



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: January 25, 2011 - REVISED

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 checked="" type="checkbox"/>	N/A	<input 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	x	No	<input 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 checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Don H Gallian PHONE: (559) 636-5494						

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

REQUEST(S):
That the Board of Supervisors:

1. Ratify and approve the acceptance of additional grant funding from the California Department of Insurance (DOI) for the Automobile Insurance Fraud Prosecution Program in the amount of \$49,479 for Fiscal Year 2010/2011. This additional funding is retroactive due to having received the award letter from the State in December 2010.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2010 and that it was in the County's best interest to enter into the agreement on that date.
3. Ratify and approve District Attorney Phillip Cline's signature on behalf of the Chairman, retroactive to July 1, 2010 through June 30, 2011.
4. Approve the necessary budget adjustments per the attached AUD 308 (4/5^{ths} vote required).

SUMMARY:
The California Department of Insurance (DOI) issued an Announcement of Additional Funds for the prosecution of Automobile Insurance Fraud for the Fiscal Year 2010/2011. The purpose of the Automobile Insurance Fraud Prosecution Program is to increase the investigation and prosecution of automobile insurance

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

DATE: January 25, 2011

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.

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 grant period begins July 1, 2010. However, the letter awarding additional funds was not received from the California Department of Insurance until December 2010. Therefore, the District Attorney's Office requests that the acceptance of these additional funds be approved, retroactive to July 1, 2010. The District Attorney of the County is specifically required to sign the grant award agreement.

FISCAL IMPACT/FINANCING:

The program funding of \$123,173 has been included in FY 2010/2011 budget for the Office of the District Attorney. The AUD 308 is recognizing the additional funding of \$49,479 for a new grant program total of \$172,652. There is no impact to the County General Fund.

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 additional grant funding from the California Department of Insurance helps to fulfill this initiative by continuing to provide dedicated staff to investigate and prosecute Automobile Insurance Fraud cases throughout Tulare County protecting business and individuals from being victims of this kind of fraud.

ALTERNATIVES:

The Board could choose not to adopt the Resolution. This 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

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DATE: January 25, 2011

ADMINISTRATIVE SIGN-OFF:



Don H. Gallian
Assistant District Attorney

Cc: Auditor/Controller
County Administrative Office (2)

Attachment(s):

- Attachment 1: Letter of Grant Award of Additional Funds
- Attachment 2: Grant Award Agreement
- Attachment 3: AUD 308
- Attachment 4: 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)

RESOLUTIO 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

* * * * *

1. Ratified and approved the acceptance of additional grant funding from the California Department of Insurance (DOI) for the Automobile Insurance Fraud Prosecution Program in the amount of \$49,479 for Fiscal Year 2010/2011. This grant is retroactive due to having received the award letter from the State in December 2010.
2. Found that the Board had authority to enter into the proposed agreement as of July 1, 2010 and that it was in the County's best interest to enter into the agreement on that date.
3. Ratified and approved District Attorney Phillip Cline's signature on behalf of the Chairman, retroactive to July 1, 2010 through June 30, 2011.
4. Approved the necessary budget adjustments per the attached AUD 308 (4/5th vote required).

1/5/2011			
Date	Doc ID	APRD fm fm fy fy	Budget F/Y yy

Tulare County District Attorney's Office Don H. Gallian 636-5494

Action** A,C,D	Fund	Dept	APPR #	s	Agency Name	Contact Person	Phone	Ext	Current Amount	Revised Amount	Inc / Dec Amt	
									Current Amt	Revised Amount	Inc / Dec Amt	
LEVEL 1 Finish Here											-	
Appropriation Totals											-	
This level may not											-	
balance due to											-	
revenue lines posted											-	
Appropriations Total									-	-	-	
Action** A,C,D	Fund	Dept	Unit	Appr #	Object	Rev	LEVEL 2 Start Here		Current Amt	Revised Amount	Inc / Dec Amt	
							Line Totals					
a	001	100	3181	1002	2030				1,032	1,032		
a	001	100	3181	1002	2210				400	400		
a	001	100	3181	1002	2140				927	927		
a	001	100	3181	1002	2220				2,350	2,350		
a	001	100	3181	1002	2150				2,590	2,590		
a	001	100	3181	1002	2080				1,000	1,000		
a	001	100	3181	1002	2120				420	420		
a	001	100	3181	1001	1012				2,000	2,000		
a	001	100	3181	10033	3335				3,000	3,000		
c	001	100	3181	10033	3795				24,554	60,314	35,760	
c	001	100	3181			5413			123,173	172,652	(49,479)	
c	001	100	3200	1002	2125				57,593	86,519	28,926	
c	001	100	3200	1002	2030				67,866	77,866	10,000	
c	001	100	3200	10033	3995				(156,359)	(192,285)	(35,926)	
c	001	100	3200	10033	3335				75,343	72,343	(3,000)	
Each fund must balance									Total Inc/Dec must be zero	\$ 192,170	\$ 291,128	\$ -

Reason for Adjustment (To Avoid Correspondence, State Reason in Detail) Perform a SMART BUDGET ROLL-UP before VALIDATING.

Need to create new operating lines for additional Grant Funding from Department of Insurance. No impact ncc.

[Signature]
First Department Signature

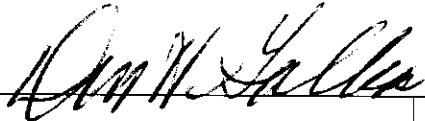
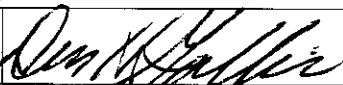
Second Department Signature

<p>Auditor and CAO Use Only</p> <p>Checked By: _____</p> <p>County Executive Office Action: No. _____ Date: _____</p> <p>() Approved () Disapproved</p> <p>By: _____</p> <p>Board of Supervisors Action: No. _____ Date: _____</p>	<p>Auditor Use Only</p> <p>Entered By: _____</p> <p>Date: _____</p> <p>Distribution: 1. BOS/CAO/Auditor</p>
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**** Action Codes: A=Add, C=Change, D=Deactivate**

- * Whenever a 33XX account budget is adjusted, a corresponding 67XX account revenue budget must be adjusted in the billing agency.
- * Whenever a 35XX account budget is adjusted, a corresponding 68XX account revenue budget must be adjusted in the billing agency.
- * Whenever a 36XX account budget is adjusted, a corresponding 39XX account revenue budget must be adjusted in the billing agency.

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 fraudulent Auto Insurance cases. The Program targets those individuals who are actively involved in defrauding businesses, governmental entities and insurance companies through false claims in Tulare County. The Program involves the dedication of an Investigator and part of a Deputy District Attorney to this specialized area.	
Funding Agency: California Department of Insurance	Program: (Fed. Grant #/State Bill or Code #) Auto Insurance Fraud Prosecution Program
Grant Acceptance Deadline:	
Total Amount of Grant Funding: \$172,652	County Match: \$0
Grant Period: July 1, 2010 to June 30, 2011	Begin Date: July 1, 2010 (est.)
End Date: June 30, 2011 (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: NA - ongoing grant	
Other requirements not mentioned above:	
	
Department Head Signature: 	Date: 1/5/11

DEPARTMENT OF INSURANCE

ENFORCEMENT BRANCH
9342 TECH CENTER DRIVE, SUITE 100
SACRAMENTO, CA 95826
(916) 854-5760
(916) 255-3202 (FAX)
www.insurance.ca.gov



December 17, 2010

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

RE: Grant Award Agreement for Additional Funds, Automobile Insurance Fraud Program,
Fiscal Year 2010-11

Dear Patricia Woody:

We are pleased to announce that Tulare County was recently awarded \$49,479 in additional funds for Fiscal Year 2010-11 for the 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 2010-11.

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.

Note: Please have all three copies of the Agreement signed and dated by the District Attorney and return them no later than **January 17, 2011**, to the address listed below. One copy will be returned to you after all signatures have been obtained.

Counties will receive additional guidance regarding the submission of modified budgets.

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
Fraud Division/Local Assistance Unit
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826
(916) 854-5818

Sincerely,

A handwritten signature in cursive script that reads "Mary Spaid".

Mary Spaid, Manager
California Department of Insurance

Enclosure

cc: Barbara Greaver, Project Director/Supervising Attorney

**INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

GRANT AWARD AGREEMENT
Additional Funding for Fiscal Year 2010-11
Automobile Insurance Fraud Program

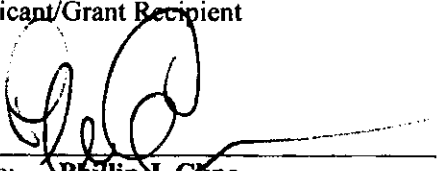
The Insurance Commissioner of the State of California hereby makes an award of additional funds to the **Tulare County**, Office of the District Attorney in the amount and for the purpose and duration set forth in this grant award.

This grant award consists of this agreement and the application for the grant 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, 2010 through June 30, 2011.**

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 **\$49,479** above the initial funding of **\$123,173**. 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 S. Mooney Blvd., Room 224 Visalia, CA 93291 Date: January 3, 2011</p>	<p>STEVE POIZNER Insurance Commissioner</p> <hr/> <p>Name: Rick Plein Title: Deputy Commissioner 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.

Kerry Li, Fiscal Officer, CDI

Date