

California Victim Compensation and Government Claims Board
Open Meeting Minutes
March 21, 2013, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Anna Caballero, Secretary and Chairperson, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, March 21, 2013, at 10:19 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 Strumpf, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Approval of Minutes of the February 21, 2013, Board Meeting

The Board continued the minutes of the February 21, 2013 Board meeting.

Item 2. Public Comment

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

Item 3. Executive Officer's Statement

Legal and Appeals Division "Blitz"

Last month the Legal and Appeals Division conducted an appeals backlog "blitz" in an effort to reduce the current 12-14 month wait time for a claimant's appeal to be processed. All legal staff and members of the appeals section focused on the 1,300 appeals backlog. By the end of February, the backlog was below 350 appeals and the wait time was down to 45 days. The Legal and Appeals Division continue to improve the appeals process and have set a new goal to maintain a backlog of no more than three to four months. Executive Officer Nauman acknowledged James Reinmiller and Kelsey Harris, CalVCP attorneys, who led the team in productivity.

Crime Victim Service Providers Roundtable

Crime Survivors, Inc., a valued partner of CalVCP, organized a Best Practices Roundtable in Santa Ana on March 19th. Approximately 100 community leaders comprised of advocates, health care providers, and government officials participated in the group discussion that focused on insights and lessons learned from providing services to victims of trauma. The concept of best practices for clinicians and crime victim service providers was to provide insights about mental health and crime victim services to victims of trauma and to enable real-time information sharing between clinicians and services providers to promote meaningful dialogue to improve practices, resources, and access to services. CalVCP staff attended the roundtable and shared the benefits of the resources that CalVCP provides. Executive Officer Nauman thanked JoAnn Goodwin, CalVCP Manager, for her participation in the event.

Item 4. Contract Report

Western Integrated Systems

Annual software maintenance renewal of the VCGCB's Kofax Software Assurance licenses. The Board approved the one-year contract in the amount of \$15,624.00.

Western Integrated Systems

Annual software maintenance for the VCGCB's Web Service Export Connector, which is used as part of the VCGCB's CaRES Scanning (Kofax) System. The Board approved the one-year contract in the amount of \$1,600.00.

Criminal Restitution Compact (CRC) Contracts

The VCGCB works with the county's criminal justice system to ensure restitution fines and orders are properly imposed in accordance with applicable statutes and to promote the appropriate

assessment and collection of restitution fines, parole restitution fines, restitution orders, and diversion restitution fees. The Board approved three-year contracts with 25 CRCs in the total amount of \$8,834,748.00.

Keifer Consulting, Inc.

Executive Officer Nauman stated that the contract with Kiefer Consulting, Inc. would be pulled from this month's Contract Report.

Item 5. Government Claims Program

Consent Agenda (Nos. 1- 419)

The Board adopted the staff recommendations for item numbers 1-419, with the following exceptions: item number 138 was withdrawn by the claimant; item numbers 217 and 376 were continued; and item numbers 117, 185, 221, 405, and 406 were removed to allow the claimants an opportunity to address the Board.

Consent Agenda Appearance

Item 117, 606143

Claim of Caroline Rodriguez

David Rodriguez, claimant's husband, appeared and addressed the Board on behalf of the claimant. Robert Roth, attorney, appeared and addressed the Board on behalf of the Office of the Legislative Counsel. Tony Beard, Chief Sergeant at Arms, appeared on behalf of the California Senate Sergeant at Arms.

Nicholas Wagner, Government Claims Program Manager, explained that Caroline Rodriguez sought compensation from the California Highway Patrol (CHP) and the California Senate Sergeant at Arms in the amount of \$3,400.00 for lost property. Mr. Wagner stated that the CHP and Senate Sergeant at Arms recommended that the Board reject the claim because there appeared to be no State liability. He further stated that Government Claims Program staff recommended that the Board reject the claim because there appeared to be no State liability.

Mr. Rodriguez explained that he and his wife attended an event at the State Capitol. Upon arriving at the entrance to the Capitol Building, his wife removed her personal items, including a 25-year wedding anniversary ring, and placed them in a tray. He stated that his wife did not retrieve her ring from the tray; as a result, it was either lost or stolen. Consequently, he was seeking compensation to replace the ring.

Mr. Roth stated that he sympathized with the claimants regarding the loss of the ring; however, there was no evidence that the loss occurred at the Capitol security checkpoint. He explained that the CHP investigated the event and it was determined to be meritless. After the claimant filed a government claim, the event was reinvestigated and it was again determined to be meritless. He stated that he disputed key facts; in particular, the fact that the incident was not reported immediately. He explained that the claimant entered the security checkpoint at the Capitol Building; however, she returned several minutes later to report the ring missing. The claimant reviewed x-ray images, but could not identify any ring; therefore, there was a substantial basis to conclude that the ring did not enter the building at that time. Rather, he stated that the ring was probably lost in another area. Lastly, Mr. Roth stated that legal immunities applied.

Chairperson Caballero asked Mr. Roth whether he viewed the security tapes. Mr. Roth stated that he viewed the security tapes that were available.

The Board rejected the claim.

Mr. Rodriguez stated that his wife was wearing her ring, which fit snugly. When his wife noticed that she did not have her ring, she immediately returned to the security checkpoint and asked for her ring. She informed security personnel that her ring was not in the tray. He stated that he and his wife viewed the tapes and images, which showed his wife walking up to the conveyor belt and placing her items in the tray. The tape also showed the lead security personnel place the tray on top of the monitoring device. It later showed security personnel taking the tray down and putting it on the belt, and then the tray went through the monitoring device. He stated that the tapes showed his wife going through and immediately returning and talking to security. The tapes also showed another individual approaching immediately before her. He explained that security personnel did not inventory or tally items placed into or taken out of the tray; instead, they only looked at the images. He stated that someone might have removed or stolen the ring due to the laxity of security procedures. He further added that he and his wife hold themselves to high moral standards and respect the property of others.

Chairperson Caballero reiterated that the Board rejected Mr. Rodríguez's claim. She explained that if Mr. Rodriguez wished to pursue the matter further, he had the right to go to court.

Mr. Rodriguez asked whether the images and tapes would be made available to him.

Chairperson Caballero explained that the images and tapes should be part of the case if he decided to take it to Superior Court.

Consent Agenda Appearance

Item 185, 609103

Claim of John Law

John Law, claimant, appeared and addressed the Board. Mr. Law submitted documentation for the Board's review and consideration. There was no representation provided by the State Compensation Insurance Fund.

Nicholas Wagner, Government Claims Program Manager, explained that John Law sought compensation from the California State Compensation Insurance Fund in an amount exceeding \$132,000.00 for lost earnings. He stated that Government Claims Program staff recommended that the Board reject the claim because the issues presented were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Mr. Law stated that he was aware that the Board would reject his claim due to its complexity; however, he requested that the Board address whether the State Compensation Insurance Fund violated his due process rights during the investigative process. He stated that it would be useful to both parties if the Board could review and investigate the matter as well as streamline the process. Lastly, he requested that the Board reconsider his claim.

The Board rejected the claim. Chairperson Caballero stated that Mr. Law's claim was very complex as evidenced by the documentation he submitted. She explained that the Board did not have the ability to hear testimony. She further explained that claims such as Mr. Law's are best heard in a court of law where they have the capacity and ability to conduct depositions and determine how to resolve the case, if possible.

Consent Agenda Appearance

Item 221, 609303

Claim of Zatreva Evans

Zatreva Evans, claimant, failed to appear.

Nicholas Wagner, Government Claims Program Manager, explained that Zatreva Evans sought

compensation from the California Department of Industrial Relations in the amount of \$300,000.00 for lost earnings. He stated that Government Claims Program staff recommended that the Board reject the claim because the issues presented were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

The Board rejected the claim.

Consent Agenda Appearance
Items 405 and 406, G608771 and G608757
Claims of Anthony Hall and Jama Hall

Claimant Anthony Hall appeared and addressed the Board on behalf of himself and his minor daughter. Christi Giusti appeared and addressed the Board on behalf of the Department of Social Services.

Nicholas Wagner, Government Claims Program Manager, explained that Anthony Hall requested leave to present a late claim for himself (G608771) and a late claim as a representative for Jama Hall, his minor daughter (G608757). Mr. Wagner explained that Mr. Hall sought compensation from the California Department of Social Services in the amount of \$75,000.00 for the unlawful seizure of his minor child. He stated that, based on the facts of the claims and the Attorney General's Office recommendation to deny the late applications for failure to meet the criteria required in Government Code section 911.6, the Government Claims Program staff recommended that the Board deny the late applications.

Mr. Hall stated that the Department of Social Services' agents and the Department of Health and Human Services caused two unlawful illegal seizures without a warrant. He stated that the second seizure of his son that occurred on February 8, 2012, was the product of false allegations, fraud, and deceit. He further stated that his civil rights and equal rights were violated. Lastly, Mr. Law requested the Board to allow the late claims because although they were not filed within six months, they were filed within a year.

Ms. Giusti stated that the Department of Social Services agreed with the staff recommendation to deny the late claim applications.

Mr. Hall requested a copy of the staff recommendation to the Board.

The Board denied the late applications. Chairperson Caballero explained that Mr. Hall could pursue the matter in court at which time he would be able to receive information regarding his claim.

Item 6. Claim of Kinetic Concepts, Inc.

Nicholas Wagner, Government Claims Program Manager, explained that Kinetic Concepts requested compensation from the California Department of Corrections and Rehabilitation in the amount of \$40,615.74 for medical equipment rental services. He stated that Government Claims Program staff recommended that the Board allow the claim in the amount of \$40,615.74 under authority of Government Code section 965 (agency pay).

The Board allowed the claim.

Item 7. Claim of Iron Mountain

The claim was continued to the April 18, 2013, meeting.

Item 8. Claim of Palm Springs Pump, Inc.

Mellonie Yang appeared on behalf of the California Department of Corrections and Rehabilitation. Nicholas Wagner, Government Claims Program Manager, explained that Palm Springs Pump, Inc. requested reimbursement in the amount of \$105,900.00 from the California Department of Corrections and Rehabilitation for emergency services provided to Chuckawalla Valley State Prison. He stated that CDCR recommended that the Board allow the claim in the amount of \$105,900.00 under authority of Government Code section 965 (agency pay). Government Claims Program staff recommended that the Board allow the claim in the amount of \$105,900.00 under authority of Government Code section 965 (agency pay).

The Board allowed the claim.

Item 9. Claim of Regents of the University of California Berkeley

Nicholas Wagner, Government Claims Program Manager, explained that the Regents of the University of California Berkeley requested payment in the amount of \$219,956.29 from the California Environmental Protection Agency (EPA) for research services provided between June 10, 2008, and June 30, 2011. He stated that EPA recommended that the Board allow the claim in the amount of \$219,956.29, under authority of Government Code section 965 (agency pay). Government Claims Program staff recommended that the Board allow the claim in the amount of \$219,956.29, under authority of Government Code section 965 (agency pay).

The Board allowed the claim.

Item 10. Applications for Discharge From Accountability for Collection

There were no applications for discharge from accountability for collection.

Viewing of Documentary on Human Trafficking

Executive Officer Nauman announced that when the Board meeting adjourned, there would be a special showing of a documentary on human trafficking produced by the San Bernardino County District Attorney's Office.

Board member Ramos introduced the film and spoke about the collaborative effort of the San Bernardino County Coalition Against Sexual Exploitation and the healing work of Rachel's House, a safe restorative home for rescued girls in Southern California.

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), Chairperson Caballero, Board member Chivaro, and Board member Ramos 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 1-187.

Open Session

The Board reconvened into open session at 10:53 a.m. The Board adopted the proposed decisions for numbers 1-187.

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