

California Victim Compensation and Government Claims Board

Open Meeting Minutes

April 15, 2010, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Bill Leonard, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, April 15, 2010, 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; Patty Harris, 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.

Item 1. Approval of Minutes of the March 18, 2010, Board Meeting

The Board voted to approve the minutes of the March 18, 2010, Board meeting.

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 introduced two new members of CalVCP's Executive Team, Blanche Harbridge-Wright, Deputy Executive Officer, Administration and Finance Division, and Kathy Cruz, Chief Information Officer.

The Executive Officer reported the following events the Executive Team would participate in observance of National Crime Victims' Rights Week, April 18-24:

- Beginning on Monday, April 19th CalVCP will have blogs posted on the Governor's website each day of the week. Each blog will pertain to a particular type of crime written by various authors including Board member Michael Ramos. In light of the amount of traffic the Governor's website attracts, CalVCP expects to receive a great deal of attention brought to those issues during the week.
- On April 19, CalVCP will kick off its annual March to the State Capitol with a Victims' Rights Rally that will be held outside CalVCP headquarters. CalVCP extended an invitation to our sister agencies and other stakeholders, as well as to victims who have received benefits from our program to participate with us in a show of solidarity. The program will include brief presentations by CalVCP Chairperson and State and Consumer Services Agency Secretary Bill Leonard, CalVCP Board member and San Bernardino District Attorney Michael Ramos, and CalEMA Secretary Mathew Bettenhausen, among others.
- On April 20th the Executive Officer will make a presentation at the California Department of Corrections and Rehabilitation's Office of Victim and Survivor Rights and Services kickoff Moment of Silence Ceremony.
- On April 21st CalVCP will participate in Denim Day, an international campaign to raise awareness and educate the public about sexual assault and domestic violence by wearing denim as a visible means of protest against misconceptions that surround sexual assault crimes. In support of Denim Day, CalVCP staff will hold a denim drive beginning Monday, April 19th through Wednesday, April 21st. Donations of gently used denim clothing will be presented to WEAVE, Women Escaping a Violent Environment. The donated items will be sold in thrift stores with the profits directly supporting WEAVE to help provide emergency assistance to victims of domestic violence and sexual assault.

- On April 22, the Executive Officer will attend the 2010 Justice Awards Ceremony sponsored by the San Francisco District Attorney's Office.
- On April 23rd CalVCP Chairperson and State and Consumer Services Agency Secretary Bill Leonard will represent CalVCP at the Annual Crime Survivors Awards Banquet in Orange County. The non-profit organization, Crime Survivors, Inc., unites Los Angeles County and Orange County law enforcement, probation, Deputy District Attorneys, victim advocates, and medical personnel to collaborate and partner for one cause. This event will recognize individuals who have gone above and beyond to empower a victim to survive and thrive.

The Executive Officer distributed the CalVCP Statistical Data FY 09-10, third quarter, covering January 2010 through March 2010. The Executive Officer reported CalVCP received over 13,000 applications in the third quarter, nearly 40,000 year to date and paid out over \$26 million in payments to victims in the third quarter, over \$72 million year to date.

Chairperson Leonard stated Board members would participate in events and activities next week on behalf of victims and their families in observance of National Crime Victims' Rights Week and thanked staff for their participation as well.

Item 4. Contract Report

The Executive Officer presented the Contract Report, an action item, for Board approval. The Board voted to (1) extend the contracts for the 25 Criminal Restitution Compact contracts for an additional year and (2) extend the contract for Cyber-Pro Systems, Inc., for an additional year.

Item 5. Legislative Update

Information Item.

Government Claims Program

Item 6. Consent Agenda (Nos. 1- 393)

The Board voted to approve the staff recommendations for numbers 1-393, with the exception of item number 270, which was removed pending review of additional information received and numbers 93 and 282, which were removed in order to allow the claimants an opportunity to address the Board.

Consent Agenda Appearance

Item No. 93, G587556

Simplicio Lantin, claimant, appeared and addressed the Board. Mr. Lantin submitted written materials for the Board's review and consideration. Mr. Lantin requested \$3,234.00 for health care premiums that he stated he was erroneously required to pay between February 1, 2008, and December 31, 2008.

Board member Les Kleinberg stated employing departments and CalPERS could do a better job of informing employees of benefits provided and possible ramifications; however, it is ultimately the employees' responsibility to make their own decisions regarding benefits.

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

Consent Agenda Appearance
Item No. 282, G588785

Mary Stewart, claimant, appeared and addressed the Board. Ms. Stewart submitted written materials for the Board's review and consideration. Ms. Stewart requested \$3,000,000.00 for compensation for physical and financial damages that she stated she suffered as a result of the unlawful, unfair, and fraudulent business practices of the California Housing Finance Agency (CalFHA) on September 28, 2009.

Chairperson Leonard asked Ms. Packard, Deputy Executive Officer, if CalHFA provided CalVCP with information regarding the ability to remove the resale restrictions. Ms. Packard stated, according to the information in the claimant's file, the home did not qualify due to resale restrictions. Chairperson Leonard stated because CalHFA did not send a representative to the meeting to exchange more information, questions of the Board remain unanswered.

The Executive Officer stated the claimant requests \$3,000,000.00 in compensation for physical and financial damages, which are issues beyond the scope of the Board and therefore claim should be rejected. The Executive Officer further stated CalVCP Legal Counsel could assist Ms. Stewart by facilitating a conversation between Ms. Stewart and the appropriate officials at CalHFA.

Chairperson Leonard informed Ms. Stewart that she has valid questions that deserve to be answered by CalFHA officials. Chairperson Leonard stated the Board cannot approve the claim due to the amount of the claim and the fact that it is an administrative issue that is not within the Board's purview. Chairperson Leonard further stated CalVCP Legal Counsel would facilitate a discussion with CalFHA officials on Ms. Stewart's behalf.

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

Item 7. Unisys Corporation
Claim Number G586889

Janice Yapdiangco appeared on behalf of the Department of Industrial Relations in support of the claim. Unisys Corporation requested payment in the amount of \$121,030.44 for services it provided to the Division of Labor Standards Enforcement, Department of Industrial Relations.

The Board voted to allow the claim in the amount of \$121,030.44 under authority of Government Code section 965 (agency pay).

Item 8. Martin Brothers Construction, Inc.
Claim Number G587335

John Chando appeared on behalf of CalTrans in support of the claim. Martin Brothers Construction, Inc., requested payment in the amount of \$74,323.50 for emergency services it provided to CalTrans in the Sacramento and South Lake Tahoe areas.

Chairperson Leonard asked Mr. Chando to explain steps taken by CalTrans to ensure this situation will not occur again. Mr. Chando stated the South Lake Tahoe area CalTrans would become more vigilant regarding their contracts.

Chairperson Leonard asked Mr. Chando to make CalTrans aware that they need to change the way they do business to make sure that claims such as these do not come before the Board in the future.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$74,323.50 under authority of Government Code section 965 (agency pay).

Item 9. Conservation Corps North Bay
Claim Number G587768

Item 10. Sacramento Regional Conservation Corps
Claim Number G587771

Item 11. Los Angeles Conservation Corps
Claim Number G587766

Chairperson Leonard stated the Board would consider the above three claims as a group because although the dollar amounts claimed are different, the issues are identical. Conservation Corps North Bay, Sacramento Regional Conservation Corps, and Los Angeles Conservation Corps request payment for recycling and abatement services provided to the Department of Resources Recycling and Recovery (CalRecycle), previously known as the Department of Conservation, Division of Recycling.

Laurie Kikumoto appeared on behalf of CalRecycle, in support of the claims of Conservation Corps North Bay (G587768), Sacramento Regional Conservation Corps (G587771), and Los Angeles Conservation Corps (G587766). Scott Dosick, Managing Director of the California Association of Local Conservation Corps, appeared on behalf of the claims of Conservation Corps North Bay (G587768) and Los Angeles Conservation Corps (G587766).

Chairperson Leonard asked Ms. Kikumoto to explain the steps taken to ensure this does not occur in the future. Ms. Kikumoto stated at the time the recycling and abatement services were provided, there was no agreement in place so there was no way to pay for the services rendered.

The Board voted to adopt the staff recommendations to allow the claims under authority of Government Code section 965 (agency pay) as follows: Conservation Corps North Bay (G587768) approved in the amount of \$108,426.83; Sacramento Regional Conservation Corps (G587771) approved in the amount of \$119,844.00; and Los Angeles Conservation Corps (G587766) approved in the amount of \$71,005.59.

Item 12. Verizon Business
Claim Number G58779

DeeDee Teal appeared on behalf of the California Highway Patrol (CHP) in support of the claim. Ms. Teal stated the claim is for the purchase and installation of telephone equipment installed in 25 of CHP's 911 communication centers by Verizon Business.

Chairperson Leonard asked Ms. Teal to explain steps taken to ensure this does not occur in the future. Ms. Teal stated CHP currently has an automated tracking process in place. In addition, CHP worked together with Verizon Business regarding their accounting procedures to ensure CHP receives timely billings.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$1,264,592.58 under authority of Government Code section 965 (agency pay).

Item 13. Applications for Discharge from Accountability for Collection

Chairperson Leonard asked staff if discharging liability relieves the individual of liability. The Executive Officer stated the State Administrative Manual sets forth requirements to pursue these debts but the debts remain the obligation of the debtor.

The Board voted to adopt the staff recommendation to approve the 20 requests by state agencies.

Item 14. Request for Delegation of Authority Under Government Code Section 935.6 by the California Teachers' Retirement System

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

**Item 15. Isaiah Barrett (Pen. Code, § 4900 et seq.)
Claim Number G580801**

Wayne Strumpfer, CalVCP Chief Counsel, stated Mr. Barrett was recently released from prison and consequently did not receive notification of the proposed decision or the Board meeting. Mr. Strumpfer further stated Mr. Barrett has since received notice and requested the Board continue his claim to the May 20, 2010, Board meeting.

The Board voted to continue the claim to the May 20, 2010, Board meeting.

**Item 16. Bid Protests of Garvey Equipment Company and B&M Lawn & Garden, Inc.
Invitation for Bid No. 5437C**

Trina Panaqua appeared and addressed the Board on behalf of Garvey Equipment Company. Kathleen Yeates appeared and addressed the Board on behalf of the Department of General Services.

Chairperson Leonard asked Ms. Yeates if the State purchased the best wood chipper for the price and, if CalTrans discovers that the wood chipper does not perform to the specifications required in the bid, does the contract allow CalTrans the ability to return it for a refund. Ms. Yeates stated she believed the State purchased the best wood chipper for the best price. Further, Ms. Yeates stated when the wood chipper is delivered, it will go through an acceptance process at delivery.

The Board voted to adopt the Hearing Officer's recommendation to deny the protests.

Ms. Panaqua asked the Board to advise her of the next steps she could pursue regarding legal remedy beyond the Board's authority. Mr. Strumpfer instructed Ms. Panaqua to address her questions to CalVCP Senior Staff Counsel, Jennifer Chmura.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 11:12 a.m.

**Requests for Reconsideration
Recommendation: Deny
(Nos. 1-7)**

The Board voted to adopt staff recommendations.

Request for Reconsideration Following Board Action on a Proposed Decision

Recommendation: Deny

(No. 8)

Chairperson Leonard requested the Board continue the request for reconsideration to the May 20, 2010, Board meeting.

The Board voted to continue the request for reconsideration to the May 20, 2010, Board meeting.

Proposed Decisions Following Failure to Respond

(Nos. 9-15)

The Board voted to adopt the proposed decisions.

Proposed Decisions Following Failure to Appear

(Nos. 16-24)

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 11:14 a.m. to deliberate on proposed decisions numbers 25 through 34.

The Board reconvened into open session at 11:28 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 25 through 34.

Adjournment

The Board meeting adjourned at 11:29 a.m.

Julie Nauman
Executive Officer



I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of May 20, 2010, at Sacramento, California.

Date: May 20, 2010

By:


Board Liaison (Affix Seal here)