



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 9, 2008

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>						

CONTACT PERSON: William Yoshimoto PHONE: (559) 733-6411

SUBJECT: Acceptance of continued grant funding from the California Department of Insurance for the Automobile Insurance Fraud Prosecution program.

REQUEST(S):

That the Board of Supervisors:

1. Authorize acceptance of continued grant funding from the California Department of Insurance (DOI) for the Automobile Insurance Fraud Prosecution Program in the amount of \$126,609 for Fiscal Year 2008/2009.
2. Ratify and approve the Grant Award Agreement and District Attorney Phil Cline's signature on behalf of the Chairman, retroactive to July 1, 2008 through June 30, 2009.
3. Find that the Board had authority to enter into the proposed agreement as of July 1, 2008 and that it was in the County's best interest to enter into the agreement on that date.
4. Certify that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

SUMMARY:

The California Department of Insurance (DOI) issued a Request for Application for the prosecution of Automobile Insurance Fraud for the Fiscal Year 2008/2009. The purpose of the Automobile Insurance Fraud Prosecution Program is to increase the investigation and prosecution of automobile insurance fraud cases. The Program targets those individuals who are actively involved in defrauding businesses,

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DATE: December 9, 2008

governmental entities, medical providers and insurance companies through filing false claims for automobile insurance payments in Tulare County.

The Program involves the dedication of an Investigator and a Deputy District Attorney to this specialized area. Along with the focused allocation of time and resources, the Program also has an outreach effort to the community at large.

As has been the experience in other areas of prosecution, deterrence is an important factor in modifying the conduct of individuals. It is anticipated that the continued aggressive and expeditious investigation and prosecution of these cases will decrease further violations and reverse the increasing tide of Automobile Insurance Fraud cases that impact every segment of society.

The Auto Insurance Fraud Prosecution program continues to be a success, as demonstrated by the statistics reported for FY 2007/08: 93 suspected fraud cases were reviewed and investigated; 11 arrests were made; and 17 court cases involved 25 defendants.

The grant period begins July 1, 2008. However, the Notification of Application Approval and Grant Award Agreement were not received from the California Department of Insurance until November 2008. Therefore, the District Attorney's Office requests that this agreement is ratified and approved, retroactive to July 1, 2008. The District Attorney is specifically required to sign the Grant Award Agreement.

FISCAL IMPACT/FINANCING:

The total project cost is \$148,919. This grant allocation of \$126,609 has been included in FY 2008/2009 budget for the Office of the District Attorney. The net County cost is \$22,310, due to State budget cuts and one-time reductions in grant funding.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System include Safety and Security initiatives to provide for the safety and security of the public. The authorization to accept continued grant funding from the California Department of Insurance for the Automobile Insurance Fraud Prosecution Program helps to fulfill this initiative by continuing to provide an Investigator and a Deputy District Attorney to investigate and prosecute Automobile Insurance Fraud cases throughout Tulare County protecting businesses and individuals from becoming victims of this kind of fraud.

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ALTERNATIVES:

The Board could choose not to adopt the Resolution. This alternative is not recommended because the Board has consistently supported developing countywide responses to all types of insurance fraud. In addition, without grant funding the Department will not be able to implement the proposal.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

N/A

ADMINISTRATIVE SIGN-OFF:


William Yoshimoto
Assistant District Attorney

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachments:

Attachment 1: Grant Award Agreement
Attachment 2: Notice of Grant Award
Attachment 3: Grant Management Statement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ACCEPTANCE OF)
CONTINUED GRANT FUNDING FROM)
THE CALIFORNIA DEPARTMENT OF)
INSURANCE FOR THE AUTOMOBILE)
INSURANCE FRAUD PROSECUTION)
PROGRAM)

RESOLUTION NO. _____

AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

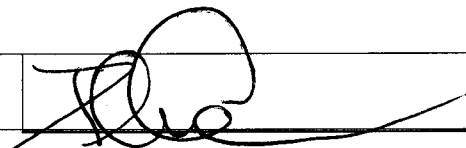
BY: _____
Deputy Clerk

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1. Authorized acceptance of continued grant funding from the California Department of Insurance (DOI) for the Automobile Insurance Fraud Prosecution Program in the amount of \$126,609 for Fiscal Year 2008/2009.
2. Ratified and approved the Grant Award Agreement and District Attorney Phil Cline's signature on behalf of the Chairman, retroactive to July 1, 2008 through June 30, 2009.
3. Found that the Board had authority to enter into the proposed agreement as of July 1, 2008 and that it was in the County's best interest to enter into the agreement on that date.
4. Certified that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Tulare County Administrative Office

Grant Management Statement

Department: District Attorney	
Grant Project Title and Description:	
The purpose of the Automobile Insurance Fraud Prosecution Program is to increase the investigation and prosecution of automobile insurance fraud cases. The Program targets those individuals who are actively involved in defrauding businesses, governmental entities, medical providers and insurance companies through filing false claims for automobile insurance payments in Tulare County.	
Funding Agency:	Program: (Fed. Grant #/State Bill or Code #)
California Department of Insurance	Automobile Insurance Fraud Prosecution Program
Grant Acceptance Deadline:	
Total Amount of Grant Funding:	\$126,609
County Match:	\$22,310
Grant Period:	July 1, 2008 to June 30, 2009
Begin Date:	July 1, 2008 (est.)
End Date:	June 30, 2008 (est.)
Number of Personnel Hired Under This Grant:	2
Full Time:	2
Part Time:	0
Obligations Imposed on the County When the Grant Expires	
Will all personnel hired for this program be informed this is a grant-funded program?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Will all personnel hired for this program be placed on temporary ("N") items?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the County obligated to continue this program after the grant expires?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If the County is not obligated to continue this program after the grant expires, the Department will:	
a.) Absorb the program cost without reducing other services	Yes <input type="checkbox"/> No <input type="checkbox"/>
b.) Identify other revenue sources (describe below)	Yes <input type="checkbox"/> No <input type="checkbox"/>
c.) Eliminate or reduce, as appropriate, positions/program costs funded by the grant.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Impact of additional personnel on existing space:	
N/A - renewal/ongoing grant	
Other requirements not mentioned above:	
Department Head Signature:	
Date:	11/24/08

**INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

GRANT AWARD AGREEMENT

Fiscal Year 2008-09

Automobile Insurance Fraud Program

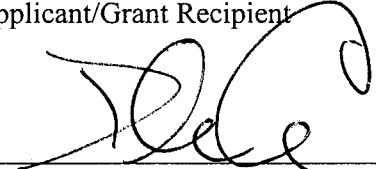
The Insurance Commissioner of the State of California hereby makes award of funds to the **Tulare County**, Office of the District Attorney in the amount and for the purpose and duration set forth in this grant award.

This grant award consists of this title page and the application for the grant, which is attached and made a part hereof. By acceptance of the grant award, the grant award recipient agrees to administer the grant project in accordance with all applicable statutes, regulations and Request-for-Applications (RFA).

Duration of Grant: The grant award is for the program period, **July 1, 2008** through **June 30, 2009**.

Purpose of Grant: This grant award is made pursuant to the provisions of California Insurance Code Section 1872.8 and shall be used solely for the purposes of enhanced investigation and prosecution of automobile insurance fraud and economic car theft cases.

Amount of Grant: The grant award agreed to herein is in the amount of **\$126,609**. This amount has been determined by the Insurance Commissioner. However, the actual total award amount for the county is contingent on the collection and the authorization for expenditure pursuant to the Government Code Section 13000 et seq. The grant award shall be distributed pursuant to Section 1872.8 of the Insurance Code and to the California Code of Regulations Subchapter 9, Article 4, Section 2698.65.

<p>Official Authorized to Sign for Applicant/Grant Recipient</p>  <hr/> <p>Name: Phillip J. Cline Title: District Attorney Address: 221 South Mooney Blvd., Ste 224 Visalia, CA 93291</p> <p>Date: 11/24/08</p>	<p>STEVE POIZNER Insurance Commissioner</p> <hr/> <p>Name: Rick Plein Title: Deputy Commissioner</p> <p>Date:</p>
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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure.

Julia Cross, Fiscal Officer, CDI

Date



STEVE POIZNER
Insurance Commissioner

October 1, 2008

The Honorable Phillip J. Cline
Tulare County District Attorney's Office
221 South Mooney Blvd., Ste 224
Visalia, CA 93291

RE: Grant Award for Automobile Insurance Fraud Program, Fiscal Year 2008-09

Dear District Attorney Cline:

I am very pleased to inform you that Tulare County has been awarded the amount of \$126,609 under the Automobile Insurance Fraud Program for fiscal year 2008-09. This grant award is contingent on the total amount collected and is to be used for the investigation and prosecution of automobile insurance fraud and economic car theft pursuant to the California Insurance Code, Section 1872.8 and the California Code of Regulations, Section 2698.63.

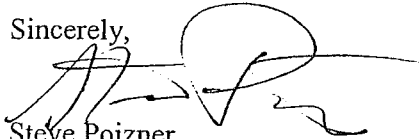
For fiscal year 2008-09, the available funding for local assistance was appropriated at **\$13,051,000**. It is possible that the total collection could fall short of the projected amount. Therefore, the final disbursement will reflect the county's portion.

The grant award totaling \$126,609 for Tulare County was based on the following criteria:

- **Qualifications** - personnel assigned to the program
- **County Statistics** - warrants, arrests, convictions, fines and restitutions in relation to the turn of investment to the program
- **Problem Statement** - a description of the problem in the county and what is needed to resolve the problem, including supporting data, evidence, or indicators of fraudulent activity related to automobile insurance
- **Strategies and Coordination** - used the joint plan as a roadmap to conduct automobile insurance fraud investigations and prosecutions
- **Outreach Plan** - defined as to return on investment
- **Budget** - request was specific and justified

If you have any questions regarding your participation in the Automobile Insurance Fraud Program, please contact Ms. Vicki Griner, Manager, Fraud Division Headquarters, Local Assistance Unit, at (916) 854-5786 or at grinerv@insurance.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Poizner', with a large, stylized 'P' and a horizontal line extending to the right.

Steve Poizner

Insurance Commissioner

cc: Sharman Wood, Grants and Program Coordinator
Patricia Woody, Chief Financial Officer

DEPARTMENT OF INSURANCE**FRAUD DIVISION**

9342 TECH CENTER DRIVE, SUITE 100
SACRAMENTO, CA 95826
(916) 854-5760
(916) 255-3308 (FAX)
www.insurance.ca.gov



October 16, 2008

Patricia Woody
Chief Financial Officer
Tulare County District Attorney's Office
221 South Mooney Blvd., Ste 224
Visalia, CA 93291

RE: Automobile Insurance Fraud Program Grant Award Agreement Fiscal Year 2008-09

Dear Ms. Woody:

We are pleased to announce that Tulare County was recently awarded \$126,609 as the result of an "Application for Grant Funding" (application) for the Fiscal Year 2008-09 Automobile Insurance Fraud Program. This grant is to be used for the investigation and prosecution of automobile insurance fraud and economic car theft cases for Fiscal Year 2008-09.

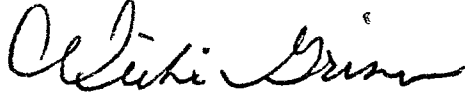
As specified in California Code of Regulations, Title 10, Section 2698.64 (a), "Funding shall be in the form of a Grant Award Agreement and shall require an enabling resolution by the county Board of Supervisors approving and authorizing execution of the agreement." Accordingly, we have enclosed three (3) copies of the Grant Award Agreement for signature. Please have all three copies of the Agreement signed and dated by the District Attorney and return them by November 18, 2008, to the address listed below. One copy will be returned to you after all signatures have been obtained.

Ms. Vicki Griner, Manager
California Department of Insurance
Fraud Division/Local Assistance Unit
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826

Counties will receive additional guidance regarding the submission of modified budgets and the disposition of requests for utilization of carry-over. In addition, please keep in mind that requests to use grant funds for vehicle purchases are processed separately and counties must receive specified approval for these purchases.

Thank you for your cooperation. We appreciate your response to the requested information. If you have any questions regarding the content of this letter, please contact Dolores Rodriguez, Program Analyst, at (916) 854-5818 or at drodriguez@insurance.ca.gov.

Sincerely,



Vicki Griner, Manager
California Department of Insurance
Fraud Division Headquarters/Local Assistance Programs

Enclosure

cc: Sharman Wood, Grants and Program Coordinator
Mark Voss, Chief Investigator