

**CONEJO VALLEY VICTIMS FUND**

Attestation Report

March 31, 2019



## MESSAGE FROM VENTURA COUNTY COMMUNITY FOUNDATION

Ventura County Community Foundation, (VCCF) in coordination with the City of Thousand Oaks, California Community Foundation, Conrad N. Hilton Foundation, Amgen Foundation, Sherwood Cares, and numerous others, established the CONEJO VALLEY VICTIMS FUND to support recovery efforts related to the shootings at Borderline.

While we know that financial support cannot begin to alleviate the pain of this tragedy, our hope is that the funds raised have offered some basic aid and support during these difficult times of transition and recovery. These funds were intended to assist in covering some of the expenses incurred or likely to be incurred as a result of this tragedy.

## TIMELINE AND BACKGROUND INFORMATION

At 11:18 pm on November 7, 2018, a gunman began shooting at patrons of the Borderline Bar and Grill in Thousand Oaks, California using a weapon equipped with a high-capacity magazine. The gunman killed 12 individuals and injured dozens of others. At the request of the City of Thousand Oaks, the Ventura County Community Foundation established the Conejo Valley Victims Fund on the morning of November 8, 2018 and began processing contributions via its website immediately thereafter.

At approximately 2 pm on November 8, a significant wildfire known as the "Hill Fire" began approximately 5 miles away from the Borderline. The fire spread quickly and both mandatory and voluntary evacuations were in place.

The Woolsey Fire also started on November 8 at almost the same time, approximately 30 miles from the Hill Fire. The Woolsey fire affected locations in both Ventura and Los Angeles counties.

VCCF activated its Sudden and Urgent Needs Fund in support of those affected by the two fires at approximately 9:00 am on November 9, 2018. Some donors making contributions from the period from November 8 – 10 intended that their contributions be split between the two funds: Conejo Valley Victims Fund and Sudden and Urgent Need Fund. VCCF has a policy of attempting to contact donors by telephone or email if donor intent is not clear.

As part of its support for the Conejo Valley Victims Fund, VCCF committed to distribute all funds received (net of credit card processing fees) to the Borderline victims, without taking any administrative fees from that fund. Additionally, the organization committed to have its independent accounting firm perform procures on both contributions received and distributions from the fund. That report follows.



## INDEPENDENT ACCOUNTANT'S REPORT

To the Board of Directors of  
Ventura County Community Foundation  
Camarillo, CA

We have examined the records of the Ventura County Community Foundation ("VCCF") for the purposes of providing assurance on the use of funds contributed to the Conejo Valley Victims Fund ("CVVF"). VCCF's management is responsible for distribution of funds in conjunction with the protocol established by the organization ("CVVF Protocol," see Attachment 1) and for proper credit of donors' contributions to the fund consistent with their direction in accordance with the Uniform Prudent Management of Institutional Funds Act (UPMIFA). Our responsibility is to express an opinion on the classification of contributions made by donors and the use of the funds expended from the CVVF based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether funds contributed to the organization were properly credited to CVVF in accordance with UPMIFA and whether funds expended were consistent with the CVVF Protocol in all material respects. An examination involves performing procedures to obtain evidence about the classification of contributions received and their use. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of the use of funds contributed to the Conejo Valley Victims Fund, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

In our opinion, the classification of contributions made during the period from November 8, 2018 through March 31, 2019 is consistent with UPMIFA and the expenditures from the fund are consistent with the CVVF Final Protocol, in all material respects.

*Armanino LLP*

Armanino, LLP  
Los Angeles, CA

August 30, 2019



An independent firm  
associated with Moore  
Global Network Limited

Ventura County Community Foundation  
 Conejo Valley Victim's Fund  
 Statement of Activities  
 For the Period 11/8/18 through 03/31/2019

	Total Activity
Beginning Fund Balance	\$ -
 <u>Revenue</u>	
Contributed Income	\$ 4,042,660
Interest Income	6,858
	4,049,518
 <u>Expenses</u>	
Grants	3,927,254
Banking/Investment Fees	15,903
	3,943,157
 Ending Fund Balance	 \$ 106,361

## **The Conejo Valley Victims Fund**

### **FINAL PROTOCOL**

January 8, 2019

This is the final Protocol. The Final Distribution Protocol, which will govern the Conejo Valley Victims Fund at the Ventura County Community Foundation, will be developed by the Special Oversight Committee, incorporating feedback from the Town Hall meetings held on January 3, 2019, and is subject to approval by the Ventura County Community Foundation.

All aspects of this final Protocol, including without limitation the classifications of claimants, distribution criteria, claims process and timetable, and amounts to be awarded, may be revised and are subject to the full and complete discretion of the Special Oversight Committee and the Fund Administrator, subject only to the approval of the Board of Directors of Ventura County Community Foundation.

### **Funding**

On the night of November 7, 2018, a shooter attacked patrons and employees of the Borderline Bar & Grill of Thousand Oaks, California. The Conejo Valley Victims Fund was created at the Ventura County Community Foundation the morning after the incident at the request of the City of Thousand Oaks and was established in partnership with the City of Thousand Oaks, California Community Foundation, Conrad N. Hilton Foundation, Amgen Foundation, Sherwood Cares, and numerous other businesses, foundations, and individual donors to provide a charitable vehicle to assist victims of the tragic events of November 7, 2018. The Conejo Valley Victims Fund is a project within the Ventura County Community Foundation, a 501(c)(3) nonprofit organization, Federal Tax ID #77-0165029.

The payments from the Conejo Valley Victims Fund are to be apportioned in accordance with the severity of the injury to the victims arising from the tragedy in Thousand Oaks, California on November 7, 2018. Give An Hour, a national nonprofit whose mission it is to develop national networks of professional volunteers capable of responding to both acute and chronic conditions that arise within our society, will be assisting with the application process and will be providing both phone and in-person support to those seeking assistance.

The proposed distribution classifications are outlined below.

**Note: Determination of the amounts for each of the following categories depends upon the following: 1) The balance of the Conejo Valley Victims Fund on February 28, 2019; 2) the receipt of updated data regarding the nature and the number of injuries; 3) completion of the review of all submitted claims; and 4) review by the Special Oversight Committee and the Fund Administrator, and final approval by the Ventura County Community Foundation.**

**Proposed Prioritization of Eligible Individual Claims**

**A. Individual Death Claims**

Eligible claimants for deceased victims killed as a result of the Borderline Bar & Grill attack will receive the highest category of payment under the scope of the Final Protocol. It is anticipated that eligible claimants in this tier will receive the same payment regardless of circumstances. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

**B. Individual Physical Injury Claims for Victims Requiring Overnight Hospitalization**

Eligible claimants who were physically injured and hospitalized (within 7 days of the Borderline Bar & Grill attack) for one or more nights between November 7, 2018 and February 18, 2019 (the last day to submit a claim to the Fund) due to physical injuries resulting from the Borderline Bar & Grill attack will receive a priority payment. It is anticipated that eligible claimants in this tier will receive the same payment regardless of injury based on the length of stay. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

**C. Individual Physical Injury Claims of Victims Treated at Ventura County Area Hospitals (or treated by a private physician) on an Emergency Out-Patient Basis**

Eligible claimants who were physically injured as a result of the Borderline Bar & Grill attack who were treated on an emergency out-patient (within 7 days of the Borderline Bar & Grill attack) at one of Ventura County area hospitals, or treated by a private physician, and released without an overnight hospital stay, will receive a priority payment. It is anticipated that eligible claimants in this tier will receive the same payment regardless of injury. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

**D. Individual Claims of Victims Present Inside the Borderline Bar & Grill**

Eligible claimants who were physically present inside the Borderline Bar & Grill at the time of the attack, but did not suffer physical injury requiring medical treatment will receive a priority payment. It is anticipated that eligible claimants in this tier will receive the same payment regardless of circumstances. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

## **Process and Procedures**

Eligible claimants must file a Claim Form for Deceased Victims, a Claim Form for Physical Injury, or a Claim Form for Physical Presence inside the Borderline Bar & Grill in order to be eligible to participate in the Program. A single Claim Form should be submitted for each eligible claimant.

The process and procedures for consideration of eligible claims will be as follows:

1. The Fund will be administered by a Special Oversight Committee established by the Ventura County Community Foundation, consisting of the following community leaders:

Geoff Dean, Sheriff Retired

Kathy Long, County Supervisor Retired

Scott Hansen, Ventura County Community Foundation Board Chair

Tim Gallagher, Ventura County Community Foundation Board Member

Anita Busch, Victim Advocate

Albert Grimmie, Christina Grimmie Foundation

Marcus Grimmie, Christina Grimmie Foundation

and Dr. Richard R. Rush (“Fund Administrator”), Immediate Past President of California State University, Channel Islands. The Special Oversight Committee and Fund Administrator have been given the authority to develop a protocol for the distribution of financial assistance to those most seriously affected by the Borderline Bar & Grill Tragedy.

- A. A uniform Claim Form (one for a deceased victim, one for a physically injured victim, and one for a physical presence inside the Borderline Bar & Grill) and Final Protocol will be available to all known claimants and potential claimants. Local law enforcement and other involved agencies will assist in notifying eligible claimants to the best of their abilities. The Final Protocol and Claim forms will also be available via [www.ConejoValleyVictimsFund.org](http://www.ConejoValleyVictimsFund.org) and [www.vccf.org](http://www.vccf.org) beginning on December 21, 2018. Copies may also be requested by emailing the Fund Administrators at [info@conejovalleyvictimsfund.org](mailto:info@conejovalleyvictimsfund.org). Only one Claim Form should be submitted by or on behalf of each victim. The Claim Form should be completed and submitted to the Fund Administrators (along with all required supporting documentation) postmarked no later than February 18, 2019. Requests for copies of the Claim Form and questions regarding the completion of the Claim Form should be sent via email to [info@conejovalleyvictimsfund.org](mailto:info@conejovalleyvictimsfund.org) by telephone (805) 444-7519, or in person on one of the following dates January 14, 2019, January 16, 2019, or January 19, 2019 (for more information please visit [www.ConejoValleyVictimsFund.org](http://www.ConejoValleyVictimsFund.org)).
- B. Claim Forms should be submitted online, mailed, hand delivered during normal business hours, or sent via overnight courier to:

Ventura County Community Foundation  
4001 Mission Oaks Blvd, Suite A  
Camarillo, California 93012

- C. Individual claimants may request a face-to-face personal meeting (or telephonic meeting) before final processing of all claims is completed. These meetings will be scheduled before the individual claim is processed but will not serve to alter the terms and conditions of the Final Protocol or any allocation set forth in the Final Protocol. Requests to meet should be sent by email at [info@conejovalleyvictimsfund.org](mailto:info@conejovalleyvictimsfund.org) or by telephone at (805) 444-7519.
- D. In the event that a claimant submits an incomplete or deficient claim, *e.g.*, the claimant failed to include required documentation or failed to sign the Claim Form, a representative will work with the claimant in an effort to cure any such deficiencies.
- E. Payments will be issued immediately following the rendering of a final review and determination of all eligible claims by the Fund Administrator. The Fund Administrator will submit final payment determinations to the Ventura County Community Foundation for transmission of the payments, by check or electronic bank wire, to each eligible claimant. Payments will be made by electronic funds transfer or by check sent to claimants via courier service.
- F. A Claim Form filed for a deceased victim will require the spouse's signature if the deceased individual was married at the time of death. In cases where the victim was not married, the personal representative legally authorized to administer the estate must sign the Claim Form. The Personal Representative must prepare a proposed plan of distribution of the funds among the decedent's legal heirs and beneficiaries. The proposed plan will be distributed to all such legal heirs and beneficiaries, each of whom must consent to the proposed distribution by signing a consent form. If agreement among the heirs and beneficiaries cannot be reached as to who will serve as the Personal Representative, or with regard to the proposed distribution, the claimant(s) will be required to obtain legal authorization from the Probate Court to determine who is legally responsible person eligible to file the claim. Under those circumstances, the Fund Administrator will recommend that the Ventura County Community Foundation deposit affected funds with the Probate Court, to be held in separate account and to be distributed only upon resolution of accordance with a valid court order.
- G. For claims for a minor child, the Claim Form will require the signature of both parents (if both parents are living). For claims for incompetent adults, the Claim Form will require proof of representative capacity, such as a power of attorney, guardianship, appointment of guardian or attorney ad litem.
- H. A Claim Form filed for a physical injury claimant must include a hospital or medical facility statement on official letterhead from the hospital or medical facility that confirms: i) date of admission to the hospital or medical facility, ii) date of discharge from the hospital or medical facility, and iii) the nature of the injury and the injury was sustained as a result of the Borderline Bar & Grill attack.



- I. The Conejo Valley Victims Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend that claimants consult with personal tax advisors for any questions regarding tax liability for these payments. No person has a legal claim or entitlement to receive payments from the Fund.
- J. A full independent review of the Conejo Valley Victims Fund will be conducted by an independent auditing firm as soon as possible after March 1, 2019. The results of this audit will be made available to all claimants, donors, and the general public, along with a Final Report from the Fund Administrators.

### Outreach

- A. The Final Protocol and the Claim Forms will be disseminated to all known and registered victims and made available on the [www.ConejoValleyVictimsFund.org](http://www.ConejoValleyVictimsFund.org) website and the [www.vccf.org](http://www.vccf.org) website beginning on December 21, 2018. Email requests for copies of the final documents should be made to [info@conejovalleyvictimsfund.org](mailto:info@conejovalleyvictimsfund.org). **The deadline for submission of the Claim Form is February 18, 2019.** The Fund Administrators will work directly with all claimants as requested to make sure that all claims are submitted by the February 18, 2019 deadline.
- B. Optional face-to-face meetings will be scheduled at the claimant's request. All individual death claims will be processed as soon as the Final Protocol is formally adopted in early January and the applications received. All claims for those with physical injuries or who were present inside Borderline Bar & Grill will be processed during the period between February 18 and February 28, 2019. All claimants requesting face-to-face meetings before the claim is processed will be afforded such a meeting during the period between February 18 and February 27, 2019. Meetings will be scheduled at a mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. To request a meeting, please send your request via email to [info@conejovalleyvictimsfund.org](mailto:info@conejovalleyvictimsfund.org) or by telephone at (805) 444-7519.
- C. Three Victims Assistance Center Clinics will be held with trained, licensed clinicians with Give An Hour to help eligible claimants with their applications. These dates are January 14, 2019, January 16, 2019, and January 19, 2019 (for more information please visit [www.ConejoValleyVictimsFund.org](http://www.ConejoValleyVictimsFund.org)).

### Timeline

- December 21, 2018: The Draft Final Protocol and Claim Forms begin to be disseminated to all known claimants and potential claimants by local law enforcement and District Attorney's office to all those they are aware of and to the best of their abilities. These documents will be made

available on the Fund website ([www.ConejoValleyVictimsFund.org](http://www.ConejoValleyVictimsFund.org)) for families and all interested parties.

- January 3, 2019: Two Town Hall meetings will be held in Thousand Oaks to hear public comments and questions about the Conejo Valley Victims Fund Protocol.
- December 21, 2018 to February 18, 2019: Claim Forms completed and submitted to the Fund Administrator along with the required documentation.
- January 15, 2019: Second phase of distributions related to Individual Death Claims processed.  
\*\* The first phase was support of \$20,000 to each of the families of the deceased to support costs related to memorials and other emergency expenses and was distributed November 2018.
- February 18, 2019: Deadline for submission of Claim Forms.
- February 18 – February 27, 2019: All personal meetings requested with Fund Administrator completed.
- February 18 – February 28, 2019: All claims reviewed by the Fund Administrator and recommendations for payments to eligible claimants submitted to the Conejo Valley Victims Fund Special Oversight Committee for independent review and approval.
- March 1, 2019: Payment Distribution to approved claimants begins on a rolling basis.
- After March 15, 2019: Independent Review by Independent Auditors begins.