

**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, JUNE 6, 2011, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser and John Krattli

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

- a. **Robert Hernandez v. County of Los Angeles
Los Angeles Superior Court Case No. BC 436 833**

This lawsuit concerns allegations that a probationary employee of the Internal Services Department was subjected to retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Vote: Unanimously carried
Absent: None

b. Claim of Danielle Pollard

This claim concerns allegations that an employee of the Fire Department was subjected to discrimination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$61,834.

Vote: Unanimously carried
Absent: None

**c. Crystal Contreras v. County of Los Angeles
Los Angeles Superior Court Case No. BC 419 484**

This lawsuit concerns allegations that an employee of the Department of Animal Care and Control was subjected to sexual harassment, retaliation, and wrongful termination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

Vote: Unanimously carried
Absent: None

**d. Danny M., et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 391 690**

This lawsuit concerns allegations of abuse of four minors while in foster care.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$70,000.

Vote: Unanimously carried
Absent: None

[See Supporting Documents](#)

e. Claims of Beatrice Bogsiao, et al.

These wrongful death claims arise from a vehicle accident involving an employee of the Department of Health Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$810,000.

Vote: Unanimously carried
Absent: None

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the May 16, 2011, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Unanimously carried
Absent: None

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Danny M., et al. v. County of Los Angeles, et al.
CASE NUMBER	BC391690
COURT	Los Angeles Superior Court
DATE FILED	05/26/2008
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	M. Scott Radovich Radovich Law Offices Steve Beltran Beltran, Beltran, Smith, Oppel & MacKenzie
COUNTY COUNSEL ATTORNEY	Lauren M. Black Social Services Division
NATURE OF CASE	This lawsuit was filed by four minor plaintiffs who seek damages sustained as the result of being physically abused while in foster care.
PAID ATTORNEY FEES, TO DATE	\$ 86,308
PAID COSTS, TO DATE	\$ 1,572

Case Name: Danny M. et al v. County of Los Angeles



**Summary Corrective Action Plan
Department of Children and
Family Services**



CONFIDENTIAL
The information contained in this document is privileged and strictly confidential under various California and United States laws that may include, but are not limited to California Welfare and Institutions Code §§827 and §§10850, California Government Code Section §6254(c) relating to personnel records, California Government Code Section §6254(k) and California Evidence Code §1151 relating to subsequent remedial measures.

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	January 1999 through December 2005
Briefly provide a description of the incident/event:	Plaintiffs' alleges that they were physically abused while in foster care over lengthy period of time while under the supervision of the Juvenile Court and DCFS.

1. Briefly describe the root cause of the claim/lawsuit:

The children were placed in the care of their maternal great aunt and her son. During the pendency of the case, the children were physically abused. The plaintiffs' allege that the County failed to protect them from the abuse.



2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Process non-conformance was referred to Performance Management for review and action. All appropriate personnel action was taken.

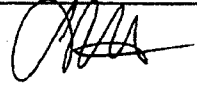
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  Michelle R. Victor	Date: 5-11-11
Signature: (Department Head)  Dr. Jackie Contreras, Interim Director	Date: 5/20/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 5/20/11

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-litigated Claims of Beatrice Bagsiao, Lawrence Bagsiao, Elise Bagsiao Manecia, Marilyn Bagsiao Mang-Oy, and Mary Jane Bagsiao
CASE NUMBER	N/A
COURT	N/A
DATE FILED	5/21/2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 810,000
ATTORNEY FOR PLAINTIFF	Paul Kiesel, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On March 24, 2009, a County employee operating a forklift carrying a waste bin was crossing Zonal Avenue from Biggy Avenue. At the same time, 86 year old Andrew Bagsiao was collecting recyclables from waste containers along Zonal Avenue. When the employee turned into the driveway of the loading dock of LAC+USC Medical Center, he did not see Mr. Bagsiao. Unfortunately, it was not until the employee felt the forklift run over an object that he realized that he collided into and ran over Mr. Bagsiao.

Mr. Bagsiao died at the scene of the incident.

The claimants, who are the adult children of Mr. Bagsiao, contend that the County employee operated the forklift negligently.

Due to the inherent risks and uncertainties involved in a proceeding with a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the claimants.

PAID ATTORNEY FEES, TO DATE	\$	11,572
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PAID COSTS, TO DATE	\$	5,220
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Summary Corrective Action Plan

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Date of incident/event:	March 24, 2009
Briefly provide a description of the incident/event:	Andrew Bagsiao, a pedestrian, was crossing the driveway of the north loading dock when he was struck and killed by a forklift carrying a loaded waste bin driven by a County employee.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

- Unsafe intersection with multiple vehicle access points and inattentive driving resulting in pedestrian death.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

SYSTEMS:

-On April 1, 2009, the pedestrian crosswalk was painted to clearly identify where pedestrians will cross the intersection.

-On April 3, 2009, signage was installed for both pedestrian and vehicle traffic.

-On April 15, 2009, all vendors were notified regarding safety and security of the loading dock area adjacent to the accident site.

- On April 12, 2010, LAC+USC Network Policy 663: Powered Industrial Truck was developed which includes training requirement for staff operating powered industrial trucks. The policy was approved by Network Executive Leadership.

-On November 11, 2010, supervisors of employees driving forklifts were provided with a copy of Network policy 663 and acknowledged their responsibilities as stated in the policy to assure evaluation every three years.

-On March 25, 2009, Pharmacy conducted inservice for their forklift operators and implemented immediate measures to cordon off areas where forklift operations are conducted.

-On April 1, 2009 and April 2, 2009, retraining and competency validation were conducted for 60 employees in Facilities Management, Materials Management and Pharmacy.

-On January 29, 2010, negotiated non-admissions stipulation with Cal OSHA and paid a penalty of \$1,125.00.

PERSONNEL:

- All appropriate personnel action has been taken.

SYSTEM-WIDE:

- Development of a "Forklift Safety" safety bulletin that is posted on the Chief Executive Office (CEO) Risk Management Branch Intranet site: <http://riskmanagement.mylacounty.info>.

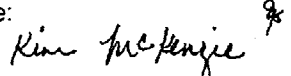
-The CEO offered a class titled "Introduction to Occupational Safety and Health".


-Names and certification of employees operating the forklift were obtained.

-Training of employees that that were not previously certified or employee's certificates that had expired, was conducted.

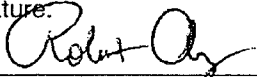
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has County-wide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Kim McKenzie, RN, MSN, CPHQ, Director, Quality Improvement and Patient Safety	
Signature: 	Date: 12/22/10

Name: (Department Head)	
John F. Schunhoff, Ph.D, Interim Director	
Signature: 	Date: 12-22-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: 	Date: 12-02-10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 16, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:34 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, John Krattli and Laurie Milhiser.

Other persons in attendance at the meeting were: Office of the County Counsel: Tighe Hudson; Department of Public Works: Mike Hays and Shawn Danaei; Outside Counsel: Tim Rowe.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 10:15 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Inge Wiersema v. County of Los Angeles, et al.
Los Angeles County Superior Court Case No. SC 097 130**

This dangerous condition lawsuit arises from personal injuries sustained in a bicycle accident which occurred on Pacific Coast Highway.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$390,000.

Vote: Unanimously carried
Absent: None

5. Approval of the minutes of the May 2, 2011, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Unanimously carried
Absent: None

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 10:17 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Renee F. Mendoza