

**Education Audit Appeals Panel
State of California**

Appeal of 2015-16 Audit Finding 2016-002 by:

El Centro Elementary School District,

Appellant.

EAAP Case No. 17-03

OAH No. 2017080637

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: 3/26/2018.

IT IS SO ORDERED.

3/26/2018
Date



Joel Montero, Chairperson
for Education Audit Appeals Panel

1 XAVIER BECERRA
Attorney General of California
2 RICHARD T. WALDOW
Supervising Deputy Attorney General
3 KRISTEN T. DALESSIO
Deputy Attorney General
4 State Bar No. 149081
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5 San Diego, CA 92101
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E-mail: Kristen.Dalessio@doj.ca.gov
7 *Attorneys for Intervenor*
Department of Finance
8

9 BEFORE THE EDUCATION AUDIT APPEALS PANEL

10 STATE OF CALIFORNIA

12 In the Matter of the Audit Appeal of:
13 Appeal of Fiscal Year 2015-2016 Audit
Finding 2016-002 by EL CENTRO
14 ELEMENTARY SCHOOL DISTRICT,

15 Appellant,

16 v.

17 CALIFORNIA STATE CONTROLLER,

18 Respondent.
19

EAAP Case No.: EAAP 17-03

OAH Case No. 2017080637

STIPULATION AND SETTLEMENT
AGREEMENT

20 Appellant EL CENTRO ELEMENTARY SCHOOL DISTRICT (Appellant), Respondent
21 BETTY YEE, California State Controller, (SCO), and Intervenor DEPARTMENT OF FINANCE
22 (Finance) (collectively, the parties, and individually, each, a party) agree to a complete settlement
23 of the above-captioned matter as follows:

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EDUCATION AUDIT
APPEALS PANEL

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B. In Audit Finding 2016-002, the Auditor determined that Appellant's independent study master agreements (agreements) did not meet all of the requirements of state law. Specifically, the agreements did not contain the manner, time, frequency, and place for submitting a student's assignments and for reporting the student's progress and the methods utilized to evaluate the work. As a result, the auditor disallowed \$715,636 received by the Appellant for the 2015-2016 fiscal year.

D. Appellant timely filed a request for formal appeal of Audit Finding 2016-002 (the al) pursuant to Education Code section 41344, subdivision (d), instituting the Appeal before education Audit Appeals Panel (EAAP).

F. 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.

For the purpose of completely settling and resolving the Appeal, the parties, without any admission of liability or wrongdoing, except as provided in section 1 herein, and in furtherance thereof, do agree as set forth below:

2. Appellant shall repay in full satisfaction of Audit Finding 2016-002 the sum of \$22,500.00, without interest over a period of eight years, or approximately \$22,500.00 annually, commencing with its next principal apportionment following EAAP approving and adopting the plan.

3. This agreement fully and completely resolves all claims, demands, appeals, actions, or causes of action arising from or relating to Audit Finding 2016-002. Accordingly,

1 the parties expressly waive any right or claim to assert or pursue thereafter any claim, demand,
2 obligation, and/or cause of action relating to Audit Finding 2016-002.

3 4. This agreement is subject to and conditioned upon approval and adoption by EAAP,
4 pursuant to Education Code section 41344.1, subdivision (b) and upon ratification by the
5 Appellant's Governing Board.


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

9 6. The parties shall bear their own attorneys' fees and costs relative to the Appeal.

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Dated: 12/4/17

EL CENTRO ELEMENTARY SCHOOL DISTRICT

By: 
William B. Tunick, Esq.
DANNIS WOLIVER KELLEY
Attorneys for El Centro Elementary School District

Dated: _____

EL CENTRO ELEMENTARY SCHOOL DISTRICT

By: _____
Officer of Governing Board
El Centro Elementary School District

Dated: _____

OFFICE OF THE STATE CONTROLLER

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

Dated: _____

DEPARTMENT OF FINANCE

By: _____
JEFF BELL
Program Budget Manager
Department of Finance

APPROVED AS TO FORM ONLY

Dated: _____

XAVIER BECERRA
California Attorney General
RICHARD T. WALDOW
Supervising Deputy Attorney General


By: _____
KRISTEN T. DALESSIO
Deputy Attorney General
Attorneys for Department of Finance

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El Centro Settlement Agreement Draft.docx

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Dated: 12/4/17

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

By: 
William B. Tunick, Esq.
DANNIS WOLIVER KELLEY
Attorneys for El Centro Elementary School
District

Dated: 12/12/17

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

By: 
Office of Governing Board
El Centro Elementary School District

Dated: _____

OFFICE OF THE STATE CONTROLLER

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


Dated: 21 Nov 17

DEPARTMENT OF FINANCE

By: 
JEFF BELL
Program Budget Manager
Department of Finance

APPROVED AS TO FORM ONLY

Dated: November 17, 2017

XAVIER BECERRA
California Attorney General
RICHARD T. WALDOW
Supervising Deputy Attorney General
By: 
KRISTEN T. DALESSIO
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Attorneys for Department of Finance

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Dated: _____

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

By: _____
William B. Tunick, Esq.
DANNIS WOLIVER KELLEY
Attorneys for El Centro Elementary School
District


Dated: _____

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

By: _____
Officer of Governing Board
El Centro Elementary School District

Dated: 11-21-2017

OFFICE OF THE STATE CONTROLLER

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

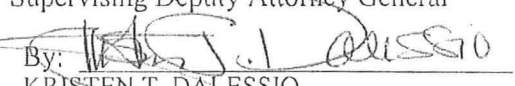
Dated: _____

DEPARTMENT OF FINANCE

By: _____
JEFF BELL
Program Budget Manager
Department of Finance

APPROVED AS TO FORM ONLY

Dated: November 17, 2017

XAVIER BECERRA
California Attorney General
RICHARD T. WALDOW
Supervising Deputy Attorney General
By: 
KRISTEN T. DALESSIO
Deputy Attorney General
Attorneys for Department of Finance

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1 Dated: _____

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

2
3 By: _____
4 William B. Tunick, Esq.
5 DANNIS WOLIVER KELLEY
6 Attorneys for El Centro Elementary School
7 District

8
9 Dated: _____

EL CENTRO ELEMENTARY SCHOOL
DISTRICT

10
11 By: _____
12 Officer of Governing Board
13 El Centro Elementary School District

14
15 Dated: _____

OFFICE OF THE STATE CONTROLLER

16
17 By: _____
18 JOHN DICKERSON
19 Counsel for Hon. Betty Yee
20 State Controller

21 Dated: 21 Nov 17

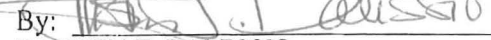
DEPARTMENT OF FINANCE

22
23 By:  _____
24 JEFF BELL
25 Program Budget Manager
26 Department of Finance

27 *APPROVED AS TO FORM ONLY*

28 Dated: November 17, 2017

XAVIER BECERRA
California Attorney General
RICHARD T. WALDOW
Supervising Deputy Attorney General

29 By:  _____
30 KRISTEN T. DALESSIO
31 Deputy Attorney General
32 Attorneys for Department of Finance

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