

**Education Audit Appeals Panel
State of California**

Appeal of 2017-18 Audit Finding 2018-001
by:

Contra Costa County Office of Education,

Appellant.

EAAP Case No. 19-12

OAH No. 2020110433

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 26, 2021.

IT IS SO ORDERED.

April 26, 2021
Date

Original Signed By:
Joel Montero, Chairperson
for Education Audit Appeals Panel

1 MATTHEW RODRIQUEZ
Acting Attorney General of California
2 JENNIFER G. PERKELL
Supervising Deputy Attorney General
3 CAROLYN O. TSAI, State Bar No. 239631
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 510-3539
Fax: (415) 703-5480
6 E-mail: Carolyn.Tsai@doj.ca.gov
Attorneys for Respondent
7 *Office of the State Controller*

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9
10 BEFORE THE EDUCATION AUDIT APPEALS PANEL
11 FOR THE STATE OF CALIFORNIA

12
13 **In the Matter of the Education Audit Appeal**
14 **of:**

15 **CONTRA COSTA COUNTY OFFICE OF**
16 **EDUCATION,**

17 Appellant,

18 v.

19 **OFFICE OF THE STATE CONTROLLER,**

20 Respondent,

21 **CALIFORNIA DEPARTMENT OF**
22 **FINANCE,**

23 Respondent.

OAH No. 2020110433

EAAP Case No. 19-12

NOTICE OF EXECUTED SETTLEMENT
AGREEMENT

1 **PLEASE TAKE NOTICE** Appellant CONTRA COSTA COUNTY OFFICE OF
2 EDUCATION, Respondent CALIFORNIA STATE CONTROLLER, and Respondent
3 CALIFORNIA DEPARTMENT OF FINANCE (“DOF”) have executed a Settlement Agreement,
4 attached hereto as Exhibit A, that completely resolves the disputes that are the subject of this
5 case.

6 Pursuant to Paragraph 3 of the Settlement Agreement, DOF respectfully requests that the
7 Education Audit Appeals Panel issue a decision approving the Settlement Agreement. Upon
8 approval, Respondent will request OAH vacate the hearing set for July 26-27, 2021, and dismiss
9 this matter with prejudice.

10
11 Dated: March 30, 2021

Respectfully Submitted,
MATTHEW RODRIQUEZ
Attorney General of California
JENNIFER G. PERKELL
Supervising Deputy Attorney General



CAROLYN O. TSAI
Deputy Attorney General
Attorneys for Respondent
California Department of Finance

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1 XAVIER BECERRA
Attorney General of California
2 JENNIFER G. PERKELL
Supervising Deputy Attorney General
3 CAROLYN O. TSAI
Deputy Attorney General
4 State Bar No. 239631
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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8

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10 BEFORE THE EDUCATION AUDIT APPEALS PANEL
11 STATE OF CALIFORNIA
12

13 **In the Matter of the Appeal of:**

14 **CONTRA COSTA COUNTY OFFICE OF**
15 **EDUCATION,**

16 Appellant,

17 v.

18 **OFFICE OF THE STATE CONTROLLER,**

19 Respondent,

20 **DEPARTMENT OF FINANCE,**

21 Respondent.
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EAAP Case No. 19-12
OAH Case No. 2020110433

**STIPULATION AND SETTLEMENT
AGREEMENT**

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INTRODUCTION

Appellant Contra Costa County Office of Education (“Appellant” or “CCCOE”), and Respondents California State Controller’s Office, and California Department of Finance (collectively, “the Parties”), agree to a complete resolution of the above-captioned matter as follows:

RECITALS

A. Auditing firm Christy White Associates (“Auditor”) conducted an audit of the Contra Costa County Office of Education’s financial statements for the year ending June 30, 2018, the results of which were set forth in the Independent Auditors Report issued on or about June 30, 2018.

B. In Audit Finding 2018-001, Auditor determined that Golden Gate Community School, a charter school operated by Appellant, did not meet the minimum instructional minutes required by Education Code section 47612.5(a)(1) for fiscal year 2017-2018, resulting in an apportionment penalty of \$81,830.

C. On October 2, 2020, Appellant timely filed a request for formal appeal of Audit Finding 2018-001 (“the Appeal”) pursuant to Education Code section 41344 subdivision (d), instituting the Appeal before the Education Audit Appeals Panel (“EAAP”).

D. To avoid the cost and uncertainty of litigation, the Parties to this case agree to completely resolve this dispute on the terms and conditions described below.

AGREEMENT

For the purpose of completely settling and resolving the Appeal of Audit Finding 2018-001, and subject to the EAAP’s approval of this Stipulation and Settlement Agreement (“Agreement”) pursuant to Paragraph 3, the Parties stipulate as set forth below:

1. Appellant shall repay in full satisfaction of Audit Finding 2018-011, the sum of \$81,830, without interest, in equal annual installments of \$10,228.75, per year, for an eight (8) year period, commencing with the first payment due by June 1, 2021, and by June 1 of each year thereafter, until final payment by June 1, 2028.

1 2. Nothing in this Agreement prohibits CCCOE from repaying the sum owed without
2 interest sooner than the date specified in Paragraph 1 above if desired, and in its sole discretion.

3 3. This Agreement is subject to and conditioned upon approval and adoption by EAAP,
4 pursuant to Education Code section 41344.1, subdivision (b).

5 4. This Agreement may be executed in counterparts, each of which shall constitute an
6 original. Facsimile and electronic signatures by the parties and/or their designated representatives
7 are deemed the equivalent of original signatures.

8 5. The Parties shall be responsible for their own attorneys' fees and costs.

9
10 CONTRA COSTA COUNTY OFFICE OF
EDUCATION

11 Dated: _____

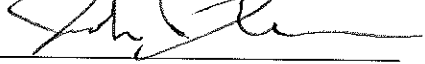
12 By: _____
13 WILLIAM F. SCHUETZ, JR.
14 Dannis Woliver Kelley
Counsel for Contra Costa Cnty. Office of Educ.
AS TO FORM ONLY

15 Dated: _____

16 By: _____
17 BILL CLARK
Deputy Superintendent

18 OFFICE OF THE STATE CONTROLLER

19 Dated: 3-25-2021

20 By: 
JOHN DICKERSON
Counsel for Hon. Betty Yee, State Controller

21 DEPARTMENT OF FINANCE

22 Dated: _____

23 By: _____
CHRIS FERGUSON
24 Education Systems Unit
Department of Finance

25 Dated: _____

26 By: _____
CAROLYN O. TSAI
27 Deputy Attorney General
Attorneys for Department of Finance
AS TO FORM ONLY

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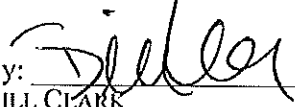
5. The Parties shall be responsible for their own attorneys' fees and costs.

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Dated: 3/12/2021

By: 
WILLIAM F. SCHUETZ, JR.
Dannis Woliver Kelley
Counsel for Contra Costa Cnty. Office of Educ.
AS TO FORM ONLY

Dated: 3/11/2021

By: 
BILL CLARK
Deputy Superintendent

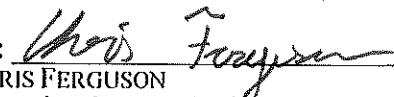
OFFICE OF THE STATE CONTROLLER

Dated: _____

By: _____
JOHN DICKERSON
Counsel for Hon. Betty Yee, State Controller

DEPARTMENT OF FINANCE

Dated: 3/16/2021

By: 
CHRIS FERGUSON
Education Systems Unit
Department of Finance

Dated: _____

By: _____
CAROLYN O. TSAI
Deputy Attorney General
Attorneys for Department of Finance
AS TO FORM ONLY

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CONTRA COSTA COUNTY OFFICE OF EDUCATION

Dated: _____

By: _____
WILLIAM F. SCHUETZ, JR.
Dannis Woliver Kelley
Counsel for Contra Costa Cnty. Office of Educ.
AS TO FORM ONLY

Dated: _____

By: _____
BILL CLARK
Deputy Superintendent

OFFICE OF THE STATE CONTROLLER

Dated: _____

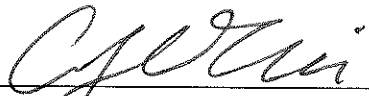
By: _____
JOHN DICKERSON
Counsel for Hon. Betty Yee, State Controller

DEPARTMENT OF FINANCE

Dated: _____

By: _____
CHRIS FERGUSON
Education Systems Unit
Department of Finance

Dated: 3/19/21

By: 
CAROLYN Q. TSAI
Deputy Attorney General
Attorneys for Department of Finance
AS TO FORM ONLY