

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, JULY 6, 2015, AT 9:30 A.M.

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. Christopher Gray v. County of Los Angeles, et al.
United States District Court Case No. CV 13-07597

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$549,000.

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

[See Supporting Documents](#)

- b. Gerardo Rodriguez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 054 589

This lawsuit arises from alleged injuries sustained when an employee of the Department of Parks and Recreation ran over Plaintiff while driving a Department utility truck.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$375,000.

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

[See Supporting Documents](#)

- c. Tony Tajalli v. County of Los Angeles
Los Angeles Superior Court Case No. BC 382 596

This lawsuit concerns allegations that an employee of the Department of Public Works was subjected to retaliation, harassment, and discrimination based on age, national origin, and disability.

Action Taken:

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

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

- d. Silve Rodriguez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 504 543

This lawsuit alleges a breach of contract by an employee of the Department of Health Services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$48,000.

Vote: Ayes: 2 – John Naimo and Patrick Wu
Abstention: 1 – Steve Robles

- e. Umar Afridi v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 522 542

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination, harassment, and retaliation.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick 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 June 15, 2015, regular 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	Christopher Gray v. County of Los Angeles, et al.
CASE NUMBER	CV 13-7597
COURT	United States District Court
DATE FILED	October 15, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 549,000
ATTORNEY FOR PLAINTIFF	Olu K. Orange, Esq.
COUNTY COUNSEL ATTORNEY	Edward L. Hsu Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$549,000, the lawsuit filed by Plaintiff Christopher Gray alleging his civil rights were violated on August 23, 2012 and October 15, 2012 when he was falsely arrested and excessive force was used on him by Los Angeles Sheriff's Deputies.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$549,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 68,164
PAID COSTS, TO DATE	\$ 12,091

Case Name: Christopher Gray 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:	Thursday, August 23, 2012, at approximately 9:00 p.m. and Monday, October 15, 2012, at approximately 3:36 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Christopher Gray v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2015-009</p> <p>On Thursday, August 23, 2012, at approximately 9:00 p.m., plaintiff was arrested by two members of the Los Angeles County Sheriff's Department, East Los Angeles Station for the attempt to free two lawfully detained persons from the backseat of a Los Angeles County Sheriff's Department standard black-and-white patrol car.</p> <p>On Monday, October 15, 2012, at approximately 3:36 p.m., a member of the Los Angeles County Sheriff's Department detained the plaintiff for a violation of marijuana laws investigation. The plaintiff was given a warning and released.</p>

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

The root cause in this incident is the plaintiff's allegation members of the Los Angeles County Sheriff's Department violated his civil rights.

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 procedures/protocols in effect at the time of the incident.

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

This incident was thoroughly investigated by members from the Los Angeles County Sheriff's Departments East Los Angeles Station. In the course of the investigation, video recordings depicting some of the events on both days were discovered. Based on the content of the recordings, the incident was referred to the Los Angeles County Sheriff's Department's Internal Criminal Investigation and Internal Affairs bureaus.

The incident is now being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs and Internal Criminal Investigation bureaus to further explore the nature of the events and the deputies' actions. Since the investigation is still active, the results are not yet known.

On or before November 30, 2015, this corrective action plan will be supplemented with a report to include 1) the status or the results of the criminal investigation; 2) the status or the results of the administrative investigation; 3) any personnel-related administrative action taken or other corrective action measure(s) taken; 4) any systemic issues (e.g., training, curriculum, etc.) identified; and, 5) any other corrective action measure(s) identified and/or taken.

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

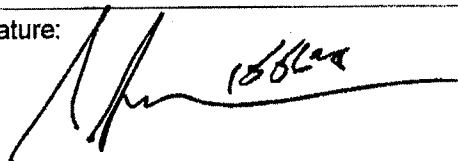
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



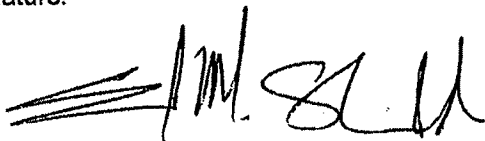
Date:

5-29-15

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

4/2/15

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)

Destiny Castro

Signature:

Destiny Castro

Date:

6/4/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Gerardo Rodriguez v. County of Los Angeles, et al.</u>
CASE NUMBER	PC054589
COURT	Los Angeles Superior Court
DATE FILED	February 14, 2013
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 375,000.00
ATTORNEY FOR PLAINTIFF	Juan J. Dominguez, Esq. Michael Alder, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE	<p>On June 19, 2012, a Department of Parks and Recreation maintenance worker, en route to a work location, accidentally drove a utility truck over the Plaintiff who was lying down in a shaded grass area of Veteran's Memorial Community Regional Park in Sylmar. The worker had veered off a concrete service path to avoid children who were crossing his path and drove the utility truck over Mr. Rodriguez at a speed of approximately five miles-per-hour. Mr. Rodriguez contends that the County's worker was negligent and that he sustained personal injuries as a result of the incident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 49,960
PAID COSTS, TO DATE	\$ 9,242

Case Name: Gerardo Rodriguez v. COLA



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:	06/19/2012
Briefly provide a description of the incident/event:	On June 19, 2012, an employee was driving County vehicle on a grassy terrain when he ran over the right shoulder, arm, and midsection of a patron who was lying on the grass on his stomach.

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

The investigating officer concluded that the employee was the primary cause of the accident for not noticing the patron.

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

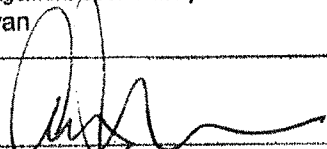
As a result of the accident, the following actions were taken:

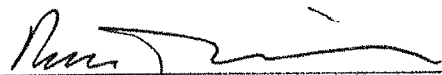
- Employee was immediately removed from operating County vehicles until he received driver training and until administrative action was imposed.
- On March 28, 2013, driving "off-road" safety recommendations were made to the field which included:
 1. Do not operate vehicles on grassy terrain or other active use areas unless you have a business reason to do so.
 2. Sound/tap horn every 30 seconds to alert the public of the approaching vehicle.
 3. Establish a "Circle of Safety" before leaving from a parked position.
 4. Backing up shall be avoided whenever possible.
 5. Avoid making right turns whenever possible.
 6. Berms or steep hills should be ascended or descended at obtuse angles.
(these recommendations were later written into a safety directive)

- Employee completed a behind the wheel driver evaluation training
- All employees driving County vehicles completed a mandatory online defensive driving course which for frequent drivers had an adaptive curriculum based on their job responsibilities.

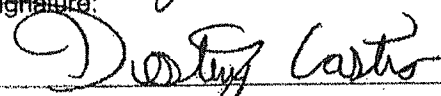
3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Anush Gambaryan	
Signature: 	Date: 6/2/2015

Name: (Department Head) RUSS GUINEY	
Signature: 	Date: 6-8-15

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

Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 6/1/2015

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JUNE 15, 2015

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: Steve Robles, and Patrick Wu, with Chair John Naimo being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Jenny Tam, Victoria Mansourian, Manuel Valenzuela, Joanne Nielsen, Millicent Rolon, Brian Chu, and Kevin Engeliem; Department of Public Works: Michael Hays; Department of Community and Senior Services: Cynthia Banks, Paul Goldman, Jorge Merchan and Jhony Acosta; Sheriff's Department: Sgt. Albert Schauburger and Sgt. Pauline Panis; and the Public Health Department: Ferdows Rashidian and Terri Williams.

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 9:31 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 10:50 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of City of Glendora

This claim seeks compensation from the Department of Public Works, Sewer Maintenance Division for real property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$23,988.89.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

b. **Claim of RTZ Associates, Inc.**

This claim seeks compensation for software maintenance services provided to the Department of Community and Senior Services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$87,500.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

c. **Claim of Mercury Insurance Group**

This claim seeks compensation from the Sheriff's Department for property damage paid to its insured following an automobile accident with a Sheriff's vehicle.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$23,584.12.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

d. **Frank Martinez v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-03825

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$190,000.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

e. **Maria Esther Cuevas, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 506 867

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Public Health.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

5. Approval of the minutes of the June 1, 2015, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Absent: Chair John Naimo

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 10:55 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson