

California Victim Compensation and Government Claims Board
Open Meeting Minutes
January 21, 2016, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Holly Pearson, Deputy Secretary for Legal, California Government Operations Agency, at 400 R Street, Sacramento, California, on Thursday, January 21, 2016, at 10:04 a.m. Also present was member Richard Chivaro, Deputy State Controller and Chief Counsel, acting for and in the absence of Betty T. Yee, Controller. Member Michael Ramos, San Bernardino County District Attorney, was absent.

Executive Officer Julie Nauman and Chief Counsel Wayne Strumpfer were in attendance. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Approval of Minutes the December 10, 2015, Board Meeting

Holly Pearson stated she was not in attendance at the December 10, 2015, meeting; however, she explained that Chairperson Batjer reviewed the minutes and allowed her to be her proxy.

The Board approved the minutes of the December 10, 2015, meeting.

Item 2. Public Comment

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

Item 3. Executive Officer Statement

Human Trafficking Awareness Month

January is Human Trafficking Awareness Month. To mark the commemoration, Executive Officer Nauman reported that the CalVCP Training and Policy Section publicized a specialized trauma informed services workshop presented by Chris Stambaugh, Founder and Director of The Grace Network, a grassroots organization that has mobilized thousands of people to combat human trafficking.

New CalVCP PSA

CalVCP created a short, but very powerful public service announcement on human trafficking featuring a message from Board member and San Bernardino County District Attorney Michael Ramos. Executive Officer Nauman reported that staff is working with its partners to place the PSA on other networks so it can be widely viewed by the public.

Upcoming Conference

Next week CalVCP will continue outreach on human trafficking with presentations in San Francisco and San Jose at the Human Trafficking Engagement Conference. Executive Officer Nauman reported that Robin Foemmel Bie, CalVCP Resource Branch Manager, would give a presentation on how the Board is assisting survivors of human trafficking.

Item 4. Contract Report

Contractor: SoftwareOne

Estimated Contract Amount: \$422,803.53

Contract Term: 2/01/16-1/31/19

Description of Service: Three-year contract to stay current with Microsoft licenses and software maintenance.

Contractor: NWN Corporation
Contract Amount: \$351,331.62
Anticipated Contract Term: 2/01/16-1/31/19
Description of Service: Contract to replace crucial network storage and server equipment to safeguard compliance with State standards and progress on the CaRES Modification Project.

Contractor: NWN Corporation
Contract Amount: \$301,030.31
Anticipated Contract Term: 2/01/16-1/31/19
Description of Service: Contract to replace end of life backup equipment. This equipment will significantly improve the quality of the data and time necessary to perform the backup process.

Contractor: SoftwareOne (formerly CompuCom) 2VCGC100 (Amendment 4)
New Amendment Requested: \$18,302.20
Contract Term: 2/01/13-1/31/16
Description of Service: Final amendment to bring all software licenses currently in use up to date.

The Board approved the Contract Report.

Item 5. Consent Agenda (Nos. 1-508)

Nicholas Wagner, Government Claims Program Manager, requested the Board approve consent agenda item numbers 1-508, with the exception of item numbers 125 and 177, which were continued, and item numbers 366 and 465, which were removed to allow the claimants an opportunity to address the Board.

The Board approved the consent agenda with the exception of item numbers 125, 177, 366, and 465.

Consent Agenda Number 366 **Claim of Limnia Energy - G628261**

Scott Douglas Redmond appeared and addressed the Board on behalf of Limnia Energy. William Hilson, Deputy Chief Counsel, attended on behalf of the Franchise Tax Board.

Nicholas Wagner, Government Claims Program Manager, explained that Limnia Energy requested compensation from the California Air Resources Board, the State Controller's Office, the Governor's Office, and the Franchise Tax Board in the amount of \$100,000,000 for financial losses and punitive damages, based on complex legal theories. Mr. Wagner stated that Government Claims Program staff recommended the Board reject the claim because it raised complex issues of fact and law beyond the scope of analysis and interpretation typically undertaken by the Board.

Mr. Redmond stated that, as result of a scandal, trillions of dollars were taken out of the paychecks of citizens of the state. He explained that he and other companies were asked to work with investigators to help prosecute those crimes. He alleged that because of the assistance he provided to law enforcement, he received death threats, hackings, and was blacklisted.

Mr. Hilson explained that he was generally charged with oversight of FTB's Settlement and Litigation Bureaus. He stated that he received a copy of the government claim and was asked to review it. After performing a preliminary examination of the claim, he stated that other than the information contained in the claim, he could not provide additional information. Furthermore, he stated did not understand the reason FTB was included in the purview of the claim.

The Board adopted the staff recommendation and rejected the claim because it raised complex issues of fact and law beyond the scope of analysis and interpretation typically undertaken by the Board.

Consent Agenda Number 465
Claim of Herman Myerson - G627637

Claimant Herman Myerson appeared and addressed the Board. Mellonie Yang attended on behalf of the California Department of Corrections and Rehabilitation.

Nicholas Wagner, Government Claims Program Manager, explained that Herman Myerson requested leave to present a late claim for compensation from the California Department of Corrections and Rehabilitation in an amount exceeding \$25,000 for emotional distress, anxiety, and physical illness. Mr. Wagner stated that Government Claims Program staff recommended the Board grant the late application because it met the criteria required by Government Code section 911.6 and reject the claim because it raised complex issues of fact and law beyond the scope of analysis and interpretation typically undertaken by the Board.

Mr. Myerson stated he was an honorably discharged veteran of the United States Navy. He explained that throughout his Department of Defense career, he received several commendations. He stated that he never received any disciplinary action or abused sick leave or vacation. He stated he has been employed at CDCR for 16 years. He explained that he volunteered to research and build 33 camera housings to photo capture workstations at every institution. He explained that it was a high profile project that was completed ahead of schedule and under budget. He stated that after attending a meeting with the supervisor of Leonardo Lopez and Hector Gomez, both men retaliated against him. He explained that he used his chain of command to no avail and was now seeking assistance from the Board.

Ms. Yang stated CDCR did not have a position on the claim.

The Board adopted the staff recommendation and granted the late application because it met the criteria required by Government Code section 911.6 and rejected the claim because it raised complex issues of fact and law beyond the scope of analysis and interpretation typically undertaken by the Board.

Item 6. Applications for Discharge From Accountability for Collection

There were no applications for discharge from accountability for collection.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:20 a.m.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer and Chief Counsel at 10:20 a.m. to deliberate on proposed decision numbers 1-70.

Open Session

The Board reconvened into Open Session pursuant to Government Code section 11126 (c)(3) at 10:23 a.m. The Board adopted the hearing officer's recommendations for proposed decision numbers 1-70.

Adjournment

The Board meeting adjourned at 10:24 a.m.