



COUNTY OF LOS ANGELES
CLAIMS BOARD
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Oscar Valdez
Office of the Auditor-Controller
Steve Robles
Chief Executive Office
Adrienne M. Byers
Office of the County Counsel

NOTICE OF MEETING AND AGENDA

The Los Angeles County Claims Board will hold a regular meeting on **Monday, November 20, 2023, at 9:30 a.m.**, at the Kenneth Hahn Hall of Administration, 500 West Temple Street, Sixth Floor, Conference Room C, Los Angeles, California 90012. Members of the public who would like to listen to the open session of the meeting or would like to provide public comment may call (323) 776-6996, then enter ID 347 579 257# at 9:30 a.m. on November 20, 2023.

Reports of actions taken in Closed Session. The Los Angeles County Claims Board will report actions taken on any Closed Session Items on Monday, November 20, 2023, at approximately 10:35 a.m. Members of the public who would like to hear reportable actions taken on any Closed Session items may call (323) 776-6996, then enter ID 347 579 257# at 10:30 a.m. on November 20, 2023. Please note that these are approximate start times and there may be a short delay before the Closed Session is concluded and the actions can be reported.

TO PROVIDE PUBLIC COMMENT:

You may submit written public comments by e-mail to claimsboard@counsel.lacounty.gov or by mail to: Attention: Los Angeles County Claims Board, Executive Office, County Counsel, 500 West Temple Street, Los Angeles, California, 90012.

Written public comment or documentation must be submitted no later than 12:00 p.m. on Friday, November 17, 2023. Please include the agenda item and meeting date in your correspondence. Comments and any other written submissions will become part of the official record of the meeting.

If you wish to address the Los Angeles County Claims Board in person, you may come to the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012, and enter on the Second Floor. Please advise the security guard station personnel that you would like to attend the public portion of the Claims Board meeting and a security guard will escort you to the Sixth Floor where you will be assisted.

PUBLIC COMMENT: Public comment is limited to the specific items on the agenda and general public comment is limited to subject matters within the jurisdiction of the Claims Board.

SUPPORTING DOCUMENTATION: The Agenda and any supporting documents will be posted at <https://lacounty.gov/newsroom/public-information/los-angeles-county-claims-board/> and can be provided upon request. Please submit requests for supporting documents to claimsboard@counsel.lacounty.gov.

If you would like more information, please contact Claims Board Secretary Derek Stane at dstane@counsel.lacounty.gov or Laura Z. Salazar at lsalazar@counsel.lacounty.gov.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject-matter jurisdiction of the Claims Board.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9, subdivision (a)).
 - a. Maricela Salgado, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. 22PSCV00023

This lawsuit alleges the Internal Services Department improperly released funds for payment to plaintiffs' home improvement contractor; settlement is recommended in the amount of \$81,800.

[See Supporting Document](#)
 - b. Adam Brandy, et al. v. Alex Villanueva, et al.
United States District Court Case No. 20-CV-02874-AB-SK

This federal civil rights lawsuit against the Sheriff's Department and Department of Public Health alleges the COVID-19 Safer at Home Order violated gun rights and gun store owners Second Amendment rights; settlement is recommended in the amount of \$100,000.

[See Supporting Document](#)
 - c. Kristi Larsen v. Los Angeles County Sheriff's Department, et al.
Los Angeles Superior Court Case No. 18STCV00809

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department detective; settlement is recommended in the amount of \$350,000.
 - d. Stephanie Martinez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18STCV0065
(consolidated with BC689849)

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department deputy; settlement is recommended in the amount of \$2,250,000.

[See Supporting Documents](#)
4. Approval of the Minutes for the November 6, 2023, regular meeting of the Claims Board.

[See Supporting Document](#)
5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Maricela Salgado, et al. v. County of Los Angeles</u>
CASE NUMBER	22PSCV00023
COURT	Los Angeles Superior Court
DATE FILED	January 12, 2022
COUNTY DEPARTMENT	Internal Services Department (ISD)
PROPOSED SETTLEMENT AMOUNT	\$81,800
ATTORNEY FOR PLAINTIFF	Phillip Cook, Iris Pastore
COUNTY COUNSEL ATTORNEY	Michael Owens, Government Services
NATURE OF CASE	<p>This is a recommendation to settle a civil lawsuit brought by Plaintiffs for the total amount of \$81,800. The settlement is inclusive of all attorneys' fees and costs. Plaintiffs were seeking, through various causes of action, to nullify and rescind the Assessment Contract which forms the basis of the voluntary contractual assessment Plaintiffs entered into based in part on funds being improperly paid to Plaintiffs' home improvement contractor before the completion of the construction on their residential property.</p> <p>We anticipate County incurring at least an additional \$250,000 to take this matter through trial. Therefore, we join with our outside counsel in recommending a settlement of this matter in the amount of \$81,800.</p>
PAID ATTORNEY FEES, TO DATE	\$93,263
PAID COSTS, TO DATE	\$7,007

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Brandy, Adam et al. v. Alex Villanueva, et al.
CASE NUMBER	20-cv-02874-AB-SK
COURT	United States District Court
DATE FILED	March 27, 2020
COUNTY DEPARTMENT	Sheriff's Department/Department of Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 100,000
ATTORNEY FOR PLAINTIFF	George M. Lee, Esquire Seiler Epstein LLP
COUNTY COUNSEL ATTORNEY	Tyson Nelson Senior Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle a case brought by gun rights advocates and gun store owners for \$100,000 to avoid the future cost of potentially lengthy and expensive litigation. The case originated when the March 2020 COVID-19 Safer at Home Order required the closure of all non-essential businesses, and Sheriff Alex Villanueva then stated that gun stores were non-essential and had to close. Plaintiffs allege their Second Amendment rights to gun ownership and access to purchase guns and ammunition was interfered with by governmental action.
PAID ATTORNEY FEES, TO DATE	\$ 148,149
PAID COSTS, TO DATE	\$ 4,551

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Stephanie Martinez v. County of Los Angeles, et al.
CASE NUMBER	18STCV0065 (consolidated with BC689849)
COURT	Los Angeles Superior Court
DATE FILED	October 9, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2,250,000
ATTORNEY FOR PLAINTIFF	SEAN BANA, ESQ. Banafsheh Danesh & Javid PC
COUNTY COUNSEL ATTORNEY	RICHARD K. KUDO Principal Deputy County Counsel
NATURE OF CASE	<p>This case involves a multiple-vehicle collision that occurred on November 16, 2017, when a Sheriff's Department Ford Explorer sport utility vehicle driven by a Deputy Sheriff on southbound Indiana Street collided with a Honda Accord at the intersection of Whittier Boulevard in East Los Angeles. The Deputy Sheriff was responding Code 3 to a call for assistance. The collision caused the two cars to be redirected, out of control, in the direction of Stephanie Martinez who was crossing Indiana Street in a crosswalk on the southside of Whittier Boulevard. She was struck by both cars and knocked to the ground. Plaintiff claims injuries and damages from the incident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 77,408
PAID COSTS, TO DATE	\$ 37,047



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, November 16, 2017, at approximately 7:30 p.m.
Briefly provide a description of the incident/event:	<p>Summary Corrective Action Plan 2019-118</p> <p>On Thursday, November 16, 2017, at approximately 7:30 p.m., two Los Angeles County Sheriff's Department deputy sheriffs assigned to East Los Angeles Station were in a marked black and white patrol vehicle (a 2015 Ford Explorer) responding to an emergent assault with a deadly weapon, gunshot victim, call for service. The driver was a trainee and the passenger was the trainee's Field Training Officer. As the deputy sheriffs travelled southbound on Indiana Street (a road with one lane in each direction) approaching the intersection at Whittier Boulevard, they encountered vehicles that were stopped at a light that just cycled to a red-light. The deputy sheriffs activated their emergency overhead lights (but no siren) and drove into the opposing lane of traffic to get around the stopped vehicles. The deputy sheriffs entered the intersection southbound on Indiana Street and Whittier Boulevard against a red-light traffic signal, at approximately 14 miles per hour.</p> <p>A Metro Transit Authority (MTA) bus travelling eastbound in the number one lane of Whittier Boulevard was stopped before the intersection before the eastbound light turned green. A second vehicle was travelling eastbound in the number two lane of Whittier Boulevard. When the eastbound light turned green the second vehicle passed the MTA bus on its right side. The second vehicle entered the intersection on a green light, at approximately 15 miles per hour. The patrol vehicle and the second vehicle collided in the intersection. The passenger side front of the patrol vehicle struck the driver side front of the second vehicle.</p> <p>Note: The patrol vehicle system data indicated that during the initial impact with the second vehicle, the patrol vehicle throttle was at 36 percent and it was travelling at 14 miles per hour. After the initial impact, the patrol vehicle throttle increased to 100 percent and the vehicle's speed increased to 22 miles per hour.</p> <p>Based on the direction the involved vehicles were traveling before the collision, the MTA bus obstructed both drivers ability to see each other as they entered the intersection.</p> <p>The impact of the collision caused the patrol vehicle to veer in a southeast direction. The patrol vehicle grazed the first pedestrian as she was walking in the crosswalk on the south side of Whittier Boulevard. The patrol vehicle continued to travel southeast, striking and going over the concrete curb. The patrol vehicle continued onto the sidewalk and struck the plaintiff (second pedestrian) and her two children (the third and fourth pedestrians, 7 and 9 years old, respectively).</p>

	<p>The patrol vehicle continued moving southeast along the sidewalk where it struck and bounced off the side of a building. The patrol vehicle continued to move northeast where it struck a fifth pedestrian on the sidewalk. The patrol vehicle continued moving and struck a cement trash receptacle which dislodged and struck a sixth pedestrian. The patrol vehicle continued moving northeast off the curb and back into the street and ultimately came to rest in the eastbound number one lane of Whittier Boulevard.</p> <p>After the initial collision, the second vehicle rotated clockwise as it travelled in a southeast direction. The second vehicle also struck the first pedestrian and stopped moving when it collided with a third vehicle that was stopped at a red-light, facing north on Indiana Street.</p> <p>Emergency medical response was requested to the location. The third pedestrian was pronounced deceased at the scene. The plaintiff and the fourth pedestrian sustained significant life-threatening injuries and were transported to Los Angeles County - University of Southern California Medical Center for their injuries. The fourth pedestrian succumbed to his injuries.</p> <p>The driver of the second vehicle refused medical treatment at the scene. The first pedestrian was pregnant and sustained minor injuries, but refused to go to the hospital stating she would seek medical treatment on her own. The driver of the third vehicle and its six passengers indicated they had complaint of pain. The fifth pedestrian was transported to the hospital but was released a short time later. The deputy sheriffs were transported to the hospital and were later released with minor injuries.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the driver deputy sheriff entered into the intersection against a red light with the emergency vehicle lights on, but no siren.

An additional **Department** root cause of this incident was the driver deputy sheriff failed to clear lane-by-lane in the intersection before proceeding.

Another **Department** root cause in this incident was the patrol vehicle accelerated after the initial collision which contributed to additional collisions with several other objects and pedestrians.

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

Traffic/Criminal Investigation

The Los Angeles Police Department (LAPD) Traffic Coordination Section Multi-Discipline Collision Investigation Team (TCS/MCIT) conducted the collision investigation of this incident. The investigation concluded and the results of the report were presented to the Los Angeles County District Attorney's (DA's) Office for filing considerations.

On November 16, 2018, the Los Angeles County District Attorney's Office declined filing criminal charges against the driver deputy sheriff and the criminal case was closed. The District Attorney's Office stated they "found insufficient evidence to prove that" the deputy sheriff "committed the crime of vehicular manslaughter."

Administrative Investigation

Sheriff's Department's Internal Affairs Bureau (IAB) is investigating this incident to determine if any administrative misconduct occurred before, during, or after this incident.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigation statute dates. When the IAB investigator finishes the case, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented for executive review and adjudication.

Administrative Action – Traffic Review

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

Pursuant to the Los Angeles County Sheriff's Department Manual of Policy and Procedures 3-09/070.45, Corrective Action, appropriate administrative action will be taken upon completion of the Internal Affairs investigation.

Station Traffic Collision Assessment and Review

As a result of this collision, East Los Angeles Station conducted a review of all traffic collisions for 2016 through 2018. Based on this review, it was determined there were 133 traffic collisions for this three - year period. Seventy-five of the traffic collisions were found to be preventable.

The following numbers represent the preventable traffic collisions per year for East Los Angeles Station:

- 2016- 24
- 2017- 31
- 2018- 20

No trend was recognized during this audit. The causes of the preventable collisions are indicated below:

- Inattention
- Following too closely
- Unsafe speed
- Unsafe backing
- Unsafe turning movement
- Unsafe lane change

East Los Angeles Station sends employees who have been involved in more than one traffic collision to related Department training, such as the Sheriff Traffic Accident Reduction (S.T.A.R.) driving program.

County of Los Angeles
Summary Corrective Action Plan

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)

Shawnee Hinchman, Captain
Risk Management Bureau

Signature:



Date:

11-02-2023

Name: (Department Head)

Myron Johnson, A/Assistant Sheriff
Patrol Operations

Signature:



Date:

11/2/2023

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Signature:

Daniela Prowizor

Date:

11/2/2023

LOS ANGELES COUNTY CLAIMS BOARD

MINUTES OF REGULAR MEETING

November 6, 2023

1. Call to Order.

The meeting of the Los Angeles County Claims Board was called to order at 9:37 a.m. The meeting was held virtually with Claims Board Members participating in person and online. Claims Board Members Chair Steve Robles, and Oscar Valdez appeared in person and via video conference. Adrienne M. Byers was absent.

All other persons present at the virtual Claims Board meeting: Eva Chu, Peter Bollinger, Carrie Clarke, Kevin Engelen, Tyson Nelson, and Richard Kudo appeared for the Office of the County Counsel. Shanese Winfrey, Renata Phillip, Crystal Miranda, Shawnee Hichman, John Lecrivain, Travis Morrow, Jose Mendoza, Marco Soto, and Tenaya Brown appeared for the Sheriff's Department. Carmen Banks, Chereise Martin, and Marybeth Parker appeared for the Probation Department. Jolina Abrena appeared for Leibert Cassidy Whitmore, LLP. Christina Gasparian appeared for Hurrell Cantrell, LLP. Janet Keuper appeared for Seki, Nishmura, and Watase, LLP.

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 appeared in person or were on the public teleconference phone line to address the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9, subdivision (a)).

At 9:37 a.m., Board Chair Steve Robles convened the meeting in closed session to discuss the items listed below as 4(a) through 4(e).

4. Report on Actions Taken in Closed Session.

No members of the public were present to hear the reportable actions of the Claims Board.

At 10:42 a.m., the Claims Board reconvened in open session via video conference and reported the actions taken in closed session as follows:

a. Kim Zetter v. County of Los Angeles Los Angeles Superior Court Case No. 20STCP02456

This petition for writ of mandate against the Registrar-Recorder/County Clerk involves the production of documents regarding the 2020 Presidential Primary Election.

Action Taken:

The Claims Board approved settlement of Item 4.a. in the amount of \$72,500.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

**b. Julio Gomez v. County of Los Angeles, et al.
United States District Court Case No. 2:22-CV-06250**

This federal civil rights lawsuit against the Sheriff's Department alleges excessive force.

Action Taken:

The Claims Board approved settlement of Item 4.b. in the amount of \$47,500.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

**c. Eder Daniel Macias Suarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV29600**

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department deputy.

Action Taken:

The Claims Board approved settlement of Item 4.c. in the amount of \$90,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

**d. Leticia Sanchez v. County of Los Angeles
Los Angeles Superior Court Case No. 18STCV08900**

This lawsuit arises from injuries allegedly sustained during the execution of a search warrant by the Sheriff's Department and the Probation Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.d. in the amount of \$1,750,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

**e. Wentzel Witzgall v. Lorena Rosales, et al.
Los Angeles Superior Court Case Number 20STCV48588**

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.e. in the amount of \$775,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

5. Approval of the Minutes for the October 16, 2023, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the October 16, 2023, meeting.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

6. Adjournment.

The meeting was adjourned at 10:45 a.m.

LOS ANGELES COUNTY CLAIMS BOARD

By

Derek Stane
Claims Board Secretary