

California Victim Compensation and Government Claims Board

Open Meeting Minutes

January 21, 2010, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Thomas Sheehy, Acting Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, January 21, 2010, at 10:05 a.m. Also present was Board member Les Kleinberg, Deputy Controller, 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; Patty Harris, Chief Deputy Executive Officer; and Wayne Strumpfer, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

Item 1. Approval of Minutes of the December 17, 2009, Board Meeting

The Board voted to approve the minutes of the December 17, 2009, Board meeting.

Item 2. Public Comment

The meeting was opened to public comment. No public comment was provided.

Item 3. Executive Officer's Statement

The Executive Officer gave the following report:

- After months of collaboration among departments and many hours of testing and demonstrations, the VCGCB will officially launch the CalVCP Online Training Manual. Keeping in tune with the greening of state government, this new digital version will eliminate the use of paper procedure manuals, aiding in more efficient and accurate processing of claims. It will also eliminate the need for an extraordinary amount of paper necessary to produce the hard copy manuals. The previous hard copy manuals used more than 2.1 million sheets of paper annually.
- On February 3rd, the CalVCP will take part in an unprecedented outreach event at the Valley State Prison for Women in Chowchilla. CalVCP staff has been invited to address members of the prison's inmate group the "Long Termers Organization" in response to an invitation by the incarcerated women who are interested in learning more about restitution, compensation, and the impact of their crimes on victims. This event came about in September when the CalVCP received a four-page, handwritten letter from inmate Crystal Potter who has been incarcerated for more than 18 years for a homicide conviction. Crystal wrote on behalf of her entire group, which has raised and donated \$138,000 to local non-profits and victim services organizations. The inmate group of 120 women asked CalVCP staff to explain the process of how the CalVCP uses money in the Restitution Fund to pay for victim services. Following the presentation, the inmates will be given an opportunity to ask questions which will be addressed by a Madera County victim advocate and a representative from the California Department of Corrections and Rehabilitation's Office of Victim & Survivor Rights and Services.
- On January 11th, the CalVCP took part in the "Collaborative Against Human Trafficking" event at San Francisco City Hall as part of National Human Trafficking Awareness Month. San Francisco Mayor Gavin Newsom welcomed the group and led the presentation, which included statements in support of the awareness day by San Francisco District Attorney Kamala Harris, Senator Leland Yee, and San Francisco Police Chief George Gascon. The event, sponsored by the City and County of the San Francisco Department on the Status of Women, was an excellent opportunity for the CalVCP to highlight our efforts to support victims of human trafficking.

- The 2009 VCGCB Food Drive contributions totaled 1,713 pounds of food, which compares very favorably to last year's contribution of 589 pounds of food. The VCGCB collaborated with the California Emergency Foodlink, Sacramento County's official food bank, for these donations. The Executive Officer thanked Jackie Tinetti, Government Claims Program Manager, for her leadership in arranging this program.

The Executive Officer presented the CalVCP Statistical Report for the period July 1, 2009, through December 31, 2009. The Executive Officer reported the number of applications received is on an up rise over last year; there is an increase in medical, mental health, income and support loss, and dental payments; and the average processing time increased slightly over the prior year. The Executive Officer stated the increase in the average processing time is attributable to additional workload due to the furlough schedule; however, over the past three months staff has continued to drive the number down. Chairperson Sheehy asked whether the increase in applications is economically driven. The Executive Officer stated the increase in applications may be due to increased outreach efforts; however, it is difficult to document because the CalVCP is available to individuals who do not have insurance to cover such expenses as medical and dental expenses and individuals who were previously ineligible for program benefits are now eligible.

The Executive Officer reported the building had to be evacuated yesterday due to power outages in the area leaving the CalVCP unable to conduct business. The Executive Officer thanked the Information Technology Services staff for staying behind to make sure necessary repairs were made including ensuring all of the servers and CaRES were operative.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 289)

The Board voted to approve the staff recommendations for numbers 1-289, with the following exceptions: item number 34 was removed pending review of additional information received from the involved parties and item numbers 97, 100, and 135 were removed at the request of the claimants.

Item 5. John D. Peterson **Claim Number G579807**

Ron Cassidy, Office Chief of Discipline Services, appeared on behalf of Caltrans. Mr. Cassidy brought a copy of the settlement withdrawing the claim of Mr. Peterson. Mr. Cassidy stated the claim was settled in the amount of \$2,700.

The Board voted to reject the claim.

Item 6. Sysco Foods of Ventura **Claim Number G584934**

Neither a representative from Sysco Foods of Ventura nor a representative from the California National Guard appeared at the meeting.

Chairperson Sheehy stated Sysco Foods of Ventura (Sysco), in essence, gave the California National Guard a loan of nearly \$400,000 for 10 months because Sysco provided services without a contract in place. The Chair asked Ms. Tinetti if Sysco is entitled to any interest and, if so, explain what the law provides. Ms. Tinetti stated the claimant is not seeking interest payments. Wayne Strumpfer, VCGCB Chief Counsel, stated the State Controller's Office is the entity that makes the final determination regarding allowing interest payments.

Mr. Strumpfer further stated one of the factors considered by the State Controller's Office is whether there is a contract in place. The Chair stated, based on the information received by the Chief Counsel, since there was no contract in place, there is no way the claimant could recover any interest.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$392,929.26, under authority of Government Code section 965 (agency pay).

Item 7. Kathy's Lift Truck and Lighting Service
Claim Number G587122

Steven Tolle appeared on behalf of the California Department of Corrections and Rehabilitation (CDCR).

Chairperson Sheehy asked Mr. Tolle to explain what occurred in this matter. Mr. Tolle stated a series of errors were discovered after the vendor completed the services, including a miscommunication between the institution that needed the services and headquarters contract staff. Mr. Tolle stated Kathy's Lift Truck and Lighting Service performed the work satisfactorily and should be paid.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$151,991.00, under authority of Government Code section 965 (agency pay).

Item 8. Applications for Discharge From Accountability for Collection

The Board voted to adopt the staff recommendation to approve the requests.

Item 9. Request for Delegation of Authority Under Government Code Section 935.6
by the California Highway Patrol

Board member Les Kleinberg stated CHP's average processing time of 18 days is very commendable.

The Board voted to adopt the staff recommendation to approve the request.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:29 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 10:29 a.m. to deliberate on the proposed decisions, numbers 1 through 10.

The Board reconvened into open session at 10:42 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 1 through 10.

Adjournment

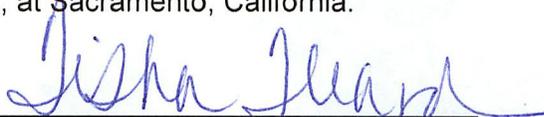
The Board meeting adjourned at 10:44 a.m.

Julie Nauman
Executive Officer



I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of February 18, 2010, at Sacramento, California.

Date: February 18, 2010

By: 

Board Liaison (Affix Seal here)

