



# Federal Equitable Sharing Agreement

## VALID THRU SEPTEMBER 30, 2008



**Law Enforcement Agency:** El Dorado County District Attorney's Office  Check if New Participant  
 Police Department  Sheriff's Office/Department  Task Force (attach list of members)  Prosecutor's Office  Other \_\_\_\_\_

**Contact Person:** Lisa J. Serafini and Jim Clinchard **E-mail Address:** LJS@co.el-dorado.ca.us

**Mailing Address:** 1360 Johnson Blvd. Ste. 105 South Lake Tahoe, CA 96150  
(Street) (City) (State) (Zip Code)

**Telephone Number:** ( 530 ) 573-3100 and 621-6472 **Fax Number:** ( 530 ) 544-6413 and 621-1280

**Agency Fiscal Year Ends on:** 6/30 **NCIC/ORI/Tracking No.:** CA009013A  
(Month/Day)

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement agency, and (3) the governing body sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By their signatures, the parties agree that they will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

- Submission.** The Federal Equitable Sharing Agreement and the Federal Annual Certification Report must be submitted to both the Department of Justice and the Department of the Treasury with a copy provided to the U.S. Attorney in the district in which the recipient law enforcement agency is located, in accordance with the instructions received from the respective departments or as outlined in their equitable sharing guidelines.

Asset Forfeiture and Money Laundering Section  
 U.S. Department of Justice  
 10th and Constitution Avenue, NW  
 Bond Building, 10<sup>th</sup> Floor  
 Washington, DC 20530  
 Fax: (202) 616-1344  
 E-mail address: [afmls.aca@usdoj.gov](mailto:afmls.aca@usdoj.gov)

Executive Office for Asset Forfeiture  
 U.S. Department of the Treasury  
 740 15th Street, NW  
 Suite 700  
 Washington, DC 20220  
 Fax: (202) 622-9610  
 E-mail address: [treas.aca@teoaf.treas.gov](mailto:treas.aca@teoaf.treas.gov)

- Signatories.** This agreement must be signed by the head of the law enforcement agency and the head of the governing body. Examples of law enforcement agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor. **Receipt of the signed agreement is a prerequisite to receiving any equitably shared cash, property, or proceeds.**
- Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing and as specified in the equitable sharing request (either a DAG-71 or a TDF 92-22.46) submitted by the requesting agency.
- Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with both the Department of Justice and the Department of the Treasury. If there is no agreement on file, the undersigned law enforcement agency must obtain one from the receiving agency and forward it to the Department of Justice and the Department of the Treasury as in item 1. A list of recipients and the amount transferred must be attached to the Federal Annual Certification Report.

5. **Internal Controls.** The parties agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The recipient agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The parties agree that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*. The accounting of shared funds must be reported on the Annual Certification Report.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds or property.

6. **Federal Annual Certification Report.** The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from the respective departments or as outlined in the *Justice* or *Treasury Guides*. Receipt of the certification report is a prerequisite to receiving any equitably shared cash, property, or proceeds.

7. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits.

8a. **During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?**

Yes  No (If you answered yes, attach relevant information. See instructions.)

8b. **Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?**

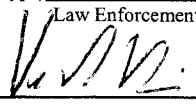
Yes  No (If you answered yes, attach relevant information. See instructions.)

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

Name (Print or Type) Vern R. Pierson Date 9/23/07  
Law Enforcement Agency Head

Name (Print or Type) \_\_\_\_\_ Date \_\_\_\_\_  
Governing Body Head

Signature: 

Signature: \_\_\_\_\_

Title: El Dorado County District Attorney

Title: El Dorado County Board of Supervisors