

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

DEPT: DISTRICT ATTORNEY

BOARD AGENDA # *B-1

Urgent

Routine

AGENDA DATE September 18, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept the Fiscal Year 2012-2013 Grant from the Department of Insurance for the District Attorney's Office Auto Insurance Fraud Program

STAFF RECOMMENDATIONS:

1. Accept the FY 2012-2013 Grant from the Department of Insurance for the District Attorney's Office Automobile Insurance Fraud Program totaling \$191,079.
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 estimated revenue and appropriations in the amount of \$16,962 as detailed in the Budget Journal form.

FISCAL IMPACT:

Estimated revenues and appropriations of \$208,041 for this grant were projected in the Fiscal Year 2012-2013 Proposed Budget. The award amount received by the Department of Insurance is \$191,079. This is a \$16,962 reduction of the projected amount. The grant will fund salaries and benefits for a Criminal Investigator at 100%, a Paralegal at 20% and a Deputy District Attorney at 16%. The grant will also fund operating expenditures to include wireless communications, audit expenditures and training for the Auto Insurance Fraud staff. The percentage amount covered by the grant for the Paralegal position has changed from the FY 2012-2013 Proposed Budget which initially stated 80%. continue page 2

BOARD ACTION AS FOLLOWS:

No. 2012-471

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Accept the Fiscal Year 2012-2013 Grant from the Department of Insurance for the District Attorney's Office Auto Insurance Fraud Program

FISCAL IMPACT CONT:

Recent retirements in the department's paralegal division have caused understaffing. The paralegal assigned to the Auto Insurance Fraud Program needs to be available to work outside of the grant. Therefore, the percentage budgeted for the Paralegal was decreased and the Deputy District Attorney assigned to the grant now has a percentage of his salary and benefits budgeted to the grant. The District Attorney's general fund will fund the remaining 80% of the Paralegal position and 84% of the Deputy District Attorney position for whom this is a collateral assignment.

DISCUSSION:

In FY 1996-1997, the District Attorney's Office was awarded funding for the Automobile Insurance Fraud Grant. This will make FY 2012-2013 the sixteenth consecutive year that the District Attorney's Office will have 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 fiscal year 2011-2012, the Auto Insurance Fraud unit investigated 52 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, 8 defendants were prosecuted for felony insurance fraud. Of the remaining investigations, 17 cases were reviewed for criminal prosecution for other charges-primarily Auto Theft. The objectives for the grant in Fiscal Year 2012-2013 will focus on economic vehicle theft and its relation to auto insurance fraud. 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:

The grant funds 100% of an Investigator, 20% of a Paralegal and 16% of a Deputy District Attorney. These staffing levels are able to sustain the reporting requirements of the grant.

CONTACT INFO:

Dave Harris, Chief Deputy District Attorney (209) 525-5550

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

Date: September 18, 2012

No. 2012-471

On motion of Supervisor Chiesa Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Monteith, DeMartini, and Chairman O'Brien,
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *B-1

RESOLUTION
STANISLAUS COUNTY BOARD OF SUPERVISORS
FY 2012/13 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



INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA

GRANT AWARD AGREEMENT
Fiscal Year 2012-13
Automobile Insurance Fraud Program



The Insurance Commissioner of the State of California hereby makes an award of funds to **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 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-Application (RFA).

Duration of Grant: The grant award is for the program period, **July 1, 2012 through June 30, 2013.**

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 **\$191,079**. 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  Name: Birgit Fladager Title: District Attorney Address: 832 12th Street, Room 300 Modesto, CA 95354 Date: <u>9/21/12</u>	DAVE JONES Insurance Commissioner  Name: Rick Plein Title: Deputy Commissioner Date: <u>9/27/12</u>
---	--

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure.


Michael Fong, Budget Officer, CDI

10/5/12
Date