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August 05, 2016  
**Commission on  
State Mandates**

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August 5, 2016

**VIA ELECTRONIC FILING**

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Re: Response to Request for Additional Information  
*Integrated Waste Management 13-0007-I-01*  
Pasadena Area Community College District, Claimant  
Our file 5740.20116

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Dear Ms. Halsey:

We write on behalf of the Pasadena Area Community College District in response to the Commission on State Mandate's July 26, 2016 request for additional information. The Commission's request sought evidence of "[t]he date the claimant first received notice of the initiation of an audit from the Controller's staff;" and, "[t]he date the final audit report was transmitted and/or received by the claimant."

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Previously, the District provided a copy of the April 3, 2009 letter from Art Luna to the District "confirm[ing] that Janny Chan has scheduled an audit of [the District's] legislatively mandated Integrated Waste Management Program cost claims ...." (IRC, Exhibit D, p. 2.) While the District is still working to locate written correspondence which preceded this letter,<sup>1</sup> the letter's statement that it "confirms" a prior conversation indicates that the letter itself was not the first contact from the State Controller's Office to the District regarding the initiation of the audit.

**SACRAMENTO**  
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The District also provided a copy of the final audit report, which is dated April 4, 2011. (IRC, Exhibit A.) While the District is still working to locate a record of the date it received the audit report, on its face, the report indicates that the final audit was not completed within the statutory timeframe - i.e. it was not "completed not

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<sup>1</sup> To date, the District's attempts to locate these records have been complicated by the fact the District office involved in the audit process has seen several staffing changes and has also moved its office since 2011.

Heather Halsey  
Commission on State Mandates  
August 5, 2016  
Page 2

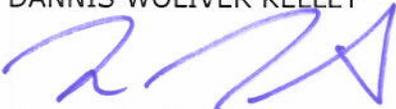
later than two years after the date that the audit [was] commenced." (Govt. Code, § 17558.5, subd. (a).)

Moreover, in its recent decision, the Commission concluded that to establish that the audit was completed in the time period required by statute, the State Controller's Office must show "that the claimant was notified that the audit was completed by the statutory deadline," and cannot rely on the date "when the audit report is simply approved and signed by an authorized employee of the Controller's Office...." (*Enrollment Fee Collection and Waivers* IRC (13-9913-I-01), adopted July 22, 2016; citing *Johnson v. Barreiro* (1943) 59 Cal.App.2d 213 [where the law is silent, notice served by mail is not effective unless and until it is received].) The Commission also concluded that the State Controller's Office bears the burden of proof to establish when the claimant received notice of the final audit report based on evidence in the record.

We appreciate the Commission's request for additional information, although at this time, the District does not have additional records to provide to the Commission. The District will provide them immediately if, and when, such records are located.

Best regards,

DANNIS WOLIVER KELLEY



William B. Tunick

WBT:ah

**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 August 8, 2016, I served the:

**Claimant Response to Request for Additional Information**

*Integrated Waste Management* 13-0007-I-01

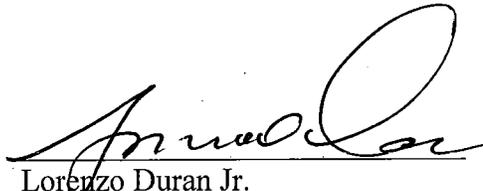
Public Resources Code Sections 40148, 40196.3, 42920-42928; Public Contract Code Sections 12167 and 12167.1; Statutes 1999, Chapter 764 (A.B. 75); Statutes 1992, Chapter 1116 (A.B. 3521); State Agency Model Integrated Waste Management Plan (February 2000)

Fiscal Years: 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2005-2006, 2006-2007, and 2007-2008

Pasadena Area Community College District, 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 August 8, 2016 at Sacramento, California.



Lorenzo Duran Jr.  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 7/26/16

**Claim Number:** 13-0007-I-01

**Matter:** Integrated Waste Management

**Claimant:** Pasadena Area Community College District

### 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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