

California Victim Compensation and Government Claims Board

Open Meeting Minutes

May 21, 2009, Board Meeting

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Fred Aguiar, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, May 21, 2009, at 10:02 a.m. Also present was Board member Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller.

Board staff present included Julie Nauman, 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 16, 2009, Board Meeting

Chairperson Aguiar and Board member Les Kleinberg voted to adopt the minutes of the April 16, 2009, Board meeting.

Item 2. Public Comment

The meeting was opened to public comment. Public comment was provided by Ed Perez and Liz Kanter.

Item 3. Executive Officer's Statement

The Executive Officer gave the following report:

- In observance of National Crime Victim's Rights Week April 27-May 2, VCGCB staff participated in a number of events held statewide recognizing victims and service providers. Staff marched to the Capitol to attend a rally and hosted an information table and talked with numerous victims about the services the VCGCB provides. The Governor issued a proclamation in honor of this annual recognition and a text blog also appeared on the Governor's website. On April 29, the Executive Officer participated in a symposium on victim's rights hosted by the Los Angeles County District Attorney's Office. The symposium was an opportunity to listen to leaders in the victim services community and engage in dialogue. In addition, VCGCB Executive Staff attended a variety of events in several counties throughout the state including Fresno, Monterey, Riverside, San Bernardino, San Diego, San Francisco, Santa Ana, Santa Barbara, Sonoma, Stockton, Ventura, and Woodland. Guest opinion pieces were published in the *Pasadena Star News*, and two weekly newspapers with large African American readership, *Our Weekly* and *San Bernardino American*.
- On May 5, the VCGCB hosted the second statewide summit for all county Victim Witness Assistance Program Directors. Attendees engaged in thoughtful discussions on the Restitution Fund, Joint Powers contracts, audit recommendations, strategic planning, legislation, and outreach efforts. Attendees also received a demonstration of the new online application for victims.
- A new fact sheet on the Victim Compensation Program has been developed and will be translated into nine languages prominent in California and will aid in reaching out to the many diverse communities in our state. The fact sheet will be made available for use by all county offices in the near future.
- Last week Jackie Tinetti, Government Claims Program Manager, and Ed Carrillo, VCGCB Senior Staff Counsel, attended the 2009 Claims Officers Workshop sponsored by CalTrans.

The workshop focused on defending tort cases with an emphasis on the development of successful defense strategies in large and small tort cases. Staff presented information on the Government Claims Program, including an overview of status and procedures. Specific information regarding new policies and procedures relative to the Government Claims Program's new paperless recommendation process, strategic plan goal measurement, and the delegated authority of Caltrans was received with interest and generated a great deal of discussion. Additional meetings are planned between Government Claims and CalTrans to follow up on issues raised during the question and answer session including clarifying the \$5,000.00 delegated authority provision excluding fees paid to the Government Claims Program.

- On May 7, staff listened to an insightful presentation by Mark Weatherford, Executive Director, Office of Information Security and Privacy Protection, who provided invaluable information regarding cyber crime and shared statistics that suggests upwards of 60 percent of security breaches in the workplace occurred either through employee error, negligence, or, in some cases, intentional acts.
- Last week the State Information Officer's Council presented the VCGCB with two awards for excellence in State Communication at their annual awards luncheon. The VCGCB received a Gold award for the "Helping Victims of Hate Crime" brochure and a Silver award for the *Victim Compensation Connection* newsletter. The Executive Officer congratulated staff for their hard work in creating the brochure and newsletter.

The Chairperson thanked the Executive Officer for the report and congratulated staff for the awards received.

Item 4. Legislative Update

Gary Longholm, Deputy Executive Officer, Legislation and Public Affairs Division, presented the Legislative Update to the Board. Mr. Longholm also reported the Assembly Committee on Accountability and Administrative Review will hold an informational hearing on the VCGCB on May 27, 2009.

The Chairperson requested that future Legislative Updates include a list of sponsors of the bills and note where the bill is in terms of its process.

Item 5. Contract Report

The Executive Officer presented the Contract Report to the Board. The Board voted to approve the contracts over \$200,000.00.

Item 6. Consideration of Organizational Applications for the 2009 California State Employees' Charitable Campaign

Gary Longholm, Deputy Executive Officer, Legislation and Public Affairs Division, presented the Consideration of Organizational Applications for the 2009 California State Employees' Charitable Campaign to the Board. Mr. Longholm stated United Way of San Diego amended their application by reducing their administrative fee from 19.5 percent to 11.57 percent. Mr. Longholm also thanked staff for their hard work on this project.

The Board voted to adopt the staff recommendation to approve 39 PCFD agencies, 1,413 affiliated PCFD organizations, and 1,448 non-affiliated PCFD organizations.

Government Claims Program

Item 7. Consent Agenda (Nos. 1- 453)

The Board voted to approve the staff recommendations for numbers 1-453 with the following exceptions: number 121, moved to a subsequent agenda; number 279, removed in order to allow the claimant an opportunity to address the Board; number 366, moved to subsequent agenda; and number 378, removed in order to allow the claimant an opportunity to address the Board.

Consent Agenda Appearance

Item Number 279

Michael Ramirez, claimant, appeared and addressed the Board. The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance

Item Number 378

Karl Nicholas, claimant, appeared and addressed the Board. The Board voted to adopt the staff recommendation to reject the claim.

Items 8- 16. Tenet Healthcare PFS

Claim Numbers G579210, G579214, G579222, G579224, G579225, G579226, G579229, G579231, and G579233

Chairperson Aguiar stated Items 8-16 would be taken as group and would require one motion of the Board as all of the items pertain to the same claimant and department and both recommend payment of all of the claims.

Ellen Riddell, attorney, appeared on behalf Tenet Health Care PFS. Sara Murillo appeared on behalf of the Department of Mental Health.

The Board voted to adopt the staff recommendations to allow all of the claims in the total amount of \$1,238,027.52, under authority of Government Code section 965 (agency pay).

Items 17 and 18. Western Blue Corporation

Claim Numbers G580671 and G580682

Chairperson stated Items 17 and 18 would be taken together and would require one motion of the Board as both items pertain to the same claimant and department and both recommend payment of the claims.

Matt Neiman appeared on behalf of Western Blue Corporation. Jaime Mangrum appeared on behalf of the California Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendations to allow both of the claims in the total amount of \$581,341.98, under authority of Government Code section 965 (agency pay).

Item 19. Prime Labor and Staffing
Claim Number G580998

Curtis Murray and Steve Porter appeared on behalf of Prime Labor and Staffing. Sara Murillo appeared on behalf of the Department of Mental Health.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$107,459.56, under authority of Government Code section 965 (agency pay).

Item 20. Pedro Eva, MD
Claim Number G581318

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$368,350.000, under authority of Government Code section 965 (agency pay).

Item 21. Access for All
Claim Number G578767

The Board voted to adopt the staff recommendation to grant the claim and provide reimbursement of attorney's fees in the amount of \$3,871.00.

Item 22. Cheryl Jones
Claim Number G564792

The claim was continued to a subsequent agenda.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 11:02 a.m.

Request for Reconsideration
Recommendation: Deny
(No. 1)

The Board voted to adopt the staff recommendation.

Proposed Decision Following Failure to Respond
(Nos. 2-13)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Appear
(Nos. 14-26)

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 11:03 a.m. to deliberate on the proposed decisions, numbers 27 through 44.

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

Open Session

The Board voted to adopt the proposed decisions for numbers 27 through 44.

Adjournment

The Board meeting adjourned at 11:12 a.m.

Julie Nauman
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of June 18, 2009, at Sacramento, California.

Date: June 18, 2009

By: _____
Board Liaison (Affix Seal here)