

California Victim Compensation and Government Claims Board

Open Meeting Minutes

May 15, 2008, Board Meeting

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, May 15, 2008, at 10:02 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 April 22, 2008, Board Meeting

The Board voted to adopt the minutes of the April 22, 2008, Board meeting.

Item 2. Public Comment

The Board opened the meeting for public comment. Michael Ambler provided comment.

Chairperson Marin stated Mr. Ambler's claim is scheduled for an in-person hearing with a hearing officer on June 2, 2008. The Executive Officer stated she would report back to the Board on Mr. Ambler's claim.

Item 3. Executive Officer's Statement

The Executive Officer gave her report to the Board which included the following:

- Information on a proposed November initiative "Victims' Bill of Rights Act of 2008: Marsy's Law." If passed by voters, it will amend California's Constitution and give new and expanded rights for victims of crime.
- As part of Sexual Assault Awareness Month in April, the California Coalition Against Sexual Assault (CALCASA) and the California Legislative Women's Caucus sponsored Denim Day California on April 23, 2008. Many VCGCB staff joined others throughout the state to increase awareness about sexual assault by breaking the dress code and breaking the silence by wearing denim to work. The Executive Officer joined CALCASA, legislators, and others to sign a pledge to work against sexual assault.
- The VCGCB received the 2008 Gold Award for its "Helping Victims Every Day" video. The award was presented by the State Information Officers Council for outstanding work in outreach and education to the public.
- Budget update: May Revision to address the \$17 billion deficit included a transfer of \$50 million from the Restitution Fund to the General Fund and a \$30 million loan to fund the emergency response initiative. The \$30 million loan will be paid back over a three-year period in three equal installments.
- The Assembly Budget Sub 4 Committee requested information on the VCGCB's authority to discharge uncollectible debts which we responded to that request. Also, the Executive Officer reported the State Controller's Office sent letters to all departments requiring they provide an annual certification to the Controller that their departments have an accounts receivable collection procedure as required by the State Administrative Manual.

Chairperson Marin stated the Governor's proposal to borrow \$30 million from the Restitution Fund, which would be paid back within a few years, was also a result of the Legislative Analyst's recommendation. Chairperson Marin also stated that although the Board was not pleased to learn that the money in the Restitution Fund is being requested for assistance as a loan; however, given the situation with the budget and departments being disseminated affecting services that are critical to the poor, the disabled, and other programs, the money is needed to ensure programs can continue to operate.

Item 4. Consideration of Organizational Applications for the 2008 California State Employees' Charitable Campaign

The Board voted to adopt the staff recommendation to approve 38 PCFD agencies, 1,411 affiliated PCFD organizations, and 1,511 non-affiliated PCFD organizations to participate in the 2008 California State Employees' Charitable Campaign.

Government Claims Program

Item 5. Consent Agenda (Nos. 1- 398)

The Board voted to adopt the staff recommendations for numbers 1-398 with the exception of number 53, G570674, which was removed pending review of additional information received from the claimant and number 389, G573993, which was removed to allow the claimant's attorney an opportunity to address the Board.

The Board voted to adopt the staff recommendations for numbers 1-398 with the exceptions noted above.

Consent Agenda Appearance

Item Number 389

Brian Yin, attorney for claimant, Charles Hanvey, addressed the Board. The Board voted to adopt the staff recommendation to deny the late claim application.

Item 6. Olaya Paschal **Claim Number G571122**

Susan Coates appeared on behalf of the Department of Personnel Administration. Michelle Edwards appeared on behalf of the Department of Parks and Recreation. Claimant Olaya Paschal appeared.

The Board voted to partially allow the claim in the amount of \$2,835.76 to be paid under authority of Government Code section 965 (agency pay).

Item 7. Northern California Court Reporters **Claim Number G572012**

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Executive Officer requested the Department of Corrections and Rehabilitation provide timelier recommendations to Government Claims Program staff. Donna Corbin stated the Department of Corrections and Rehabilitation's Property and Liability Unit within the Office of Risk Management has a newly created team that will be dedicated to handling government claims to ensure a more

prompt recommendation is given to Government Claims Program staff. Ms. Corbin stated the team would provide the Board with a written formal announcement of this new team. Steven Tolle, Staff Services Manager I, will lead the three-member team.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$26,011.25 to be paid under authority of Government Code section 965 (agency pay).

Item 8. Southern California Pipeline Construction, Inc.
Claim Number G573209

The Board voted to allow the claim in the total amount of \$62,449.00 to be paid under authority of Government Code section 965 (agency pay).

Chairperson Marin asked if a system would be in place whereby emergency contracts such this claim would be paid immediately. Donna Corbin stated the newly created team within the Office of Risk Management would ensure this type of claim does not occur in the future.

Item 9. Foasberg Textile
Claim Number G573823

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$95,543.03 to be paid under authority of Government Code section 965 (agency pay).

Item 10. Request for Delegation of Authority
Under Government Code Section 935.6
California Department of Corrections and Rehabilitation

Steven Tolle appeared behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to approve the request for delegation of authority.

Item 11. Request for Delegation of Authority
Under Government Code Section 935.6
Department of General Services

The Board voted to adopt the staff recommendation to approve the request for delegation of authority.

Readdress by a Member of the Public

Attorney Brian Yin addressed the Board once again to clarify a motion made by the Board regarding Item Number 389. The Board reiterated their vote to adopt the staff recommendation to deny the late claim application for Item Number 389.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:55 a.m.

VCP Statistical Report

Chip Skinner, Deputy Executive Officer, Victim Compensation Program, presented the Victim Compensation Program Statistical Report to the Board. Mr. Skinner reported the next report would be presented at the August 21, 2008, Board meeting.

Consent Agenda (No. 1)

The Board voted to adopt the staff recommendation.

Requests for Reconsideration

Recommendation: Deny (No. 2)

The Board voted to adopt the staff recommendation.

Proposed Decisions Following Failure to Respond (Nos. 3 & 12)

The Board voted to adopt the proposed decisions.

Proposed Decisions Following Failure to Appear (Nos. 13- 15)

The Board voted to adopt the proposed decisions from numbers 13-15.

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, Chief Counsel, and Staff Counsel III at 11:00 a.m. to deliberate on the proposed decisions, numbers 16-35 and to confer with counsel regarding litigation in the matter *People v. David Karabensh*, Case No. M42324.

The Board reconvened into open session at 11:27 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 16-35 with the exception of number 31, which was referred back to the hearing officer for further review. The Chief Counsel stated number 29 contained a typographical error in the claim number. The correct claim number is A07-0081182.

Report by Chief Counsel on Prior Board Action

Q-Matic Corporation

Request for Quote No. LOD06-0176

The Chief Counsel stated the Court denied ViiSage's petition for writ of mandate and upheld the Board's decision regarding the protest of Q-Matic Corporation, Request for Quote No. LOD06-0176.

Chairperson Marin stated the next Board meeting would be held on June 19, 2008, at 10:00 a.m. There will not be a meeting for the month of July.

Adjournment

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

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of June 26, 2008, at Sacramento, California.

Date: June 26, 2008

By: _____
Board Liaison (Affix Seal here)