

## **California Victim Compensation and Government Claims Board**

### **Open Meeting Minutes**

#### **August 13, 2009, Board Meeting**

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Fred Aguiar, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, August 13, 2009, at 10:01 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 June 18, 2009, Board Meeting**

Board members Les Kleinberg and Michael Ramos voted to adopt the minutes of the June 18, 2009, Board meeting. Chairperson Fred Aguiar abstained.

#### **Item 2. Public Comment**

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

The Executive Officer congratulated Tom O'Connor, Chief Deputy Executive Officer, on his retirement, expressed her appreciation for his support, and thanked him for his leadership. The Executive Officer presented Mr. O'Connor with a resolution signed by the Board members in recognition of his 29 years of service to the State of California and dedication and contribution to the development and success of the VCGCB and its programs.

On behalf of the Board and the Administration, Chairperson Fred Aguiar thanked Mr. O'Connor for his dedication and hard work and wished him well in his retirement.

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

The Executive Officer gave the following report which included the following VCGCB accomplishments for FY 08-09:

##### **Victim Compensation Program Statistics**

The end of year VCP statistical data for FY 08-09 showed an increase in payments. The VCP received nearly 55,000 applications, an increase of approximately 8 percent over last year. In addition, the VCP delivered over \$94 million in payments to victims of violent crime, an increase of 16 percent compared to the previous last year.

##### **National Association of Crime Victim Assistance Boards (NACVCB) Annual Conference**

Last September California was the host state for the NACVCB annual training conference. Organizers reported the conference held in San Diego was likely the best-attended national conference ever as compensation professionals from across the country came together for a week of workshops. In partnership with the NACVCB, VCGCB staff organized and participated in many informative presentations and workshops covering such topics as domestic violence dynamics, elder abuse, child victims, privacy rights, revenue recovery, diversity, outreach and awareness, and gang violence.

### **Online Victim Compensation Program Application**

This year the VCP began developing an online application and related Internet-based customer services. The new online system scheduled to launch within the next few months will enable victims, victim service providers, and advocates the convenience of doing business with the VCGCB online. Victims and service providers will have easy access to follow-up information and have the ability to track the status of claims and payments.

### **Criminal Disposition Tracking System**

This year the VCGCB announced the availability of the new Criminal Disposition Tracking System (CDTS), which was developed to assist the Criminal Restitution Compacts Restitution Specialists statewide. This new system will allow the Restitution Specialists the ability to track crime victim compensation claims and corresponding criminal cases to ensure restitution orders are complete and timely.

### **Government Claims Program (GCP) Goes Paperless**

This past year the GCP premiered the paperless electronic communications process for requesting and receiving claim recommendations from other state agencies, making the government claims process leaner and greener. This new process was based on a successful pilot project and was rolled out to all state agencies a few months ago. Now instead of chasing paper and waiting for interagency snail mail or faxes, GCP staff send government claim liaisons at other state agencies electronic recommendation documents instantly via email and recommendations are returned via email or fax.

### **VCGCB Going Green**

Last October the VCGCB held a Green Fair. The VCGCB has increased paper diversion by over 83 percent. In addition, new programs have been implemented to help improve diversion of plastics, metals, and glass. We are proud to say that the VCGCB is headed in the direction of becoming one of the greenest state agencies.

### **Strategic Planning**

During the past several months, the Employee Satisfaction Team met to review and discuss suggestions and ideas submitted by management and staff and to brainstorm short- and long-term recommendations for improving employee satisfaction. The recommendations, which the VCGCB are actively working, fall into three areas and include training, communication, and employee committees.

### **Employee and Stakeholder Surveys**

Last year the VCGCB conducted a series of surveys to assess customer and stakeholder satisfaction with our services. The surveys will be used to establish a baseline for measuring and determining the progress the VCGCB is making toward our Strategic Plan Goal of increasing satisfaction by 10 percent per year.

### **Employee Training Resources**

The VCGCB's intranet has been vastly improved. New training resource calendars have been placed on the intranet as a means of helping staff access training opportunities and encourage participation in the many opportunities provided.

### **Outreach Expansion**

The Public Affairs Office debuted the "Help for Victims of Hate Crime" brochure, which has been distributed statewide to our stakeholders. The Public Affairs Office was honored with two awards for excellence in state communications, a Gold Award for our "Help for Victims of Hate Crime" brochure and a Silver Award for the *Victim Compensation Connection* newsletter. Recently the *Victim Compensation Connection* newsletter has gone green and is shared electronically rather than by mail.

### **New VCP Fact Sheet**

The Public Affairs Office released a new Victim Compensation Program fact sheet to communicate with unreached populations. The fact sheet that has been translated into 11 languages to better assist victims of crime in the most prominent non-English speaking populations and communities in

California. Available languages include English, Spanish, Armenian, Chinese, Farsi, Hindi, Hmong, Korean, Russian, Tagalog and Vietnamese. The fact sheet is also available on our website.

The Executive Officer thanked staff for their hard work. Following the Executive Officer's Statement, a slideshow was shown highlighting the VCGCB's activities during FY 08-09.

#### **Item 4. Proposed Board Meeting Dates for Calendar Year 2010**

The Board voted to adopt the staff recommendation to approve the Board meeting dates for Calendar Year 2010.

#### **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- 791)**

The Board voted to approve the staff recommendations for numbers 1-791, with the following exceptions: item numbers 14, 61, 94-97, 100-102, 104, 111, 117, 119, 125, and 136 were continued to a subsequent agenda; item numbers 109, 121, 288, 353, and 624 were removed in order to allow the claimants an opportunity at address the Board; and item number 460 was removed pending further review.

#### **Consent Agenda Appearance**

##### **Item Number 109**

The claimant was unable to appear at the meeting due to the change to the August Board meeting date. The Board voted to continue the claim to the September 17, 2009, meeting.

#### **Consent Agenda Appearance**

##### **Item Number 121**

Jacque McCrossin, James McCrossin, and Scott Armstrong appeared and addressed the Board on behalf of Buzztail Community Services District. Robin Harrington appeared on behalf of the Department of Forestry and Fire Protection. The Board voted to adopt the staff recommendation to reject the claim.

#### **Consent Agenda Appearance**

##### **Item Number 288**

Claimant Wayne Chung failed to appear. The Board voted to adopt the staff recommendation to reject the claim.

#### **Consent Agenda Appearance**

##### **Item Number 353**

Rick Barrios and David Stone appeared on behalf claimant Thelma Gay Barrios and provided the Board written documentation in support of the claim. The Board voted to adopt the staff recommendation to reject the claim.

**Consent Agenda Appearance**  
**Item Number 624**

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

**Item 7. Golden Gate Disposal & Recycling Co.**  
**Claim Number G577909**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$52,729.75, under authority of Government Code section 965 (agency pay).

**Item 8. Spaten West, Inc.**  
**Claim Number G578425**

Andreas Hildebrandt appeared on behalf of Spaten West. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$5,074.47, under authority of Government Code section 905.2 (b)(4) (legislative pay).

**Item 9. Chrissa Imports, LTD**  
**Claim Number G578426**

Andreas Hildebrandt appeared on behalf of Chrissa Imports. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$2,400.00, under authority of Government Code section 905.2(b)(4) (legislative pay).

**Item 10. Alameda County Information Technology Department**  
**Claim Number G589124**

Chairperson Fred Aguiar asked Steven Tolle, CDCR representative, to explain why Alameda County provided services without a contract for two years. Mr. Tolle stated Alameda County provided CDCR access to CORPUS, a database used by CDCR parole agents to track parolees on a day-to-day basis, from July 1, 2006, through June 30, 2008, without a contract. Mr. Tolle stated during the time period contract negotiations were transpiring, Alameda County continued to provide CDCR with access to CORPUS due to CDCR's mission critical need to retain that data.

Mr. Tolle stated in June 2009 a contract was approved between Alameda County and CDCR to provide CDCR access to CORPUS from July 1, 2009, through June 30, 2011; however, DGS would not approve a retroactive contract to cover the period July 1, 2006, through June 30, 2008.

Mr. Tolle stated Alameda County provided the services and CDCR is responsible for payment for those services. Mr. Tolle further also stated CDCR is monitoring future contracts to ensure adequate time will be allowed to have contracts in place prior to the start date.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$59,343.30, under authority of Government Code section 965 (agency pay).

**Item 11. Pitney Bowes**  
**Claim Number G580696**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$151,244.94, under authority of Government Code section 965 (agency pay).

**Item 12. Hemet Unified School District**  
**Claim Number G581670**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$111,387.00, under authority of Government Code section 965 (agency pay).

**Item 13. Trans Lang**  
**Claim Number G582503**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$74,879.25, under authority of Government Code section 965 (agency pay).

**Item 14. Applications for Discharge from Accountability for Collection**

The Board voted to adopt the recommendations of Government Claims staff, the Office of the State Controller, and the Office of the Attorney General to allow the 50 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 on the debts.

**Item 15. Bid Protest of TEC of California**  
**Invitation for Bid No. 57299**

Jim Farnham appeared on behalf TEC of California.

The Board voted to adopt the proposed decision to deny the protest of TEC of California.

**Item 16. Claire Sheridan-Matney (Pen. Code, § 11172(c)(1))**  
**Claim Number 581799**

Garry Ness, Chief Counsel, presented the item to the Board. Board member Michael Ramos stated the claimant performs forensic examinations for crimes against children in San Bernardino County, she is an expert, and a mandatory reporter.

The Board voted to adopt the proposed decision to grant reimbursement of attorney's fees and costs in the amount of \$10,334.59.

**Item 17. Jeffrey Rodriguez (Pen. Code, § 4900 et seq.)**  
**Claim Number G569133**

The voted to continue the claim to the September 17, 2009, meeting.

**Item 18. J'arvis Daniels (Pen. Code, § 4900 et seq.)**  
**Claim Number G572351**

Claimant, J'arvis Daniels, appeared. Paul O'Connor, Deputy Attorney General, appeared on behalf of the Attorney General's Office.

Board member Les Kleinberg stated since the claimant pled guilty and was found guilty by the court and sentenced, he does not meet the criteria under Penal Code section et seq.

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

**Item 19. Cynthia Sommer (Pen. Code, § 4900 et seq.)**  
**Claim Number G572351**

Alyssa Sullivan appeared on behalf of the claimant, Cynthia Sommer. Michael Farrell, Senior Assistant Attorney General, 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 11:33 a.m.

**Reconsiderations Following Board Action on a Proposed Decision**

**Recommendation: Deny**

**(Nos. 1-4)**

The Board voted to adopt the proposed decisions.

**Proposed Decision Following Failure to Respond**

**(Nos. 5-30)**

The Board voted to adopt the proposed decisions.

**Proposed Decision Following Failure to Appear**

**(Nos. 31-40)**

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 11:34 a.m. to deliberate on the proposed decisions, numbers 41 through 72. The Board also adjourned into Closed Session to confer with Anthony Hackl, Deputy Attorney General, regarding the pending litigation of *Donald Thomas v. Victim Compensation and Government Claims Board*, Case No. BS116217, pursuant to Government Code section 11126(e)(1).

The Board reconvened into open session at 11:40 a.m.

**Open Session**

The Board voted to adopt the proposed decisions for numbers 41 through 72.

**Adjournment**

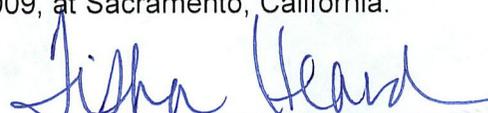
The Board meeting adjourned at 11:41 a.m.

Julie Nauman  
Executive Officer

  
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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of September 17, 2009, at Sacramento, California.

Date: September 17, 2009

By:   
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Board Liaison (Affix Seal here)

