



**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION  
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J. TYLER McCAULEY  
AUDITOR-CONTROLLER

June 13, 2003

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Dear Ms. Higashi:

**Draft Parameters and Guidelines  
County of Los Angeles Test Claim [CSM 99-TC-08]  
Penal Code Section 13730 and Family Code Section 6228  
Statutes of 1984, Chapter 1609; Statutes of 1995,  
Chapter 965; Statutes of 1999, Chapter 1022  
Crime Victim's Domestic Violence Incident Reports**

We submit and enclose herein the subject parameters and guidelines.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Tyler McCauley".

J. Tyler McCauley  
Auditor-Controller

JTM:JN:LK  
Enclosures

**Draft Parameters and Guidelines**  
**County of Los Angeles Test Claim [CSM 99-TC-08]**  
**Penal Code Section 13730 and Family Code Section 6228**  
**Statutes of 1984, Chapter 1609; Statutes of 1995,**  
**Chapter 965; Statutes of 1999, Chapter 1022**  
**Crime Victim's Domestic Violence Incident Reports**

Narrative

The parameters and guidelines [Ps&Gs] proposed by the County of Los Angeles [County] detail reimbursement terms and conditions in implementing Family Code section 6228, as added by Statutes of 1999, Chapter 1022, also known as the "Access to Domestic Violence Reports Act of 1999". This Act requires local law enforcement agencies to provide, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence upon request, generally within 48 hours.

On April 24, 2003, the Commission on State Mandates determined that only one of the provisions of the "Access to Domestic Violence Reports Act of 1999", as added by Statutes of 1999, Chapter 1022, mandated a new program or a higher level of service for local law enforcement agencies within the meaning of section 6, article XIII B of the California Constitution. Specifically, only those activities related to "storing domestic violence incident reports and face sheets for five years" pursuant to Family Code section 6228, subdivision (e) were deemed to be reimbursable "costs mandated by the State" as defined in Government Code Section 17514.

The attached Ps&Gs closely follow the reimbursable activities detailed in the final Statement of Decision on the subject test claim, as adopted by the Commission on May 29, 2003. Supporting the County's Ps&Gs is an attached declaration of Mr. Arthur J. Davis, Acting Assistant Director of Fiscal Operations of the Los Angeles County Sheriff's Department.

It should be noted that prior to the initial April 24, 2003 hearing of the matter, the claimant successfully amended the subject test claim to incorporate related changes to Family Code Section 6228 and Penal Code Section 13730 as a result of Chapter 377, Statutes of 2002, amending Section 6228 of the Family Code and Chapter 483, Statutes of 2001, amending Section 13730 of the Penal Code

and, with respect to implementing Section 13730(c)(3) of the Penal Code, Section 12028.5 of the Penal Code as added and amended by Chapter 901, Statutes of 1984, Chapters 830 and 833, Statutes of 2002. This amendment has been severed and will be adjudicated separately as CSM 02-TC-18. Accordingly, activities required under the amended test claim legislation is not addressed in the following Ps&Gs.

**Draft Parameters and Guidelines**  
**County of Los Angeles Test Claim [CSM 99-TC-08]**  
**Penal Code Section 13730 and Family Code Section 6228**  
**Statutes of 1984, Chapter 1609; Statutes of 1995,**  
**Chapter 965; Statutes of 1999, Chapter 1022**  
**Crime Victim's Domestic Violence Incident Reports**

**I. SUMMARY OF THE MANDATE**

Family Code section 6228, as added by Statutes of 1999, Chapter 1022, also known as the "Access to Domestic Violence Reports Act of 1999", requires local law enforcement agencies to provide, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence upon request, generally within 48 hours.

On April 24, 2003, the Commission on State Mandates determined that only one of the provisions of the "Access to Domestic Violence Reports Act of 1999", as added by Statutes of 1999, Chapter 1022, mandated a new program or a higher level of service for local law enforcement agencies within the meaning of section 6, article XIII B of the California Constitution. Specifically, only those activities related to "storing domestic violence incident reports and face sheets for five years" pursuant to Family Code section 6228, subdivision (e) were deemed to be reimbursable "costs mandated by the State" as defined in Government Code Section 17514.

Prior to the initial April 24, 2003 hearing of the matter, the claimant successfully amended the subject test claim to incorporate related changes to Family Code Section 6228 and Penal Code Section 13730 as a result of Chapter 377, Statutes of 2002, amending Section 6228 of the Family Code and Chapter 483, Statutes of 2001, amending Section 13730 of the Penal Code and, with respect to implementing Section 13730(c)(3) of the Penal Code, Section 12028.5 of the Penal Code as added and amended by Chapter 901, Statutes of 1984, Chapters 830 and 833, Statutes of 2002. This amendment has been severed and will be adjudicated separately as CSM 02-TC-18.

## **II. ELIGIBLE CLAIMANTS**

The eligible claimants are any county or city and county.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557, subdivision (c), as amended by Statutes of 1998, Chapter 681 (effective September 22, 1998), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for "Crime Victim's Domestic Violence Incident Reports" was filed by the County of Los Angeles on May 15, 2000, establishing eligibility for fiscal year 1998-99. However, the test claim statute was not in effect on July 1, 1998. Therefore, reimbursement claims may be filed for costs incurred pursuant to Statutes of 1999, Chapter 1022 on or after January 1, 2000 for the costs of storing domestic violence incident reports and face sheets for five years for domestic violence reports and face sheets completed after January 1, 2000 and on or after January 1, 1995 through December 31, 1999 for such storage costs of domestic violence reports and face sheets completed after January 1, 1995 through December 31, 1999.

Actual costs for one fiscal year shall be included in each claim. Estimated costs of the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial year's costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

Government Code Section 17564, subdivision (a), prior to its amendment by Statutes of 2002, Chapter 1124, an urgency statute, (effective September 30, 2002) provides that if the total costs for a given year do not exceed \$200, no reimbursement shall be allowed. Section 17564, subdivision (a) as amended by Statutes of 2002, Chapter 1124, provides that if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed. Therefore, for the 2002-03 fiscal year and subsequent claims, if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed.

#### **IV. REIMBURSABLE ACTIVITIES**

For each eligible claimant, the following activities are eligible for reimbursement:

1. Develop policies and procedures for the storage of domestic violence incident reports and face sheets in a readily accessible format for five years.
2. Itemize, label, package, transfer and ship domestic violence incident reports and face sheets for storage in readily accessible hard copy format, or for storage in a readily accessible microfilm format, or for storage in an electronic image format.
3. Receive, log-in, microfiche [if applicable], or electronically image [if applicable], classify, file and lock-up or secure [access to], in a readily accessible format, domestic violence incident reports and face sheets.
4. If a microfiche system is used, check each frame for completeness and clarity and reprocess deficient records.
5. Store domestic violence incident reports and face sheets in a readily accessible hard copy, microfiche, or electronic image format for five years.
6. Train each staff person on methods and procedures for storing domestic violence reports and face sheets.
7. The use of specialized software, hardware or contract services to create domestic violence incident reports and face sheets in a readily accessible hard copy, microfiche, or electronic image format is reimbursable. However, reimbursement is limited to the pro rata share of costs of reimbursable activities [specified above].

#### **V. CLAIM PREPARATION AND SUBMISSION**

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

#### A. Salaries and Benefits

Claimed reimbursement for employee costs should be supported by name, position, productive hourly rate, hours worked, fringe benefits amount and a brief description for the assigned unit and function relative to the mandate.

The source documents required to be maintained by the claimant may include, but are not limited to, employee time cards and/or cost allocation reports.

#### B. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

The source documents required to be maintained by the claimant may include, but are not limited to, invoices, lease documentation and other documents evidencing the validity of the expenditure.

#### C. Contracted Services

List costs incurred for contract services, including legal counsel for the development and operation of the mandated program and indirect costs, computed in accordance with OMB A-87 as described in Section V.G. [below], for administration of reimbursable contract[s]. Use of contract services must be justified by the claimant.

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

#### D. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

The source documents required to be maintained by the claimant may include, but are not limited to, contracts, charges, invoices, and statements.

#### E. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element V.A Salaries and Benefits, for each applicable reimbursable activity.

#### F. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

## G. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate or (2) the indirect costs of administering reimbursable contract(s), or (3) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B).

## VI. SUPPORTING DATA

### A. Source Documents

For auditing purposes, all incurred costs claimed must be traceable to source documents that show evidence of their validity and relationship to the reimbursable activities. Documents may include, but are not limited to, worksheets, employee time records or time logs, cost allocation reports (system generated), invoices, receipts, purchase orders, contracts, agendas, training packets with signatures and logs of attendees, calendars, declarations, and data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements.

All documentation in support of claimed costs shall be made available to the State Controller or his/her agent, as may be requested.

## **B. RECORDKEEPING**

Pursuant to Government Code section 17558.5, subdivision (a), records must be retained for three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit, and, accordingly, the required record retention period shall commence to run from the date of initial payment of the claim.

## **VII. OFFSETTING SAVINGS AND REIMBURSEMENTS**

Any offsetting savings that the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

## **VIII. REQUIRED CERTIFICATION**

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein. If a claimant provides reimbursable services under contract or agreement on behalf of other eligible claimant jurisdiction(s), such services may be certified if included in claim(s) filed by the jurisdiction providing the reimbursable services.

## **IX. PARAMETERS AND GUIDELINES AMENDMENTS**

Parameters and guidelines may be amended pursuant to Title 2, California Code of Regulations, section 1183.2.



LEROY D. BACA, SHERIFF

**County of Los Angeles**  
**Sheriff's Department Headquarters**  
**4700 Ramona Boulevard**  
**Monterey Park, California 91754-2169**



**County of Los Angeles Test Claim [CSM-99-TC-08]**  
**Penal Code Section 13730 as Added and Amended by**  
**Chapter 1609, Statutes of 1984, Chapter 965, Statutes of 1995**  
**Family Code Section 6228 as Added by Chapter 1022, Statutes of 1999**  
**Crime Victims' Domestic Violence Incident Reports**

**Declaration of Arthur J. Davis**

Arthur J. Davis makes the following declaration and statement under oath:

I, Arthur J. Davis, Acting Assistant Director of Fiscal Operations, Sheriff's Department, County of Los Angeles, am responsible for recovering costs incurred to develop and implement methods and procedures to comply with new State-mandated requirements, including requirements imposed under the subject law.

I declare that domestic violence incident reports and face sheets must be stored in a readily accessible format, in accordance with Family Code section 6228, as added by Chapter 1022, Statutes of 1999:

- (a) State and local law enforcement agencies shall provide, without charging a fee, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence, upon request. For purposes of this section, "domestic violence" has the definition given in Section 6211.
- (b) A copy of a domestic violence incident report face sheet shall be made available during regular business hours to a victim of domestic violence no later than 48 hours after being requested by the victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report face sheet is not available, in which case the domestic violence incident report face sheet shall

*A Tradition of Service*

be made available to the victim no later than five working days after the request is made.

(c) A copy of the domestic violence incident report shall be made available during regular business hours to a victim of domestic violence no later than five working days after being requested by a victim, unless the state or local law enforcement agency informs the victim of the reasons why, for good cause, the domestic violence incident report is not available, in which case the domestic violence incident report shall be made available to the victim no later than 10 working days after the request is made.

(d) Persons requesting copies under this section shall present state or local law enforcement with identification at the time a request is made.

(e) This section shall apply to requests for face sheets or reports made within five years from the date of completion of the domestic violence incident report. [Emphasis added.]

I declare that it is my information or belief that domestic violence incident reports and face sheets must be stored in a readily accessible format, in accordance with Family Code section 6228, as added by Chapter 1022, Statutes of 1999, for five years from the date of completion of the domestic violence incident report.

I declare that it is my information or belief that, under law prior to Family Code section 6228, as added by Chapter 1022, Statutes of 1999, there was no State requirement to store domestic violence incident reports and face sheets in a readily accessible format.

I declare that it is my information or belief that storing domestic violence incident reports and face sheets in a readily accessible format cannot be accomplished with an archive or dead storage process, where retrieval of requested documents is typically slow, not accessible within 48 hours as required under Family Code section 6228, added by Chapter 1022, Statutes of 1999.

I declare that it is my information or belief that storing domestic violence incident reports and face sheets in a readily accessible format requires local law enforcement agencies to perform new State-mandated duties as illustrated in the attachment hereto.

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and to those matters, I believe them to be true.

6/12/03 - Monterey Park, CA  
Date and Place

  
Signature

**Attachment**  
**Declaration of Arthur J. Davis**

1. Develop policies and procedures for the storage of domestic violence incident reports and face sheets in a readily accessible format for five years.
2. Itemize, label, package, transfer and ship domestic violence incident reports and face sheets for storage in readily accessible hard copy format, or for storage in a readily accessible microfilm format, or for storage in an electronic image format.
3. Receive, log-in, microfiche [if applicable], or electronically image [if applicable], classify, file and lock-up or secure [access to], in a readily accessible format, domestic violence incident reports and face sheets.
4. If a microfiche system is used, check each frame for completeness and clarity and reprocess deficient records.
5. Store domestic violence incident reports and face sheets in a readily accessible hard copy, microfiche, or electronic image format for five years.
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7. The use of specialized software, hardware or contract services to create domestic violence incident reports and face sheets in a readily accessible hard copy, microfiche, or electronic image format is reimbursable. However, reimbursement is limited to the pro rata share of costs of reimbursable activities [specified above].



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DEPARTMENT OF AUDITOR-CONTROLLER**

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J. TYLER McCAULEY  
AUDITOR-CONTROLLER

**Draft Parameters and Guidelines  
County of Los Angeles Test Claim [CSM 99-TC-08]  
Penal Code Section 13730 and Family Code Section 6228  
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Chapter 965; Statutes of 1999, Chapter 1022  
Crime Victim's Domestic Violence Incident Reports**

**Declaration of Leonard Kaye**

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims and amendments thereto, reviews of State agency comments, Commission staff analyses, and for proposing, or commenting on, parameters and guidelines (Ps&Gs) and amendments thereto, statements of decision and amendments thereto, and for filing incorrect reduction claims, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the attached Ps&Gs for the subject test claim.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the attached document, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

6/13/03; Los Angeles, CA  
Date and Place

*Leonard Kaye*  
Signature

## Mailing List

**Claim Number:**

**99-TC-08**

**Issue:**

**Crime Victim's Domestic Violence Incident Reports**

Mr. Steve Shields  
Shields Consulting Group, Inc.  
1536 36<sup>th</sup> Street  
Sacramento, CA 95816

Ms. Harmeet Barkschat  
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Executive Director  
Commission on State Mandates  
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Mr. Jim Spano,  
State Controller's Office  
Division of Audits  
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Ms. Annette Chinn,  
Cost Recovery Systems  
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Folsom, CA 95630

Mr. Michael Harvey, Bureau Chief  
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Division of Accounting & Reporting  
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Mr. Mark Sigman, SB90 Coordinator  
Auditor-Controller's Office  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501

## Mailing List

**Claim Number:**

**99-TC-08**

**Issue:**

**Crime Victim's Domestic Violence Incident Reports**

Mr. J. Bradley Burgess  
Public Resources Management Group  
1380 Lead Hill Boulevard, Suite # 106  
Roseville, CA 95661



COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION  
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LOS ANGELES, CALIFORNIA 90012-2766  
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY  
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 13th day of June 2003, I served the attached:

Documents: Draft Parameters and Guidelines, County of Los Angeles, Test Claim [CSM-99-TC-08], Penal Code Section 13730 and Family Code Section 6228, Statutes of 1984, Chapter 1609; Statutes of 1995, Chapter 965; Statutes of 1999; Chapter 1022, Crime Victim's Domestic Violence Incident Reports, including a 1 page letter of J. Tyler McCauley dated 6/13/03, a 2 page narrative, a 7 page Summary of the Mandate, a 4 page declaration of Arthur J. Davis, and a 1 page declaration of Leonard Kaye, all pursuant to CSM-99-TC-08, now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX as well as mail of originals.
- by placing  true copies  original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

**PLEASE SEE ATTACHED MAILING LIST**

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th of June at Los Angeles, California.

  
Hasmik Yaghobyan