

September 24, 2020

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

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

**Re: Notice of Extension Request Approval and Postponement of Hearing**

*Crime Statistics Reports for the Department of Justice (DOJ)*, 17-0240-I-01  
Penal Code Sections 12025(h)(1), (h)(3); 12031(m)(1) and (m)(3); 13014; 13023;  
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); and Statutes 2004,  
Chapter 700 (SB 1234)  
Fiscal Years: 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007,  
2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012  
City of San Marcos, Claimant

Dear Ms. Chinn:

On September 24, 2020, the City of San Marcos (claimant) filed a request with the Commission on State Mandates (Commission) for an extension of time to file comments on the Draft Proposed Decision on the above-captioned Incorrect Reduction Claim (IRC), currently due September 25, 2020, in addition to a postponement of hearing, currently scheduled for December 4, 2020.

Specifically, the claimant requests a one or preferably two-month extension of time and a postponement of hearing to the next regularly scheduled meeting<sup>1</sup> to review and respond to the Draft Proposed Decision because staffing has been adversely affected due to the response to the COVID-19 situation and other ongoing projects. In addition, the claimant states that since the time period of this claim dates back to FY 2001-2002, gathering the detailed contact information that is necessary to show evidence as Commission staff analysis suggests is lacking, is extremely time consuming and difficult to obtain on the deadlines originally established.

Section 1187.9(a) of the Commission's regulations provide that a party to a matter may request an extension of time by filing a request with the executive director before the date set for filing of comments or rebuttals with Commission staff on that matter. The request shall fully explain the reasons for the extension, propose a new date for filing, and be certified, filed, and served in accordance with section 1181.3 of these regulations. If representations of fact are made, they shall be supported by documentary or testimonial evidence in accordance with section 1187.5 of

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<sup>1</sup> The request indicates postponement until *February*. However, even though the Commission has not yet adopted its 2021 hearing calendar, Commission meetings are generally held the fourth Friday of odd months, so the next regularly schedule Commission meeting would be January 22, 2021.

these regulations. A request that would necessitate rescheduling a hearing shall also include a request for postponement of the hearing, pursuant to subdivision (b) of this section.

Section 1187.9(b) of the Commission's regulations provide that while postponements are disfavored and pursuant to Government Code section 17530, the executive director has a duty to expedite all matters before the Commission, a request for postponement filed by the claimant at least 15 days before the hearing shall be approved for good cause. (Cal. Code. Regs., tit. 2 § 1187.9(b).)

Due to the extraordinary working conditions resulting from COVID-19 protocols and the claimant's excused inability to obtain essential testimony, documents, or other material evidence despite diligent efforts, Commission staff finds that this request is supported by good cause. Therefore, the request for extension of time to file comments on the Draft Proposed Decision, and for postponement of hearing is approved pursuant to section 1187.9(a) and (b)(1)(D) and (b)(3)(A) of the Commission's regulations. The claimant's comments are now due **November 20, 2020**. This matter is now set for hearing on **January 22, 2021**.

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 September 24, 2020, I served the:

- **Notice of Extension Request Approval and Postponement of Hearing issued September 24, 2020**
- **Claimant's Request for Extension of Time and Postponement of Hearing filed September 24, 2020**

*Crime Statistics Reports for the Department of Justice (DOJ), 17-0240-I-01*  
Penal Code Sections 12025(h)(1), (h)(3); 12031(m)(1) and (m)(3); 13014; 13023;  
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); and Statutes 2004,  
Chapter 700 (SB 1234)

Fiscal Years: 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007,  
2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

City of San Marcos, 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 September 24, 2020 at Sacramento, California.



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

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/4/20

**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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