

**Education Audit Appeals Panel
State of California**

Appeal of 2016-17 Audit Finding 2017-001
by:

Moorpark Unified School District,
Appellant.

EAAP Case No. 18-05
OAH No. 2018-10-1200

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: July 29, 2019.

IT IS SO ORDERED.

7/29/19
Date


for
Joel Montero, Chairperson
for Education Audit Appeals Panel



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7 Attorneys for Moorpark Unified School District

8 BEFORE THE EDUCATION AUDIT APPEALS PANEL

9 STATE OF CALIFORNIA

10 Appeal of 2016-17 Audit Finding 2017-001
11 by

EAAP Case No. 18-05

OAH Case No. 2018-10-1200

12 MOORPARK UNIFIED SCHOOL
13 DISTRICT,
14 Appellant.

**STIPULATION AND SETTLEMENT
AGREEMENT**

15 v.

16 CALIFORNIA STATE CONTROLLER,
17 Respondent,

18 CALIFORNIA DEPARTMENT OF
19 FINANCE,
20 Respondent.

21 Appellant MOORPARK UNIFIED SCHOOL DISTRICT ("Appellant" or "District"), and
22 Respondents CALIFORNIA STATE CONTROLLER'S OFFICE ("SCO"), and CALIFORNIA
23 DEPARTMENT OF FINANCE ("Finance") (collectively referred to herein as "the Parties") agree
24 to a complete resolution of the above-captioned matter as follows:

25 **RECITALS:**

26 A. The independent accounting firm of Clifton Larson Allen, LLP (Auditor),
27 conducted an audit of the Appellant for the 2016-17 fiscal year, the results of which were
28 included in the final audit report issued on or about December 11, 2017.

1 B. In Audit Finding 2017-001, the Auditor determined that the Appellant was not in
2 compliance with Education Code sections 46113 and 46144, subdivision (b), which require
3 minimum school day minutes, resulting in an overstatement in the amount of apportionment the
4 Appellant claimed from the State in the amount of \$197,000.

5 C. Appellant timely filed a request for formal appeal of Audit Finding 2017-001
6 pursuant to Education Code Section 41344, subdivision (d), instituting this appeal before the
7 Education Audit Appeals Panel (EAAP).

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

10 **AGREEMENT**

11 For purposes of completely settling and resolving Audit Finding 2017-001, the Parties
12 agree as set forth below:

13 1. Appellant shall repay in full satisfaction of the Audit Finding 2017-001 the sum of
14 \$150,000, with no interest, to be paid in full within a period of one year from the approval of this
15 agreement by the EAAP.

16 2. This Stipulation and Settlement Agreement is subject to and conditioned upon
17 approval and adoption by EAAP, pursuant to Education Code section 41344.1, subdivision (b),
18 and upon ratification by the Appellant's Governing Board.

19 3. This Stipulation and Settlement Agreement may be executed in counterparts, each
20 of which shall constitute an original. Facsimile and electronic, or pdf, signatures by the Parties
21 and/or their designated representatives are deemed the equivalent of original signatures.

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

23 ///

24 ///

25 ///

26 ///

27 ///

1 Dated: June , 2019

MOORPARK UNIFIED SCHOOL DISTRICT

3 By: _____

4 Kelli Hays, Ed.D
5 Superintendent of Schools

6 Dated: June __, 2019

OFFICE OF THE CALIFORNIA STATE
7 CONTROLLER

8 By: _____

9 John E. Dickerson,
10 Staff Counsel for Respondent
11 California State Controller

12 Dated: June 4, 2019

CALIFORNIA DEPARTMENT OF
13 FINANCE

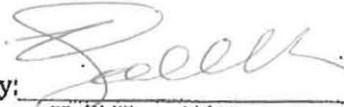
14 By: _____

15 *Jessica Holm for*
16 Jeff Bell, Program Budget Manager
17 For Respondent California Department
18 of Finance

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Dated: June 5, 2019

MOORPARK UNIFIED SCHOOL DISTRICT

By: 
Kelli Hays, Ed.D
Superintendent of Schools


Dated: June __, 2019

OFFICE OF THE CALIFORNIA STATE
CONTROLLER

By: _____
John E. Dickerson,
Staff Counsel for Respondent
California State Controller

Dated: June 4, 2019

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FINANCE

By:  for
Jeff Bell, Program Budget Manager
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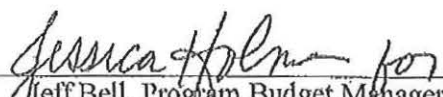
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APPROVED AS TO FORM:


Dated: June __, 2019

LAW OFFICES OF JEFF C.
MARDEROSIAN

By: _____
Jeff Marderosian, Attorney for
Moorpark Unified School District

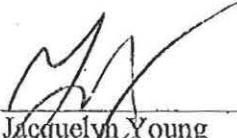
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By: 
John E. Dickerson,
Staff Counsel for Respondent
California State Controller

Dated: June 4, 2019

XAVIER BECERRA
Attorney General of California
Jennifer M. Kim
Supervising Deputy Attorney General

By: 
Jacquelyn Young
Deputy Attorney General, Attorneys for
Respondent California Department of
Finance

1 APPROVED AS TO FORM:

2 Dated: June ___, 2019

LAW OFFICES OF JEFF C.
MARDEROSIAN

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5 By: _____
6 Jeff Marderosian, Attorney for
7 Moorpark Unified School District


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Jennifer M. Kim
Supervising Deputy Attorney General

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22
23
24 By:  _____
25 Jacquelyn Young
26 Deputy Attorney General, Attorneys for
27 Respondent California Department of
28 Finance