



June 24, 2021

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

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs  
and Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

Ms. Olga Tikhomirova  
City of South Lake Tahoe  
1901 Lisa Maloff Way,  
Suite 210  
South Lake Tahoe, CA 96150

*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**

*Interagency Child Abuse and Neglect Investigation Reports (ICAN)*, 20-0022-I-02  
Penal Code Sections 11165.9, 11166, 11166.2, 11166.9<sup>1</sup>, 11168 (formerly 11161.7),  
11169, 11170, and 11174.34 (formerly 11166.9) as added or amended by Statutes 1977,  
Chapter 958; Statutes 1980, Chapter 1071; Statutes 1981, Chapter 435; Statutes 1982,  
Chapters 162 and 905; Statutes 1984, Chapters 1423 and 1613; Statutes 1985, Chapter  
1598; Statutes 1986, Chapters 1289 and 1496; Statutes 1987, Chapters 82, 531, and 1459;  
Statutes 1988, Chapters 269, 1497, and 1580; Statutes 1989, Chapter 153; Statutes 1990,  
Chapters 650, 1330, 1363, 1603; Statutes 1992, Chapters 163, 459, and 1338; Statutes  
1993, Chapters 219 and 510; Statutes 1996, Chapters 1080 and 1081; Statutes 1997,  
Chapters 842, 843, and 844; Statutes 1999, Chapters 475 and 1012; and Statutes 2000,  
Chapter 916; California Code of Regulations, Title 11, Section 903 (Register 98, Number  
29); "Child Abuse Investigation Report" Form SS 8583 (Rev. 3/91)  
Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005,  
2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012  
City of South Lake Tahoe, Claimant

Dear Ms. Chinn, Ms. Sidarous, and Ms. Tikhomirova:

On May 13, 2021, the City of South Lake Tahoe filed the above-captioned 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 *Interagency Child Abuse and Neglect Investigation Reports (ICAN)* program for fiscal years 1999-2000 through 2011-2012. Upon review, Commission staff finds that this IRC is complete.

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 **5:00 p.m. on September 22, 2021** in accordance with Government Code Section 11020 and sections 11851.2(f), 1185.2, and 1187.5 of the Commission's regulations. Oral or written representations of fact offered by any

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<sup>1</sup> Renumbered as Penal Code section 11174.34 (Stats. 2004, ch. 842 (SB 1313)).

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 evidence in the record.<sup>2</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>3</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 by 5:00 p.m., 30 days from the service date of the comments (Gov. Code § 11020 and Cal. Code. Regs., tit. 2 §§ 1181.2(f) and 1185.2(e).) 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(e) and 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1181.3, 1185.2, and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>4</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>5</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 electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.php> on the Commission's website for electronic filing

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<sup>2</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>3</sup> Title 2, California Code of Regulations, section 1187.5.

<sup>4</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>5</sup> Title 2, California Code of Regulations, section 1187.5.

Ms. Chinn, Ms. Sidarous, and Ms. Tikhomirova

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instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, 1181.3(c)(2).)

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 **July 22, 2022**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Halsey".

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 June 24, 2021, I served the:

- **Notice of Complete Incorrect Reduction Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued June 24, 2021**
- **Incorrect Reduction Claim (IRC) filed by the City of South Lake Tahoe on May 13, 2021**

*Interagency Child Abuse and Neglect Investigation Reports (ICAN)*, 20-0022-I-02 Penal Code Sections 11165.9, 11166, 11166.2, 11166.9<sup>1</sup>, 11168 (formerly 11161.7), 11169, 11170, and 11174.34 (formerly 11166.9) as added or amended by Statutes 1977, Chapter 958; Statutes 1980, Chapter 1071; Statutes 1981, Chapter 435; Statutes 1982, Chapters 162 and 905; Statutes 1984, Chapters 1423 and 1613; Statutes 1985, Chapter 1598; Statutes 1986, Chapters 1289 and 1496; Statutes 1987, Chapters 82, 531, and 1459; Statutes 1988, Chapters 269, 1497, and 1580; Statutes 1989, Chapter 153; Statutes 1990, Chapters 650, 1330, 1363, 1603; Statutes 1992, Chapters 163, 459, and 1338; Statutes 1993, Chapters 219 and 510; Statutes 1996, Chapters 1080 and 1081; Statutes 1997, Chapters 842, 843, and 844; Statutes 1999, Chapters 475 and 1012; and Statutes 2000, Chapter 916; California Code of Regulations, Title 11, Section 903 (Register 98, Number 29); "Child Abuse Investigation Report" Form SS 8583 (Rev. 3/91)  
Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, and 2011-2012  
City of South Lake Tahoe, Claimant

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 June 24, 2021 at Sacramento, California.



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

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<sup>1</sup> Renumbered as Penal Code section 11174.34 (Stats. 2004, ch. 842 (SB 1313)).

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 5/27/21

**Claim Number:** 20-0022-I-02

**Matter:** Interagency Child Abuse and Neglect Reports (ICAN)

**Claimant:** City of South Lake Tahoe

### 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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