

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

## **Open Meeting Minutes**

**June 26, 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, June 26, 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.

Chairperson Marin and Board members Michael Ramos and Les Kleinberg thanked the Executive Officer for her dedication and leadership over the last four years and wished her well in her retirement.

Chairperson Marin, on behalf of the Board, presented Ms. McGagin with a Board resolution commending her dedication to crime victims. Additionally, Chairperson Marin presented Ms. McGagin with a letter of commendation from Governor Schwarzenegger.

Todd Moffit, Chief of Staff, Assembly Member Neillo's Office, presented to Ms. McGagin a joint legislative resolution authored by Assembly Member Neillo and Senator Margett.

Karen Sifuentes, Director of the Yolo County Victim Services Program, presented Ms. McGagin with a plaque on behalf of the Crime Victims Assistance Association of California in appreciation and recognition of her service. Ms. Sifuentes also presented a personal note from Jeff Reisig, Yolo County District Attorney, to Ms. McGagin.

The Executive Officer thanked the Board for their leadership and commitment to the citizens of California.

### **Item 1. Minutes of the May 15, 2008, Board Meeting**

The Board voted to adopt the minutes of the May 15, 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 provided the Board with two new pieces of outreach information: a brochure with information on the Good Samaritan Program and a new law enforcement card that includes the VCGCB 800 telephone number.

The Executive Officer presented her report which reflected on the Board's accomplishments during the four years that she served as the Executive Officer of the VCGCB.

Additionally, the Executive Officer stated that payouts for this fiscal year will surpass our projections. She indicated that we will payout over \$82 million to victims. The Executive Officer also

explained that beginning in October 2007 the VCGCB Executive Management Team met with consultants to begin the development of a new strategic plan. Our new Strategic Vision and Mission are:

### **Vision**

By 2012, we will be recognized as the national model for victim compensation and one of the best places to work in California.

### **Mission**

The California Victim Compensation and Government Claims Board provides responsive financial compensation to victims of crime through a stable Restitution Fund, and for those with claims against the State, an opportunity to resolve those claims or proceed with other remedies.

### **Item 4. Consideration of the Application of United Way of Merced County for the 2008 California State Employees' Charitable Campaign**

Gary Longholm, Deputy Executive Officer, Legislation and Public Affairs Division, presented the item to the Board. The Board voted to adopt the staff recommendation to approve the application of United Way of Merced County for the 2008 California State Employees' Charitable Campaign.

### **Government Claims Program**

### **Item 5. Consent Agenda (Nos. 1- 534)**

The Board voted to adopt the staff recommendations for numbers 1-534 with the following exceptions: number 2, G567893, new information was received which decreased the recommended full amount of \$9,429.05 to the partial allow amount of \$9,129.05; number 106, G571892, removed from the consent agenda and added as a discussion item; number 117, G572608, removed at the request of the claimant in order to address the Board; and number 153, G573864, removed at the request of the claimant in order to address the Board.

The Board voted to adopt the staff recommendations for numbers 1-534 with the exceptions noted above.

### **Consent Agenda Appearance**

#### **Item Number 117**

Brian Judy, claimant, addressed the Board. The Board voted to assign the claim to a hearing officer.

### **Consent Agenda Appearance**

#### **Item Number 153**

Brian Cameron, claimant, addressed the Board. The Board voted to adopt the staff recommendation to reject the claim.

### **Item 5A. Claudell L. Tyson**

#### **Claim Number G575690**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$130.00 to be paid under authority of Government Code section 965 (agency pay).

**Item 6. Charles W. McCall, Jr.**  
**Claim Number G569705**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$2,318.34 to be paid under authority of Government Code section 965 (agency pay).

**Item 7. International Mailing Equipment**  
**Claim Number G570594**

Steven Tolle appeared on behalf of the Department of Corrections and Rehabilitation. Greg Teetsell, claimant, appeared.

The Board requested both parties negotiate to reach a mutually agreeable amount. The parties agreed to payment in the amount of \$3,697.98. The Board voted to adopt the amended amount of \$3,697.98 to be paid under authority of Government Code section 965 (agency pay).

**Item 8. Christopher Lysons**  
**Claim Number G571842**

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$52,000.00 to be paid under authority of Government Code section 965 (agency pay).

**Item 9. Cumberland Therapy Services, Inc.**  
**Claim Number G572897**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$93,248.00 to be paid under authority of Government Code section 965 (agency pay).

**Item 10. County Special Elections Cost Claims for 2007**  
**Claim of County of Los Angeles Registrar of Voters**  
**Claim Numbers G574445, G574446, G574447, and G574491**

The Board voted to adopt the staff recommendation to approve payment of the claims in the amount of \$1,111,476.89.

**Item 11. Desert Area Resources and Training**  
**Claim Number G569226**

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

**Item 12. Abby Ovitsky**  
**Claim Number G570084**

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

**Item 13. Delta Sierra Distributing, Inc.**  
**Claim Numbers G567849, G567851, G570099, G570100, G570101,**  
**G570590, G570598, G570637, G571760, G571878, G566531, and G568686**

The Board voted to adopt the staff recommendation to allow the claims in the amount of \$74,136.82 to be paid under authority of Government Code section 965 (agency pay).

**Item 14. Assault Craft Unit Five, United States Navy  
Claim Number G571892**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$168,789.00 to be paid under authority of Government Code section 965 (agency pay).

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 11:10 a.m.

**Consent Agenda (Nos. 1- 4B)**

The Board voted to adopt the staff recommendations.

**Requests for Reconsideration  
Recommendation: Partial Allow (No. 5)**

The Board voted to adopt the staff recommendation.

**Requests for Reconsideration  
Recommendation: Deny (Nos. 6-15)**

The Board voted to adopt the staff recommendations.

**Reconsiderations Following Board Action on a Proposed Decision  
Recommendation: Deny (Nos. 16-20)**

The Board voted to adopt the staff recommendations.

**Proposed Decisions Following Failure to Respond  
(Nos. 21-36)**

The Board voted to adopt the proposed decisions with the exception of number 32 which was removed.

**Proposed Decisions Following Failure to Appear  
(Nos. 37- 57)**

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 11:13 a.m. to deliberate on the proposed decisions, numbers 58 through 86.

After deliberating on the proposed decisions, pursuant to Government Code section 11126(a)(1), the Board adjourned into Closed Session to confer to consider the appointment of an Executive Officer for the Victim Compensation and Government Claims Board.

The Board reconvened into open session at 11:31 a.m.

## **Open Session**

The Board voted to adopt the proposed decisions for numbers 58 through 86. The Board met in closed session to consider the appointment of an Executive Officer. The Board offered the appointment to a candidate; the candidate will consider the offer. If the candidate accepts the appointment, the Board authorizes the Chair to designate the date certain and appoint that person as Executive Officer as of that date. The appointment will be announced in a press release and reported publicly at the Board's next public meeting.

### **Item 15. Delegation of Authority as Interim Executive Officer to Chief Deputy Executive Officer Tom O'Connor**

Effective July 1, 2008, the Board voted to delegate to Tom O'Connor, Chief Deputy Executive Officer, the powers, duties, and responsibilities of the Executive Officer as set forth in the resolution of February 21, 2008, on an interim basis.

### **Item 16. Appointment of Executive Officer**

The Board offered the appointment to a candidate; the candidate will consider the offer. If the candidate accepts the appointment, the Board authorizes the Chair to designate the date certain and appoint that person as Executive Officer as of that date. The appointment will be announced in a press release and reported publicly at the Board's next public meeting.

## **Adjournment**

The Board meeting adjourned at 11:33 a.m.

Tom O'Connor  
Chief Deputy Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of August 21, 2008, at Sacramento, California.

Date: August 21, 2008

By: \_\_\_\_\_  
Board Liaison (Affix Seal here)