

**Education Audit Appeals Panel
State of California**

Appeal of 2008-09 Audit Finding 2009-4
by:

Mountain Empire Unified School
District,

Appellant.

EAAP Case No. 10-08

OAH No. 2011020624

Decision

The Education Audit Appeals Panel has adopted the attached Settlement Agreement of the parties as its Decision in the above-entitled matter.

Effective date: May 21, 2012.

IT IS SO ORDERED.

May 21, 2012

Date

Original Signed

Diana L. Ducay, Chairperson
for Education Audit Appeals Panel

1 KAMALA D. HARRIS
Attorney General of California
2 RICHARD T. WALDOW
Supervising Deputy Attorney General
3 GREGORY M. CRIBBS
Deputy Attorney General
4 State Bar No. 175642
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2441
6 Fax: (213) 897-2805
E-mail: Gregory.Cribbs@doj.ca.gov

7
8 *Attorneys for Intervenor*
Department of Finance

9 BEFORE THE EDUCATION AUDIT APPEALS PANEL

10 STATE OF CALIFORNIA

11
12 In the Matter of the Audit Appeal of:
13 Appeal of Fiscal Year 2008-09 Audit Finding
14 2009-4 by MOUNTAIN EMPIRE UNIFIED
SCHOOL DISTRICT,
15
Appellant,
16
v.
17
18 CALIFORNIA STATE CONTROLLER,
Respondent,
19
20 DEPARTMENT OF FINANCE,
21 Intervenor.
22

Case No. EAAP 10-08

OAH Case No.: 2011020624

SETTLEMENT AGREEMENT

23
24 The Mountain Empire Unified School District (Appellant or District), respondent California
25 State Controller (Controller), and intervener California Department of Finance (Finance)
26 (collectively the Parties) agree to a complete resolution of this matter as follows:

27 ///

28 ///

1 I.

2 RECITALS

3 A. This matter involves Audit Finding 2009-4 of the District's audit report dated June
4 30, 2009 for school year 2008-09 Independent Study.

5 B. Insufficient verification and evaluations, pursuant to Education Code section 51747,
6 for independent study records for 2008-09 school year resulted in Audit Finding 2009-4.

7 C. Appellant requested summary review on May 24, 2010, and thereafter filed this
8 timely appeal.

9 D. The Parties have reviewed Independent Study records for school year 2008-09, and
10 base this settlement on those records.

11 II.

12 AGREEMENT

13 For the purpose of completely settling and resolving Audit Finding 2009-4, the Parties
14 hereby agree:

15 1. In resolution of the District's Appeal, the Parties agree to settle this matter for
16 \$33,632.50 to be paid, with no interest, through reduction of the payment of the District's 2012-
17 13 Principal Apportionment by the California Department of Education.

18 2. The Parties further agree that this Agreement constitutes a full and final resolution
19 of all claims and issues arising from the Appeal of Audit Finding 2009-4.

20 3. This Agreement is subject to and conditioned upon approval and adoption by the
21 Education Audit Appeals Panel, pursuant to Education Code section 41344.1, subdivision (b). A
22 copy of this Agreement shall be provided to the Office of Administrative Hearings to document
23 the agreement of the Parties and the pending resolution of this matter.

24 4. This Agreement may be executed in counterparts, each of which shall constitute an
25 original. Facsimile signatures transmitted to other parties to this Agreement are deemed to be the
26 equivalent of original signatures or counterparts.

27 5. Each party shall bear its own attorney's fees and costs of this proceeding.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. If any party fails to approve this Agreement, or if it is not adopted by the Education Audit Appeals Panel, it shall be of no force or effect and shall not be used for any purpose.

7. The Parties ratify the preceding terms and conditions through the signatures of their representatives as follows:

Dated: March 13, 2012

MOUNTAIN EMPIRE UNIFIED
SCHOOL DISTRICT

By: Original Signed
Steven VanZant
Superintendent

Dated: March 21, 2012

OFFICE OF THE STATE CONTROLLER

By: Original Signed
John Dickerson, Staff Counsel

Dated: March 30, 2012

KAMALA D. HARRIS
Attorney General of California
RICHARD T. WALDOW
Supervising Deputy Attorney General

By: Original Signed
GREGORY M. CRIBBS
Deputy Attorney General
Attorneys for Intervener
Department of Finance

SD2011500638
60699782.doc