

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 5, 2019, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera and Adrienne Byers.

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. **Benjamin Devitt, et al. v. Department of Animal Care and Control, et al.
Los Angeles Superior Court Case No. BC 568 584**

This lawsuit alleges the Department of Animal Care and Control breached a mandatory duty causing decedent's death.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,100,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

See Supporting Document

- b. **J.C. v. Los Angeles County Department of Children and Family Services, et al.
Los Angeles Superior Court Case No. BC 615 628**

**T.L.C., et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 615 628**

These consolidated lawsuits concern allegations of sexual abuse of minor children while in foster care.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

See Supporting Documents

c. **Auston May and Ashton May v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 627 973

This lawsuit concerns allegations of abuse of minor children while in foster care.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

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 July 15, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Abstaining: Steve Robles, Chair

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	Benjamin Devitt, et al. v. Department of Animal Care and Control, et al.
CASE NUMBER	BC568584
COURT	Los Angeles Superior Court
DATE FILED	January 5, 2015
COUNTY DEPARTMENT	Department of Animal Care and Control
PROPOSED SETTLEMENT AMOUNT	\$ 1,100,000
ATTORNEY FOR PLAINTIFF	William & Talitha Wegner, Esq., Davies & Wegner
COUNTY COUNSEL ATTORNEY	Armita Radjabian, Esq., Deputy County Counsel Jill Williams, Esq., Carpenter, Rothans & Dumont
NATURE OF CASE	Plaintiffs filed a wrongful death action and other torts alleging that the County defendants had notice of the dangerous dogs but failed to take appropriate steps and impound them. Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the cases in the amount of \$1,100,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 215,427
PAID COSTS, TO DATE	\$ 11,839

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	J.C. v. Los Angeles County Department of Children and Family Services, et al. T.L.C., et al., v. County of Los Angeles, et al.
CASE NUMBER	BC615628
COURT	Los Angeles Superior Court
DATE FILED	April 1, 2016
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	Tom Cifarelli, Esq. The Cifarelli Law Firm Alex Rosenberg, Esq. Rosenberg Law
COUNTY COUNSEL ATTORNEY	Jessie Lee Deputy County Counsel David J. Weiss, Esq. Law Offices of David J. Weiss George Chuang, Esq. George Chuang & Associates
NATURE OF CASE	Plaintiffs claim they were sexually and physically abused by their foster/adoptive mother and her biological children. Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$800,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 62,141
PAID COSTS, TO DATE	\$ 2,507



Case Name: J.C./T.L.C., et al. vs. COLA, 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:	2000 through 2014
Briefly provide a description of the incident/event:	Plaintiffs allege their civil rights were violated when DCFS negligently investigated allegations of child sexual and physical abuse in foster care, resulting in years of ongoing abuse. Plaintiffs also allege that DCFS breached its mandatory duties.

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

- A. The involved DCFS staff persons did not adhere to established standards or follow the protocols in place when conducting child welfare investigations;
- B. Line managers did not adhere to established standards of supervision when reviewing/approving the work of subordinate social work staff.

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

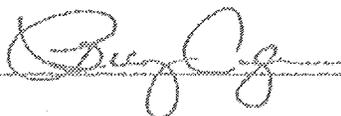
- A. The Department had relevant policies and procedures in effect at the time of the incident and continues to ensure that its protocols assist its workforce in providing appropriate and legally-sufficient child welfare services. Relevant training has been made more accessible to social work staff persons and a mechanism for tracking completion of such trainings has been implemented;

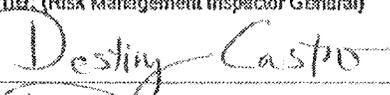
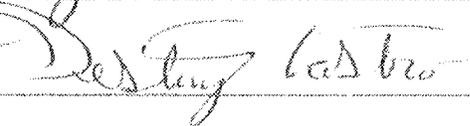
B. In 2018, the Department commissioned a robust and comprehensive administrative review which revealed a number of concerns in the handling of child abuse investigations involving the Plaintiffs as children. Administrative action is pending and/or yet to be determined.

3. Are the corrective actions addressing department-wide system issues?

- The corrective actions address department-wide system issues
 The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Diane Iglesias, Senior Deputy Director	
Signature: 	Date: 7/3/19

Name: (Department Head)	
BOBBY D. CAGLE, DIRECTOR 	
Signature:	Date: 7/3/19

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
	
Signature: 	Date: 7/9/2019

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Auston and Ashton May v. County of Los Angeles, et al.
CASE NUMBER	BC627973
COURT	Los Angeles County Superior Court
DATE FILED	July 22, 2016
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Pamela Dansby-Darden
COUNTY COUNSEL ATTORNEY	Katherine Bowser
NATURE OF CASE	<p>Plaintiffs allege that DCFS employees failed to uncover and protect them from physical and emotional abuse by their former foster mother.</p> <p>Due to the high risk and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$500,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 45,544
PAID COSTS, TO DATE	\$ 10,710

Case Name: Auston and Ashton May, et al. vs. County of Los Angeles, et al.



Summary Corrective Action Plan

CONFIDENTIAL

Information contained in this document is privileged & confidential under various California and United States laws that may include, but are not limited to California Welfare and Institutions Code §§ 827 & 10850 AND/OR California Government Code Section §6254 & California Evidence Code §1151.

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:	2009 -- 2011 (Plaintiffs claim years-long abuse)
Briefly provide a description of the incident/event:	Plaintiffs contend that a Supervising Children's Social Worker (SCSW) with the Department of Children and Family Services (DCFS) resided in the home of their Legal Guardian, who abused them. Plaintiffs allege that the SCSW failed to intervene, ignored their abuse, and failed to fulfill her responsibilities as a mandated reporter.

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

- A. During the time Plaintiffs resided with their Legal Guardian, the Department had policies, practices and procedures in place respecting child safety, responsibilities of mandated reporters to report known or objectively reasonable suspicions of child abuse and/or neglect;
- B. During the time Plaintiffs resided in the home of their Legal Guardian, the Department had policies, practices and procedures in place respecting behavior/conduct constituting a conflict-of-interest and an individual employee's responsibility to report known or potential conflicts-of-interest to their Office Head in writing.

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

- A. The Department conducted a full and impartial investigation and determined that the involved staff person failed to fulfill her obligation as a mandated reporter, which includes, but is not limited to reporting to the Child Protection Hotline (CPH) known or objectively reasonable suspicions of child abuse and/or neglect. The Department acted in accordance with those administrative findings by terminating the involved staff person's employment. She resigned in lieu of discharge;
- B. The Department conducted a full and impartial investigation and determined that the involved staff person violated the Department's Conflict-of-Interest Policy, resulting in termination of employment. She resigned in lieu of discharge;
- C. In an effort to ensure its needs are met and help reduce the likelihood of recurrence, the Department will evaluate its existing Conflict-of-Interest policy to determine whether revisions are necessary.

3. Are the corrective actions addressing department-wide system issues?

- The corrective actions address department-wide system issues
- The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

DIANE IGLESIAS, SENIOR DEPUTY DIRECTOR

Signature:



Date:

5/8/19

Name: (Department Head)

BOBBY D. CAGLE, DIRECTOR

Signature:



Date:

5/8/19

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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 County-wide applicability.
- No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

July 15, 2019

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Arlene Barrera and Adrienne Byers, with Chair Steve Robles being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Millicent Rolon, Patrice Salseda, Kelsey Nau, and Camille Granville Townsend; Sheriff's Department: David Sprengel, Kevin Percy, Gerald Wacker, and Dan Dyer; Department of Public Social Services: Simone Agee; Outside Counsel: Jeffrey Goldman.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f).

4. Report of actions taken in Closed Session.

At 10:38 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Priscilla Anderson v. County of Los Angeles, et al.
United States District Court Case No. 2:18-CV-02753**

This lawsuit alleges federal civil rights violations including assault, battery, negligence, false imprisonment, and negligent hiring, training and retention.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$97,500.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

b. Claim of Sierra-Cedar, Inc.

This claim concerns an alleged breach of contract with the Los Angeles County Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$394,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

**c. Monica Perez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 663 631**

This dangerous condition lawsuit arises from alleged injuries sustained as a result of a slip and fall at a Department of Public Social Services building.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$62,500.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

**d. Sharon Benjamin v. County of Los Angeles
Los Angeles Superior Court Case No. BC 620 632**

This lawsuit concerns allegations made by an employee from the Department of Mental Health who claims that the County discriminated against her.

Action Taken:

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

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

e. **Claim of Jerry Sefiane**
County of Equity Investigations Unit Complaint No.
CEIU_2018_12604

This County of Equity Investigations Unit Complaint concerns allegations that an employee of the Department of Mental Health was subjected to sexual harassment and inappropriate conduct.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$92,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

f. **Neydi Abrams v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV02132

This lawsuit concerns allegations made by an employee from the Department of Mental Health who claims that the County discriminated against her.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$85,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

5. **Approval of the minutes of the July 1, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

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 10:40 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek Stane