

**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, DECEMBER 2, 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. **Jacqueline Arce, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 420 124**

This lawsuit arises from an alleged wrongful detention of minors by the Department of Children and Family Services.

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

[See Supporting Documents](#)

**b. Bonnie Chu v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 484 018**

This lawsuit concerns allegations that a former employee of the Department of Health Services was subjected to race and disability discrimination, harassment, and the failure to accommodate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,500.

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 November 18, 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	Jacqueline Arce, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC420124
COURT	Los Angeles Superior Court
DATE FILED	August 18, 2009
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ \$400,000
ATTORNEY FOR PLAINTIFF	Clayton Averbuck Jennifer Gysler Monroy, Averbuck & Gysler
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel Social Services Division
NATURE OF CASE	Plaintiff's allege the County and Department of Children and Family Services social workers violated their constitutional rights.
PAID ATTORNEY FEES, TO DATE	\$ \$94,077
PAID COSTS, TO DATE	\$ \$3,888

Case Name: Arce v. County of Los Angeles



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:	September 2008 through March 2009
Briefly provide a description of the incident/event:	The plaintiffs alleged that the County placed an improper hospital hold on their infant as the result of injuries to that child and that their three-year-old was illegally detained. Further, they alleged that they were harrassed until the dependency matter terminated and they refused further child welfare services.

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

The plaintiffs alleged that an improper hospital hold and warrantless detention occurred in the absence of exigent circumstances, consent or a legally obtained court order.

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

The Department continues to ensure that its protocols complement the current state of the law and assists its workforce in providing appropriate and legally-sufficient child welfare services.

The Department had relevant policies and procedures in effect at the time of the incident.


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)	
Signature:	Date:

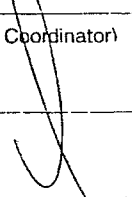
Name: (Department Head)	
Signature:	Date:

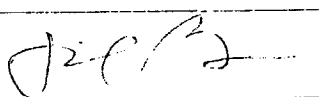
Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	9-30-13

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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)	
Brandon Nichols	
Signature:	Date:
	9-26-13

Name: (Department Head)	
PHILIP L. BROWNING	
Signature:	Date:
	10-7-13

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

Name: (Risk Management Inspector General)	
Signature:	Date:

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

November 18, 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: Jonathan McCaverty, Jenny Tam, and Rosemarie Belda; Sheriff's Department: Lt. Patrick Hunter and Sgt. Bruce Cantley; Department of Public Works: David Gonzalez; Department of Health Services: Edgar Soto; and Outside Counsel: Calvin House.

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(c) below.

4. Report of actions taken in Closed Session.

At 10:15 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Kysharie Thomas v. County of Los Angeles, et al. Los Angeles Superior Court Case No. TC 025 583

This lawsuit alleges assault and battery, negligence and State civil rights violations against Sheriff's Deputies.

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

b. Claim of Craig Nebeker

This claim seeks compensation from the Department of Public Works for real and personal property damage from a sewer blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$82,538.68.

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

**c. Shawnda Stewart v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 471 963**

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

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$145,000.

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

5. Approval of the minutes of the November 4, 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 10:20 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson