

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, MAY 19, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

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.. Ron Ramirez v. County of Los Angeles
USDC Case No. CV 07-05873 GHK

This lawsuit concerns allegations that the Office of Public Safety violated federal law by not compensating two employees for overtime.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$120,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Human Resources - Office of Public Safety budget.

Absent: None

Vote: Unanimously carried

- b. Amanda O. v. Palos Verdes Peninsula Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2008010377

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,797.99.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Rebecca H. v. Las Virgenes Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2007120286

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$84,675.71.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. Spencer B. v. William S. Hart Union High School and Los Angeles County Department of Mental Health
Case No. N2007110747

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

[See Supporting Documents](#)

Action Taken:

This matter was continued to the next Claims Board meeting.

Absent: None

Vote: Unanimously carried

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 for the May 5, 2008, meeting of the Claims Board.

Action Taken:

The Minutes for the May 5, 2008, meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[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	<u>Amanda O. v. Palos Verdes Peninsula Unified School District and Los Angeles County Department of Mental Health</u>
CASE NUMBER	California Special Education Hearing Office (Case No. N2008010377)
COURT	Not applicable
DATE FILED	May 23, 2007
COUNTY DEPARTMENT	County Counsel
PROPOSED SETTLEMENT AMOUNT	\$37,797.99
ATTORNEY FOR PLAINTIFF	Wyner & Tiffany
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Amanda O., in the Palos Verdes Peninsula Unified School District ("PVPUSD") who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Specifically, parents requested reimbursement from both PVPUSD and DMH for costs pertaining to expenses

parents incurred from September 1, 2007 through and including December 19, 2007 as a result of parents' unilateral residential placement of Amanda. A mediation was held and resolution was reached whereby DMH agreed to reimburse plaintiffs for a portion of their attorney fees and reimbursement of residential placement fees not to exceed the amount DMH would have paid to the residential facility it recommended.

PAID ATTORNEY FEES, TO DATE None

PAID COSTS, TO DATE None



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:	May, 2007 to December, 2007
Briefly provide a description of the incident/event:	The case involves a Special Education Student, Amanda O., in the Palos Verdes Peninsula Unified School District who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Under various state and federal laws, an individual, such as Amanda, is entitled to appropriate levels of mental health services in order to enable her to access and benefit from educational services. Under these laws, it is the responsibility of the County, through DMH, to provide the mental health services necessary to achieve this goal. Further, an individual is entitled under these laws to an administrative determination as to whether she is receiving the services to which she is entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and DMH. The settlement is two-pronged. DMH agreed to pay a portion of the plaintiff's attorney fees claim in the amount of \$10,847.99. The second prong of the settlement was the residential placement component in which a settlement was reached with DMH agreeing to reimburse the plaintiff for the costs of providing residential treatment services to plaintiff in the amount of \$26,950.00

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

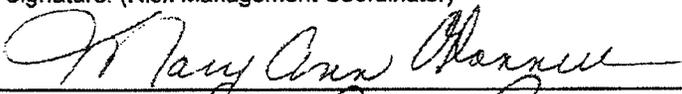
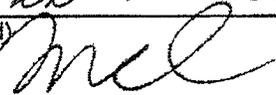
Parents assert unilateral right of residential placement of and repayment for out of pocket expenses for treatment of a special education student. Mediated administrative resolution.

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

None, since this is a compromise of parent's unilateral action.

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) 	Date: 5-6-08
Signature: (Department Head) 	Date: 3/7/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Rebecca H. v. Las Virgenes Unified School District and Los Angeles County Department of Mental Health</u>
CASE NUMBER	California Special Education Hearing Office (Case No. N2007120286)
COURT	Not applicable
DATE FILED	December 10, 2007
COUNTY DEPARTMENT	County Counsel
PROPOSED SETTLEMENT AMOUNT	\$84,675.71
ATTORNEY FOR PLAINTIFF	A2Z Educational Advocates
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Rebecca H., in the Las Virgenes Unified School District ("LVUSD") who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Specifically, parents requested reimbursement from both LVUSD and DMH for costs pertaining to expenses parents incurred from

November 2, 2006 through and including December 31, 2007 as a result of parents' unilateral residential placement of Rebecca. A mediation was held and resolution was reached whereby DMH agreed to reimburse plaintiffs for a portion of their attorney fees and reimbursement of residential placement fees not to exceed the amount DMH would have paid to the residential facility it recommended.

PAID ATTORNEY FEES, TO DATE None

PAID COSTS, TO DATE None



Summary Corrective Action Plan

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Date of incident/event:	August 2006 to December 2007
Briefly provide a description of the incident/event:	The case involves a Special Education Student, Rebecca H. in the Los Angeles Unified School District who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Under various state and federal laws, an individual, such as Rebecca, is entitled to appropriate levels of mental health services in order to enable her to access and benefit from educational services. Under these laws, it is the responsibility of the County, through DMH, to provide the mental health services necessary to achieve this goal. Further, an individual is entitled under these laws to an administrative determination as to whether she is receiving the services to which she is entitled. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and DMH. The terms of the settlement between the plaintiff and DMH are as follows: (1) payment of a portion of the plaintiff's attorney fees in the amount of \$21,500.00, (2) reimbursement to parents for counseling services for Rebecca H. in the amount of \$5000.00 and (3) reimbursement to parents for the costs of the residential placement of Rebecca H. in the amount of \$58,175.71.

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

Parents assert unilateral right of residential placement of and repayment for out of pocket expenses for treatment of a special education student. Mediated administrative resolution.

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

None, since this is a compromise of parent's unilateral action.

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>Mary Ann O'Connell</i>	Date: 5-07-08
Signature: (Department Head) <i>[Handwritten Signature]</i>	Date: 5/7/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Spencer B. v. William S. Hart Union High School District and Los Angeles County Department of Mental Health</u>
CASE NUMBER	California Special Education Hearing Office (Case No. N2007110747)
COURT	Not applicable
DATE FILED	November 27, 2007
COUNTY DEPARTMENT	County Counsel
PROPOSED SETTLEMENT AMOUNT	\$23,336.60
ATTORNEY FOR PLAINTIFF	Newman, Aaronson, Vanaman
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Spencer B., in the William S. Hart Union High School District ("HUSD") who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. Parents requested reimbursement from both HUSD and DMH for costs incurred pertaining to expenses parents incurred

for visitation with Spencer and for services parents provided at their own expense, during the time Spencer was home, awaiting placement. A mediation was held and resolution was reached whereby DMH agreed to reimburse plaintiffs for a portion of their attorney fees, the fees for plaintiff's consultant and to coordinate and fund services related to obtaining an updated assessment of Spencer's current clinical profile, including an assessment of the feasibility of a home-based support plan.

PAID ATTORNEY FEES, TO DATE None

PAID COSTS, TO DATE None



Summary Corrective Action Plan

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Date of incident/event:	December, 2005 to November, 2007
Briefly provide a description of the incident/event:	<p>The case involves a Special Education Student, Spencer B., in the William S. Hart Unified School District who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. Under various state and federal laws, an individual, such as Spencer, is entitled to appropriate levels of mental health services in order to enable him to access and benefit from educational services. Under these laws, it is the responsibility of the County, through DMH, to provide the mental health services necessary to achieve this goal. Further, an individual is entitled under these laws to an administrative determination as to whether he is receiving the services to which he is entitled.</p> <p>The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and DMH. The agreement between DMH and plaintiff is as follows: payment of plaintiff's consultant's fees (\$2,336.60) and a portion of plaintiff's attorney fees (\$21,000.00).</p>

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

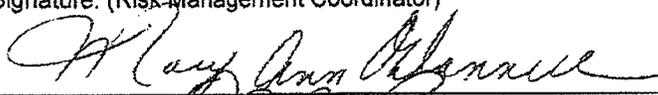
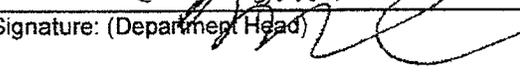
Parents assert unilateral right of residential placement of and repayment for out of pocket expenses for treatment of a special education student. Mediated administrative resolution.

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

None, since this is a compromise of parent's unilateral action.

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) 	Date: 5-6-08
Signature: (Department Head) 	Date: 5/7/08

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 5, 2008

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:05 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Fred Pfaeffle, Karen Taylor, Jocelyn Weiss, Steve Morris, Roger Granbo, Andrea Ross, Karen Lichtenberg, and Carole Suzuki; Chief Executive Office: Dawn McDivitt; Department of Children and Family Services: Jonathan Byers and Michelle Victor; Office of Affirmative Action: Hayward Harris; Probation Department: Tracy Jordon-Johnson; Department of Public Works: Allan Abramson and Adam Walden; Department of Mental Health: Zoe Tractenberg; Sheriff's Department: Lt. Patrick Hunter and Rob Taliento; Fire Department: Michael Kranther; Outside Counsel: Mike Vacchi of Peterson & Bradford, LLP and R. Scot Clifford of Laquer, Urban, Clifford & Hodge.

No members of the public addressed the Claims Board.

At 8:08 a.m., the Chairperson adjourned the meeting into closed session. At 10:55 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Gilbert Cavalcanti v. County of Los Angeles
Los Angeles Superior Court Case No. BC 349 946

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to employment discrimination and that the Department failed to accommodate the employee's disability.

The Claims Board approved settlement of this matter in the amount of \$60,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Colleen Sarayno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 366 792

This lawsuit concerns allegations that the Probation Department failed to engage in an adequate interactive process and did not provide reasonable accommodation for an employee's disability.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$550,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Probation Department's budget.

The vote of the Claims Board was unanimous with all members being present.

- c. Mark Nelson v. County of Los Angeles
Los Angeles Superior Court Case No. BS 091 319

This lawsuit concerns allegations that an employee of the Fire Department was subjected to a hostile work environment and retaliation.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$230,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Special Districts General Liability Trust Fund.

The vote of the Claims Board was unanimous with all members being present.

- d. Florita Perry v. County of Los Angeles
Lancaster Superior Court Case No. MC 018 640

This lawsuit seeks compensation for gunshot wounds resulting from a Deputy Sheriff discharging his duty weapon.

The Claims Board approved settlement of this matter in the amount of \$75,000.

The vote of the Claims Board was unanimous with all members being present.

- e. Courtney T. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2007060256

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

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

The vote of the Claims Board was unanimous with all members being present.

- f. Claim of Verna Roosli

This claim seeks compensation for property damage allegedly caused by the operation of the Department of Public Works' Dominguez Gap Seawater Barrier Project.

The Claims Board approved settlement of this matter in the amount of \$65,000.

The vote of the Claims Board was unanimous with all members being present.

- g. Gibson Environmental Remediation

This matter concerns the remediation of environmental contamination at a former recycling and disposal facility which received used oil and contaminated soils from various County Departments.

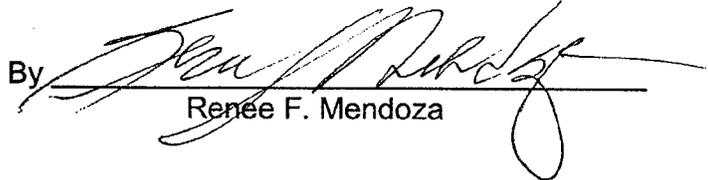
The Claims Board approved settlement of this matter in the amount of \$39, 997.

The vote of the Claims Board was unanimous with all members being present.

Minutes for the April 21, 2008, meeting of the Claims Board were approved.

There being no further business, the meeting was adjourned at 11:02 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Renee F. Mendoza