

**California Victim Compensation and Government Claims Board**  
**Open Meeting Minutes**  
**April 10, 2014, Board Meeting**

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Marybel Batjer, Secretary, California Government Operations Agency, at 400 R Street, Sacramento, California, on Thursday, April 10, 2014, at 10:04 a.m. Also present was Board member Richard Chivaro, Chief Counsel, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was absent.

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 March 20, 2014, Board Meeting**

The Board approved the minutes of the March 20, 2014, Board meeting.

**Item 2. Public Comment**

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

**Item 3. Executive Officer Statement**

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

CalVCP will cohost the NACVCB's Western Regional Conference in San Francisco from April 21-23. CalVCP will assist in the development of the conference agenda and will lead several panels and workshops. Directors from nearly 20 state Crime Victim Compensation Programs will gather to discuss recent advances and ongoing gaps in services for victims of violent crime.

**Victims' Rights March**

On April 8 CalVCP held its annual Victims' Rights March to the State Capitol led by VCGCB Chairperson and Government Operations Agency Secretary Marybel Batjer. The march concluded at the Capitol where CalVCP participated in the Victims' Rights Rally to raise awareness of the services CalVCP provides.

Chairperson Batjer expressed her appreciation to Executive Officer Nauman for extending her an invitation to participate in the march and rally.

**Crime Victims' Rights Month Public Service Announcement**

CalVCP released a PSA that featured California Attorney General Kamala D. Harris speaking at CalVCP's rally last year.

**Victims' Rights Digital Town Hall**

CalVCP will host its second Victims' Rights Digital Town Hall. A panel of experts will discuss a variety of topics, including reaching the underserved through collaboration of victim services and examining the importance of protecting and fighting for the rights of victims of violent crime.

**Documentary Screening on Human Trafficking**

Later in the month CalVCP will host a screening of "Teenage Sex 4 Sale: Human Trafficking in San Bernardino County" at the Crest Theatre in Sacramento. The San Bernardino County District Attorney's Office produced the short documentary that delves into the problem of sexual exploitation in the nation's largest county. The documentary examines victim stories, boastful pimps, and one woman's quest to open a home for victims. A question and answer session with Board Member and San Bernardino County District Attorney Michal Ramos will be held following the viewing.

Chairperson Batjer asked Executive Officer Nauman whether a link to the documentary would be created on the VCGCB website for greater viewing.

Jon Myers, Deputy Executive Officer, Public Affairs Division, explained that the documentary was currently online and the special screening would make the issue even more visible. Mr. Myers stated that the media would be invited to attend the screening to help raise awareness about the issue of human trafficking and the Public Affairs Division would be doing social media around the issue during the time of the screening. He stated that the San Bernardino County District Attorney's Office was eager to raise awareness about the issue and he would work with District Attorney Ramos' office to get a link to the documentary.

### **CalVCP Podcasts and Blogs**

The VCGCB website contains a number of podcasts and blogs that were released in April that examine personal stories, victim issues, the healing process, and includes helpful tools and services.

### **Denim Day**

In honor of Sexual Assault Awareness Month, VCGCB staff and millions across the nation will wear denim on April 23, Denim Day, to make a social statement with their fashion by wearing jeans as a visible means of protest against erroneous and destructive attitudes about sexual assault.

### **Item 4. Legislative Update**

Wayne Strumpfer, VCGCB Legislative Director, reported the following:

AB 2685 (Cooley), sponsored by the VCGCB to enhance the collection of restitution from criminal offenders, will be heard in the Assembly Public Safety Committee on April 29.

SB 1031 (De Leon), the VCGCB's first Government Claims Bill of 2014, will appropriate \$776,946.59 to pay 332 claims approved by the Board from May 2013 through December 2013 and \$305,900 to pay the erroneous conviction claim of Mario Rocha. The bill is tentatively set to be heard on April 21.

AB 1629 (Bonta) expands CalVCP's reimbursement of mental health counseling expenses to include peer counseling services provided by a service organization for victims of violent crime. Currently, CalVCP may only pay for peer counseling services provided by a rape crisis center. The bill passed the Assembly Public Safety Committee and is now in the Senate Appropriations Committee.

Chairperson Batjer asked whether the organization was licensed and whether they had regulations.

Mr. Strumpfer stated that he was unaware whether rape crisis centers were licensed, but the services provided by them is provided through a grant with the Governor's Office of Emergency Services (OES). He explained that OES has specific requirements that are not currently in the bill for peer counseling expenses for the violent crime victims.

AB 2545 (Lowenthal) prohibits denial of a CalVCP application with respect to a claim based on sexual assault committed by military personnel against military personnel, solely because the sexual assault was not reported to a superior officer or law enforcement at the time of the crime. The bill passed in the Assembly Public Safety Committee and is now in the Senate Appropriations Committee.

Chairperson Batjer asked Mr. Strumpfer whether CalVCP received or denied the types of cases specified in AB 2545.

Mr. Strumpfer stated that he was unaware of those types of cases being denied by CalVCP. He stated that he spoke with Assembly Member Lowenthal, the bill's author, and CALCASA, the bill's sponsor, and explained CalVCP's statutes.

#### **Item 5. Contract Report**

The Board approved the following two contracts:

##### **Cyber Pro Systems, Inc., dba MDX/FIS (MDX) - VCGC1016 A2**

MDX provides bill review and adjustment services in accordance with Medicare, DentiCal, and other fee schedules as required by the Board. MDX audits and reviews those bills and is responsible for answering questions and resolving technical disputes raised by providers, victims and CalVCP staff. The contract was renewed for a third year pursuant to the amendment provisions provided under the original contract. The second amendment to the contract is in the amount of \$150,000 and the contract term is June 22, 2012-June 30, 2015.

##### **NWN Corporation, Technology Integration Group**

The contract in the amount of \$400,000 is to purchase new PCs for headquarters, Joint Powers counties, and the CRCs as part of a PC refresh program and to provide support services for the deployment of the computers. The current PCs are eight years old and cannot run Board required software including the current version of Microsoft Windows. The VCGCB's contracts with the CRCs and JPs require the VCGCB to provide them with computer equipment.

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

##### **Consent Agenda (Nos. 1-271)**

The Board adopted the staff recommendations for item numbers 1-271, with the exception of item number 252 (616052), which was removed to allow the claimant an opportunity to address the Board at the May 15, 2014, meeting.

#### **Item 7. Claim of Mark A. Gholson**

##### **Claim Number G603022**

Nicholas Wagner, Government Claims Program Manager, explained that Mark Gholson requested compensation from the California Department of Transportation in the amount of \$7,562.63 for damage to his vehicle. Mr. Wagner stated that Government Claims Program staff recommended that the Board partially allow the claim in the amount of \$4,116.38 under authority of Government Code section 965 (agency pay).

The Board partially allowed the claim in the amount of \$4,116.38.

#### **Item 8. Claim of Loma Linda University Med Center**

##### **Claim Number G615186**

Nicholas Wagner, Government Claims Program Manager, explained that Loma Linda University Med Center requested compensation in the amount of \$723,815.24 from the Department of State Hospitals for unpaid invoices. He stated that Government Claims Program staff recommended that the Board partially allow the claim in the amount of \$110,147.94 under authority of Government Code section 965 (agency pay).

The Board partially allowed the claim in the amount of \$110,147.94.

#### **Item 9. Claim of Our Healthcare Consultants**

##### **Claim Number G615340**

Nicholas Wagner, Government Claims Program Manager, explained that Our Healthcare Consultants requested compensation in the amount of \$99,122.50 from the Department of Veterans

Affairs for unpaid invoices. He stated that Government Claims Program staff recommended that the Board allow the claim in the amount of \$99,122.50 under authority of Government Code section 965 (agency pay).

The Board allowed the claim in the amount of \$99,122.50.

**Item 10. Applications for Discharge From Accountability for Collection**

Nicholas Wagner, Government Claims Program Manager, explained that State agencies had 51 requests for discharge from accountability for collection of debt totaling \$354,396,572.74. He stated that Government Claims Program staff recommended that the Board approve the requests pursuant to Government Code section 13940, et seq.

The Board approved the requests.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 10:20 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 10:20 a.m. to deliberate on proposed decision numbers 1-62.

**Open Session**

The Board reconvened into open session at 10:30 a.m. The Board adopted the proposed decisions for numbers 1-62 with the exception of numbers 27A-27C, which were referred back to staff for further review.

Chairperson Batjer stated that in December 2013, the Board eliminated California Code of Regulations Rule 649.56, Involvement in the Qualifying Crime of Prostitution, to allow victims of sexual assault who were engaged in the act of prostitution at the time of the attack to be potentially eligible for assistance. The Board then asked CalVCP staff to review previous applications for reconsideration under the new rule.

As a result, today the Board reconsidered and approved 12 cases that were denied earlier because of the victim's involvement in prostitution. Chairperson Batjer explained that while the applications that were discussed by the Board in Closed Session are and will remain confidential, the victims in those 12 cases were the victims of rape and those 12 cases are now approved.

Chairperson Batjer stated that CalVCP staff continues to review applications that meet the criteria and would bring more cases forward at future Board meetings. She thanked staff for their hard work in reviewing those cases.

The Board meeting adjourned at 10:32 a.m.