

**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, SEPTEMBER 16, 2013, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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. **Accent Builders, Inc. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 486 315**

This lawsuit seeks compensation from the Department of Public Works for additional work performed during the course of a construction project.

**Action Taken:**

The Claims Board approved settlement of this matter in the amount of \$64,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

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

**b. George Norton v. Nick Vavakin, et al.  
Orange County Superior Court Case No. 30-2012-00575201**

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 \$70,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Pat Wu

**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 19, 2013, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[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	Accent Builders, Inc. v. County of Los Angeles, et al.
CASE NUMBER	BC486315
COURT	Los Angeles Superior Court, Central Civil West
DATE FILED	June 11, 2012
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 64,000
ATTORNEY FOR PLAINTIFF	John Logan Hunter, Hunter Molloy Salcido, LLP
COUNTY COUNSEL ATTORNEY	Deputy County Counsel Talin Halabi
NATURE OF CASE	<p>Plaintiff Accent Builders filed this action against the County to recover \$200,000 it expended in repairing the cracks that had occurred on the concrete overlays applied by Accent during the seismic retrofit of the Soto Street Bridge.</p> <p>Accent contends that the repairs were necessitated by the County's faulty plans and specifications, County's failure to adequately supervise the Project, and County's approval of the concrete mix design.</p>

Accent and the County reached a settlement, subject to the approval of the Claims Board, in the amount of \$64,000 at the conclusion of the June 11, 2013, Mandatory Settlement Conference before Judge Anthony Mohr.

PAID ATTORNEY FEES, TO DATE	\$	54,000
PAID COSTS, TO DATE	\$	3,300



## 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:	March 10, 2011, Accent Builders filed a government claim regarding Accent's proposal to substitute shotcrete for cast-in-place concrete for the seismic retrofit of the Soto Street Bridge over the Los Angeles River in the City of Vernon.
Briefly provide a description of the incident/event:	Accent's claim was based upon the contention that the cracking of the shotcrete resulted from faulty design by the County and that County's plans failed to provide the minimum reinforcement necessary to distribute shrinkage.

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

Accent's proposal to substitute shotcrete for cast-in-place concrete included information on projects where shotcrete had been applied by Accent's affiliated company, Superior Gunite (Superior), and included a representation guaranteeing Superior's quality of work and the ability of its craftsmen. Shortly after the application of the shotcrete, hairline cracks began to appear on the concrete and, as the Project continued, the cracks became more prevalent, thicker, and deeper. Accent took various measures to prevent future cracking. Despite these measures, cracks continued to appear.

Following several meetings and correspondence between Accent and the County regarding the cause of the concrete cracking in the other piers and a possible repair methodology, the County required Accent to repair the cracks utilizing epoxy injection in conformance with Caltrans Standard Special Provisions.

Accent applied the epoxy injection to the cracks and filed a claim.

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

The settlement of this lawsuit is a business decision to avoid the costs and risks of proceeding to trial. The genesis of this lawsuit was the Contractor's failure to adhere to the quality requirements of the contract and their Value Engineering proposals.

By September 1, 2013, a memorandum will be prepared and distributed to Construction Division staff tasked with project construction management responsibilities, which will establish a Divisional policy as it applies to reviewing, considering, and accepting Value Engineering Cost Proposals (VECP). The VECP policy will establish basic criteria to evaluate merits of a VECP and, lastly, the steps that would be taken to memorialize and apply the VECP to an amended contract.

3. Are the corrective actions addressing Departmentwide system issues?

Yes – The corrective actions address Departmentwide system issues.

County of Los Angeles  
Summary Corrective Action Plan

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No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) <i>Steven G. Steinhoff</i>	
Signature: <i>S.G. Steinhoff</i>	Date: 7-31-2013

Name: (Department Head) <i>Gail Farber</i>	
Signature: <i>Gail Farber</i>	Date: 8-1-13

**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have Countywide applicability.  
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) <i>LEO COSTANTINO</i>	
Signature: <i>[Signature]</i>	Date: 8/19/13

MH:psr  
P4:ACCENT BUILDERS SCAP



# COUNTY OF LOS ANGELES CLAIMS BOARD

## MINUTES OF REGULAR MEETING

August 19, 2013

### 1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Brian Chu, Richard Kudo, Liliano Campos and Jennifer Lehman; Department of Health Services: Timothy Van Natta, Kim Wright, Kim McKenzie and Arun Patel; Public Library: James Allen and Lupe Hoxworth; and Sheriff's Department: Lt. Patrick Hunter and Sgt. Bruce Cantley.

### 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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

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

At 11:23 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

#### a. Anthony Fernandez v. County of Los Angeles Los Angeles Superior Court Case No. TC 025 729

This medical negligence lawsuit arises from injuries sustained by a patient while hospitalized at the Harbor-UCLA Medical Center.

#### Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000 plus waiver of the County's medical bills in the estimated amount of \$4,205.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

b. **Claim of Hendrickson Trucking, Inc.**

This claim seeks compensation for property damaged in an automobile accident with a Public Library vehicle.  
(Continued from the regular meeting of August 5, 2013.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$28,316.51.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

c. **Gerald Long, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. YC 067 597**

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 \$50,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

d. **Robert Herrera, et al. v. Los Angeles County Sheriff's Department, et al.**  
**Los Angeles Superior Court Case No. VC 060 635**

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 \$49,999.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu



- e. **Evans Tutt v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 11-06126 SJO**

This lawsuit concerns allegations of excessive force and federal and State civil rights violations.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the August 5, 2013, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

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 11:26 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson  
Carol J. Slosson