

**Education Audit Appeals Panel
State of California**

Appeal of 2011-12 Audit Finding 2012-4 by:

EAAP Case No. 13-19
OAH No. 2014010424

Ravendale-Termo Elementary School
District,
Appellant.

Decision

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

Effective date: April 28, 2014

IT IS SO ORDERED.

April 28, 2014

Date

Original Signed

David Botelho, Chairperson
for Education Audit Appeals Panel

Richard J. Chivaro, SBN 124391
David I. Brownfield SBN 266334
OFFICE OF THE STATE CONTROLLER
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 327-1363
Facsimile: (916) 322-1220

Attorneys for Respondent,
JOHN CHIANG, California State Controller

BEFORE THE EDUCATION AUDIT APPEALS PANEL
FOR THE STATE OF CALIFORNIA

In the Matter of the Audit Appeal of:
2011-12 Audit Finding 12-4 by:

EAAP Case No. 13-19
OAH Case No. 2014010424

RAVENDALE-TERMO ELEMENTARY
SCHOOL DISTRICT,

STIPULATED AGREEMENT

Appellant.

Appellant RAVENDALE-TERMO ELEMENTARY SCHOOL DISTRICT (Appellant),
Respondent JOHN CHIANG, California State Controller (SCO), and Respondent
DEPARTMENT OF FINANCE (Finance) (collectively known as "the Parties") agree to a
complete resolution of the above-captioned matter as follows:

RECITALS

A. The independent accounting firm of Haws, Theobald & Auman, PC (Auditor)
conducted an audit of the Appellant for the 2011-12 fiscal year, the results of which were
included in the audit report issued on or about January 24, 2013.

B. In Audit Finding 12-4, the Auditor determined that the Appellant was not in
compliance with Health and Safety Code 120335.1(a), which requires all students to be fully
immunized with all pertussis boosters, resulting in an overstatement in the amount of
apportionment the Appellant claimed from the State in the amount of \$191,130.

1 E. Appellant then timely filed a request for formal appeal of Audit Finding 12-4
2 pursuant to Education Code section 41344(d) instituting this appeal.

3 F. Finance intervened as a Respondent pursuant to Education Code section
4 41344.1(b).

5 G. In order to avoid the cost and uncertainty of litigation, the Parties to this case
6 agree to resolve this dispute on the terms and conditions described herein.

7 AGREEMENT

8 For the purpose of completely settling and resolving the appeal of Audit Finding 12-4,
9 the Parties agree as set forth below:

10 1. This stipulated agreement fully and completely resolves all claims, demands,
11 appeals, obligations, or causes of actions arising from or relating to Audit Finding 12-4.
12 Accordingly, the Parties expressly waive any right or claim to assert or pursue thereafter any
13 claim, demand, obligation, and/or cause of action relating to Audit Finding 12-4.

14 2. The Appellant shall repay in full satisfaction of Audit Finding 12-4 from its future
15 apportionments the sum of \$122,498 in equal installments of \$15,312.25 over a period of eight
16 (8) years, with no interest, commencing with the next principal apportionment following EAAP
17 approval and adoption of this stipulated agreement.

18 3. This stipulated agreement is subject to and conditioned upon approval and
19 adoption by EAAP, pursuant to Education Code section 41344.1(b).

20 4. This stipulated agreement may be executed in counterparts, each of which shall
21 constitute an original. Facsimile and pdf signatures transmitted to other parties to this stipulated
22 agreement are deemed to be the equivalent of original signatures.

23 5. The parties shall be responsible for their own attorneys' fees and costs.
24

25 ///

26 ///

27 ///

28 ///

1 Dated: 3/19/, 2014

RAVENDALE-TERMO ELEMENTARY SCHOOL
DISTRICT

2
3 By: Original Signed
JASON WADDELL, Superintendent

4
5
6 Dated: 3/26/, 2014

DEPARTMENT OF FINANCE

7
8 By: Original Signed
NICK SCHWEIZER
9 Program Budget Manager,
10 Department of Finance

11 Dated: 3/27, 2014

OFFICE OF THE STATE CONTROLLER

12
13 By: Original Signed
14 DAVID I. BROWNFIELD
15 Staff Counsel for Respondent,
16 JOHN CHIANG, California State Controller