

CIVIL COST RECOVERY

9428

(No. 19 April 2013)

Health and Safety Code Section 13009 permits the California Department of Forestry and Fire Protection (CAL FIRE) to file civil actions to recover fire suppression costs from a party who causes a fire (1) negligently, or (2) in violation of a law or an order to correct a fire hazard. CAL FIRE established a Civil Cost Recovery (CCR) Program to satisfy the statute's intent to assign financial responsibility to culpable parties and to prevent fires through deterrence.

PURPOSE & SCOPE

9428.1

(No. 12 January 2011)

The purpose of this policy is to establish effective and consistent processes for pursuing civil cost-recovery actions. This policy should be used in conjunction with related issuance system provisions addressing investigations and evidence (9400), allowable costs (3800), and accounts receivable (3600). If a conflict between policies is not addressed in law, this policy should govern with respect to civil cost recovery processes, but not as to accounting policies.

CIVIL FIRE COST RECOVERY POLICY

9428.2

(No. 19 April 2013)

Personnel assigned to any civil cost recovery activity shall conduct that activity in accordance with applicable laws and the provisions of this policy.

a. Units and Regions

Unit and Region Chiefs shall ensure that personnel under their charge pursue all viable civil cost recovery actions. Personnel assigned cost-recovery duties shall perform the duties described in the specific responsibilities section of this policy. The only exceptions are when the Unit/Region Chief (or designee) with delegated authority determines and documents on the Form LE-66 or a memo to the file if no LE-66 is completed that:

- There are insufficient Unit and Region resources to complete a thorough investigation, or
- The amount at stake does not justify the cost of completing a cost package, sending a demand letter, and following through with collection

b. Sacramento

The Chief of Law Enforcement (LE) and Civil Cost Recovery (CCR) shall ensure that the Civil Cost Recovery Program has statewide consistency, updated policies and procedures, and accountability measures. Program employees shall perform the duties as described in the specific responsibilities section of this policy.

The Chief Counsel shall ensure that legal advice and counsel is available to case managers, their supervisors, and program chiefs. Staff attorneys with assigned

cost-recovery duties shall perform the duties described in the specific responsibilities section of this policy.

DELEGATED AUTHORITY

9428.2.1

(No. 19 April 2013)

The Director has delegated authority to act on behalf of the State in civil cost recovery actions as follows:

a. Unit and Region Delegated Authority

Unit and Region Chiefs (and their respective designees) have the authority to initiate, manage, and settle civil cases. The delegated authority for each case depends on the case-complexity and case-value.

- Cases with no complexity factor and a case-value of under \$50,000 are delegated to the Units.
- Cases with any complexity factor or a case-value of \$50,000 or more are delegated to the Regions. The complexity factors are:
 1. Fatality involved
 2. Government agency defendant(s)
 3. Class action (or motion filed to certify class)
 4. Actual or potential conflict of interest within CAL FIRE
 5. More than three defendants involved
 6. All informal settlement action has been exhausted
 7. Cross-complaint filed
 8. As otherwise deemed by the Director

The Director retains authority to approve settlements when the case-value exceeds \$1,000,000. Region Chiefs may request increased authority on a case-by-case basis after consultation with Sacramento Program and Legal staff.

Unit Cases	Case Value Under \$50,000 and No Complexity Factor	No Restriction on Settlement Authority
Region Cases	All Other Cases	Director retains authority to approve settlements on cases exceeding \$1,000,000.00.

Cases may be transferred from a Unit to a Region or a Region to a Unit upon mutual written agreement between the Unit Chief and the Region Chief.

b. Sacramento Delegated Authority

The Chief of Law Enforcement and Civil Cost Recovery (or designee) has the authority to manage the statewide civil cost-recovery program, propose policy changes, and implement accountability measures.

The Chief Legal Counsel (or designee) has the authority to provide legal advice and counsel as needed for case management and policy implementation.

c. Standing Designees for Delegated Authority

Unit, Region, and Sacramento staff with delegated authority may assign designees to carry out the specific actions necessary to comply with this policy. The standing designees for each position with delegated authority under this Policy are below. Any other delegation must be designated in writing.

Unit Chief	→ Unit Fire Prevention Bureau Chief
Region Chief	→ Region Fire Prevention Deputy Chief
Chief LE/CCR	→ Statewide Civil Cost Recovery Deputy Chief
Chief Legal Counsel	→ Staff Attorneys

SPECIFIC RESPONSIBILITIES

9428.2.2

(No. 24 March 2014)

The Director has delegated specific responsibilities to civil cost recovery staff. Supervisors should include these in each cost-recovery position duty statement.

a. Lead Investigator Responsibilities

This is the person responsible for completing the final investigation report. If there is no supplemental investigation, then this will be the person who is responsible for completing the Form LE-66. The Lead Investigator should:

- Complete the investigation and report
- Request case managers and experts as soon as they are needed
- Coordinate follow-up with the assigned case manager
- Serve as the investigation witness in legal proceedings

b. Cost-Package Reviewer Responsibilities

This is the person assigned by the Unit or Region Chief to complete the Activity Reporting and Cost Summary (ARC) and review all supporting documents. If no specific person is assigned, the Case Manager is responsible for completing the ARC. The Cost-Package Reviewer should:

- Collect all finance documents related to the cost of the incident
- Determine accurate costs and complete ARC with supporting documents
- Review cost-package for compliance with policy and statute
- Coordinate cost package deadlines with the assigned case manager
- Serve as “person most knowledgeable” about costs in legal proceedings

c. Case Manager Responsibilities

This is the person assigned by the Unit or Region Chief to manage the aspects of the civil cost-recovery case that do not need an attorney. If no Case Manager is assigned, the Unit Fire Prevention Bureau Chief will serve as the Case Manager. The Case Manager should:

- Ensure Lead Investigator has needed resources (including experts)
- Review investigation report to ensure it is complete, timely, and accurate
- Obtain final report approval (Bureau Chief for Unit cases and Deputy Chief for Region cases)
- Determine case viability

- Assign cost-package reviewer
- Ensure the cost-package is complete, timely, and accurate
- Initiate and manage the case through the litigation phases
- Prepare and submit all referrals for the Attorney Generals Office to Legal along with a summary of the investigation report.
- Close the case

d. Unit Fire Prevention Bureau Chief Responsibilities

This is the person assigned by the Unit Chief as the Unit's Fire Prevention Battalion Chief. The Unit Fire Prevention Bureau Chief should:

- Ensure a qualified Lead Investigator/Case Manager is assigned to each fire with potential for civil cost recovery
- Provide final investigation report approval for Unit cases
- Assist with coordination between Unit and Region on Region Cases
- Track all Unit Cases and provide updates to Region and Sacramento

e. Unit Chief Responsibilities

This is the person appointed as the Chief of the Unit in which the fire originated. The Unit Chief should:

- Request Region assistance when Unit has insufficient resources (e.g., un-staffed cases; cases needing Attorney General's Office representation)
- Provide available resources to assist with Region Cases
- Ensure Incident Commanders conform to investigation 9400 policies
- Provide administrative oversight for contract-county cases under \$50,000

f. Region Fire Prevention Deputy Chief Responsibilities

This is the Deputy Chief of Fire Prevention for the Region in which the fire originated. The Fire Prevention Deputy Chief should:

- Assist Units with obtaining investigation resources.
- Assign Region Case Managers for every Region Case.
- Provide final investigation report approval for Region cases
- Oversee Region Case Managers and Cost-Package Technicians/Analysts
- Track all Region cases and provide updates to Sacramento
- Establish priorities when resources are limited
- Consult with Sacramento on policies and procedures
- Provide administrative oversight for Region-level contract-county cases

g. Region Chief Responsibilities

This is the Region Chief with oversight responsibility for the Region Fire Prevention Deputy Chief. The Region Chief should:

- Provide civil case prioritization assistance
- Request expanded delegated authority for case settlement when justified
- Ensure region-wide consistency in civil case management processes

h. Statewide Civil Cost Recovery Deputy Chief

This is the Deputy Chief of Statewide Civil Cost Recovery assigned to Sacramento Headquarters. The Civil Cost Recovery Deputy Chief should:

- Promulgate/update statewide cost recovery policies and procedures
- Seek appropriate staffing and funding levels
- Assist Region Fire Prevention staff with civil cost recovery training
- Provide case management consultation for statewide consistency
- Maintain external expert contracts
- Propose needed legislative changes
- Assist with interagency cooperative agreements related to cost recovery
- Reconcile Report of Collection receipts
- Maintain case statistics
- Evaluate program effectiveness

i. Law Enforcement and Civil Cost Recovery Chief

This is the Staff Chief, Chief Law Enforcement and Civil Cost Recovery assigned to Sacramento Headquarters. The Chief should:

- Ensure policies and procedures are up to date
- Ensure accountability measures are known and implemented as needed
- Ensure statewide consistency in initiation, management, and settlement processes for civil cases

j. Chief Counsel/Staff Counsel

This is any attorney assigned by Chief Counsel to provide legal advice and counsel to civil cost recovery and executive staff. A Staff Attorney should:

- Provide early case assistance for investigation, case evaluation, and other emerging legal issues as needed
- Assist case managers with small claims cases as needed
- Refer non-small claims litigation to outside counsel
- Case Managers will notify Legal of all mediations.
- Coordinates mediation schedule so Chief/Staff Counsel can attend mediations.
- Serve as in-house counsel liaison to outside counsel for legal opinions
- Direct outside counsel to case managers for aspects of case management that do not require a legal opinion
- Provide on-going legal advice and counsel as needed to case managers (using proper chain of command notifications)
- Provide consult on settlements involving cases valued at \$1 million or more, and other cases as otherwise needed
- Review all litigation/settlement agreements
- Advise Director's office as needed

k. Remittance Coordinator

The Sacramento Civil Cost Recovery has the responsibility for reconciliation and recording of payments made in response to letters of demand, judgments or settlements and restitution payments. The Remittance Coordinator shall:

- Obtain a copy of the Letter of Demand, settlement agreement or judgment from the Case Manager

- Contact Accounting to establish an accounts receivable
- Contact Accounting/Cashier daily to receive AO-197 Reports of Collections (ROC) and supporting documentation
- Research unidentified payments and provide feedback to Accounting/Cashier contact Case Manager(s) as needed
- Reconcile Letter of Demand, settlement agreement and/or judgment against ROC
- Record payment(s) (Update the Civil Cost Recovery database with payment data when operational)
- Monitor case records for past due payments
- Notify the Case Manager once the debt has been satisfied Provide Region/Units with supporting payment documentation
- Provide Deputy Chief of Civil Cost Recovery with monthly remittance reports
- Provide Sacramento Accounting office case closure documents

COMMUNICATION & NOTIFICATION

9428.2.3

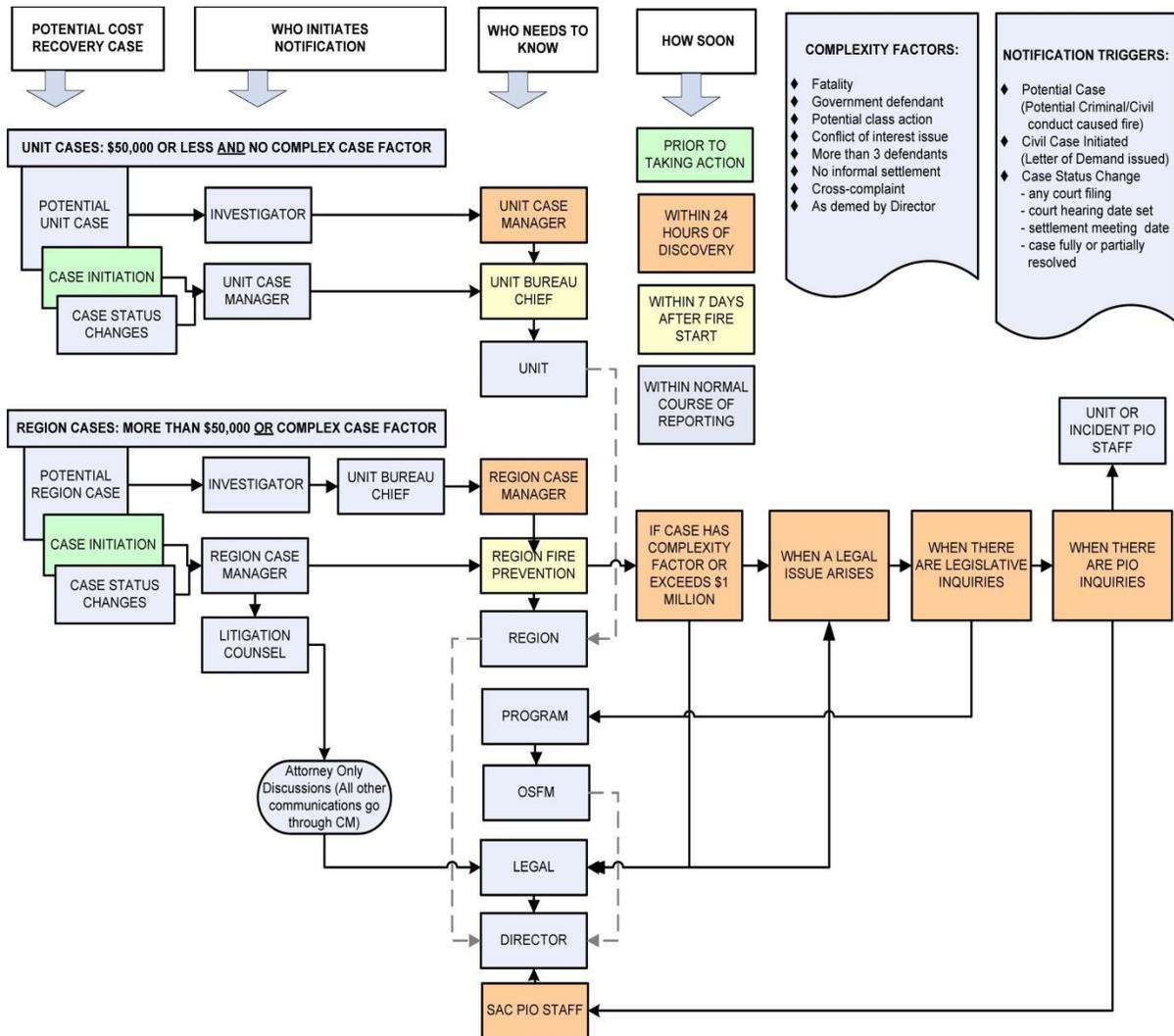
(No. 12 January 2011)

Communications about any aspect of a case may be subject to public disclosure unless part of an on-going criminal investigation or privileged under law. Personnel should maintain the confidential nature of case information while still keeping necessary personnel informed, by adhering to the communications standards, notifications matrix, and data reporting requirements set forth below.

a. Communications Standards

- Case Managers should notify required personnel listed in the Notification Matrix within the timeframes noted, but should limit case communications to those noted in the Matrix.
- Personnel should not release information about the origin or cause of a fire without prior approval from the Lead Investigator, the Incident Commander, the Unit Chief, and the Region Fire Prevention Deputy Chief.
- Once a case is referred to a prosecuting or civil litigation attorney, case personnel shall not communicate with the defendant(s), defense counsel, or insurance company officials, unless instructed to do so by the assigned attorney.

b. Notifications Matrix



c. Data Reporting

In addition to required notifications, data reporting is required for statistics collection. Case managers should not provide case related data or reports other than as directed in CAL FIRE policies and procedures to limit the number of personnel that could be subject to the discovery process:

- Units should comply with the annual reporting requirements in Policy 9058.
- Case Managers should forward a copy of the Letter of Demand to the Region Fire Prevention Deputy Chief (for Unit and Region Cases), with a cc: to the Sacramento Civil Cost Recovery Deputy Chief.
- Region Case Managers should forward a copy of any Request for Referral to CAL FIRE Legal through their Region Deputy Chief, with a cc: to the Sacramento Civil Cost Recovery Deputy Chief.

CIVIL CASE MANAGEMENT PROCEDURES

9428.3

(No. 24 March 2014)

There are nine steps in the case management process. Many of the steps run concurrently. It is common for an investigator or case manager to go back and forth between the steps depending on case size and complexity.

STEP 1: COMPLETE THE INVESTIGATION

9428.3.1

(No. 12 January 2011)

The Lead Investigator is responsible for conducting a complete investigation. If no Lead Investigator is assigned, the employee assigned to complete the report will be considered the Lead Investigator.

a. Secure Access to All Evidence

All personnel at the incident should consider the incident as subject to a criminal investigation until conclusively proven otherwise.

- The Lead Investigator shall treat the incident as a crime scene and secure and maintain the scene and evidence in accordance with Policy 9420.
- CAL FIRE personnel should not allow anyone other than a CAL FIRE officer or other approved officer to remove physical evidence from a scene under CAL FIRE control.
- CAL FIRE peace officers have the authority to deny entry into the scene and arrest anyone violating the officer's lawful orders.
- The Lead Investigator should obtain legal advice from CAL FIRE Legal (or the DA/DAG if one is assigned) regarding the authority to maintain or release the evidence once there is a conclusive determination that there was no criminal conduct.

b. Conduct the Investigation

The Lead Investigator and personnel assigned to assist with the investigation should conduct the investigation in accordance with Policy 9420, utilizing national guides as appropriate to ensure a complete investigation (see the National Wildfire Coordinating Group Wildfire Origin and Cause Determination Handbook, and the National Fire Protection Association Guide for Fire and Explosion Investigations).

EXAMPLE: Fire caused by a wind farm turbine:

CAL FIRE investigators determine the origin and conclude that hot metal fragments landing in dry grass caused the fire. But how did the hot metal fragments materialize? An expert in wind turbines can examine the turbine's construction, and maintenance records. If the turbine was not designed or maintained properly, the manufacturer or operator could be held liable.

c. Retain Experts As Needed

If CAL FIRE does not have the expertise to determine the sequence of events, which led to the fire, the Lead Investigator will need to request the services of an

outside expert to make that determination. To retain an expert, the Lead Investigator places the request through the Region Prevention staff. Case Managers should ensure that needed experts are assigned as soon as possible. Once litigation counsel is assigned to the case, the attorney maintains the prerogative of selecting the experts, but should consult with the Case Manager first. The request is still made through the Region Prevention staff, and Sacramento staff will process contract and payment documents.

d. Complete the Report

The report must comport with Policy 9420. Investigators should include in the report all information and data available to the Investigator that supports any element of negligence, violation of law, or failure to comply with an order to correct a fire hazard. The Investigator's conclusion must be based on the facts as documented.

For some Unit Cases, Form LE-66 may be sufficient. But for any Region case, the Lead Investigator must complete a full case report according to instructions in the Case Report Writing Manual. The Lead Investigator retains the original report and attachments as a confidential document, and forwards a copy of the report and attachments to the Region Fire Prevention Deputy Chief.

STEP 2: ASSIGN A CASE MANAGER

9428.3.2

(No. 12 January 2011)

Investigators should request that a Case Manager be assigned as soon as they determine there is cost-recovery potential. The Lead Investigator should first ascertain the case complexity and estimated value, and then request a Unit Case Manager for Unit Cases, and a Region Case Manager for Region Cases.

a. Ascertain Estimated Case Value and Complexity

Determine if any complexity factors exist. Then estimate the case value using experience, the Emergency Incident Estimate Report (FC-176), and/or the Activity Reporting and Cost Summary (ARC).

b. Assign Unit or Region Case Manager

- For Unit Cases (no complexity factor and an estimated value of \$50,000 or less), the Lead Investigator should request a Unit Case Manager and the Unit Bureau Chief should ensure the request is filled if feasible.
- For Region Cases, the Lead Investigator should request a Region Case Manager and the Unit Bureau Chief should forward the request to the Region Fire Prevention Deputy Chief, who should assign a Region Case Manager.

STEP 3: DETERMINE ACCURATE COSTS

9428.3.3

(No. 12 January 2011)

a. Assign a Cost-Package Reviewer

Case Managers should make sure that someone is assigned to complete the cost- package no later than 30 days after the fire start date.

b. Prepare Cost Package

Personnel assigned to prepare cost-packages by the Unit (for Unit Cases) or the Region (for Region cases) should determine accurate costs as follows:

- Obtain any estimates from the Case Manager
- Complete an Activity Reporting and Costs Summary (ARC) according to the instructions in Policy 3860
- Compile the ARC and all supporting documents no later than:
 - Unit Cases: Six months from the incident start date for CAL FIRE cases, and twelve months for interagency cases
 - Region Cases: One year from the incident start date
- Notify Case Manager that cost-package is complete
- Prepare estimated cost-packages as requested by the Case Manager

c. Track and record all post-investigative costs.*

- Ensure that all personnel working on a case have formally assigned order and request numbers.
- Ensure that all travel and any time blocks of 4 hours or greater is tracked and added to the cost-package.
- Contact Region Fire Prevention for details regarding this process.

d. Review Entire Package for Accuracy

Perform an in-house audit to verify that the package is complete and in compliance with the 3800 Handbook. For complex audits, consider asking for outside forensic accounting services.

e. Maintain Cost Records

Maintain original cost-package documents throughout duration of case and archive after the case is closed in accordance with records retention policies.

STEP 4: DETERMINE CASE VIABILITY

9428.3.4

(No. 12 January 2011)

The Case Manager should assess the case for viability before sending a letter of demand and throughout the litigation process as new facts arise. The Case Manager should:

- Ensure the investigation report supports all the elements of the cause of action. (The Case Manager should seek a legal evaluation through the chain-of-command if unsure.)
- Evaluate the likelihood of identifying and locating defendant(s).
- Assess recovery potential and deterrence value.

STEP 5: INITIATE CASE

9428.3.5

(No. 12 January 2011)

For all viable cases, the Case Manager should initiate a civil case by establishing a case file, sending a letter of demand, and seeking legal assistance if no payment is received in response to the letter of demand.

a. Establish the Case File

The case file should include:

- A copy of the investigation report(s) (original retained by Lead Investigator)
- A copy of the ARC (original retained by ARC preparer)
- A copy of the Letter of Demand with Return Receipt or Proof of Service attached, and copies of all documentation related to delivery of the letter of demand (including the name of the person who mailed or delivered the Letter and the time of delivery)
- All correspondence
- All court-filed documents
- All discovery requests and responses
- A Case Management Log for all notes on thoughts or impressions related to case strategy.

Case Managers should document in the Case Management Log distribution of any case file documents. Maintaining integrity of the “official” case file is critical. All documentation, whether electronic or hard copy, that may be “Attorney-Client Privileged” or “Work Product” should be flagged and reviewed with legal counsel to determine whether or not the communication/document is privileged.

b. Send Letter of Demand

Case Managers should send a Letter of Demand to each identified culpable party within 30 days of completing the ARC. If the ARC is not complete within 15 months of the fire’s start date, Case Managers should seek CAL FIRE Legal consult through their chain-of-command for approval to use estimated cost or other alternative to preserve the right to file before the statute of limitations expires.

Case Managers should use the approved Letter of Demand Template, which includes the following information:

- The fire’s name and start date
- The amount of the demand as set forth in the ARC Summary. If an ARC has not been completed, the estimated amount and a statement that the amount can be made certain and will be adjusted upon making the sum certain
- The code section(s) violated (but not the code language)
- A narrative of the facts that establish the wrongful conduct
- A statement that the Department will waive the 10% interest accrual if full payment is made within 30 days
- A statement asking the party to notify the Case Manager immediately if the letter is in error

- The Case Manager name and contact information

Case Managers should:

- Mail Letters of Demand using first class mail “Certified Mail, Return Receipt Requested” or hand delivery, with proof of service. When the responsible party is a business/corporation, the Letter of Demand should be sent to the “Agent of Service Process.” (To identify this person go to the Secretary of State’s Web-Site to find the company.)
- Forward a copy of the Letter of Demand to Region and Sacramento Civil Cost Recovery Deputy Chiefs, the same day it is mailed.

c. Attain Response to Letter of Demand

The responsible party may pay the claim in full, offer to reach a negotiated settlement, deny liability, or fail to respond.

- If paid in full, the Case Manager should follow the collection and case closure procedures
- If the party indicates a negotiated settlement is reachable, the Case Manager should proceed to negotiate a settlement approved by the Unit or Region Chief within the delegated authority amounts
- If the party denies liability, the Case Manager should seek legal referral
- If the party fails to respond, the Case Manager should either confirm that the letter was received or make one more delivery attempt before pursuing a legal referral.

STEP 6: REQUEST LEGAL ASSISTANCE

9428.3.6

(No. 12 January 2011)

If unable to resolve the case through the informal process, the Case Manager should request legal assistance as follows.

a. Request Small Claim Assistance (for case-values at \$5,000 or less)

Case Managers may contact a staff attorney for assistance with small claims court procedures for cases valued at \$5,000 or less.

b. Request Attorney General Referral (for cases exceeding \$5,000)

Case Managers should complete a “Request for Representation” to be reviewed and submitted by Chief Counsel to the Attorney General’s Office.

- The Case Manager must send this Request along with a summary investigation report through the Region Deputy Chief to the CAL FIRE Legal Office no later than 20 months from the fire’s start date, with a cc: to the Sacramento Civil Cost Recovery Deputy Chief.
- CAL FIRE Legal must review the request and summary investigation report for sufficiency and submit it to the Attorney General’s Office no later than 21 months after the fire’s start date, with a copy to Sacramento Civil Cost Recovery
- CAL FIRE Legal will forward the Attorney General Office response and/or case assignment to the Case Manager and Sacramento Civil Cost Recovery.

STEP 7: MANAGE CASE THROUGH LITIGATION

9428.3.7

(No. 12 January 2011)

For small claims cases, the Case Manager will manage all aspects of the case, but may seek assistance from staff counsel at anytime, so long as counsel is not present during court proceedings. For all other cases, the Case Manager will manage the non-attorney aspects of the case, as follows.

a. Set Initial Case Meeting

The Case Manager must request an initial case-review meeting with the assigned attorney no later than 30 days after the attorney is assigned.

Whenever feasible, this should be a face-to-face meeting with the attorney, and the Case Manager should bring the updated case file.

b. Assist with Pleadings, Discovery, and Trial Preparation

The Case Manager must work closely with the assigned attorney throughout the pleadings, discovery, and trial preparation processes. The attorney will navigate the case through litigation and must involve the Case Manager throughout the process. (In some instances, the attorney may need to meet with witnesses without the Case Manager present.) Throughout the litigation process, the Case Manager should:

- Respond to all attorney requests for information in a timely manner
- Provide all case-related documents to the attorney
- Coordinate all activities involving CAL FIRE personnel, equipment, or facilities
- Keep Region Fire Prevention Chiefs apprised of all case status changes
- Consult with CAL FIRE Legal through the Region Fire Prevention Chief if the Case Manager and the assigned attorney disagree on issues related to litigation strategy or case value.

c. Participate in Dispute Resolution

Case Managers should be involved in alternative dispute resolution meetings, including informal settlement discussions, mediations, and arbitrations. Region Fire Prevention Chiefs maintain the delegated authority for settlement as described in Section 9428.2.1 of this Policy. CAL FIRE Chief/Staff Counsel will be notified of all mediations and are responsible for coordinating mediation schedules to ensure CAL FIRE'S Chief/Staff counsel's attendance. If the dispute is resolved before trial, the Case Manager must work with the litigation attorney to complete a settlement agreement. The Case Manager should forward the agreement through the Region Fire Prevention Chief to CAL FIRE Legal for review prior to finalizing the settlement.

STEP 8: RECEIVE PAYMENT/PAYMENTS

9428.3.8

(No. 24 March 2014)

All Civil Cost Recovery remittance will be mailed to:

**State of California / CAL FIRE
ATTN: Cashier (CCR)
P.O. Box 997446
Sacramento, CA 95798-9775**

- HQ Accounting/Cashier will forward copies of checks and supporting documentation to the Sacramento CCR Remittance Coordinator
- The Remittance Coordinator will reconcile the Reports of Collections against related Letters of Demand, settlement agreements and/or judgments, record the payments and advise assigned Case Manager of payment receipt
- The Remittance Coordinator will provide copies of the payment documents to the Case Manager (AO-197, Check, Envelope, and any other documents provided by the sender)
- When a debt has been satisfied in full, the Remittance Coordinator will notify the Case Manager
- In the event of a past due payment, the Remittance Coordinator will notify the Case Manager of past due payment, and send a past due notice via certified mail/return receipt requested to the responsible party
 - If the payment remains past due or short-paid, the Remittance Coordinator will refer the issue to CAL FIRE Chief/Staff Counsel and the Case Manager
- The Remittance Coordinator will update the Civil Cost Database of payment received and or payment in full received (when operational)

STEP 9 – CLOSE THE CASE

9428.3.9

(No. 24 March 2014)

After full payment of the amount identified in a Letter of Demand, settlement agreement or court-ordered judgment has been received, or in unrecoverable cases, the Case Manager may formally close the case. The Case Managers shall consolidate the case closure documents, make case status notifications, and update the Civil Cost Database case status (when operational).

a. Case closure documentation with recovery

- Complete case closure documents for case file:
 - Copy of original payment documents provided by Sacramento Remittance Coordinator
 - Case Closure Memorandum
 - LE-32 (sign in blue ink)
 - Final ARC (signed)
 - Settlement Agreement, Court Judgment, or Payment Coupon
 - Letter of Demand

b. Case closure documentation for unrecoverable fire cost

- Complete case closure documents for case file:
 - Case Closure Memorandum
 - LE-32 (sign in blue ink)
 - Final ARC (signed)
 - DAG Assessment/Recommendations
 - Letter of Demand

c. Case status notification

Send Case Closure Memorandum and LE-32 to:

- To: CALFIRE.hqcivilcostrecovery@fire.ca.gov
- Carbon Copy (cc):
 - Region Chief
 - Assistant Region Chief
 - Deputy Chief Region Fire Prevention
 - Sacramento Legal (assigned to case)
 - Department of Justice DAG (DOJ DAG assigned to case)
 - Unit Chief (Originating Unit)
 - Unit Bureau Chief (Originating Unit)
 - Unit Investigator (Originating Unit)
 - Cost Recovery AO

The final case closure memorandum and LE-32 shall be maintained in the case file and a copy in the original case report.

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