in county jails and to assess an administrative fee for costs of collection; (2) authorizes counties to impose revocation fines on offenders which are payable upon violation of post-release community supervision or mandatory supervision; (3) allows any portion of a restitution order that remains unsatisfied after a defendant is no longer on post-release community supervision or mandatory supervision to be enforced by the county collection agency or by the victim as a civil judgment; and (4) allows court-ordered debt over \$100 imposed by a juvenile court to be referred to the Franchise Tax Board for collection. The bill was signed by the Governor.

#### **Item 6. Government Claims Program**

##### **Consent Agenda (Nos. 1- 330)**

The Board adopted the staff recommendations for item numbers 1-330, with the following exceptions: item numbers 171 (606305), 303 (602801), 306 (603750), and 323 (606373) were continued and item numbers 77 (603479), 114 (605791), and 119 (605950) were removed to allow the claimants an opportunity to address the Board.

##### **Consent Agenda Appearance**

##### **Item 77, G603479**

##### **Claim of Brian L. Dougherty**

Brian L. Dougherty appeared and addressed the Board. Shannon Boyce appeared on behalf of the Department of Motor Vehicles.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Brian Dougherty requested compensation from the Department of Motor Vehicles (DMV) in the amount of \$400.00 for loss of work, loss of driving privileges, and payment of erroneous fees. Ms. Fox stated that DMV recommended that the claim be rejected because there appeared to be no State liability. GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Further, based on GCP's review of the claim and the recommendation provided by DMV, GCP staff recommended that the Board reject the claim.

Mr. Dougherty explained that his automobile insurance was never cancelled. He stated that he received a letter from his insurance company stating that his insurance had not been cancelled and they had no record of his insurance ever being cancelled; instead, DMV made a mistake, which he stated was acknowledged by a DMV agent who told him that there was computer glitch on the part

of DMV. Both he and his insurance company tried contacting DMV via email and telephone on several occasions, to no avail.

Chairperson Lopez asked Mr. Dougherty if he provided DMV with the letter that he received from his insurance company that stated that his insurance had never been cancelled.

Ms. Boyce explained that DMV received a cancellation from Mr. Dougherty's insurance company. Pursuant to changes made to the law to ensure that vehicles driven on California roads have liability insurance that provides financial responsibility for damage or injury caused by a traffic collision regardless of fault, and to remove uninsured vehicles from the highways, the law also changed the way DMV verified insurance for privately owned vehicles. Insurance companies in California are required by law to electronically report private-use vehicle insurance information to DMV. Electronic reporting of insurance information allows DMV to monitor insurance coverage and to take appropriate action through vehicle suspension as required by law. She stated that with regard to Mr. Daugherty, DMV received a cancellation of his policy from his insurance company. After she discussed it with his insurance company, it was discovered that instead of reporting a cancellation, his insurance company intended to inform DMV that the policy renewed; nonetheless, his insurance company cancelled his insurance with DMV. Mr. Dougherty's insurance company followed up by re-filing the electronic insurance and it did show that it his insurance was valid the entire time; however, there was a period of time wherein electronic insurance was not on record and it was the result of the renewal process which was an error made by Mr. Dougherty's insurance company. DMV would not have known that it was an error. DMV followed up with Mr. Dougherty by sending him a letter 45 days after the cancellation was received from his insurance company. When no response was received within 30 days from sending the initial letter, DMV followed up with a Notice of Suspension, which was also sent to Mr. Dougherty. Thereafter, the registration for the vehicle was suspended.

Chairperson Lopez asked Ms. Boyce whether Mr. Dougherty's insurance company contacted DMV to confirm that his insurance was never cancelled.

Ms. Boyce explained that after Mr. Dougherty filed a government claim, a DMV analyst contacted Mr. Dougherty's insurance company to determine whether any email exchanges had occurred. Mr. Dougherty's insurance company provided emails after January 30, 2012, which was the date that DMV reinstated his vehicle registration. His insurance company could not provide any emails prior to January 30<sup>th</sup>.

Chairperson Lopez asked whether DMV received the letter from Mr. Dougherty's insurance company.

Ms. Boyce stated that it was possible that his insurance company sent the letter, which might have been the reason that the vehicle registration was reinstated; however, there was no indication that anything was received prior to January 30<sup>th</sup>. DMV reinstated the registration based on an email or potentially the letter that he provided from his insurance company.

Mr. Dougherty stated that his insurance company was frustrated with DMV because DMV did not respond to emails or telephone calls. He stated that his insurance company accessed DMV's webpage to complete and provide the necessary information; however, they found out that only a few insurance companies have the ability to do so online.

Ms. Boyce clarified that in order for insurance companies to complete the process online, the insurance company must elect to enroll in the program; however, Mr. Dougherty's insurance company had not enrolled in the program.

Mr. Dougherty stated that he sent emails to DMV, but they never responded. As soon as he received DMV's letter informing him that his license would be suspended, he called his insurance company and informed them that DMV needed proof of insurance.

Board member Ramos asked Ms. Boyce if she had a record of the cancellation.

Ms. Boyce stated that, pursuant to Mr. Dougherty's electronic record, his policy originally went into effect on October 25, 2010, and his insurance company sent a cancellation on October 18, 2011. His insurance company followed up by sending DMV the same policy information electronically on March 15, 2012. If DMV had waited for Mr. Dougherty's insurance company to follow up with an electronic insurance, his vehicle registration would not have been reinstated until March 16<sup>th</sup>. Further, she stated that DMV responded to letters and emails on January 30, 2012, and then patiently waited for Mr. Dougherty's insurance company to correct their electronic records.

Mr. Daugherty explained that his government claim in the amount of \$400 represented compensation for loss of work and loss of driving privileges because he did not want to drive illegally. He stated that neither he nor his insurance company were at fault.

Ms. Boyce stated that Mr. Dougherty's insurance company had contacts within DMV. If his insurance company had any problem filing the electronic insurance as required by law, his insurance company could have contacted DMV staff who would have worked to fix the problem. She further explained that DMV responded to emails when they received them, which was on January 30<sup>th</sup>.

The Board adopted the staff recommendation to reject the claim.

### **Consent Agenda Appearance**

#### **Item 114, G605791**

##### **Claim of Joseph Cowan**

Joseph Cowan appeared and addressed the Board. Lynnette Frietag and Cindy Hanneman appeared on behalf of the Victim Compensation and Government Claims Board.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Joseph Cowan requested compensation from the Victim Compensation and Government Claims Board (VCGCB) in an amount exceeding \$10,000 for an improper bank levy and mental stress. Ms. Fox stated that, based on GCP's review of the claim and the recommendations provided by Victim Compensation Program staff and Government Claims Program staff, GCP staff recommended that the Board reject the claim for a refund of the money levied by FTB on its merits. Additionally, GCP staff recommended that the Board reject the claim for mental stress because the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Mr. Cowan stated that his government claim was unusual because it was against VCGCB restitution staff. He explained that in 1997 he was convicted of vehicular manslaughter in Marin County. In addition to serving prison time, he was also ordered to pay a \$10,000 restitution fine. The victim's parents had funeral and other costs related to the victim's death that amounted to \$7,000. He paid the \$10,000 restitution fine with a personal check and submitted proof of payment to VCGCB restitution staff along with a receipt from Marin County. He stated that the \$7,000 represented a civil matter associated with the victim's death. The court awarded a judgment against him that was to be collected by the awardee in any way they could; however, the court did not monitor whether it was collected. He stated that he was fully insured and several years later, the court concluded the civil case. As part of the civil matter, the victim's parents asked him to make a contribution in the amount of the judgment to show that he was personally involved in the conclusion of the civil case. He stated that he did and he submitted it to his insurance carrier. In 2004, FTB levied his bank account in the amount of \$10,000. When he contacted FTB to discuss the matter, he was referred to the VCGCB for further explanation. VCGCB restitution staff asked him to provide proof of payment

including bank account information and court documents, which he did. Several weeks later, he received a letter of apology for the wrongful levy made and the levy was reversed. In 2011, without notice, he received another bank levy in the amount of \$12,500. He stated that he was told that a portion of the \$12,500, specifically \$2,500, represented an administrative fee because the matter was not resolved. He contacted VCGCB restitution staff and explained that the matter was resolved in 2004; however, staff told him that he had the burden of proof. In response, he requested copies of his file, but the only materials he received was information that he submitted, computer printouts that showed the fine was fully paid in court in 1997, and documentation that showed that his file was reviewed in 2004 and a mistake was made and he never should have received a refund for the amount levied the first time. The letter also stated that the VCGCB was audited and there was no backup to support the payment made in 2004.

Chairperson Lopez-explained that the \$10,000 restitution fine was not in dispute; rather the direct order to the victim's parents was at issue. Ms. Lopez asked Mr. Cowan if he ever submitted any documentation issued by Marin County that showed that the direct order was satisfied.

Mr. Cowan stated that his then attorney's files have since been sent to storage and they cannot find his file. The only documentation he had was a letter that stated he was enclosing a check to the insurance company in the amount of \$7,000. He stated that the civil case was not resolved for several years.

Chairperson Lopez asked Mr. Cowan what documents he had with respect to the order to pay the victim's parents.

Wayne Strumpfer, VCGCB Chief Counsel, clarified that \$17,898.91 represented the direct order to the victim's parents. Mr. Strumpfer explained that VCGCB restitution staff did not have any evidence that the direct order was ever paid. The only evidence that staff had was a letter from Mr. Cowen that stated that \$7,000 was enclosed herein; however, there was no evidence of a check.

Mr. Cowan explained that he only had to pay \$7,000 to the victim's family and there was never any action taken against him to collect an additional \$10,000, because \$10,000 represented the restitution fine.

Board member Ramos explained that individuals will have a restitution fine and can have a restitution order directly to the victim, which appeared to be the case with regard to Mr. Cowan. He further explained that there could also be a civil matter that is separate from the court order. He stated that he believed that Mr. Cowan paid \$7,000 to the victim's family in the civil matter; however, it did not discharge the \$17,898.91 that was a direct restitution order through the court.

Mr. Cowan stated that the initial judgment and the receipt he was given by the probation department was for \$7,000, which is all on record.

Chairperson Lopez stated that without documentation submitted to staff indicating that the direct order to pay the parents was satisfied, the Board could not conclude that it was paid.

Mr. Strumpfer commented that staff contacted the victim's parents and they stated that they never received payment from the direct order. He further stated that staff had the court order if the Board wished to see it. .

Board member Ramos stated that if there was a direct order to the victim, then the Board did not need to see it.

The Board adopted the staff recommendation to reject the claim.

Mr. Cowan-asked the Board if he could receive a hearing with an independent hearing officer to present the facts of his claim.

Chairperson Lopez informed Mr. Cowan that the Board acted on his claim and rejected it, which was the final decision.

### **Consent Agenda Appearance**

#### **Item 119, G605950**

#### **Claim of Mehri Monfared and Hooman Panah**

Mehri Monfared appeared and addressed the Board. Mellonie Yang appeared on behalf of the California Department of Corrections and Rehabilitation.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Mehri Monfared and Hooman Panah sought compensation from the California Department Corrections and Rehabilitation (CDCR) in the amount of \$5,000,000.00 for pain, suffering, and expenses resulting from a stabbing that occurred on February 4, 2012. Ms. Fox stated that GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on the facts of the claim, GCP staff recommended that the Board reject the claim because the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Ms. Monfared, mother of Hooman Panah, stated that she sent additional documentation for the Board's review and consideration on October 4, 2012, that described the negligent act of a San Quentin prison guard. Ms. Monfared explained that on February 4, 2012, her son was in yard 3 at San Quentin. The prison guard positioned in the tower and whose responsibility it was to protect inmates in the yards 3 and 4 failed to do her job, because an Aryan gang member was put in the wrong yard with her son who is Iranian. As a result, the gang member stabbed her son in the back with a 9 ½ inch metal knife. She stated that when the prison guard in the tower saw what was happening, she did not blow her whistle or press the alarm to alert the other officers of the attempted murder; instead, she stated that the officer laughed and smiled. Ms. Monfared commented that her son was an innocent man living on death row due to a wrongful conviction of murder, which DNA has proven that he was innocent.

Chairperson Lopez explained that the Board understood the basis of Ms. Monfared's claim as well as her position; however, the Board is not a court of law and could not review disputed evidence. The Board could not make a decision regarding whether Ms. Monfared's version of the facts was correct. Additionally, Ms. Lopez stated that the Board understood that CDCR disputed Ms. Monfared's version of the facts and the Board could not decide whose version was correct because the Board did not have the authority to make that decision; rather, the court would be the proper avenue.

Ms. Monfared stated that her son is being harassed, she and her son are having nightmares, and prison officials are trying to cover up the investigation. She added that she did not understand why her claim was deemed complicated.

Board member Ramos explained that Ms. Monfared's claim involved complex issues that required witness statements, which was beyond the Board's authority. He explained that if the Board rejected her claim, she could pursue the matter in a court of law. He further added that the Board could not get into the issues regarding her son's innocence because those issues were beyond the Board's authority.

The Board adopted the staff recommendation to reject the claim.

**Item 7. Claim of Edward Redmond**

**Claim Number G595357**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Edward Redmond sought compensation from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$502.00 for Flex Elect Cash Option (Flex Elect) benefits from September 2010 through December 2010.

Ms. Fox stated that CDCR changed their original recommendation to reject the claim and now recommended that the claim be allowed. The California Human Resources Agency (Cal HR) recommended that the claim be allowed in the amount of \$502.00 under authority of Government Code section 965 (agency pay). She stated that GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation from Cal HR and CDCR, GCP staff recommended that the Board allow the claim in the amount of \$502.00 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$502.00.

**Item 8. Claim of Alejandro Ayala**

**Claim Number G598700**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Alejandro Ayala requested leave to present a late claim for compensation from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$136.00 for the cost of eyeglasses that were lost on October 28, 2009.

Ms. Fox stated that CDCR recommended that the late application be granted and the claim allowed in the amount of \$136.00 under authority of Government Code section 965 (agency pay). She stated that GCP staff reviewed the claim and determined that it was complete, but not timely, pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation provided by CDCR, GCP staff recommended that the Board grant the late application and allow the claim in the amount of \$136.00 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to grant the late application and allow the claim in the amount of \$136.00.

**Item 9. Claim of Millard, Holweger, Child and Marton**

**Claim Number G599361**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Millard, Holweger, Child and Marton requested payment in the amount of \$170,504.15 from the California Department of Corrections and Rehabilitation (CDCR) for legal services provided between April 1, 2010, and June 30, 2010.

Ms. Fox stated that CDCR recommended that the claim be allowed in the amount of \$170,504.15, under authority of Government Code section 965 (agency pay). GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on consideration of the facts of the claim, and the parties' mutual desire to settle the matter through the Board action, GCP staff recommended that the Board allow the claim in the amount of \$170,504.15, under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$170,504.15.

**Item 10. Claim of Robert Garcia**

**Claim Number G60074**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Robert Garcia requested reimbursement from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$229.00 for damage to his residence during the arrest of a suspect.

Ms. Fox stated that CDCR recommended that the claim be allowed in the amount of \$229.00 under authority of Government Code section 965 (agency pay). GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation provided by CDCR, GCP staff recommended that the Board allow the claim in the amount of \$229.00 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$229.00.

**Item 11. Claim of Atkinson Baker Inc.**

**Claim Number G602769**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Atkinson Baker Inc. requested payment from the Department of Managed Health Care (DMHC) in the amount of \$2,947.05 for unpaid invoices provided during on May 16-17, 2011.

Ms. Fox stated that DMHC recommended that the claim be allowed in the amount of \$2,947.05 under authority of Government Code section 965 (agency pay). GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation from DMHC, GCP staff recommended that the Board allow the claim in the amount of \$2,947.05 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$2,947.05.

**Item 12. Claim of Eric Walton**

**Claim Number G603244**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Eric Walton, an officer employed by the California Department of Corrections and Rehabilitation (CDCR), requested compensation from CDCR in the amount of \$606.39 for damages to his personal vehicle.

Ms. Fox stated that CDCR recommended that the claim be allowed in the amount of \$606.39 under authority of Government Code section 965 (agency pay). GCP staff reviewed the claim and determined that it was complete and timely, pursuant to Government Code sections 910 and 911.2. Based on the facts of the claim, GCP staff recommended that the Board allow the claim in the amount of \$606.39 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$606.39.

**Item 13. Claim of Susanna J. Wood**

**Claim Number G605058**

Susanna J. Wood appeared and addressed the Board. Bruce McGagin appeared and addressed the Board on behalf of the California Department of Transportation (CalTrans).

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Susanna J. Wood sought compensation from Caltrans in the amount of \$5,059.46 for damage to her vehicle.

Ms. Fox stated that the Department of General Services, Office of Risk and Insurance Management (ORIM), recommended that the claim be rejected. GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on the facts of the claim, GCP staff recommended that the Board allow the claim in the amount of \$5,059.46 under authority of Government Code section 965 (agency pay).

Ms. Wood explained that a Caltrans truck dumped rocks on their car while they were traveling from Oregon to Children's Hospital for treatment for her son. She stated that because they travelled to Children's Hospital twice a week, they were familiar with the roads. She stated that she believed that the person operating the truck pressed the wrong button, which caused the truck to dump a large amount of rocks on her car. She further stated that her partner videotaped the incident and captured the person run two stop signs, which appeared to be an attempt to evade her after she honked at the driver of the truck in an attempt to get their attention to pull over to discuss the incident.

Mr. McGagin stated that the matter would be more appropriately addressed in a court of law because there were disputed facts involved in the matter. He explained that the operations that were undertaken on that particular day were sanding operations. The vehicle in question was a cinder truck that had an attachment on the back end of the dump section of the truck that allows cinders to move into it so that it can be spread across the roadway. The incident occurred on December 15th, a winter day with icy conditions on the roadway. CalTrans was aware of other collisions that were occurring due to the icy conditions and were conducting cinder and sand operations in the area. He explained that when a truck is conducting those types of operations, it tends to run stop signs to keep even coverage across the roadway which is consistent with the practices of CalTrans. He stated that given that there were two differing versions of the events of the incident, the more appropriate course of action would be to have the claim denied so that they could present it before a trier of fact.

Chairperson Lopez asked Mr. McGagin if he had an opportunity to view the video, because it was very troubling. Mr. McGagin stated that he viewed and it was determined that the truck was a cinder truck.

Ms. Wood stated that she had the video if the Board wished to view it.

Board member Ramos commented that Board did not see the video and stated that he would approve the staff recommendation to allow the claim.

The Board adopted the staff recommendation to allow the claim in the amount of \$5,059.46.

**Item 14. Claim of California Air Resources Board**  
**Claim Number G606230**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that the Air Resources Board requested reimbursement in the amount of \$113,170.00 from the Department of Consumer Affairs (DCA) for invoices paid through an interagency agreement.

Ms. Fox stated that DCA recommended that the claim be allowed in the amount of \$113,170.00 under authority of Government Code section 965 (agency pay). She stated that GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation provided by DCA, GCP staff recommended that the Board allow the claim in the amount of \$113,170.00 under authority of Government Code section 965 (agency pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$113,170.00.

**Item 15. Claim of Kay Scholer LLP**

**Claim Number G606367**

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Kaye Scholer, LLP requested compensation from the State Controller's Office (SCO) in the amount of \$95,056.49 for legal services provided to SCO for the period of March 28, 2011, through June 2, 2011.

Ms. Fox stated that the SCO recommended that the claim be allowed in the amount of \$95,056.49 under authority of Government Code section 13928 (legislative pay). She stated that GCP staff reviewed the claim and determined that it was complete and timely pursuant to Government Code sections 910 and 911.2. Based on its review of the claim and the recommendation from SCO, GCP staff recommended that the Board allow the claim in the amount of \$95,056.49 under authority of Government Code section 13928 (legislative pay).

The Board adopted the staff recommendation to allow the claim in the amount of \$95,056.49.

**Item 16. Applications for Discharge From Accountability for Collection**

The item was removed from the agenda.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 10:50 a.m.

**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 10:50 a.m. to deliberate on the proposed decisions numbers 1-157.

**Open Session**

The Board reconvened into open session at 10:53 a.m. The Board adopted the proposed decisions for numbers 1-157.

The Board meeting adjourned at 10:53 a.m.