



# county of ventura

HAROLD S. PITTMAN  
TREASURER  
TAX COLLECTOR  
PUBLIC ADMINISTRATOR

August 8, 2002

RECEIVED  
OCT 8 2002

Lawrence L. Matheny  
Assistant Treasurer-Tax Collector

G. Paul Biolley  
Assistant Public Administrator

Honorable Bruce A. Clark  
Presiding Judge of the Superior Court  
Ventura County Hall of Justice  
800 South Victoria Avenue  
Ventura, California 93009

Re: Response of Public Administrator/Public Guardian to 2001-2002 Grand Jury report entitled *The Public Administrator and Public Guardian as Conservator*.

## Findings

**F-1 Office Work Flow:** The respondent agrees with the finding.

**F-1 (a) Public Administrator:** The respondent partially agrees with the finding. One deputy PA manages the Public Administration workload with support available from a fiscal clerk and community worker. The Assistant PA covers the deputy's duties in her absence. Financial assets, real and personal property are converted to cash, while family heirlooms and photos are stored pending notification of heirs for final disposition. In those cases where the estate is in excess of \$100,000 (a formal probate), the County Counsel's office represents the PA and prepares the legal documentation for court related matters.

**F-1(b) LPS and Probate Conservatorship:** The respondent partially agrees with the finding. LPS designated hospitals (St. John's, Vista Del Mar, and Hillmont Psychiatric Center) make the initial referral for appointment of the PG as temporary conservator (30 day appointment). As temporary conservator, the PG authorizes continued placement in hospital of the conservatee until stabilized and ready for discharge. When discharged, if the conservatee is competent the temporary conservatorship will automatically terminate. As temporary conservator the PG does an investigation to determine if a permanent conservatorship is necessary. A family member, another interested party, or the PG may be appointed if the proposed conservatee agrees or the court or a jury determines sufficient evidence is provided to warrant a conservatorship. The appointment of the conservator for the child placed in Colorado ought to have been terminated at the time the individual left the state of California.

The PG is represented "In Pro Per" at uncontested hearings which occur at the LPS designated hospitals. The District Attorney's office represents the PG in contested hearings at the Hall of Justice. The Community Service Worker is an employee of the PA/PG office not HSA. HSA has an assigned deputy PG in the PA/PG office dedicated to investigating and processing LPS and

Probate referrals made by Adult Protective Services through the PG appointment and filing of inventories and appraisals of property.

**F-1(c) Representative Payee Accounts:** The respondent agrees with the finding.

**F-1(d) Caseload:** The respondent partially agrees with the finding. An active effort has been made to screen Conservatorships at the time of the annual reappointments to find suitable alternatives such as family members, or to identify those who no longer need conservatorship as a result of increased competence and ability to utilize 3rd party assistance. The current caseload is 129 cases for Public Administration and 332 for Public Guardian. The assigned HSA staff has been reduced to a ½ time position with the PA/PG office effective July 1, 2002.

**F-2 Audit Review:** The respondent agrees with the findings.

**F-3 Information System review:**

**F-3(a)** The respondent agrees with the finding.

**F-3(b)** The respondent partially agrees with the finding. The accounting software utilized by the PA/PG office is designed to interface with the County financial management system for automatic reconciliation of the checks issued by the PA/PG office with the checks presented for payment at Wells Fargo Bank. In addition this interface allows for the monthly reconciliation of the three (3) PA/PG governmental fund accounts which receive the monthly income and from which monthly expenses are paid on behalf of the PA/PG individual client accounts.

The accounting software does not cross-check for duplicate payments as the majority of the payments by the office are duplicated during the month and/or in subsequent months. The deputy assigned to an account authorizes receipt of the income and expenditures made on the accounts' behalf and so has the primary responsibility for cross checking the accounts to prevent duplicate payments. Duplicate payments made in error are prevented by having only the assigned deputy authorizing automatic and non recurring payments. Payments are duplicated in error when workloads increase and invoices for the same service come in months apart and are authorized a deputy who has no recollection of the previous payment nor the time to let go of other priorities to review electronic records for previous payments. A detailed report can be run to check for payment errors made over any given time period. When identified the assigned deputy obtains a refund from the vendor for payments made in error.

**F-3(c)** The respondent partially agrees with the finding. The County financial management system allows for approval by the Auditor-Controller's Office of payments to County vendors. The private vendors paid on behalf of a client account are entered into the PA/PG accounting system are not part of the County financial management system.

**F-3(d)** The respondent partially agrees with the finding. The PA/PG system, like the County financial system, is capable of identifying erroneous duplicate payments. However, both systems require sufficient information and a review of the payments made by a staff to determine

if a payment is in error. The PA/PG software contractor recommends that the description of the payment input at the time a non-recurring payment is made be used to detect duplicate payments made in error.

**F-3(e)** The respondent partially agrees with the finding. The *Probate Accounting System User Manual* provided by the software contractor includes step by step instructions on how to operate the program.

**F-3(f)** The respondent agrees partially with the finding. Employee turnover has a significant bearing on this finding. The county employee most knowledgeable in the operation of the accounting system gained his knowledge over ten (10) years of utilization and trouble shooting the system under the supervision of the software administrator. At the time of the Grand Jury's review of the PA/PG system, this position had been vacant for six months, with a temporary worker covering the position for two of those months, and his replacement having been in the position for one month. The accounting system is administered by the software contractor who, for the annual fee of \$4,000.00, has been responsive to the needs of the office for training, system maintenance and upgrades, and phone consultation or office visit when there are software or interface problems or failures.

**F-3(g)** The respondent agrees partially with the finding. The software contractor's access to the system is controlled by and under the supervision of the Assistant PA/PG.

**F-3(h),(l),(j)** The respondent agrees with the findings.

**F-4 Property Review:** **F-4(a),(b),(c),(d),(e),(f),(g), and (h)** The respondent agrees with the findings.

**F-5 Workload Comparison:** The respondent partially agrees with the findings.

**F-5(a)** The number of cases for individual deputies varies according to function. For example the intake deputy who primarily does court investigation reports during the temporary phase of Conservatorships has 37 ongoing cases and an average 11 intakes a month. The deputy with the highest caseload has 111 cases. The HSA deputy PG handling Adult Protective Services' conservatorship referrals as a ½ time staff will do the intake for these referrals and transfer the case for ongoing management to one of four deputy PG.

**F-5(b),(c)** There are a variety of organizational and procedural approaches taken in the administration of Conservatorships all determined by the local rules of each California county. These differences make it difficult to compare the number of employees to population size and workloads across counties. The attached Ventura County Public Administrator/Public Guardian Survey of Workload Comparisons is taken from the responses of PA/PG/PC offices to an informal survey sent by e-mail 4/23/2002.

**F-6 Account Review: F-6(a),(b),(d),(g), and (h)** The respondent agrees with the findings.

**F-6(c)** The respondent agrees partially with the finding. The tax preparer charging a greater fee for his service is an "enrolled agent" and can therefore represent this office should the IRS question the tax returns he has prepared.

**F-6(e)** The respondent agrees partially with the finding. Two PG staff present when the home was entered claim that a chair and mattress were the only furnishings other than the personal belongings secured and inventoried. Though the court had initially restricted the sale of the conservatee's home it later authorized the sale when it was apparent the conservatee would not be returning to the home and the home, which had been vandalized while the individual resided in his home, was at risk for vandalism. The PG staff present at the opening of the safe reported that there were only donation receipts in the safes which can be substantiated by the locksmith opening the safes. The PG deputy assigned to this case terminated employment two months into the administration of the conservatee's estate and has no further relationship with this office.

**F-6(f)** The respondent agrees partially with the finding. The PG was appointed conservator 1/25/01, and a change of address form was submitted to the US postal service 1/28/01. The payroll department of the conservatee was notified of the appointment of the PG as conservator and the PG began receiving biweekly payroll payments at the PG address 3/07/01.

**F-6(I)** The respondent agrees with the finding.

#### **Visits to Conservatees:**

**F-6(j),(k),(l),(m),(n),(o)** The respondent agrees with the findings.

**F-6(p)** The respondent agrees partially with the finding. The fourteen-year-old is a ward of the court supervised by Children's Services. Children's Services was awaiting approval from the State Department of Health Services for the placement of the child in Colorado when it became necessary to appoint a conservator due to the child's temporary placement in a psychiatric hospital. The PG was not notified when the child was placed out-of-state. The conservatorship became unnecessary when the child moved out-of-state.

#### **RECOMMENDATIONS**

All recommendations will be addressed and implemented on a prioritized schedule to be determined by the mandate to protect a person and their assets and the ability of the Assistant PA/PG to attend to the recommendation while maintaining continued support to deputies in the day-to-day management of cases. The priorities assigned are from the perspective of the Assistant PA/PG at this time. Priority one is assuring that the emergent needs of the PA/PG workload are met. Time frames not to exceed six months from the time of the publication of the

Grand Jury report will be established.

## **Office**

**R-1:** Priority 2 - The recommendation is under implementation: The software contractor and Assistant PA/PG have collaborated to establish the necessary data base modifications to the office system so that data can be compiled into one electronic file. The system will be modified so assigned deputies will be able to update placement information and all relevant word documents necessary to notify interested parties can be printed out at the time the assigned deputy is notified. Record keeping procedures will be established to identify documentation standards. The procedural deficiencies identified in the Grand Jury's report will be reviewed to identify needed revisions, to train staff in new procedures, and to assure periodic review.

**R-8:** Priority 3 - The recommendation requires further analysis. Training must be implemented if the software interface between the PA/PG system and the County financial system referenced in R-7 is to be implemented. This recommendation needs further analysis as it may overstate the solution needed to address the problem of duplication of payments. As found in finding F-6(b), of the several duplicate payments discovered, all were the result of vendors' duplicate billing invoices which were authorized by the assigned deputy, and all except one payment was corrected by either the PA/PG office or the vendor. As of 8/6/02, the software contractor has programed the PA/PG accounting system to compare an expense transaction that is to be entered against prior expense transactions (checks) for a given period. Each transaction to be searched must have an invoice number entered into its description field in a set format to be followed by the fiscal staff entering expense transactions.

**R-9:** Priority 1 - The office accounting system has the capacity to record electronically all property transactions, but it has not been utilized. The recommendation has not been implemented but will be immediately upon completion of the response to the Grand Jury's report. The procedures established will be submitted to the Auditor-Controllers for review and approval. Additional staff would have the greatest impact on this area of need.

**R-10:** Priority 1 -The recommendation has not been implemented but will be immediately upon completion of the response to the Grand Jury Report. Further analysis is needed to determine what equipment and software will be obtained, and if electronic filing will be utilized to record photographic evidence of the condition of personal property or items of value secured for conservatees.

**R-11:** The recommendation requires further analysis. The funding to support this recommendation needs to be identified. A potential source of funding is the increasing revenue of the PA/PG office.

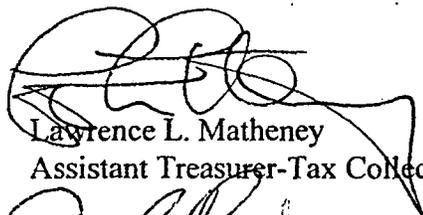
**R-12:** Priority 4 - The recommendation requires further analysis. The PA/PG Community Worker coordinates her visitation with conservatees with the assigned PG deputies to assure that

all conservatees in-county have a monthly face-to-face visit (164 cases), those in surrounding counties (165 cases ) are visited at least once every two months, and the 2 cases in San Diego county and 1 in San Bernardino are visited at least once every six months. The office will coordinate efforts with other County agencies serving conservatees to work towards a schedule that meets this recommendation.

Thank you for your review of this response to the Grand Jury report, and assistance in improving the quality of this valuable service to the community of Ventura County.

Very truly yours,

HAROLD S. PITTMAN  
TREASURER-TAX COLLECTOR  
PUBLIC ADMINISTRATOR-PUBLIC GUARDIAN



Lawrence L. Matheny  
Assistant Treasurer-Tax Collector



G. Paul Biorley  
Assistant Public Administrator-Public Guardian

Attachment 1

**VENTURA COUNTY PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN  
SURVEY OF CALIFORNIA COUNTY WORKLOAD COMPARISONS**

**I. PUBLIC ADMINISTRATION - FY2001-2002**

**Sacramento County Population - 2000 Census.....1,223,499....ranked 8TH of 58 counties.**

- 30-35 cases per PA worker on average.
- 30 deputies that do both PA & PG functions supported by 4 accounting and 2 clerical staff.

**Fresno County Population - 2000 Census.....799,407....ranked 10TH of 58 counties.**

- 155 open cases.
- 2 Probate Assistants with fiscal support shared with other programs.

**Ventura County Population - 2000 Census.....753,197....ranked 12TH of 58 counties.**

- 129 cases (24 open, 11 closed, 61 investigated and relinquished, 33 indigent cremations).
- 1 deputy sharing fiscal support with the Representative Payee program and a Community Worker with the PG program.

**Kern County Population - 2000 Census.....661,645....ranked 14TH of 58 counties.**

- 100 open cases.
- 1 deputy with two assistants to assist with property control and real property sales.

**Santa Cruz Population - 2000 Census.....255,602...ranked 22ND of 58 counties.**

- 120 cases (40 open, 30 investigated and relinquished, 50 indigent cremations).
- 1 deputy.

**Imperial County Population - 2000 Census.....142,361....ranked 31ST of 58 counties.**

- 100-150 cases per year.
- 1 deputy with clerical and fiscal support shared with other programs.

**Marin County Population - 2000 Census.....247,289....ranked 24TH of 58 counties.**

- 100 open cases.
- 3 deputies.

**II. PUBLIC GUARDIAN - FY2001-2002**

**Sacramento County Population - 2000 Census.....1,223,499....ranked 8TH of 58 counties.**

- 35-40 cases per PG worker on average.
- 4 accounting and 2 clerical staff supporting 30 deputies that do both PA & PG functions.

## Attachment 1

**Fresno County Population - 2000 Census.....799,407....ranked 10TH of 58 counties.**

- 40 cases per PG worker on average.
- 8.5 PG deputies with 3 clerical staff. 9 accounting staff shared with other programs.

**Ventura County Population - 2000 Census.....753,197....ranked 12TH of 58 counties.**

- 332 open cases, average case load 73.
- 4.5 deputies, 1 accounting clerk, a Community Worker shared with PA program.

**Yolo County Population - 2000 Census.....168,660....ranked 28TH of 58 counties.**

- 30 cases per PG worker on average.
- 4.7 PG deputies with 1 clerical and 2 accounting staff shared with PA program.