

**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 1, 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. **John Ashrafian, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 479 718**

This lawsuit seeks compensation for damages to real and personal property allegedly caused by a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$89,511.37 (including pre-payments of \$8,546.02).

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

[See Supporting Documents](#)

b. Claim of Frank Martinez

This claim seeks damages for personal injuries sustained in an automobile versus pedestrian accident involving an employee of the Department of Community and Senior Services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$21,000.

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

[See Supporting Documents](#)

**c. Eleanor Mayate v. County of Los Angeles
Los Angeles Superior Court Case No. BC 487 169**

This lawsuit concerns allegations by an employee of the Department of Health Services for failure to pay overtime wages, failure to provide meal and rest breaks, and retaliation for requesting overtime.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

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 17, 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.**

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

June 17, 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, Jennifer Lehman, Karen Joynt and Roger Granbo; and Sheriff's Department: Lt. Patrick Hunter and Sgt. Bruce Cantley.

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(c) below.

4. Report of actions taken in Closed Session.

At 10:33 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Adrian McKoy v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 462 452**

This lawsuit concerns allegations of assault and battery, negligence, and civil rights violations by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

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

**b. Barbara Batchan for the Estate of Parrish Batchan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 423 702**

This wrongful death 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 \$750,000.

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

**c. Jason Terpstra v. County of Los Angeles, et al.
United States District Court Case No. CV 12-06354**

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$479,500.

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

5. Approval of the minutes of the May 20, 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 10:35 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of Frank Martinez
CASE NUMBER	N/A
COURT	N/A
DATE FILED	August 29, 2011
COUNTY DEPARTMENT	Community and Senior Services
PROPOSED SETTLEMENT AMOUNT	\$ 21,000
ATTORNEY FOR PLAINTIFF	John Oh John Oh Law Group
COUNTY COUNSEL ATTORNEY	Melissa McCaverty Deputy County Counsel
NATURE OF CASE	<p>On June 23, 2011, claimant Frank Martinez was walking in a marked crosswalk at the intersection of Grand Avenue and 28th Street, in the City of Los Angeles, when he was struck by a vehicle driven by a County employee.</p> <p>Mr. Ramirez claims to have sustained injuries as a result of the incident. Due to the uncertainties and risks of litigation, a full and final settlement is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

Case Name: Frank Martinez vs. 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:	June 23, 2011
Briefly provide a description of the incident/event:	<p>Provide a brief description of the incident/event:</p> <p>On June 23, 2011 at approximately 10:00am a Community and Senior Services (CSS) employee was leaving the Department of Public Social Services County parking lot located at 2707 S Grand Ave, Los Angeles CA 90007 driving his personal vehicle during the course and scope of his employment for the County on his way to visit a client at home. The CSS employee proceeded up Grand and attempted to make a left turn on 28th street when he struck the plaintiff crossing the street in a marked crosswalk. Witnesses of the accident called the local authorities.</p> <p>The plaintiff lost consciousness for an unknown amount of time and was thrown approximately 10-15 feet away from the crosswalk. The Plaintiff was transported to California Hospital Medical Center where he was diagnosed with multiple contusions, pain to his left knee and head trauma. He was released nine (9) hours later. The County employee stated that he was not injured and has not filed any claims regarding the accident. The plaintiff filed a claim on August 29, 2011 for bodily injury.</p>

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

The root cause is the County employee's failure to yield the right-of-way to a pedestrian in a crosswalk.

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

1. The Department will coordinate with the County of Los Angeles Sheriff Department to enroll the CSS employee into the next available eight (8) hour Civilian Driving Training Course, ensuring the training is completed no later than June 30, 2013. The subject training will include behind-the-wheel driving exercises covering the latest safe-driving and defensive driving techniques, concept of traffic laws and traffic signs.

Status (Completed). The CSS employee attended the 8 hour Civilian Driving Training Course on May 29, 2013. The CSS employee did not pass the Driving Training Course.

2. By June 30, 2013, the Department will consult with the advocacy personnel from Department of Human Resources to assess disciplinary or other appropriate personnel action on the CSS employee.

Status (In Progress). As an interim measure, the Department reassigned the CSS employee to desk duties effective June 3, 2013.

As a result of the Los Angeles County Sheriff's Department Defense Driving Course, the Sheriff's Department advised the Department, not to have the CSS employee drive any County vehicles nor let him drive any passenger on county business. The Sheriff's Department issued the CSS employee a Department of Motor Vehicle (DMV) retest slip requiring the CSS employee to retake the written and driving test administered by DMV. Pending the CSS employee DMV test results the Department will assess what appropriate personnel action to take.


3. By June 30, 2013, the Department will review all open vehicle claims on the County Open Liability Claims report and Departmental internal vehicle claim system for Fiscal Year 2012-13, to assess incident cause and fault, and determine the need for enrollment of the subject employees into the County of Los Angeles Sheriff Department (8) hour Civilian Driving Training Course.
4. By October 31, 2013, the Department will consult with the Chief Executive Office, Risk Management and Employee Relations divisions to develop, meet and confer with union (as needed), and implement a mandatory **Video Defensive Driving** policy and training course for all current Departmental Mileage Permittee's and Occasional Drivers. The proposed policy will include the following provisions:
 - a. Requirement for all new hires, including County employees transferring to the Department on a lateral or promotional basis, which are designated as a Mileage Permittee or Occasional Driver, to complete the **Video Defensive Driving** training within 10 business days of their appointment or incoming transfer.
 - b. Requirement that any CSS employee involved in an accident claim to complete the County of Los Angeles Sheriff Department eight (8) hour **Civilian Driving Training Course** by October 31, 2013.
 - c. Admonishment to employees that unsafe driving behavior leading to a vehicle or liability claim will be assessed for cause and fault, and appropriate corrective action (i.e. Discipline).
5. Upon implementation of the **Video Defensive Driving** policy, the Department will ensure that all Departmental Mileage Permittees and Occasional Drivers complete the Video Defense Driving training course by March 31, 2014.

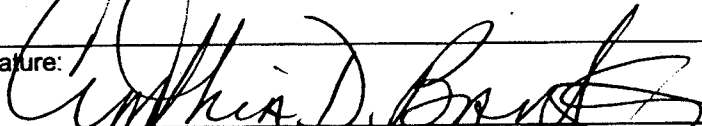
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

X Potentially has County-wide implications.

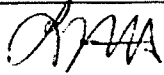
County of Los Angeles
Summary Corrective Action Plan

- Potentially have 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.

Name: (Risk Management Coordinator)	
Signature: 	Date: 6-12-13

Name: (Department Head)	
Signature: 	Date: 6-13-13

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 6-10-13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	John Ashrafian, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 479718
COURT	Los Angeles County Superior Court
DATE FILED	February 22, 2012
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 89,511.37
ATTORNEY FOR PLAINTIFF	John Ashrafian, in pro per Annie Ashrafian, in pro per
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	On August 28, 2011, a back-up of the sewer main line caused sewage overflow to flood into John and Annie Ashrafian's home located at 11325 Spy Glass Road, Whittier, California 90601. Mr. and Mrs. Ashrafian allege that their house and personal property were damaged by the sewage overflow. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 2,387
PAID COSTS, TO DATE	\$ 0

Case Name: JOHN AND ANNIE ASHRAFIAN



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 28, 2011
Briefly provide a description of the incident/event:	<p>On August 28, 2011, the main sewer line located near 11314 and 11325 Spy Glass Road, in the unincorporated Whittier area, experienced a backup that caused wastewater to flood the residences at the aforesaid locations. A Sewer Maintenance Division crew responded to the locations and observed overflow from Manhole No. 49 of Sewer Maintenance District Map C-2075. The crew also observed signs of a floodout into the bathrooms, bedrooms, and hallways at the residences.</p> <p>The Crew contained the overflow with a vactor and absorbent socks to prevent the wastewater from flowing into the storm drain catch basin. The crew also hydroed and rodded the main sewer line between Manhole Nos. 47 and 49 to relieve the stoppage, which was caused by heavy roots.</p>

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

The cause of the sewer backup was due to heavy roots in the main sewer line.


County of Los Angeles
Summary Corrective Action Plan

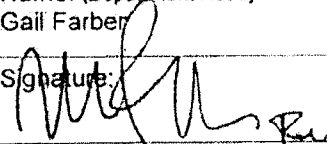
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This segment of the main sewer line was placed on a quarterly rodder periodic schedule to prevent future blockage and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. It will also continue to be inspected on a semi-annual basis.

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) Steven G. Steinhoff	
Signature: 	Date: March 21, 2013

Name: (Department Head) Gail Farber	
Signature: 	Date: 4/2/13

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 the department.

Name: (Risk Management Inspector General) Robert Wong for Leo Costantino	
Signature: 	Date: 7/4/13

RS:psrp4:YASHRAFIAN SCAP2