

California Victim Compensation and Government Claims Board

Open Meeting Minutes

February 21, 2008, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of the Chair, Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, February 21, 2008, at 10:04 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 Karen McGagin, 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 January 17, 2008, Board Meeting

The Board voted to adopt the minutes of the January 17, 2008, Board meeting.

Item 2. Public Comment

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

Item 3. Executive Officer's Statement

The Executive Officer reported the following:

- The Governor issued Executive Order S-01-08 on February 19, 2008, to all Agency Secretaries and Department Directors. The Executive Officer reported the VCGCB will work with the Secretary of State and Consumer Services Agency to meet the Governor's expectations set for all State agencies and would report back to the Board with the action the VCGCB will undertake to fulfill the Governor's directive.
- The Legislative Analyst issued a report on February 20, 2008, that included recommendations for the VCGCB. The report mentioned that the Restitution Fund faces a potential shortfall in four to five years. The Executive Officer assured the Board that the VCGCB will work with the Department of Finance and the Legislative Analyst's Office to address the issues raised in the report.
- The Executive Officer reported that she attended the National Association of Crime Victim Compensation Boards (NACVCB) meeting held in San Antonio, Texas on February 17-20, 2008. The NACVCB annual meeting was hosted by the Texas Attorney General's Victim Services Division Director Herman Millholland, and Compensation Program Manager, Gene McCleskey. Twenty-three states sent more than 90 participants. The meeting provided an opportunity for representatives from compensation boards across the country to network and discuss issues and challenges facing the various state victim compensation agencies. One of the many topics of discussion included the President's budget request for 2009 which again proposes to rescind the Federal Victims of Crime Act fund balance which would leave a zero balance in the fund at the beginning of 2010.

Item 4. Contract Report

The Executive Officer presented the Contract Report to the Board.

Item 5. Amendment to Delegation Defining the Powers and Duties of the Executive Officer

The Board voted to adopt the staff recommendation to modify the current delegation of authority to reinstate the authority to execute contracts not to exceed \$200,000.00 that had been inadvertently

omitted in the August 23, 2007, delegation and to ratify the four contracts and interagency agreements noted.

Government Claims Program

Item 6. Consent Agenda (Nos. 1- 475)

The Board voted to adopt the staff recommendations for numbers 1-475 with the following exceptions: the Board voted to approve the increased dollar amount for the partial allowance of number 62 from \$1,184.00 to \$3,126.00; removed numbers 69, 80, and 99 at the claimant's request; and withdrew number 269 at the claimant's request.

Consent Agenda Item Number 99

Claimant Abby Ovitsky participated in the meeting via telephone. Gwynne Pratt appeared on behalf of the Department of Rehabilitation. The Board voted to assign the claim to a hearing officer.

Consent Agenda Item Number 69

Claimant Isaias Magana appeared. Kim Penrose appeared on behalf of the California Highway Patrol. The Board voted to adopt the staff recommendation to reject claim.

Consent Agenda Item Number 80

Claimant Dan Deegan appeared. Gwynne Pratt, Veronica Clark, and Ruth Esquire appeared on behalf of the Department of Rehabilitation. The Board voted to assign the claim to a hearing officer.

Item 7. Fenton Avenue Charter School **Claim Number G569457**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$88,874.00 to be paid under authority of Government Code section 965 (agency pay).

Item 8. Impact Assessment, Inc. **Claim Number G569897**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$88,541.59 to be paid under authority of Government Code section 965 (agency pay).

Item 9. Claim Tatiana L. Ahlstrand **Claim Number G568883**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$420.90 to be paid under authority of Government Code section 965 (agency pay).

Item 10. Claim of Phillip Misemer **Claim Number G565198**

Ray Asbell appeared on behalf of the Department of Personnel Administration. Kevin Bell appeared on behalf of the Energy Commission.

The Board voted to hold the claim over for 30 days to allow the claimant time to provide the Department of Personnel Administration with documentation to support payment of the claim. Upon submission of the supporting documentation, the Board voted to place the claim on the March 20, 2008, Government Claims consent agenda with a recommendation to allow the claim.

**Item 11. Santa Clara County Sheriff's Office
Claim Number G557688**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$1,182.92, to be paid pursuant to Government Code section 13928 (legislative pay).

**Item 12. Request for Delegation of Authority Under Government Code
Section 935.6 by the Department of Mental Health**

The Board voted to adopt the staff recommendation to authorize the Department of Mental Health to settle and pay and to reject claims timely claims that do not exceed \$1,000.00 each through February 28, 2009.

**Item 13. Request for Delegation of Authority Under Government Code
Section 935.6 by the California Highway Patrol**

The Board voted to adopt the staff recommendation to authorize the California Highway Patrol to settle and pay and to reject claims timely claims that do not exceed \$1,000.00 each through February 28, 2009.

**Item 14. Adam Riojas
Claim No. G550541**

Sharon Laughner appeared on behalf of the Attorney General's Office.

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

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 11:28 a.m.

**VCP Statistical Report
7/1/07-1/31/08**

Chip Skinner, Deputy Executive Officer, Victim Compensation Program, presented the Victim Compensation Program Statistical Report for the time period of July 1, 2007, through January 31, 2008.

The Chair requested the Victim Compensation Program statistical report be presented to the Board on a quarterly basis.

Consent Agenda (Nos. 1- 4)

The Board voted to adopt the staff recommendations.

**Requests for Reconsideration
Recommendation: Deny (Nos. 5-11)**

The Board voted to adopt the staff recommendations.

**Reconsiderations Following Board Action on a Proposed Decision
Recommendation: Deny (Nos. 12-15)**

The Board voted to adopt the staff recommendations.

**Proposed Decisions Following Failure to Respond
(Nos. 16- 38)**

The Board voted to adopt the proposed decisions.

**Proposed Decisions Following Failure to Appear
(Nos. 39- 64)**

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 11:38 a.m. to deliberate on the proposed decisions, numbers 65-85.

The Board's Counsel and a representative from the Attorney General's Office met in closed session with the Board, the Executive Officer, and Chief Deputy Executive Officer to confer with and provide advice to the Board regarding pending litigation regarding *People v. Jimmy Brisco and Viisage v. VCGCB* as authorized by Government Code section 11126 (e)(1).

The Board reconvened into open session at 11:56 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 65-85.

Adjournment

The Board meeting adjourned at 11:56 a.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of March 20, 2008, at Sacramento, California.

Date: March 20, 2008 By: _____

Board Liaison (Affix Seal here)