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TRANSCRIPTION OF RECORDED INTERVIEW

OF

Milford Wayne Donaldson

September 25, 2012

Sacramento, California

Investigation of Department of Parks
and Recreation - Financial Irregularities

Interviewed by: Thomas M. Patton
Deputy Attorney General
Office of the Attorney General
State of California

Transcribed by: Zipporah Geralnik
eScribers, Inc.
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(SA201210710)

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1 MR. PATTON: All right. We're on
2 the record. This is Thomas M. Patton Deputy
3 Attorney General speaking. It is Tuesday
4 September 25, 2006 (sic), 8:38 a.m. We are at
5 the Natural Resources Building, State Parks
6 Headquarters, 1416 9th Street, 10th Floor.
7 And with me is agent Michael Mattson (ph.)
8 from the Department of Justice.

9 And you sir? If you could tell us
10 your name and spell your last name.

11 MR. DONALDSON: Okay. My name is
12 Milford Wayne Donaldson. My last name is
13 spelled D-O-N-A-L-D-S-O-N.

14 MR. PATTON: And spell your first
15 name, please.

16 MR. DONALDSON: Milford.
17 M-I-L-F-O-R-D.

18 MR. PATTON: Okay. Thank you. And
19 your position with State Parks is?

20 MR. DONALDSON: I'm the state
21 historic preservation officer.

22 MR. PATTON: So tell us what you
23 were telling us about that position before we
24 started recording.

25 MR. DONALDSON: We are under the

1 administrative umbrella for California State
2 Parks. Approximately three percent of our
3 work is actually dealing with State Parks
4 primarily under the public resources 5024 and
5 5028, which deals with state agencies that own
6 historical resources and how they treat their
7 historical resources. So --

8 MR. PATTON: You say your title is
9 state historic preservation officer?

10 MR. DONALDSON: Officer.

11 MR. PATTON: And you're refer -- and
12 then you'd say "we". We who?

13 MR. DONALDSON: We, the office.

14 MR. PATTON: Okay. The Office of
15 the State Historic Preservation.

16 MR. DONALDSON: It's the Office of
17 Historic Preservation.

18 MR. PATTON: Okay.

19 MR. DONALDSON: Office of Historic
20 Preservation.

21 MR. PATTON: Okay. So you're the
22 head of that office?

23 MR. DONALDSON: I'm the head of that
24 office.

25 MR. PATTON: And you have -- do you

1 have support staff with that?

2 MR. DONALDSON: Yes. There's
3 approximately forty support staff that I have.

4 MR. PATTON: Okay. And you're
5 physically located here on the 10th floor?

6 MR. DONALDSON: No. We are about
7 eight blocks from here. We're on 23rd and R
8 Street.

9 MR. PATTON: Okay.

10 MR. DONALDSON: Separate building.
11 We're below the office -- what is it? The
12 off-highway vehicle office.

13 MR. PATTON: Oh, okay.

14 MR. DONALDSON: People know that.

15 MR. PATTON: You say you're
16 administratively positioned within State Parks
17 for administrative purposes?

18 MR. DONALDSON: In other words,
19 payroll, that type of stuff, yes. We really
20 don't interact that much with California State
21 Parks. We deal with the entire State of
22 California and we deal mostly with federal
23 programs. It was initiated in 1966 with the
24 National Historic Preservation Act that
25 basically had a gubernatorial appointee that

1 is the state historic preservation officer and
2 all the states in the territories was set up
3 to that to administer federal programs.

4 MR. PATTON: Okay. So you're a
5 gubernatorial appointee.

6 MR. DONALDSON: Correct.

7 MR. PATTON: And only three percent
8 of the work of your office involves properties
9 that are part of the state park system --

10 MR. DONALDSON: Correct.

11 MR. PATTON: -- is that what you're
12 telling me?

13 MR. DONALDSON: Yeah. Three to four
14 percent, somewhere in there --

15 MR. PATTON: Okay.

16 MR. DONALDSON: -- was our estimate.

17 MR. PATTON: So -- and then you
18 get -- administratively, you're organized
19 under the parks department so your budget runs
20 through natural resources?

21 MR. DONALDSON: Correct.

22 MR. PATTON: Okay.

23 MR. DONALDSON: Correct. Our budget
24 is kind of unique. We have a grant that comes
25 from the Historic Preservation Fund from the

1 National Parks Service. And then that fund is
2 matched, mostly through SPRF monies, to
3 compensate for that. And it's about a --
4 around a fifty-fifty split.

5 MR. PATTON: Interesting.

6 MR. DONALDSON: So we have maybe one
7 position, maybe two positions at most, that
8 come from general fund. Otherwise, the other
9 staff members come from this grant that we get
10 from the National Parks Service. Again, these
11 are federal programs that we work on.

12 MR. PATTON: Do you know -- so you
13 get -- you get federal monies and your job is
14 to work -- in terms of preserving state
15 properties, not federally owned properties.

16 MR. DONALDSON: All of the
17 properties. Well --

18 MR. PATTON: Federal and state?

19 MR. DONALDSON: Federal and state.
20 The entire State of California.

21 MR. PATTON: Oh, okay.

22 MR. DONALDSON: Including -- also we
23 get into private properties as well.

24 MR. PATTON: Okay.

25 MR. DONALDSON: So our main

1 programs -- maybe I should just review our
2 main programs --

3 MR. PATTON: Sure.

4 MR. DONALDSON: -- so that you can
5 kind of understand it. One of our programs is
6 to make sure that the Section 106 of the
7 certified federal regulations part 800 is
8 implemented. And these regulations occur
9 whenever there's a federal agency that has
10 property that has been deemed historic or been
11 deemed to be determined to be historic or they
12 have land -- public lands in which there are
13 cultural and historic resources on that they
14 have to manage.

15 Or the responsibility for pass-
16 through monies. For instance, the Department
17 of Energy passes through monies to the
18 California Energy Commission to administrate
19 in weatherization of homes. So, if there's
20 historic homes involved, then we oversee those
21 programs. So we deal with about forty-seven
22 major federal agencies and how they administer
23 the Section 106. And that's the primary work
24 that we do at the Office of Historic
25 Preservation.

1 We also do the tax credit programs.
2 This is a federal tax credit that if you fix
3 up a historic building that's listed on the
4 national register -- not the state register
5 but the national register of historic
6 places -- then the government gives you twenty
7 percent tax credits off your federal income
8 tax and we administer tat program.

9 Then we also administer a program
10 where, through my commission, the state
11 historic resources commission, that we get
12 nominations for properties to be listed on the
13 national registry of historic places and all
14 of my commissioners are also appointed by the
15 governor as well. And they review those and
16 then send them back under my pen -- under my
17 signature to the keeper of the national
18 registry of historic places and then they
19 determine whether that gets listed on the
20 national registry.

21 And then the last program that we
22 get, that ten percent of the monies that we
23 get from the Historic Preservation Fund is
24 then administered out to our certified local
25 governments. We have about eighty certified

1 local governments which basically are allowed
2 to do the work that we do for reviewing
3 properties but within their own jurisdiction,
4 within the cities or counties that they do
5 their service in. So all of the major cities
6 throughout California have certified local
7 governments. And they also then deal with
8 CQWA (ph.) and other laws pertaining to that.

9 So those are the major programs that
10 we do. We also manage a database of historic
11 resources through our information centers that
12 we have scattered throughout the state as
13 well.

14 MR. PATTON: All right. That's
15 great. Well, it's interesting.

16 MR. DONALDSON: So that's what we
17 do.

18 MR. PATTON: Yeah. That's pretty
19 complex. You indicated that you get some
20 federal dollars and some matching dollars, you
21 said, first from them. SPRF.

22 MR. DONALDSON: Mostly from out
23 SPRF, yes.

24 MR. PATTON: Now -- and then you
25 said some -- then you said general fund

1 dollars.

2 MR. DONALDSON: We have, I think,
3 two positions that are paid for by general
4 funds.

5 MR. PATTON: Okay.

6 MR. DONALDSON: And those positions
7 were paid for to administer the Public
8 Resources Code which is a state code which is
9 5024 and 5028. The 5024 is for those state
10 agencies that have historic properties,
11 including State Parks. But it's like
12 Caltrans. It's like all the other state
13 agencies that we have. Which is sort of a
14 Section 106 at the federal level but it's a
15 state level. And that was brought in during
16 the Wilson days.

17 And then 5028, which is doing
18 outreach with agencies during emergencies:
19 earthquakes, fires and stuff like that. So --

20 MR. PATTON: I'm curious of just --
21 I want to understand clearly the funding --
22 where the funding derives from. You say
23 general funds supports two of your positions.

24 MR. DONALDSON: Right.

25 MR. PATTON: And you also indicated

1 that the State Park Rec Fund -- are you
2 familiar with the concept that State Park and
3 Rec Fund is revenue generating? It's a
4 special fund separate from the general fund.

5 MR. DONALDSON: Right.

6 MR. PATTON: Do you get -- does your
7 office get any of the State Park and Rec Fund
8 monies or just general fund in addition to
9 the federal dollars?

10 MR. DONALDSON: SPRF is the Rec
11 Fund, right?

12 MR. PATTON: Right.

13 MR. DONALDSON: Yes. We -- that is
14 our biggest matching grant is from the SPRF.

15 MR. PATTON: So do you get both some
16 monies from SPRF and from general fund?

17 MR. DONALDSON: Yes. We have two
18 positions that are paid for out of general
19 funds and that's all.

20 MR. PATTON: Well, do you -- and --

21 MR. DONALDSON: Any of the other
22 matching funds that come are only from SPRF.

23 MR. PATTON: Okay. And so --

24 MR. DONALDSON: And then we have --

25 MR. PATTON: So you have more than

1 just the two positions that are supported by
2 state dollars.

3 MR. DONALDSON: Yes. If you look at
4 SPRF.

5 MR. PATTON: Yeah.

6 MR. DONALDSON: It's about a fifty-
7 fifty match.

8 MR. PATTON: Okay.

9 MR. DONALDSON: It varies.
10 Sometimes forty-five-fifty-five but it varies.
11 And then the monies that we get from the FEDs
12 is also in their fiscal year which is
13 September so there's a lot of times that we
14 don't know how much we're getting even though
15 we're already into our budget cycle.

16 MR. PATTON: Okay.

17 MR. DONALDSON: And then once we
18 find out, normally in January or February, the
19 net is then tailored to match that -- you
20 know, that contribution.

21 MR. PATTON: Okay.

22 MR. DONALDSON: Because it's a
23 grant. It's -- we -- you know, it's a grant
24 every year that's given to us.

25 MR. PATTON: I understand, yeah.

1 MR. DONALDSON: Yeah.

2 MR. PATTON: What we want to get
3 right to is whether or not -- as the head of
4 the Historic Preservation Office, were you
5 invited to part of the large or small
6 executive committee at Parks?

7 MR. DONALDSON: Yes.

8 MR. PATTON: So you would --

9 MR. DONALDSON: What they call the
10 large one.

11 MR. PATTON: You were in the large
12 one.

13 MR. DONALDSON: Right.

14 MR. PATTON: And so you'd sit on
15 biweekly meetings with all the other
16 department heads and their -- and, as I
17 understand it, the large included the various
18 division deputy directors and then their
19 assistants.

20 MR. DONALDSON: Yes, that's correct.

21 MR. PATTON: Okay.

22 MR. DONALDSON: And my assistant
23 would also sit in now and then. We normally
24 would not duplicate our efforts but she
25 sometimes would call in as well.

1 MR. PATTON: And what we're looking
2 at is it's come to light -- and I'm sure
3 you've seen the newspaper article. It's come
4 to light that -- in particular, we're looking
5 at the State Park and Rec Fund that the
6 amount -- that there was some dollars not
7 reported to the finance department over a
8 number of years --

9 MR. DONALDSON: Correct.

10 MR. PATTON: -- that were in the
11 fund balance statements that would go to the
12 controller. And there was about a twenty
13 million dollar disparity. And some people
14 have -- you know, it's been variously referred
15 to as undisclosed monies or a reserve. And
16 what we're asking -- we're talking, basically,
17 to everyone who's been part of those executive
18 committees to see if they have any
19 recollection of a reserve or any extra SPRF
20 monies ever being discussed.

21 MR. DONALDSON: Right.

22 MR. PATTON: So let me ask you that
23 question, if you have any recollection of that
24 ever being discussed.

25 MR. DONALDSON: I don't. There was

1 only one moment but it wasn't at one of those
2 meetings. It was at a meeting that Elizabeth
3 Goldstein from the foundation was doing a
4 presentation, I think after the failure of the
5 bill, to -- for the extra license plate fees
6 on that to try to support state parks, that
7 her and Daphne Greene, who was, at that time,
8 sort of the supervisor/leader for the off-
9 highway vehicle.

10 And they got into a big argument,
11 with a lot of people sitting around -- there
12 was probably fifty, sixty people in the room.
13 And Elizabeth Goldstein said, well, we should
14 have -- you should donate part of your reserve
15 funds to help bail out Parks. And at that
16 time, Daphne went through a whole deliberation
17 on why that's not possible how the funds are
18 set aside.

19 And that was the only time that I
20 heard of any type of what we refer to as a
21 surplus fund.

22 MR. PATTON: Okay. Now that -- my
23 understanding is that Daphne was the chief --
24 the deputy director for the off-highway
25 vehicle and that they have a separate fund, a

1 trust -- and it's a trust fund.

2 MR. DONALDSON: Correct.

3 MR. PATTON: And so it sounds to me
4 like the conversation you're recounting
5 involved Daphne's statements regarding what is
6 or is not possible with regard to off-highway
7 vehicle funds.

8 MR. DONALDSON: Yes, that's a better
9 way to put it.

10 MR. PATTON: Not State Park and Rec
11 Fund dollars.

12 MR. DONALDSON: That's correct.

13 MR. PATTON: Okay. So you've never
14 heard any discussions in your attendance or in
15 your interactions with any other deputy
16 directors or the director or chief deputy.
17 You never heard any discussion about reserve
18 dollars in State Park and Rec Fund.

19 MR. DONALDSON: Never did.

20 MR. PATTON: Okay. All right.
21 That's really the main thing we want to ask
22 unless you can -- unless you know of anything
23 else that we ought to be asking or you have
24 information about something that you think
25 should be brought to our attention.

1 MR. DONALDSON: I don't think so. I
2 was trying to think about items like that and
3 I had talked with my deputy, Jenan Saunders,
4 and we can't remember anything that was talked
5 about at any of the large exec meetings.

6 MR. PATTON: And you were -- you've
7 been -- you told me you're retiring tomorrow.
8 You're a governor appointee and --

9 MR. DONALDSON: Friday.

10 MR. PATTON: Friday --

11 MR. DONALDSON: Yeah.

12 MR. PATTON: -- is your last day.
13 And you've been in this position for how long?

14 MR. DONALDSON: Eight years.

15 MR. PATTON: Okay.

16 MR. DONALDSON: Yeah.

17 MR. PATTON: So you've been going to
18 these large executive committees for a long
19 time.

20 MR. DONALDSON: Yeah. Off and on.
21 My attendance was not as good as it could have
22 been, let's say. Only because a lot of time I
23 just didn't have anything to add to the
24 meetings.

25 MR. PATTON: Okay. But -- so you

1 would -- I assume there's something like --
2 they're bi -- they're twice monthly, semi-
3 monthly.

4 MR. DONALDSON: Correct. That was
5 sort of a standing meeting that we would have
6 twice monthly.

7 MR. PATTON: Okay. So you might
8 go -- you probably would attend at least a
9 dozen a year to make half of them.

10 MR. DONALDSON: At least, yes.

11 MR. PATTON: Yeah.

12 MR. DONALDSON: Yes.

13 MR. PATTON: Okay. And -- yeah,
14 okay. Well, that's all we wanted to know,
15 whether or not the subject ever came up at any
16 of the executive committee meetings.

17 MR. DONALDSON: No, I don't -- we
18 couldn't remember. And I know I talked with
19 Jenan. She's been deputy now for two and a
20 half years so -- and we couldn't remember it
21 either.

22 MR. PATTON: Was -- were budgets
23 typically discussed at all during these large
24 executive meetings?

25 MR. DONALDSON: Yes. I think most

1 of the budgets were discussed, mostly whoever
2 was going to be in charge of dealing -- like
3 Bill Herms, for instance, in dealing with the
4 legislative and how that was going through and
5 who should call who and that type of stuff.
6 But we were never really given any kind of
7 insight to where the budgets were really going
8 at that time.

9 MR. PATTON: Okay. Very good. We
10 will go off the record at --

11 MR. MATTSON: 8:53.

12 MR. PATTON: Okay. Thanks for your
13 time.

14 MR. DONALDSON: That was quick.

15 MR. PATTON: Yeah.

16 (Off the record at 8:53 a.m.)

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TRANSCRIBER'S CERTIFICATE

Milford Wayne Donaldson interview on 9-25-12

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

 This is to certify that I
transcribed the foregoing pages 1 to 19 to the
best of my ability from an audio recording
submitted by Heidi Webb at the California
Department of Justice, in Sacramento,
California.

 I have subscribed this certificate
at New York, New York, this 4th day of
October, 2012.

Zipporah Geralnik
eScribers, Inc.

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[1 - donaldson]

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