



October 30, 2017

Ms. Laura Rocha  
City of San Marcos  
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San Marcos, CA 92069-  
1699

Ms. Annette Chinn  
Cost Recovery Systems, Inc.  
705-2 East Bidwell Street, #294  
Folsom, CA 95630

Ms. Jill Kanemasu  
Accounting and Reporting  
State Controller's Office  
3301 C Street, Suite 700  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and  
Notice of Tentative Hearing Date**

*Crime Statistics Reports for the Department of Justice (DOJ)*, 17-0240-I-01  
Penal Code Sections 12025(h)(1), (h)(3), 12031(m)(1), (m)(3), 13014, 13023, and  
13730(a); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184);  
Statutes 1993, Chapter 1230 (AB 2250); Statutes 1998, Chapter 933 (AB 1999); Statutes  
1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715)  
Penal Code Section 13023; Statutes 2004, Chapter 700 (SB 1234).  
Fiscal Years: 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2007-2008,  
2008-2009, 2009-2010, 2010-2011, 2011-2012  
City of San Marcos, Claimant

Dear Ms. Chinn, Ms. Kanemasu, and Ms. Rocha:

On August 22, 2017, the City of Monrovia filed an incorrect reduction claim (IRC) with the Commission on State Mandates (Commission) based on the State Controller's (Controller's) reductions to its reimbursement claims for costs incurred under the *Crime Statistics Reports for the DOJ* program for fiscal years 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012. Upon review, Commission staff found the IRC to be incomplete. On September 13, 2017, Commission staff notified the claimants of the problems with the filing.

On October 11, 2017, the claimant cured the IRC. Upon review, Commission staff has determined the IRC to be complete and therefore it retains the original filing date of August 22, 2017, in accordance with section 1185.2(a) of the Commission's regulations (California Code of Regulations, Title 2).

Government Code section 17551(d) requires the Commission to hear and decide claims by local agencies and school districts that the Controller has incorrectly reduced payments to the local agencies or school districts.

**Controller's Review and Response.** Please file the Controller's written comments and supporting documentation regarding this claim no later than **January 29, 2018** in accordance with sections 1185.2 and 1187.5 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial

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evidence in the record.<sup>1</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>2</sup> Please include an explanation of the reasons for the reductions and the computation of reimbursements.

The failure of the Controller to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC. (Gov. Code §17553(d))

**Claimant's Rebuttal.** Upon receipt of the Controller's comments, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the comments (Cal. Code. Regs., tit. 2 § 1185.2.) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence submitted with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>3</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>4</sup>

**Filing Written Materials.** All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be simultaneously served on all parties, interested parties, and interested persons on the mailing list, and accompanied by a proof of service. (Cal. Code Regs., tit. 2, 1181.3) However, this requirement may be satisfied by electronically filing your documents via the Commission's e-filing system. Please see <https://www.csm.ca.gov/dropbox.php> on the Commission's website. The written material will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting. This procedure will satisfy all the service requirements pursuant to section 1181.3 of the Commission's regulations.

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<sup>1</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>2</sup> Title 2, California Code of Regulations, section 1187.5.

<sup>3</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>4</sup> Title 2, California Code of Regulations, section 1187.5.

Ms. Chinn, Ms. Kanemasu, and Ms Rocha

October 30, 2017

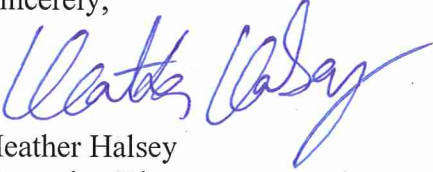
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If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

**Informal Conference.** An informal conference may be scheduled if requested. Refer to section 1187.4 of the Commission's regulations.

**Public Hearing and Draft Proposed Decision.** The public hearing on this claim has been tentatively scheduled for **November 30, 2018**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,



Heather Halsey  
Executive Director

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

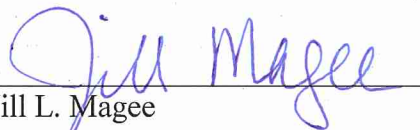
On October 30, 2017, I served the:

- **Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued October 30, 2017**
- **Incorrect Reduction Claim (IRC) filed by City of San Marcos (Claimant) on August 22, 2017**

*Crime Statistics Reports for the Department of Justice (DOJ), 17-0240-I-01*  
Penal Code Sections 12025(h)(1), (h)(3), 12031(m)(1), (m)(3), 13014, 13023, and 13730(a); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715)  
Penal Code Section 13023; Statutes 2004, Chapter 700 (SB 1234).  
Fiscal Years: 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 30, 2017 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 10/17/17

**Claim Number:** 17-0240-I-01

**Matter:** Crime Statistics Reports for the Department of Justice

**Claimant:** City of San Marcos

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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