



Board Agenda Item 33

DATE: June 2, 2026

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Denying Applications for Leave to Present a Late Claim

RECOMMENDED ACTION(S):

- 1. Adopt Resolutions Rejecting Claims for Damages; and**
- 2. Adopt Resolutions Denying Applications for Leave to Present a Late Claim**

There is no increase in Net County Cost associated with the recommended actions. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with recommendations for action. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up to \$50,000 pursuant to Chapter 5.02 of the County's Ordinance Code. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. Claims exceeding that amount are referred to your Board after evaluation by the Claims Review Committee (CRC). The CRC considers various claim elements, which include jurisdiction, allocation of fault, immunities, and compliance with the Government Claims Act by claimants. The CRC consists of the Human Resources Director, Assistant Director of Human Resources, Risk Management staff, and a Chief Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management to be sufficient to pay the cost of investigating and defending the claim, and to pay any damages for which the County is liable.

After evaluation by the CRC, claims exceeding the authority of the Human Resources Director and the

County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

The CRC has reviewed the claims that are summarized briefly below, and rejection is recommended for each claim.

Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
GHC0087451	Brent Vansyoc
GHC0094514	Joel Viveros
GHC0095533	Mandy Garcia
GHC0095611	Natalee Rodriguez
GHC0095731	Edward Hernandez
GHC0095736	Daylend Apodaca
GHC0095737	Vincent Martinez
GHC0095738	Richard Lee Rojas Renteria
GHC0095792	Reynita Gonzalez
GHC0095816	Rona Junio
GHC0095817	Jose Acosta
GHC0095820	Thomas Huberty
GHC0095941	Regina Martinez
GHC0096027	Teaona Perry
GHC0096057	Brittany Maxwell obo A Minor
GHC0096062	Teng Xiong
GHC0096246	Sean Marsh
GHC0096349	Timothy Wilson
GHC0096393	Kayla Mouanoutoua
GHC0096489	Christian Aguilera Jr.
GHC0096491	Jose Nuno Robles
GHC0096607	David Gevondyan
GHC0096611	Melissa Jones
GHC0096613	Steven Van Taylor

Application for Leave to Present a Late Claim for Damages

<u>Claim No.:</u>	<u>Claimant</u>
GHC0095379	True North Detox, LLC dba First Steps Recovery
GHC0095537	Jasmine Ortega
GHC0096388	Jasmine Ortega

Summary of Claims

Brent Vansyoc - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was rear-ended by a Deputy Sheriff on State Route 41 close to the Adams Avenue exit in Fresno CA, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mark Nelson. This incident is alleged to have occurred in District 1.

Joel Viveros - Claimant claims \$30,444,000 and alleges the County unlawfully deprived him of his liberty through false imprisonment and wrongful felony prosecution, thereby violating his civil rights, which was the proximate cause of the claimant's injuries. Claimant alleges a Deputy District Attorney voluntarily executed a security agreement and failed to prosecute claimant according to law. Claimant is not represented by an

attorney. This incident is alleged to have occurred in District 3.

Mandy Garcia - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges she was improperly placed in the County Jail's general population rather than in lockdown, where she was assaulted, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Natalee Rodriguez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the County denied decedent Natalee Rodriguez access to behavioral health services and programs, ultimately contributing to her death, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jeremy Dobbins. This incident is alleged to have occurred in District 3.

Edward Hernandez - Claimant claims \$1,000,000 and alleges the Department of Child Support Services initiated child custody proceedings without affording claimant procedural due process, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Daylend Apodaca - Claimant claims in excess of \$1,000,000 and alleges an employee made an unsafe lane change near the intersection of 2nd Street and Whitson Street, Selma CA, and sideswiped his vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Alivia Abreu. This incident does not involve the County of Fresno because it is alleged to have involved a Fresno County Superintendent of Schools employee.

Vincent Martinez - Claimant claims in excess of \$1,000,000 and alleges he was near the property located at 2715 N. Del Mar Avenue, Fresno CA, when two dogs exited a home and began to viciously attack claimant, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Donald Stevenson. This incident does not involve the County of Fresno because the County is not responsible for privately owned animals.

Richard Lee Rojas Renteria - Claimant claims in excess of \$1,000,000 and alleges he was sitting on the curb of the sidewalk at or near 959 N. Parkway Drive, Fresno CA, when he was struck by a County vehicle that fled the scene, which was the proximate cause of the claimant's injuries. A notice of insufficient claim was mailed out to claimant's attorney because the claim failed to provide clear facts of loss that state how the County was allegedly involved, such as more information about the vehicle or the driver. An amended claim was not submitted by claimant's attorney. Claimant is represented by attorney Christopher Goodroe. This incident is alleged to have occurred in District 1.

Reynita Gonzalez - Claimant claims \$2,000,000 and alleges she was walking on the sidewalk at or near the intersection of S. Fifth Street and Cesar Chavez Boulevard, Fresno CA, when she stepped on a broken and defective service pipe cover, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Ryan Naim. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Rona Junio - Claimant claims \$5,000,000 and alleges the hazardous condition of the sidewalk at or near the intersection E. Mockingbird Lane and N. Westshore Drive, Fresno CA, caused her to trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Liana Ohanian. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Jose Acosta - Claimant claims \$2,000,000 and alleges he was assigned tree work duties without adequate training or safety instructions, and while feeding a branch into a woodchipper, the machine kicked back a branch, striking his face, which was the proximate cause of the claimant's injuries. Claimant is part of the Adult Offender Work Program and was assigned to Public Work duties. Individuals assigned to the Adult Offender Work Program are covered by the County's Workers Compensation program. A workers

compensation claim was previously filed for claimant regarding this incident. Claimant is represented by attorney Kaveh Keshmiri. This incident is alleged to have occurred in District 5.

Thomas Huberty - Claimant claims in excess of \$30,000 and alleges a water service line failure that occurred upstream of the property at or near 28359 Sky Harbour Drive, Friant CA, caused water discharge onto his property, which was the proximate cause of the claimant's property damages. The jurisdiction of the loss location belongs to a county waterworks district that is administered by the County, and the district carries its own insurance that is separate from the County's self-insurance and excess coverage. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 5.

Regina Martinez - Claimant claims in excess of \$10,000 and alleges she is a registered Legal Document Assistant and Unlawful Detainer Assistant and applied to renew her registration but was denied by the Fresno County Clerk's Office, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Teaona Perry - Claimant claims an unspecified amount and alleges she was unlawfully detained by airport public safety officers and was prevented from boarding her scheduled flight, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident does not involve the County of Fresno because it is alleged to have involved Fresno Yosemite International Airport safety officers.

Brittany Maxwell obo A Minor - Claimant claims in excess of \$50,000 and alleges the dangerous condition of the intersection at Peach Avenue and Adams Avenue, Fowler CA, caused the school bus her son was on to be hit by a service truck, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Miiko Anderson. This incident is alleged to have occurred in District 4.

Teng Xiong - Claimant claims an unspecified amount and alleges an employee exited a parking lot and entered directly into his path causing a collision, which was the proximate cause of the claimant's injuries. Claimant provided the name of the driver, and it was confirmed the individual is not employed by the County. Claimant is represented by attorney Daniel Carter. This incident does not involve the County of Fresno because the name of the alleged employee is not a County employee.

Sean Marsh - Claimant claims in excess of \$10,000 and alleges he was removing a large, rusted steel water control gate from a confined underground vault for California Aqueduct and Westlands Water District infrastructure when the gate of the underground vault fell on him, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Bryan Ceglie. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of California Department of Water Resources.

Timothy Wilson - Claimant claims in excess of \$10,000 and alleges a Deputy Sheriff was distracted by a large body of water on the roadway and failed to maintain proper attention causing the Deputy to rear-end his vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Simran Kaleka. This incident is alleged to have occurred in District 3.

Kayla Mouanoutoua - Claimant claims in excess of \$25,000 and alleges the traffic signal lights at the intersection of N. Fowler Avenue and E. Kings Canyon Road were not functioning properly, resulting in her vehicle being struck by another vehicle, which was the proximate cause of the claimant's injuries. The intersection is under split jurisdiction between the County and City of Fresno (City), and the Public Works Department of the County confirmed that the City maintains the traffic signals. Claimant is represented by attorney Michael Chaloupka. This incident does not involve the County of Fresno because the City maintains the traffic lights at the intersection.

Christian Aguilera Jr. - Claimant claims \$10,000,000 and alleges he was removing his bicycle from the front-mounted rack of a FAX bus when the bus driver proceeded to move the bus forward striking claimant, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mona Deldar.

This incident does not involve the County of Fresno because the County does not own or maintain FAX buses.

Jose Nuno Robles - Claimant claims in excess of \$25,000 and alleges a County employee collided with the rear of his vehicle, which was the proximate cause of the claimant's injuries. The traffic collision report confirmed the driver was not a County employee. Claimant is represented by attorney Hussein Chahine. This incident does not involve the County of Fresno because it is alleged to have involved a West Park Elementary School District employee.

David Gevondyan - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was leaning against a railing at the Selland Arena when the railing failed and collapsed causing claimant to fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Tom Vertanous. This incident does not involve the County of Fresno because the County does not own or maintain Selland Arena.

Melissa Jones - Claimant claims in excess of \$82,851.14 and alleges a police officer made an unsafe left turn directly into her path causing a vehicle accident, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Luis Sanchez Maldonado. This incident does not involve the County of Fresno because it is alleged to involve the City of Fresno Police Department.

Steven Van Taylor - Claimant claims \$10,000,000 and alleges the lack of established crosswalks on Clovis Avenue between Dakota Avenue and Ashlan Avenue caused the death of his wife who was hit by a vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Daniel Harralson. This incident is alleged to have occurred in District 5.

Summary of Application for Leave to Present a Late Claim

True North Detox, LLC dba First Steps Recovery - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the County issued a determination stating First Steps Recovery's 2023 land use approvals were invalid leading to the loss of use of their real property and impaired their business, which was the proximate cause of the claimant's injuries. Claimant alleges the claim is not untimely because the damages sought relate to real property, which has a one-year time frame limit for claims. Even so, the claim was submitted about a year and two months after the date of loss. The CRC recommends that this late claim application be denied because the application does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is represented by attorney John Kinsey. This incident is alleged to have occurred in District 5.

Jasmine Ortega - Claimant claims in excess of \$25,000 and alleges she was a passenger of a vehicle that had to slam their breaks hard because a Deputy Sheriff failed to stop at the intersection of W. McKinley Avenue and N. Brawley Avenue, which was the proximate cause of the claimant's injuries. Claimant alleges they initially submitted a claim with a typographical error on the date of injury, which was a mistake. A notice of untimely claim was sent to claimant because the claim was submitted five years and three months after the date of loss specified in that claim. Claimant submitted an amended claim to correct the typographical error in the original claim and seek to amend the initial filing. The second claim submitted by the claimant was treated as a new claim, and a new claim was opened. The second claim was submitted more than six months after the date of loss as specified in that claim. The application asserts that this late claim should relate to the filing date of the previous defective claim, but the law provides otherwise. The CRC recommends that this late claim application be denied because the application does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is represented by attorney Matthew Wilkins. This incident is alleged to have occurred in District 1.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (24)

On file with Clerk - Resolutions Denying Application for Leave to Present a Late Claim (2)

CAO ANALYST:

Sevag Tateosian