

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: DISTRICT ATTORNEY

BOARD AGENDA # *B-8

Urgent

Routine

AGENDA DATE October 19, 2010

CEO Concurs with Recommendation ~~YES~~ NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept the Fiscal Year 2010-2011 Grant from the Department of Insurance for the District Attorney's Office Auto Insurance Fraud Program

STAFF RECOMMENDATIONS:

1. Accept the FY 2010-2011 Grant from the Department of Insurance for the District Attorney's Office Automobile Insurance Fraud Program totaling \$139,001.
2. Authorize the District Attorney to sign the grant award agreement including any extension, or amendments.
3. Approve a formal resolution as required by the State to receive this grant funding.
4. Direct the Auditor-Controller to decrease appropriations and estimated revenue as detailed in the attached Budget Journal form.

FISCAL IMPACT:

Estimated revenues and appropriations for this grant, projected at \$154,446, are reflected in the Fiscal Year 2010-2011 Final Adopted Budget. The State Department of Insurance granted an award of \$139,001 in new funding and approved the use of \$14,652 in carryover funds from previous years. The result is a budget total of \$153,653 to be funded by a combination of new grant funds and carryover funds. The carryover funds were received by the County over the past two fiscal years and are reflected in the fiscal year-end 2009-2010 Auto Insurance Fraud fund balance. The attached budget journal reflects the \$793 reduction in appropriations and the \$15,445 reduction in estimated grant revenue. Cont. Page 2

BOARD ACTION AS FOLLOWS:

No. 2010-651

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Accept the Fiscal Year 2010-2011 Grant from the Department of Insurance for the District Attorney's Office Auto Insurance Fraud Program

FISCAL IMPACT CONT:

The grant will fund salaries for a Criminal Investigator at 70% and a Paralegal at 75%, wireless communication, audit expenditures and registration fees for the Deputy District Attorney to attend an insurance fraud conference. The grant funds do not cover the attorney position assigned to the grant. The District Attorney's general fund will fund 100% of the Deputy District Attorney position.

DISCUSSION:

In FY 1996-1997, the District Attorney's Office was awarded funding for the Automobile Insurance Fraud Grant. This will make FY 2010-2011 the fourteenth consecutive year that the District Attorney's Office has received funding from the Department of Insurance for the Automobile Insurance Fraud Grant.

Insurance fraud affects the citizens of Stanislaus County through increased insurance rates. The District Attorney's Office is committed to the investigation and prosecution of those who commit insurance fraud; the acceptance of the Department of Insurance's Automobile Insurance Fraud Prosecution grant has allowed this investigation and prosecution to occur. This agenda item is being submitted for Board approval in order to authorize acceptance of the grant and to authorize the District Attorney to sign the final grant award. A formal resolution is attached.

In 2009-2010, the Auto Insurance Fraud unit investigated 105 cases of potential Insurance Fraud. The majority of cases that were reviewed for potential insurance fraud were through the Stanislaus County Auto Theft Task Force (Stan CATT). During the same reporting period, 12 defendants were prosecuted for felony insurance fraud. Of the remaining investigations, 79 resulted in criminal prosecution for other charges-primarily Auto Theft. The objectives for the grant in Fiscal Year 2010-2011 will have an emphasis on obtaining as much restitution as possible from convicted auto insurance fraud defendants. The Criminal Investigator will continue to work with the Stanislaus County Auto Theft Task Force.

POLICY ISSUES:

Acceptance of this grant will assist the District Attorney's Office in meeting the Board's goal of A Safe Community.

STAFFING IMPACTS:

There are no staffing impacts at this time. The current staffing levels are able to sustain the requirements of the grant reporting.

CONTACT INFO:

Birgit Fladager, District Attorney (209) 525-5550

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: October 19, 2010

No. 2010-651

On motion of Supervisor Chiesa and approved by the following vote,
Seconded by Supervisor O'Brien

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *B-8

RESOLUTION
STANISLAUS COUNTY BOARD OF SUPERVISORS
FY 2010/11 AUTOMOBILE INSURANCE FRAUD PROGRAM

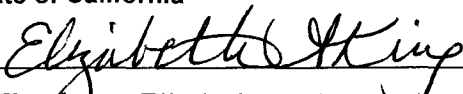
WHEREAS, the Stanislaus County Board of Supervisors desires to continue a certain project designated AUTOMOBILE INSURANCE FRAUD PROGRAM to be funded from funds made available through the CALIFORNIA INSURANCE CODE Section 1872.8, California Code of Regulations Subchapter 9, Article 4, Section 2698.65, administered by the DEPARTMENT OF INSURANCE (hereafter referred to as DOI).

NOW, THEREFORE, BE IT RESOLVED that the District Attorney of Stanislaus County is hereby authorized on its behalf to accept this grant award from DOI and is authorized to sign and approve on behalf of the Stanislaus County Board of Supervisors the Grant Award Agreements including any extension, augmentation or amendments thereof.

IT IS AGREED that any liability arising out of the performance of these Grant Award Agreements, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the DOI disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



1010-56

by Elizabeth A. King, Assistant Clerk

File No.

DEPARTMENT OF INSURANCE**FRAUD DIVISION**

9342 TECH CENTER DRIVE, SUITE 100

SACRAMENTO, CA 95826

(916) 854-5760

(916) 255-3202 (FAX)

www.insurance.ca.gov



September 20, 2010

Lori Acree
Accountant
Stanislaus County District Attorney's Office
832 12th Street, Room 300
Modesto, CA 95354

RE: Automobile Insurance Fraud Program Grant Award Agreement Fiscal Year 2010-11

Dear Lori Acree:

We are pleased to announce that Stanislaus County was recently awarded \$139,001 as the result of a Request for Application for the Fiscal Year 2010-11 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. Please have all three copies of the Agreement signed and dated by the District Attorney and return them by October 15, 2010, 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 and the disposition of requests for utilization of carry-over.

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: Jerry Begen, Chief District Attorney

2011 OCT 20 A 10:47

**INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

GRANT AWARD AGREEMENT

Fiscal Year 2010-11

Automobile Insurance Fraud Program


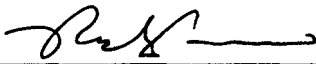
The Insurance Commissioner of the State of California hereby makes award of funds to the **Stanislaus County**, Office of the District Attorney in the amount and for the purpose and duration set forth in this grant award.

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).

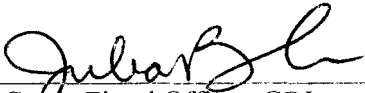
Duration of Grant: The grant award is for the program period, **July 1, 2010** through **June 30, 2011**.

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 **\$139,001**. 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.

Official Authorized to Sign for Applicant/Grant Recipient	STEVE POIZNER Insurance Commissioner
	
Name: Birgit Fladager	Name: Rick Plein
Title: District Attorney	Title: Deputy Commissioner
Address: 832 12th Street, Room 300 Modesto, CA 95354	
Date: 9-23-10	Date: 10/19/10

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

10/25/10
 Date

**County of Stanislaus: Auditor-Controller
Legal Budget Journal**

Database
Set of Books

FMS11IDB.CO.STANISLAUS.CA.US.PROD
County of Stanislaus

Balance Type		Budget
Category	* List - Text	Budget - Upload
Source	* List - Text	
Currency	* List - Text	USD
Budget Name	List - Text	LEGAL BUDGET
Batch Name	Text	
Journal Name	Text	
Journal Description	Text	Adjust appropriations and revenue to reflect grant award
Journal Reference	Text	
Organization	List - Text	Stanislaus Budget Org

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations decr est revenue (format > number > general)	decr appropriations incr est revenue	Upper case MMM-YY List - Text	Text		
4	7	5	7	6	6	5							
R3	1712	0023212	25000	0000000	000000	000000	00000	15,445				Oct-10	Reduce revenue
R3	1712	0023212	50000	0000000	000000	000000	00000			793		Oct-10	Reduce appropriations
Totals:								15,445		793			

Explanation: Adjust appropriations and revenue to reflect grant award

Requesting Department		CEO	Data Entry	Auditors Office Only
<u>Lori Acree</u>	<u></u>	<u>Signature</u>	<u>Keyed by</u>	<u>Prepared By</u>
Signature	Signature	Signature	Keyed by	Prepared By
<u>10/7/2010</u>	<u>10.08.10</u>	<u>Date</u>	<u>Date</u>	<u>10.08.10</u>
Date	Date	Date	Date	Date