



August 29, 2018

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: Request for Additional Information

U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01
Penal Code Section 679.10; Statutes 2015, Chapter 721 (SB 674)
City of Claremont, Claimant

Dear Ms. Chinn:

Commission on State Mandates (Commission) staff is in the process of reviewing the Claimant's Comments on the Draft Proposed Decision and preparing the Proposed Decision for this Test Claim, which will issue on or before September 14 and is scheduled for hearing on September 28, 2018.

In comments on the Draft Proposed Decision, the claimant alleges that it incurred increased actual costs mandated by the state exceeding \$1,000 in fiscal year 2017-2018. To support this assertion, the claimant included a computation of actual costs incurred in fiscal year 2017-2018, based in part on the hourly pay of Lieutenant Mike Ciszek at \$93.35 per hour.¹ The \$93.35 hourly rate, however, appears to be inconsistent with the hourly rate calculated from the annual salary range of \$116,340 to \$140,551 for the position of Police Lieutenant identified in the City of Claremont's Actual FY 2017-2018 Salary Report which was also included with claimant's comments.² Based on the salary range identified in the Salary Report, the hourly rate for Lieutenant Mike Ciszek could not exceed \$67.57.³ Assuming a maximum hourly rate of \$67.57, the total amount of actual costs identified by the claimant for fiscal year 2017-2018 should be \$780.80, falling below the required \$1,000 threshold. Therefore, with two different hourly rates identified in the evidence filed by the claimant, there is no substantial evidence in the record to support a finding of actual increased costs mandated by the state at the \$1,000 minimum threshold, as required by Government Code sections 17559 and 17564.

Accordingly, please provide evidence to support the assertion that the hourly rate of pay for Lieutenant Ciszek is \$93.35 an hour, as used in the claimant's computation of actual costs incurred in fiscal year 2017-2018, rather than \$67.57 based upon claimant's Salary Report.

¹ Claimant's Comments on the Draft Proposed Decision, page 13.

² Claimant's Comments on the Draft Proposed Decision, page 17.

³ On average, full-time, salaried employee works 40 hours a week, or 2,080 (40 x 52) hours a year. Therefore, the hourly rate can be determined by dividing the annual salary by 2,080. Accordingly, using \$140,551 as annual salary, the calculation for the maximum hourly rate for a lieutenant is \$140,551/2,080, or \$67.57 per hour.

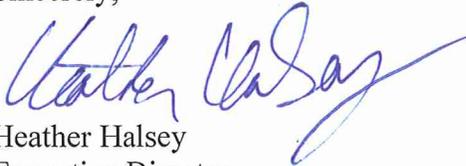
Ms. Chinn
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Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information, or belief. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence filed with the comments on the Test Claim. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.⁴ Requests for extensions of time to file comments may be filed in accordance with section 1187.9 of the Commission's regulations.

To be included in the Proposed Decision, your additional comments must be filed no later than **September 7, 2018**.

You are advised that if written materials are filed in hard copy, the filing must simultaneously be served on everyone on the mailing list, and be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. For instructions on electronic filing, please see the Commission's website at http://www.csm.ca.gov/dropbox_procedures.php. The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.3.

Sincerely,



Heather Halsey
Executive Director

⁴ 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.

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.

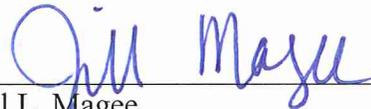
On August 29, 2018, I served the:

- **Request for Additional Information issued August 29, 2018**

U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01
Penal Code Section 679.10; Statutes 2015, Chapter 721 (SB 674)
City of Claremont, 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 29, 2018 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/23/18

Claim Number: 17-TC-01

Matter: U Visa 918 Form, Victims of Crime: Nonimmigrant Status

Claimant: City of Claremont

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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