

**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, AUGUST 15, 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. **Jonathan Bowers v. County of Los Angeles Fire Department  
Los Angeles Superior Court Case No. BC 436 904**

This lawsuit concerns allegations that an employee of the Fire Department was subject to discrimination and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$22,770.82.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

b. **Lisa Hosey v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 09-09427**

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$62,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[See Supporting Documents](#)**

c. **Public Service Mutual Insurance, et al. v. Los Angeles County Department of Transportation, et al.**  
**Los Angeles Superior Court Case No. MC 022 154**

This lawsuit concerns allegations that an employee of the Department of Public Works operated a dump truck in an unsafe manner causing property damage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$94,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[See Supporting Documents](#)**

d. **Claim of Navaline Smith**

This claim concerns actions the County took when referring and investigating a complaint of child neglect.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,000

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[See Supporting Documents](#)**

e. **Claim of Richard Michael Kaye**

This claim concerns allegations of sexual assault and battery by an employee of the Department of Public Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[See Supporting Document](#)**

f. **Liora S. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health Case No. N2010120547**

This matter concerns allegations of deprivation of educational rights and mental health services by the Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$43,828.47.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[See Supporting Documents](#)**

g. **Zachary S. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health Case No. N20111040552**

This matter concerns allegations of deprivation of educational rights and mental health services by the Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$25,848.00.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**[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 August 1, 2011, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[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	Lisa Hosey v. COLA, et.al.
CASE NUMBER	CV 09-09427
COURT	United States District Court
DATE FILED	February 10, 2010
COUNTY DEPARTMENT	LASD
PROPOSED SETTLEMENT AMOUNT	\$ 62,000
ATTORNEY FOR PLAINTIFF	Carl E. Douglas Law Offices of Carl E. Douglas
COUNTY COUNSEL ATTORNEY	Catherine M. Mathers Collins, Collins, Muir and Stewart
NATURE OF CASE	<p>Plaintiff alleges that she was falsely arrested and subjected to excessive force by Los Angeles County Sheriff's Deputies.</p> <p>The Sheriff's Department contends that the arrest was based on probable cause and that the force was reasonable.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$62,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	\$73,851.06
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PAID COSTS, TO DATE	\$	\$31,621.32
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Case Name: Lisa J. Hosey v. County of Los Angeles, et al.



## Summary Corrective Action Plan

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:	Tuesday, September 30, 2008; approximately 9:00 p.m.
Briefly provide a description of the incident/event	<p><u>Lisa J. Hosey v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-018</p> <p>On Tuesday, September 30, 2008, at approximately 9:00 p.m., two Los Angeles County deputy sheriffs assigned to the Los Angeles County Sheriff's Department's Altadena Station responded to an emergent radio call of a family disturbance at the plaintiff's residence. When the deputies arrived at the plaintiff's residence, one deputy contacted the plaintiff's husband outside the residence while the second deputy contacted the plaintiff just inside the residence's open front door. During the contact with the plaintiff, a deputy sheriff and the plaintiff became involved in a physical altercation.</p> <p>The plaintiff was arrested for a violation of California Penal Code section 245(c), Assault with a Deadly Weapon Upon a Peace Officer, and California Penal Code section 69, Obstructing or Resisting Executive Officers in Performance of Their Duties.</p>

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

The plaintiff alleges that members of the Los Angeles County Sheriff's Department entered her home without probable cause and used excessive force to execute an unlawful arrest.

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

The Los Angeles County Sheriff's Department had relevant policies and procedure/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

The Los Angeles County Sheriff's Department's Altadena Station conducted a thorough investigation of this incident. Appropriate administrative action was taken.

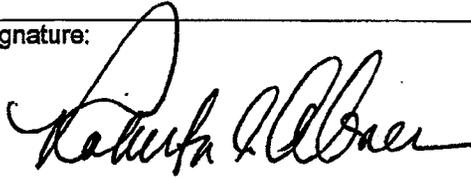
County of Los Angeles  
Summary Corrective Action Plan

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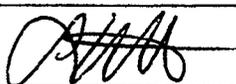
3. State if the corrective actions are applicable to only your department or other County departments:  
(if unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- Potentially has Countywide 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 Countywide or other department(s) implications.

Name: (Risk Management Coordinator)  Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 7/18/11

Name: (Department Head)  Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 7/20/11

**Chief Executive Office Risk Management Branch**

Name: LEO COSTANTINO	
Signature: 	Date: 7/28/2011

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Public Service Mutual Ins. Co. et al, v. Los Angeles County Department of Transportation, et al.
CASE NUMBER	MC022154
COURT	Los Angeles Superior Court, North District (Lancaster)
DATE FILED	December 13, 2010
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 94,000.00
ATTORNEY FOR PLAINTIFF	Scott M. Leavitt, Esq. Jonathan C. Sandler, Esq.  DANIELS, FINE, ISRAEL, SCHONBUCH & LEOVITS
COUNTY COUNSEL ATTORNEY	Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE	A County employee was driving a County vehicle (dump truck), spreading dirt on the shoulder of Soledad Canyon Road in Acton, when the raised bed of the dump truck struck overhead power-lines, pulling down the Edison pole which then fell onto the community room of a mobile home park, resulting in damage to the building and loss of power to the entire mobile home park.

Power was restored later that same day by use of an emergency generator. Repairs to the building had to be completed before the mobile home park could be re-connected to the power grid.

PAID ATTORNEY FEES, TO DATE                   \$   8,464.00

PAID COSTS, TO DATE                           \$    0.00



## Summary Corrective Action Plan

### County of Los Angeles Department of Public Works



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.

Claim/Lawsuit: Date of incident/event:	Public Service Mutual Insurance Company ASO Gemstone, LLC January 23, 2010.
Briefly provide a description of the incident/event:	On January 23, 2010, at approximately 4:15 p.m., a Public Works Maintenance Worker in our Road Maintenance Division (RMD) struck and damaged power lines belonging to Southern California Edison (SCE) with the raised bed of a County dump truck (separate claim filed by SCE, RMIS #10-1080516). As a result, electrical service to a mobile home community, owned, operated, and maintained by Alvin and Nelleen Moran, was disrupted.

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

The incident was caused by our driver's lack of control of the vehicle and his inattention to his surroundings. Based on our review, this employee was involved in previous vehicle accidents in 1995 and 1998 and was off on industrial injury from 2002 to 2008.

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

The employee appeared before the Public Works Automotive Safety Committee on February 11, 2010. The Committee reviewed the circumstances and evidence and heard testimony from our employee. The Committee determined that the incident was preventable and referred this matter to the Performance Management Section of our Human Resources Division.

Disciplinary action was taken in which this employee was discharged from County service on July 29, 2010.

In addition, by May 23, 2011, our RMD will remind all Road Maintenance employees by memorandum of the need to adhere to all safety directions when conducting work near or adjacent to overhead power lines, and possible disciplinary actions.

County of Los Angeles Department of Public Works  
Summary Corrective Action Plan

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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 a Countywide implication.
- 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 Countywide or other department implications.

Signature: (Risk Management Coordinator) <i>SG Steinhoff</i>	Date: 5-04-2011
Steven G. Steinhoff	
Signature: (Director) <i>Gail Farber</i>	Date: 5-11-11
Gail Farber	

**Chief Executive Office Risk Management Branch**

Name: <i>LEO COSTANTINO</i>	Date:
Signature: <i>[Signature]</i>	Date: 5/18/2011

*[Handwritten initials]*

RB:psr  
P4:PUBLIC SERVICE SCAP2

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of Navaline Smith
CASE NUMBER	Not applicable - No case filed
COURT	Not applicable - No case filed
DATE FILED	Claim filed February 18, 2010
COUNTY DEPARTMENT	Department of Children and Family Services and Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 30,000.00
ATTORNEY FOR PLAINTIFF	Michelle M. Raji Snell & Wilmer, L.L.P.
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel General Litigation Division
NATURE OF CASE	Navaline Smith alleges that the County took improper actions when referring and investigating a complaint of child neglect. She alleges these actions were in retaliation for her refusing to accept the relocation benefits offered to her by the Housing Authority of the County of Los Angeles. She contends that the foregoing actions violated her civil rights and as a result, she sustained severe emotional distress, loss of income, benefits, personal property and reputation.  Due to the inherent risks and

uncertainties involved in litigation and proceeding to a trial, and after evaluation of the potential liability and exposure to an adverse verdict, the County proceeded with settlement negotiations, which resulted in the settlement with the claimant.

PAID ATTORNEY FEES, TO DATE	\$	26,183.58
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PAID COSTS, TO DATE	\$	0.00
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Case Name: Smith v. County of Los Angeles



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



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:	August 20, 2009
Briefly provide a description of the incident/event:	Claimant alleges that DCFS conducted an emergency response investigation after she testified at a Board of Supervisors meeting.

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

Claimant alleges that her constitutional rights were violated during an emergency response (referral) investigation.

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

The Department has enhanced its policy and procedures pertinent to child abuse investigation to support best social work practice, while satisfying constitutional requirements.

County of Los Angeles  
Summary Corrective Action Plan

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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) <i>Edna Bella</i>	Date: 7/13/11
Signature: (Department Head) <i>Julio Costantino</i>	Date: 7/22/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: <i>LEO</i>	Date: 7/18/2011

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Richard Michael Kaye
CASE NUMBER	N/A
COURT	N/A
DATE FILED	July 9, 2010
COUNTY DEPARTMENT	Department of Public Health Environmental Health Division
PROPOSED SETTLEMENT AMOUNT	\$ 37,500
ATTORNEY FOR PLAINTIFF	Thomas Wall, Esq.
COUNTY COUNSEL ATTORNEY	Andrea E. Ross
NATURE OF CASE	<p>On January 7, 2010, Lorenzo Castillo, a DPH Health Inspector allegedly sexually assaulted the owner of Koda Sushi in Los Angeles during a routine monthly inspection of the establishment.</p> <p>On July 9, 2010, Mr. Kaye filed a Claims for Damages against Lorenzo Castillo, the County of Los Angeles ("County"), and Mr. Castillos' supervisors, alleging violation of civil rights under color of authority, and sexual assault and battery.</p>

PAID ATTORNEY FEES, TO DATE

\$ 0.00

PAID COSTS, TO DATE

\$ 0.00

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Liora S. V. Los Angeles Unified School District and Los Angeles County Department of Mental Health
CASE NUMBER	N2010120547
COURT	N/A
DATE FILED	December 15, 2010
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$66,905.28
ATTORNEY FOR PLAINTIFF	Valerie Gilpeer
COUNTY COUNSEL ATTORNEY	Andrea E. Ross
NATURE OF CASE	This case involves Special Education Student Liora S., in the Los Angeles Unified School District ("LAUSD"), who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and Department of Mental Health ("DMH"). The settlement is two prong. There is an agreement between DMH and plaintiff regarding plaintiff's attorney fees

of \$6,750.00. The second prong of the settlement was reimbursement to plaintiff for the room/board and mental health services costs incurred by plaintiff for residential treatment services which would be an amount up to, and not to exceed \$60,155.28. This settlement was reached with DMH agreeing to reimburse plaintiff for costs of providing residential services to Liora S.

PAID ATTORNEY FEES, TO DATE

N/A

PAID COSTS, TO DATE

N/A



## Summary Corrective Action Plan

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:	2010-2011
Briefly provide a description of the incident/event:	The case involves Special Education Student Liora S. (Student) in the Los Angeles Unified School District (LAUSD) who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and Department of Mental Health (DMH). The settlement is two-pronged. There is an agreement between DMH and plaintiff regarding plaintiff's attorney fees of \$6,750.00. The second prong of the settlement was a reimbursement to plaintiff for the room/board and mental health services costs incurred by plaintiff for residential treatment services which would be an amount up to, and not to exceed \$60,155.28. This settlement was reached with DMH agreeing to reimburse plaintiff for costs of providing residential services to Student at Cardinal Cushing School. As the financial amount of this settlement is above County Counsel's delegated authority, we are seeking approval from this Board for a total amount of <b>\$66,905.28</b> .

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

Student, born September 14, 1990, is a child who was designated as a Special Education student who met the criteria to be identified as a student with Emotional Disturbance. On or about December 15, 2010, Student caused to be filed with the California Office of Administrative Hearings (OAH) a request for due process hearing on issues regarding Student's educational program. At issue was the residential placement DMH and LAUSD offered to Student pursuant to her Individualized Educational Plans (IEPs) of both June 2010 and December 2010. At that meeting DMH recommended residential placement as the most appropriate and least restrictive setting for Student to receive the level of mental health services necessary to support her educational placement. DMH and LAUSD offered placement at the Devereux Texas Young Adult Program, located in Victoria, Texas. DMH represented at the IEPs of June and December 2010, that Devereux Texas could offer the instructional and mental health services specified for Student by her IEP team.

Student declined to accept the offer of Devereux Texas, as her Free and Appropriate Public Education (FAPE) as the Student's parents (Parents) unilaterally enrolled Student into the Cardinal Cushing Center, located in Massachusetts, on or around June 14, 2010. Previously, Student had been funded by LAUSD and DMH in a mutually agreed upon placement, Pathways, located in Pennsylvania. Pathways notified DMH in December 2009 that due to funding issues, the residential component of their program would be ending in June 2010, and that arrangements needed to be made to transfer Student to another program. Unbeknownst to DMH, Parents began their own placement search, and selected the Cardinal Cushing Center for Student. Parents declined to accept Devereux Texas, citing their belief it was not an appropriate placement for Student. The Cardinal Cushing Center school program is not certified by State of California Department of Education. LAUSD and DMH were statutorily prohibited from funding the Cardinal Cushing Center as the school program did not conform to Chapter 26.5 of the CA Government Code, Section 60100 (h)

Summary Corrective Action Plan

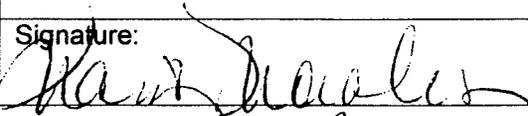
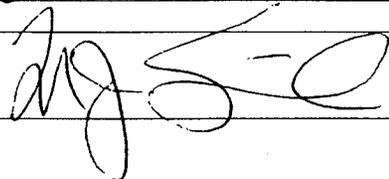
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

None identified. Based on the rate information provided by Cardinal Cushing Center for room/board and mental health services, DMH agreed to reimburse Parents an amount less than their represented costs, that will not exceed the rate of \$259.29 per day, for a timeframe of 232 days: June 14, 2010 through and including January 31, 2011. The actual amount of reimbursement is contingent upon proof of payment for the timeline specified in this agreement as provided by copies of credit card statements or front/back of cancelled checks.

Resolving this case prior to an administrative hearing provided a cap on the amount of the reimbursement to Parents, and eliminated the possibility of an order from OAH for any damages or other compensatory services and related costs and fees, including attorneys fees that would have been incurred had the matter proceeded to hearing.

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) Margo Morales	
Signature: 	Date: 6/11/11
Name: (Department Head) Marvin J. Southard	
Signature: 	Date: 7/20/11

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 7/15/2011

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Zachary S. v. Los Angeles Unified School District and County Department of Mental Health
CASE NUMBER	N2011040552
COURT	N/A
DATE FILED	November 16, 2010
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$25,848.00
ATTORNEY FOR PLAINTIFF	Valerie Vanaman
COUNTY COUNSEL ATTORNEY	Andrea E. Ross
NATURE OF CASE	This case involves Special Education Student Zachary S., in the Los Angeles Unified School District who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and Department of Mental Health ("DMH"). The settlement is two prong. The first prong of the settlement is for payment of plaintiff's attorney fees in the amount of \$3,924.00. The second

prong of the settlement is for reimbursement to the parents for the costs of providing residential services to Zachary S. in an amount not to exceed \$21,924.00.

PAID ATTORNEY FEES, TO DATE

N/A

PAID COSTS, TO DATE

N/A



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Date of incident/event:	2010-2011
Briefly provide a description of the incident/event:	<p>The case involves Special Education Student Zachary S. (Student) in the Los Angeles Unified School District (LAUSD) who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and Department of Mental Health (DMH). The settlement is two-pronged. There is an agreement between DMH and plaintiff regarding plaintiff's attorney fees (\$3,924.00) The second prong of the settlement was for the residential placement component (\$21,924.00 ) in which a settlement was reached with DMH agreeing to reimburse plaintiff for costs of providing residential services to Student at Boulder Creek Academy. As the financial amount of this settlement is above County Counsel's delegated authority, we are seeking approval from this Board for a total amount of <b>\$25, 848.00</b>.</p> <p>DMH offered to reimburse plaintiff for costs associated with room/board and mental health services, identified as DMH responsibilities per Chapter 26.5 (AB3632) of the CA Government Code. DMH agreed to reimburse the Student's parents (Parents) an amount not to exceed what Parents actually paid for room/board and mental health services.</p>

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

Student, born March 18, 1995, is a child who was designated as Special Education student who met the criteria to be identified as a student with Emotional Disturbance. On or about November 2010, Student caused to be filed with the California Office of Administrative Hearings (OAH) a request for due process hearing on issues regarding Student's educational program. At issue was the residential placement DMH and LAUSD offered to Student pursuant to his Individualized Educational Plan (IEP) of December 2010. At that meeting DMH recommended residential placement as the most appropriate and least restrictive setting for Student to receive the level of mental health services necessary to support his educational placement. DMH and LAUSD offered placement at the Heritage Center in Utah.

Student declined to accept the offer of Heritage Center in Provo, Utah, as his Free and Appropriate Public Education (FAPE) as he had been enrolled at Boulder Creek Academy, located in Idaho, by Parents prior to the DMH AB3632 Mental Health Assessment of 2010. Parents refused to move Student, citing that it would be detrimental to disrupt the treatment program that Student was close to completing.

**Zachary S. v. Los Angeles Unified School District; Los Angeles County Department of Mental Health**

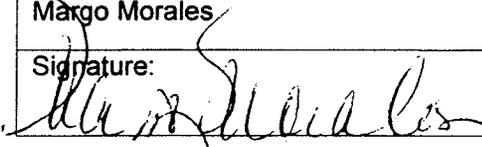
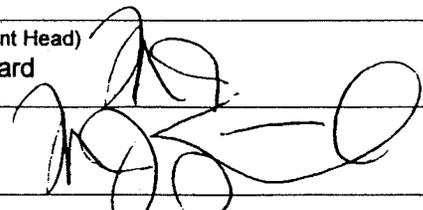
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

None identified. Student presented with a confluence of emotional and behavioral symptoms, which entitles him under State and Federal laws to appropriate levels of services, including mental health services, in order to enable him to access and benefit from his special education program. Given the current state of special education law and previous court decisions which have supported reimbursements to Parents, who are not held to the same statutory requirements for providing special education and related services as the corresponding public agencies, it would have been difficult for DMH and the school district to have prevailed in the administrative hearing and any subsequent court review.

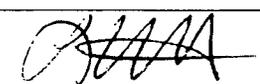
Resolving this case prior to an administrative hearing provided a cap on the amount of the reimbursement to Parents, and eliminated the possibility of an order from OAH for any damages or other compensatory services and related costs and fees, including attorneys fees that would have been incurred had the matter proceeded to hearing.

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)

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- 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) Margo Morales	
Signature: 	Date: 07/11/11
Name: (Department Head) Marvin J. Southard	
Signature: 	Date: 7.20.11

**Chief Executive Office Risk Management**

Name: LEO COSTANINO	
Signature: 	Date: 7/15/2011

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**August 1, 2011**

**1. Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 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 and John Krattli. Laurie Milhiser was absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Roger Granbo, Robert Reagan, Karen Lichtenberg, Lawrence Green, Manuel Valenzuela, and Rose Belda; Sheriff's Department: Lt. Pat Hunter; Chief Executive Office: Fern Taylor; Department of Mental Health: Margo Morales and Shelli Amber Weekes; Fire Department: Michael Kranther; Department of Human Resources: David Kim; Outside Counsel: Christy O'Donnell.

**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 9:40 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

**4. Report of actions taken in Closed Session.**

At 11:45 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Avery Cody Sr., et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. TC 023 947**

This wrongful death lawsuit concerns the use of lethal force by a Sheriff's Deputy.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

Vote: Unanimously carried  
Absent: Laurie Milhiser

b. **I-Yin Aoki, et al v. Los Angeles County Sheriff's Department and Ron Blankenbaker**  
**Los Angeles Superior Court Case No. GC 44276**

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$57,500.

Vote: Unanimously carried  
Absent: Laurie Milhiser

c. **Carol Whittington v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. MC 021 448**  
**Claim of Chermaine Fontenette**

These claims arise from injuries sustained in a vehicle accident involving an employee of the Fire Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$53,000.

Vote: Unanimously carried  
Absent: Laurie Milhiser

d. **One Case – (Case Under Seal)**

Action Taken:

The Claims Board approved settlement of this matter. The substance of the settlement will be disclosed upon inquiry after the seal is lifted.

Vote: Unanimously carried  
Absent: Laurie Milhiser

e. **Audit of Time Warner Cable Franchise Areas**

This matter concerns cable franchise payments owed to the County by Time Warner.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$140,000.

Vote: Unanimously carried  
Absent: Laurie Milhiser

f. **Suzana Jones v. County of Los Angeles and  
Charles Ellis v. County of Los Angeles (Cross-Complaint)  
Los Angeles Superior Court Case No. BC 432 024**

These matters concern allegations of sexual harassment by an employee of the Department of Mental Health.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlements of these matters in the total amount of \$275,000.

Vote: Unanimously carried  
Absent: Laurie Milhiser

6. **Approval of the minutes of the July 14, 2011 special meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Unanimously carried  
Absent: Laurie Milhiser

7. **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.**

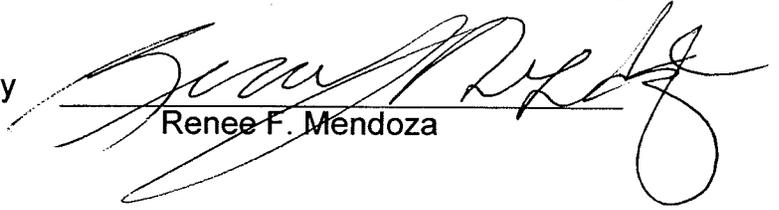
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 11:51 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

A handwritten signature in black ink, appearing to read "Renee F. Mendoza", written over a horizontal line.

Renee F. Mendoza