



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

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Steve Robles
Chief Executive Office
Roger H. Granbo
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold a regular meeting on **Monday, April 17, 2017, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

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 (Subdivision (a) of Government Code Section 54956.9).
 - a. Non-Litigated Claim of Los Angeles County Flood Control District Against BD Classic Enterprises, Inc.

This is a claim by the Los Angeles County Flood Control District for reimbursement against BC Classic Enterprises, Inc. for costs expended in the cleaning up and disposing of toxic and hazardous discharge that entered into the County's storm drain system arising out of a fire that originated at BD Classic Enterprises; settlement is recommended whereby the County will receive payment of \$475,000.

See Supporting Document

- b. Valentino Bocanegra, aka Jose Gonzalezbocanegra v. City of Palm Springs, et al.
Riverside Superior Court Case No. INC 1204308

This lawsuit alleges Plaintiff was falsely arrested based on a warrant for someone else and then incarcerated by the Sheriff's Department beyond the time he should have been held; settlement is recommended in the amount of \$395,000.

See Supporting Documents

- c. Eric Usher, III, a minor by and through his Guardian Ad Litem, Kathryn McGuigan v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 621 091

This lawsuit alleges civil rights violations and false imprisonment by Plaintiff against the Probation Department; settlement is recommended in the amount of \$125,000.

See Supporting Documents

- d. Olga Gutierrez v. County of Los Angeles.
Los Angeles Superior Court Case No. VC 064 684

This lawsuit alleges that an employee from the Registrar-Recorder/County Clerk was subjected to discrimination, harassment, and retaliation; authority is requested to make a statutory offer.

- e. Arnoldo Juarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 582 444

This lawsuit alleges that an employee from the Department of Public Health was subjected to retaliation, discrimination, and harassment based on race and national origin; settlement is recommended in the amount of \$350,000.

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the April 3, 2017, regular meeting of the Claims Board.

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.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of Los Angeles County Flood Control District against BD Classic Enterprises, Inc.
CASE NUMBER	Not Applicable
COURT	Not Applicable
DATE FILED	Not Applicable
COUNTY DEPARTMENT	Los Angeles County Flood Control District
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Michael Wroniak Collins Collins Muir + Stewart LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This matter arises out of a fire that erupted at BD Classic's facility in the City of Santa Fe Springs. As a result of firefighting efforts, substantial volumes of water used to douse the fire as well as hazardous materials and toxic substances emanating from BD Classic's facility (and possibly other facilities), flowed into the Flood Control District's storm drain system. The Flood Control District incurred substantial costs for cleaning up the aftermath of fire for which it sought reimbursement from BD Classic. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ None yet
PAID COSTS, TO DATE	\$ None yet

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Valentino Bocanegra, aka Jose Gonzalezbocanegra v. City of Palm Springs, et al.
CASE NUMBER	INC1204308
COURT	Riverside Superior Court
DATE FILED	June 15, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 395,000
ATTORNEY FOR PLAINTIFF	Marvin H. Weiss, Esquire
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$395,000 a State-law false arrest, false imprisonment, assault and battery, and intentional infliction of emotional distress lawsuit filed by Valentino Bocanegra, also known as "Jose M. Gonzalezbocanegra," against the County, former Sheriff Leroy Baca, and former District Attorney Steve Cooley.</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 \$395,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 246,198
PAID COSTS, TO DATE	\$ 14,378

Case Name:

Bocanegra, Valentino (Jose) V. COLA

County of Los Angeles

Summary Corrective Action Plan

**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:	July 16, 2011
Briefly provide a description of the incident/event:	Plaintiff alleges he was mistakenly identified as the "person named" in the warrant, and that he presented evidence of his true identity to County personnel, but they did nothing. He also claims that an examination of his driver's license, social security number, fingerprints, and booking photos would have easily established the mistaken identification. He was detained in county jail for five days.

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

The Department root cause in this incident: LASD failed to independently verify warrant arrests that are made by outside agencies, just as the County independently verifies all warrant arrests made by LASD.

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

- **Warrant Arrest Verification Process**

Establish verification procedures during warrant arrest booking, and procedures for disputed warrants. During this process, Deputies and Outside Law Enforcement agencies will now proactively ask an Arrestee if he/she disputes the warrant. If not disputed by the Arrestee, the Arrestee will initial the warrant abstract. If disputed by the Arrestee the Deputy or Outside Law Enforcement agency will initiate the "Disputed Warrant Verification Form" process.

Case Name:	<u>Bocanegra, Valentino (Jose) V. COLA</u>
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County of Los Angeles
Summary Corrective Action Plan

- Re-Training of Verification Procedures for Disputed Warrants
Distribute a Field Operations (Patrol) Newsletter to re-familiarize deputies with the required procedures when an inmate claims that he/she is not the person described in the warrant they have been arrested and held on.
- Re-familiarization of the Disputed Warrant Verification Form
Briefing regarding the Disputed Warrant Verification Form

Completed

Responsible person: Assistant Sheriff Kelly Harrington

Case Name:

Bocanegra, Valentino (Jose) V. COLA

County of Los Angeles

Summary Corrective Action Plan

Name: (Risk Management Coordinator)
Commander Henry Romero

Signature:

Date:

1/18/17

Name: (Department Head)
A/Chief Mark A. McCorkle

Signature:

Date:

1/18/17

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)
CEO Destiny Castro

Signature:

Date:

1/18/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Eric Usher, III, a minor by and through his Guardian Ad Litem, Kathryn McGuigan v. County of Los Angeles, et al.
CASE NUMBER	BC 621091
COURT	Los Angeles Superior Court
DATE FILED	May 20, 2016
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Adolfo B. Garber, Esquire
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$125,000 a lawsuit filed by Eric Usher III, a minor, through his guardian ad litem, Kathryn McGuigan, against the County, Probation Department, Department of Children and Family Services, and a social worker alleging that Mr. Usher was falsely imprisoned for 28 days.</p> <p>Because of 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 \$125,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 5,702
PAID COSTS, TO DATE	\$ 1,495

Case Name: Case Name: Eric U. (A MINOR) – Los Angeles County Probation



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:	August 29, 2014
Briefly provide a description of the incident/event:	<p>Minor Eric U. was over-detained in Los Padrinos Juvenile Hall after being arrested by LASD deputies on August 29, 2014 for battery and violating terms of probation.</p> <p>Minor Eric U. was scheduled for a court hearing regarding his arrest on September 2, 2014 at which time the Pomona District Attorney rejected the case, a detaining order was not filed and a WIC 777 petition was requested on the minute order.</p> <p>In the absence of a detaining order, on September 2, 2014 IDC should have released minor Eric U. from custody and given notice to the juvenile hall and the case carrying Deputy Probation Officer (DPO) regarding the release.</p> <p>During his detention, minor Eric U. attempts to reach his Deputy Probation Officer (DPO) of record and his Social Worker with the Department of Children and Family Services (DCFS). The minor also attempts to contact his Placement staff at McKinley indicating that he has been overdetained. The DPO of record attempts to reach the minor at juvenile hall, however contact is not made. The DPO also attempts to reach the DCFS Social Worker as well as the court officer regarding the overdetainment.</p> <p>An arraignment and appearance hearing was scheduled by the court on September 30, 2014 at which time minor Eric U. was ordered released to a DCFS social worker.</p>

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

Root Cause A:

Intake and Detention Services (IDC) staff did not properly clarify and communicate the Minute Order instructions regarding minor Eric U.'s post-court status and did not release the minor as a result of a non-detainment status of the minor.

Root Cause B:

The DPO of record did not follow-up with the court officer, IDC staff and Los Padrinos Juvenile Hall staff regarding the status of minor Eric U. on a timely manner and appropriate and timely documentation regarding status checks and communications regarding the minor were not properly annotated in Probation Case Management System (PCMS).

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

Root Cause A:

IDC operations and desk will have a Lead Supervising Deputy Probation Officer (SDPOs) and appropriate back-up staff who will be responsible to document and communicate notices to all IDC SDPOs and DPOs regarding District Attorney case rejections. The same notice will be sent to the case carrying DPO and SDPO. The Lead IDC SDPO will ensure that all minors are released on the same day of their court date because of a case rejection and non-detention. If the minor cannot be released to a parent/guardian or social worker due to lack of availability, the minor will be housed in a temporary placement area in the Juvenile Hall until the parent/guardian or social worker is able to pick-up the minor. A log and tracking system will be maintained by the IDC Lead Desk, which will include all communications, orders and updates from the DA's office for future court dates or WIC 777 filings. Pending transactions will also be maintained in the log and IDC will update the log twice daily.

The IDC Lead SDPO will also communicate in writing with the DPO of record any subsequent court reports and filings ordered by the court or requested by the DA's office. This communication will also take place with the juvenile hall movement control staff.

Training and remedial training on these steps has been conducted. The IDC desk manual and policy manual are being updated to reflect all transactional requirements, which will also be utilized for training purposes on an annual basis. All new incoming IDC staff will be trained and oriented on the process. All staff (new or existing in IDC) will be expected to sign an acknowledgment that confirming receipt of training and policies related to the operations of IDC.

Movement Control and the Office of the Day (OD) at the respective Juvenile Halls will also be given notice of the status of a minor and any pending released or WIC 777 filings. The OD and Movement Control will maintain a log as well to ensure that all and any communications regarding the release or detention of a minor is properly annotated and in accordance to the orders of the Court, which is communicated by IDC's Lead Desk. This policy, procedure and process is being updated in the Detention Services Bureau desk manual and policy manual.

All staff directly involved in the E. Usher matter have received a worker/supervisor conference and have been provided remedial training.

Root Cause B:

The DPO of record will ensure that all and any communications received from the IDC desk is recorded in PCMS and the necessary and timely contacts and follow-up regarding minute order instructions are completed in full. Any unclear or non-descriptive order received by IDC will need to be discussed with the SDPO of the case carrying DPO. Clarification will be sought in writing from the IDC Lead Desk SDPO regarding any orders to release or detain and the need to complete a WIC 777 filing.

All and any contact made regarding a minor, with a minor or any other stakeholder regarding the minor will be properly recorded in PCMS. All attempted contact will also be recorded and logged in PCMS. If the minor has a dual-supervision social worker, updates regarding the minor will be provided in writing (email). Contact attempts and non-contact will also be documented in PCMS.

These operational and transactional steps and processes will be provided via training to all new case carrying DPOs. Remedial training will be conducted for all staff on a yearly basis. All policy and procedural updates will be noted in the respective operational desk manual and policy manual and will be communicated with all affected staff with signature of acknowledgements being kept on record.

A worker/supervisor conference took place with minor Eric U.'s DPO of record to address the lack of

County of Los Angeles
Summary Corrective Action Plan

follow-up and appropriate documentation of contact.

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

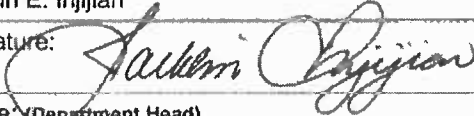
☐ Yes – The corrective actions address department-wide system issues.

☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Jacklin E. Injijian

Signature:



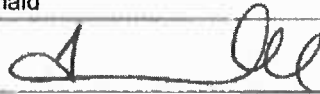
Date:

3/2/17

Name: (Department Head)

Terri L. McDonald

Signature:



Date:

3/6/17

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

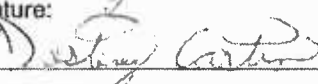
☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Carter

Signature:



Date:

2/24/2017

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

APRIL 3, 2017

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: Chair John Naimo, Steve Robles, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Jenny Tam, Lillian, Russell, Richard Kudo, Michael Gordon, Joseph Langton, Christopher Keosian, Kent Sommer, Eduardo Montelongo and Catherine Mathers; Department of Public Works: Martin Moreno and Dominic Osmena; Department of Parks and Recreation: David Waage and Hugo Maldonado; Sheriff's Department: Coronne Jacob, Ernest Chavez, Eric Parra, Vicky Stuckey, Stacy Morgan, April Carter, Kevin Percy, and Dominic Dannan; Department of Mental Health: Margo Morales and Yanela Sowlier; Department of Health Services: Karen White; and Outside Counsel: Armineh Megrabyan.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(i) below.

4. Report of actions taken in Closed Session.

At 10:54 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Oliver Balotro v. County of Los Angeles
Los Angeles Superior Court Case No. BC 580 878**

This inverse condemnation lawsuit against the Department of Public Works contends that a main line sewer backed up into Plaintiff's home as it was being remodeled.

Action Taken.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$154,205.76.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

**b. Tremell Thomas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 547 390**

This wrongful death lawsuit arises from an incident that occurred at the Jesse Owens Park swimming pool where Plaintiffs' son was found unconscious by County lifeguards.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$3,000,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

**c. Rosa M. Simon-Juan, et al. v. Bernabe Rios, et al.
Los Angeles Superior Court Case No. BC 577 676**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department employee and a pedestrian.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$430,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

**d. Arthur Jenkins, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 607 608**

This lawsuit concerns allegations of civil rights violations and excessive force by Sheriff's Deputies during a traffic stop.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

**e. Tara Jan Adams v. County of Los Angeles
United States District Court Case No. 15-CV-4501**

This lawsuit alleges that an employee from the Sheriff's Department was subjected to retaliation and denied promotional opportunities.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,275,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

f. **Virginia Jauregui v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 540 351

This lawsuit alleges that an employee from the Department of Mental Health was subjected to sexual harassment, retaliation, and that the Department failed to accommodate her disability and engage in the interactive process.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

g. **Katherine Berberian v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 593 549

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation, discrimination, and harassment based on disability and ancestry.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

h. **Gayane Shirvanyan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 560 386

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation, sexual harassment, and discrimination based on national origin and gender.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

i. **Scott Bricker v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 587 279

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$235,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

5. **Approval of the minutes of the March 20, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

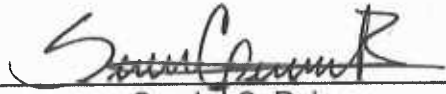
6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting 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 
Sandra C. Ruiz