

April 17, 2006

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular Meeting of
April 25, 2006

RECOMMENDATION TO DENY CLAIMS

Recommendation:

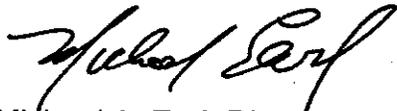
It is recommended that City Council deny the following claims and refer them to the City's Liability Claims Administrator:

1. Claimant: Alan Nakamura
 Date of Loss: 01-27-06
 Date Filed: 04-04-06
 Allegation: Police Harassment

2. Claimant: Rhonda Erlich
 Date of Loss: 03-13-06
 Date Filed: 04-05-06
 Allegation: Personal Injury

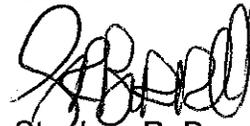
A copy of these claims are on file in the City Clerk's office.

Respectfully Submitted,

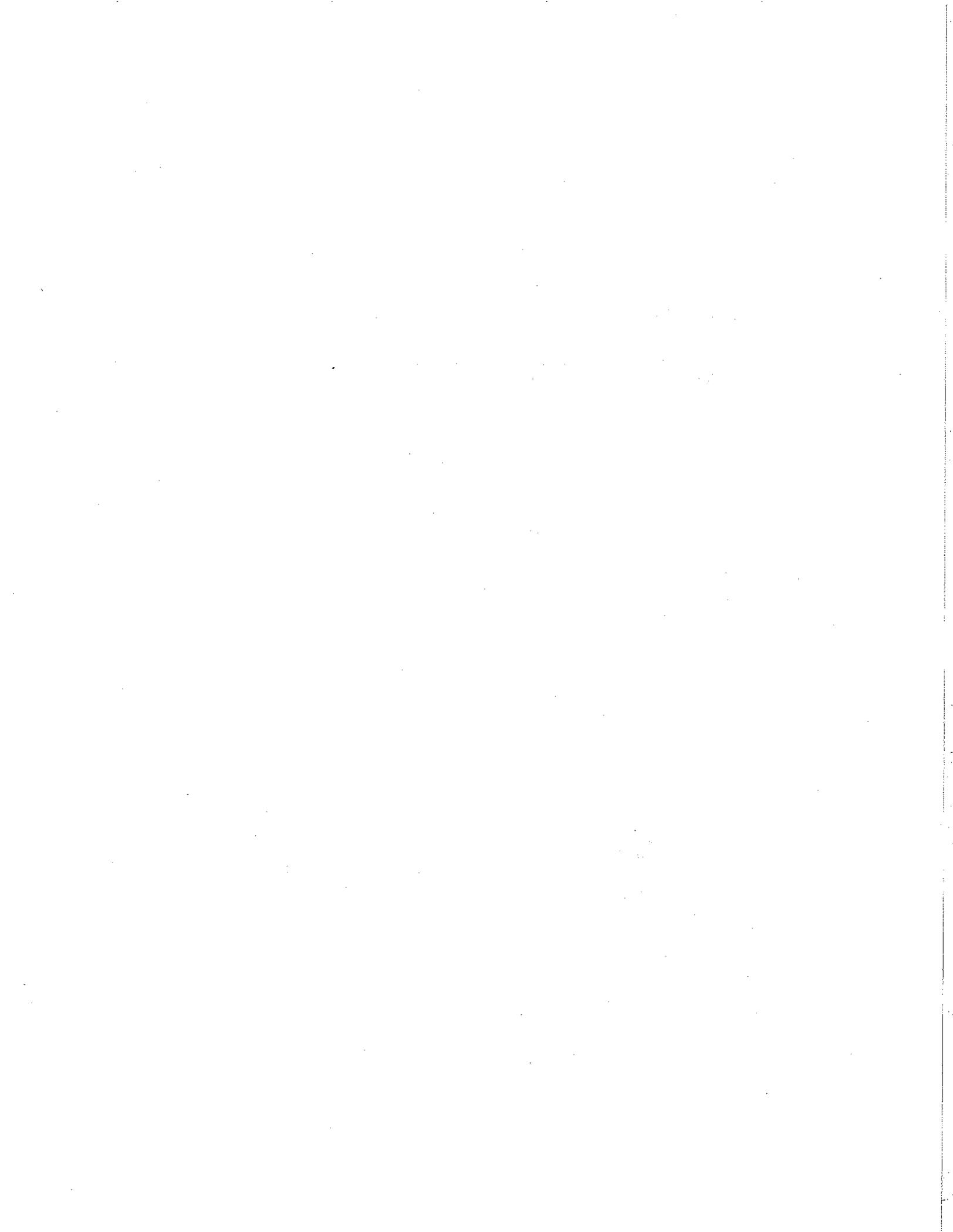


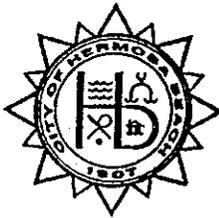
Michael A. Earl, Director
Personnel & Risk Management

Concur:



Stephen R. Burrell
City Manager





CITY OF HERMOSA BEACH

CLAIM REPORTING FORM FOR ALL PERSONS OR PROPERTY

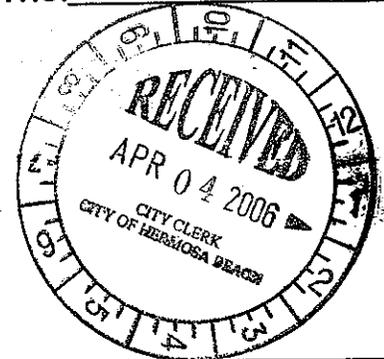
FILE WITH: City Clerk's Office
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

RESERVE FOR FILING STAMP

DEPT. NO. _____

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence.
(Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim form before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details.



Name of Claimant
Alan Nakamura

Date Of Birth Of Claimant
1957

Home Address Of Claimant
n/a

Occupation of Claimant
n/a

Business Address of Claimant
n/a

Home Telephone Number
(310) 329-4795

Give address and telephone number to which you desire notices or communications to be sent regarding this claim.
P.O. Box 644, Gardena, CA, 90248

Business Telephone Number
(n/a)

310-329-4795

Claimant's Social Security No.
n/a

Date of Damage/Loss/Injury
1-27-2006

Time
A.M. 5:30 P.M.

Place of Damage/Loss/Injury
Hermosa Beach, CA

How did damage/loss/injury occur? (Be specific) see attachment

Were Police at scene?
Were Paramedics at scene?

Yes No
Yes No

Report No. 06-350

What particular act or omission do you claim caused the damage/loss/injury. see attachment

Name of City employee(s) causing the damage/loss/injury:
D. Jones & others unknown

The amount claimed, as of the date of presentation of this claim, is computed as follows: (please attach estimates/receipts)

PLEASE REMEMBER TO SIGN CLAIM FORM

claimfrm.doc

Damages incurred to date (exact):
 Expenses for medical and hospital care..... \$ 0
 Loss of earnings..... \$ 0
 Special damages for..... \$ 0
 General damages..... \$ 30,000.00
 Total damages incurred to date..... \$ 30,000.00

Estimated expenses for medical and hospital care
 Future expenses for medical and hospital care..... \$ 0
 Future loss of earnings..... \$ 0
 Other prospective special damages..... \$ 0
 Prospective general damages..... \$ 0
 Total estimate prospective damages..... \$ 0

WITNESSES to DAMAGE or INJURY: LIST ALL PERSONS and addresses of persons known to have information:

Name D. Jones Address 540 Pier Phone 310-798-2559
Hermosa Beach, CA
 Name unidentified officer Address 540 Pier Phone 310-798-2559
unidentified Hermosa Beach, CA
 Name informant(s) Address 1301 Manhattan Av. Phone 310-318-3511
Hermosa Beach, CA

DOCTORS and HOSPITALS:

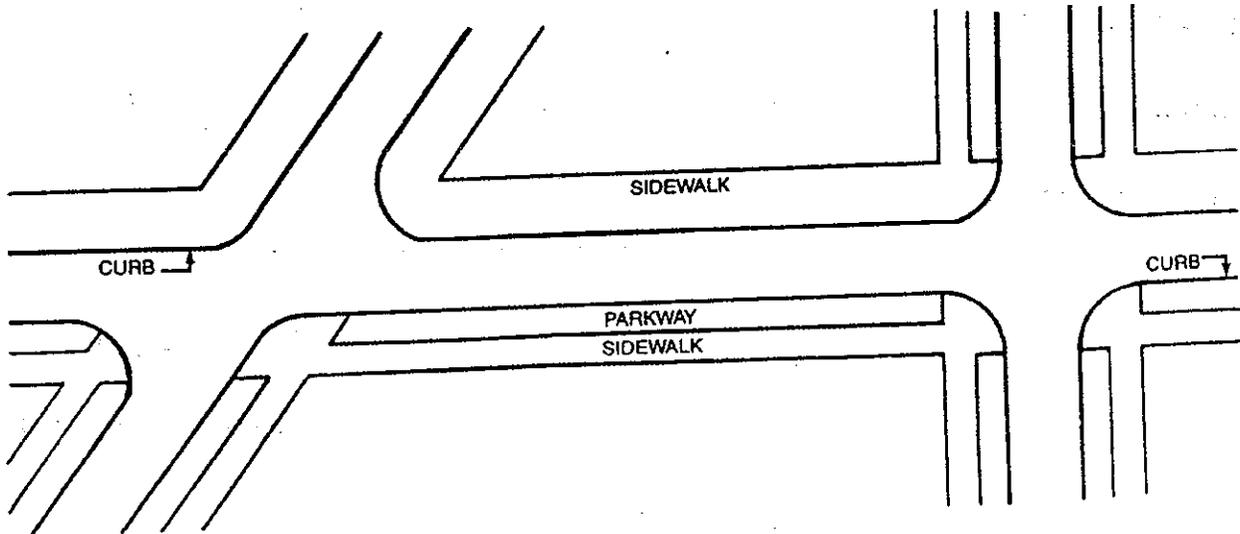
Hospital _____ Address _____ Date Hospitalized _____
 Doctor _____ Address _____ Date of Treatment _____
 Doctor _____ Address _____ Date of Treatment _____

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West; indicate place of accident by "X" and showing house number or distances to street corners. If City vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle

when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of claimant or person filing on his behalf giving relationship to Claimant: <i>Alan Nakamura</i>	Typed Name: Alan Nakamura	Date: 4-1-2006
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Damages incurred to date (exact):
 Expenses for medical and hospital care..... \$ 0
 Loss of earnings..... \$ 0
 Special damages for..... \$ 0
 General damages..... \$ 30,000.00
 Total damages incurred to date..... \$ 30,000.00

Estimated expenses for medical and hospital care
 Future expenses for medical and hospital care..... \$ 0
 Future loss of earnings..... \$ 0
 Other prospective special damages..... \$ 0
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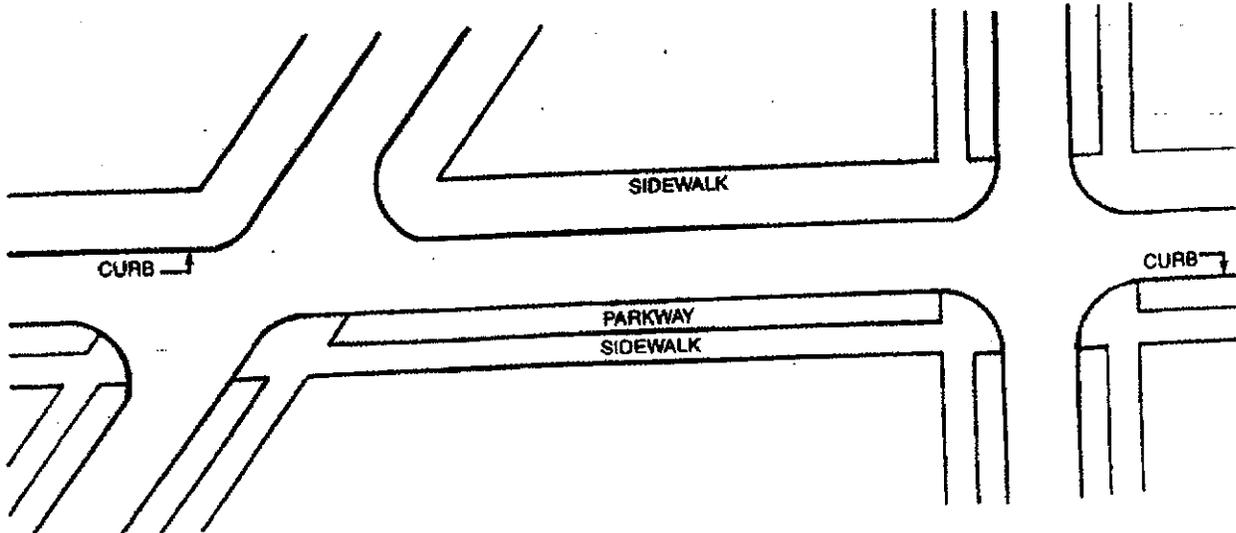
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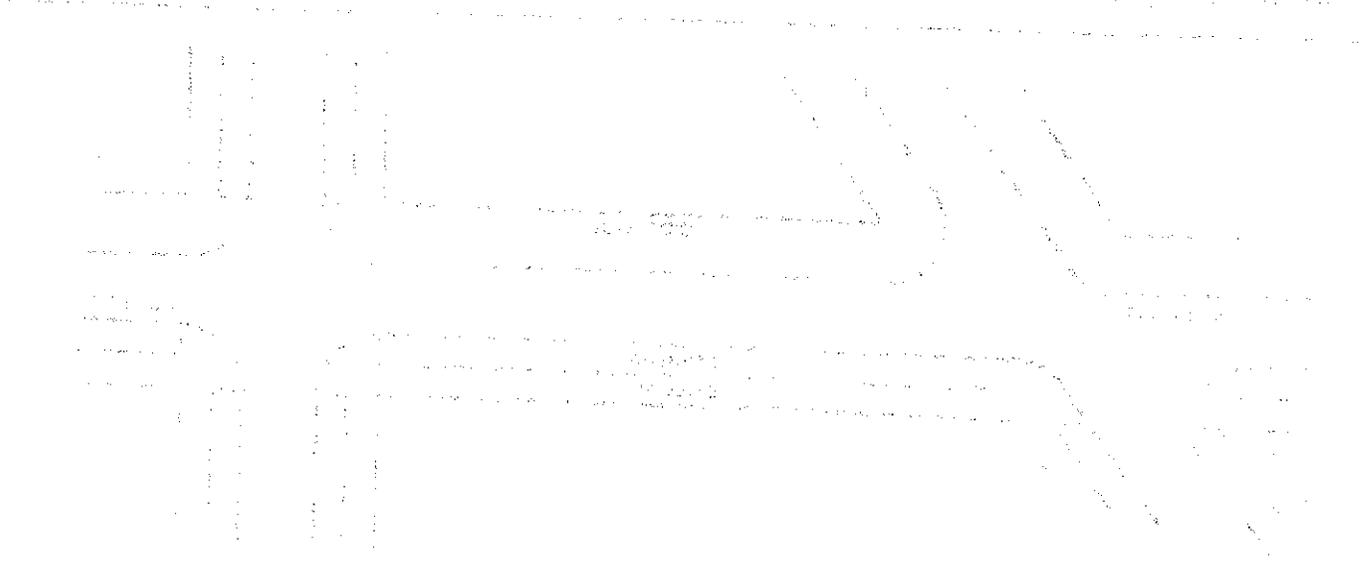
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CLAIM FOR DAMAGES AGAINST A LOCAL PUBLIC ENTITY AND ITS AGENTS

Claimant presents this attachment to the Hermosa Beach Claim Form to describe the facts and allegations regarding this claim pursuant to California Government Code 910 et seq.

CLAIMANT: Alan Nakamura

RESPONDENTS & RESPONSIBLE PARTIES: : City Of Hermosa Beach, Hermosa Beach Police Department, Hermosa Beach Police Chief Mike Lavin, Hermosa Beach Police Officers D. Jones & Officer Does 1-10, Trilogy Spa (codefendant)

PRESENTATION OF FACTS: On January 27, 2006 at about 5:30pm, this Claimant visited the Trilogy Spa located at 1301 Manhattan Av. C, in Hermosa Beach. After asking a few questions about the Spa at the front desk, he was offered a tour by the manager. Completing the tour, he shook hands with the manager and left the Spa. As he walked down the sidewalk, somebody followed and yelled at him. From the aggressive manner of this person, he thought he was going to be assaulted so he continued away from this person. As his 'shadow' caught up with him, he recognized it to be a police officer (D. Jones) so he stopped. The officer forced him to the ground, questioned him, but offered to take him to the police station if he didn't cooperate with his questioning, so he accepted this offer. Then instead of doing so, Jones handcuffed him, frisked him, took his wallet (without his consent), and mentioned somebody at the Spa had accused him of "stalking" them and had called the police. Then Claimant was stuffed into a squad car where he awaited his fate with nervous trepidation for about 30 minutes in full view of the public. Officer Jones returned, released him from custody, and Claimant asked him if he was going to the station as promised and Jones replied "No". Then he asked Jones who had accused him of this 'crime', but he refused to reveal their identity and would only warn him not to visit the Spa again and that a "restraining order" would be taken against him. Throughout this episode, officer Jones was not only evasive and a liar, but made several sarcastic remarks towards him. He was kept in the dark about this entire episode by this officer and he appeared to enjoy it. Claimant then proceeded to walk away from the area feeling very disturbed and shaken. Another officer was nearby who participated and witnessed the events that transpired. He appeared to be a young Asian male, but did not reveal his name. This incident was assigned #06-350.

As Claimant walked away from the area, he noticed another stranger following him! He wasn't sure if he was another policeman, an assailant, or a real 'stalker'! This person also yelled at him to stop and continued to trail him persistently despite his refusal to talk to him. Finally, since he was in a public place, he decided to stop next to one of the local outdoor bars to find out what this person wanted. A young Hispanic man confronted Claimant and claimed that he worked for the Spa (he was wearing a Trilogy t-shirt). He confronted Claimant much like the policeman did except he mixed his questions with raving accusations and threats against him. Yet when it was all over, he refused to identify himself to Claimant and walked away back towards the Spa. Claimant was stunned. Consequently, he made note of the witnesses to this confrontation and immediately filed his own police report (#06-537).

Note: Claimant had made absolutely no threats, no suggestive remarks, no curses, and no physical contact (except the handshake with the manager) to any of the employees of Trilogy Spa nor to the police.

[OVER]

DAMAGE, LOSS, HARM TO CLAIMANT: Subsequently, Claimant waited patiently for a phone call from the Spa or the Hermosa Police either charging him formally with a crime or providing him with an explanation of the bizarre events and the identity of his accuser(s), or an apology for this episode. It has been two months and he has not heard from the Spa nor the police.

After due deliberation, Claimant has concluded that the absence of any formal criminal charges combined with a lack of any apology can only mean that these actions taken against him were unjustified and done out of spite, maliciousness, evil intent, harassment, racial discrimination, or at best a bad joke.

This sudden and deliberate invasion in the calm of Claimant's normal daily activities has caused him several days of grief, uncertainty, and anger over these events as well as nervous trepidation whenever he visits your City. He has suffered public humiliation, embarrassment, defamation of character, emotional and physical distress, false arrest, invasion of privacy, and malicious persecution at the hands of some mysterious unidentified people from the Spa in concert and conspiracy with the Hermosa Beach Police. He has also suffered at the hands of the Hermosa Beach Police, acting in their official and individual capacities, in violation of his right to privacy under the Fourth and Fifth Amendments of the United States Constitution, and under Article I, Sections 1 and 2 of the California Constitution; unreasonable and excessive use of force, police brutality, illegal arrest and detention, and unreasonable search and seizure under the Fourth and Fourteenth Amendment of the United States Constitution and Article I, Section 13 of the California Constitution; denial of due process and equal protection under the law under the Fifth and Fourteenth Amendment of the United States Constitution and Article I Sections 12, 15, and 24 of the California Constitution.

Therefore, he is seeking \$30,000.00 in general damages in addition to damages in an undisclosed amount pursuant to Gov. Code Section 910(f) in the nature of punitive, exemplary, and special in an unlimited civil action should the need arise.

As a result of the aforementioned conduct, general damages sought solely for purposes of State tort claims are in the total amount of \$30,000.00, not including punitive, exemplary, and special damages. Because of the dollar amount of all damages claimed, jurisdiction over this claim would rest in the California Superior Court, or in a Federal District Court as pendant state claims in a Civil Rights Action, to wit: 42 USC Section 1983 et seq and a Federal RICO Civil Action under 18 USC Sections 1961 et seq. Further damages shall be assessed and claimed for violation of clearly established Federally protected rights in a Civil Rights Action in the event this claim is either denied or not negotiated to Claimant's satisfaction.

Note: A simple dismissive denial of this claim for reason of lack of jurisdiction to entertain this claim or other by the Respondents or their agents shall be construed by Claimant to constitute a lack of consideration of the merits of this claim and a failure to mitigate damages.

There are no related City claims to this City claim.

4-1-2006

Date


Alan Nakamura, Claimant

DAMAGE, LOSS, HARM TO CLAIMANT: Subsequently, Claimant waited patiently for a phone call from the Spa or the Hermosa Police either charging him formally with a crime or providing him with an explanation of the bizarre events and the identity of his accuser(s), or an apology for this episode. It has been two months and he has not heard from the Spa nor the police.

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4-1-2006

Date


Alan Nakamura, Claimant

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail. The text also mentions that proper record-keeping is essential for identifying and correcting errors in a timely manner.

2. The second part of the document focuses on the role of internal controls in preventing fraud and misstatements. It highlights that a strong internal control system is necessary to ensure that all transactions are properly authorized, recorded, and classified. The text also notes that internal controls should be designed to provide reasonable assurance of the reliability of financial reporting.

3. The third part of the document discusses the importance of segregation of duties. It explains that this principle is designed to reduce the risk of errors and fraud by ensuring that no single individual has control over all aspects of a transaction. The text also mentions that segregation of duties is a key component of an effective internal control system.

4. The fourth part of the document focuses on the importance of documentation. It states that all transactions should be supported by appropriate documentation, such as invoices, receipts, and contracts. This documentation is essential for providing evidence of the accuracy and validity of the transactions recorded in the financial statements.

5. The fifth part of the document discusses the importance of regular reconciliations. It explains that reconciling accounts and statements on a regular basis is essential for identifying and correcting errors and discrepancies. The text also notes that reconciliations should be performed by someone other than the person who prepared the original entries.

6. The sixth part of the document focuses on the importance of maintaining up-to-date records. It states that records should be kept current and accurate, and that any changes or corrections should be made promptly. This is essential for ensuring that the financial statements provide a true and fair view of the company's financial position.

7. The seventh part of the document discusses the importance of training and education. It explains that all employees involved in the financial reporting process should receive appropriate training and education to ensure that they understand their responsibilities and are equipped with the necessary skills to perform their duties effectively.

8. The eighth part of the document focuses on the importance of communication. It states that clear and effective communication is essential for ensuring that all employees understand the company's financial reporting policies and procedures. This includes providing regular updates on any changes and ensuring that all employees are aware of their roles and responsibilities.

9. The ninth part of the document discusses the importance of monitoring and evaluation. It explains that the internal control system should be regularly monitored and evaluated to ensure that it remains effective and relevant. This involves assessing the system's performance, identifying any weaknesses or areas for improvement, and implementing corrective actions as needed.

10. The tenth part of the document focuses on the importance of transparency and accountability. It states that the company's financial reporting process should be transparent and accountable to all stakeholders. This includes providing clear and concise information about the company's financial performance and the internal control system, and ensuring that all employees are held accountable for their actions.

1 **ROBERT F. DONOHUE • SBN 110505**
2 **ARTIANO, GUZMAN & TOOMEY, LLP**
3 **3828 Carson Street, Suite 102**
4 **Torrance, CA 90503-6706**
5 **Voice: (310) 543-1240**
6 **Fax: (310) 543-9850**

7 **Attorney for: Claimant RHONDA ERLICH**



8 **TORT LIABILITY CLAIM NOTICE**

9 RHONDA ERLICH)
10 Claimant,) TORT LIABILITY CLAIM NOTICE BY
11 vs.) CLAIMANT RHONDA ERLICH AGAINST
12) THE CITY OF HERMOSA; CITY OF
13 CITY OF HERMOSA; CITY OF HERMOSA) HERMOSA BEACH PUBLIC WORKS
14 BEACH PUBLIC WORKS DEPARTMENT) DEPARTMENT (Gov. Code §910)
15 Respondants)
16)
17)

18 **TO THE CITY OF HERMOSA BEACH AND THE HERMOSA BEACH DEPARTMENT**
19 **OF PUBLIC WORKS:**

20 Claimant RHONDA ERLICH hereby presents this notice and claim against THE CITY OF
21 HERMOSA BEACH AND THE HERMOSA BEACH DEPARTMENT OF PUBLIC WORKS for
22 damages related to personal injuries suffered by her on 03-13-06. In so doing Claimant alleges as
23 follows:

24 **CLAIMANT:** Rhonda Erlich, 303 Pacific Coast Highway, Hermosa Beach, CA 90254.

25 **CONTACT INFORMATION:** All contact regarding this claim shall be made to the Law Office
26 of Artiano, Guzman & Toomey located at 3828 Carson Street, Suite 102, Torrance, CA 90503
27 (310) 543.1240 to the attention of Robert F. Donohue.



1 **OCCURANCE:** On 03-13-06 Claimant Rhonda Erlich was present with her minor son at the City
2 of Hermosa Beach building located at 710 Pier Avenue in Hermosa Beach, CA. At or about 8:10
3 p.m., while lawfully standing near an outdoor concrete staircase, a large chunk of concrete
4 separated from the staircase and fell on Claimant's foot causing serious and permanent injury.
5 The Claimant is informed and believes that the staircase was at the times noted owned, controlled
6 and maintained by the City of Hermosa Beach or The City of Hermosa Beach Public Works
7 (Hereinafter "City") and the City had a duty to maintain it so as to not cause injury to visitors on
8 site. Claimant is also informed and believes that the injury occurred through no fault of Claimant
9 and that the concrete railing and casement where within the exclusive control of the City and that
10 the injury would not have occurred in the absence of negligent maintenance on the part of the City.
11 In that regard Claimant contends that the City is liable for her injuries and damages under the
12 doctrine of Res Ipsa Loquitor. Photos of the concrete block are attached to this notice as exhibit
13 "1".

14 **DAMAGES & INJURIES:** The block of concrete crushed the toes of Claimant's left foot and she
15 was required to seek emergency medical treatment immediately thereafter. Photos of the
16 Claimant's injuries are attached as exhibit "2". Claimant has lost all feeling in several of her toes
17 and is involved in on-going treatment and has not been able to assess the nature and extent of the
18 injury or her medical bills without further expert consultation.

19 **RESPONSIBLE ENTITY:** Claimant is informed and believes that the location commonly known
20 as 710 Pier Avenue, Hermosa Beach, CA is owned, controlled and maintained by the City of
21 Hermosa Beach and/or the City of Hermosa Beach Public Works and therefore the City of
22 Hermosa Beach is the responsible entity for failing to reasonably maintain the subject location in a
23 safe condition for public visitors.

24 Dated: 03-24-06

25 ARTIANO, GUZMAN & TOOMEY, LLP

26 By 
27 Robert F. Donohue Attorneys for Claimant
28 RHONDA ERLICH





1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text notes that without reliable records, it would be difficult to track the flow of funds and identify any irregularities.

2. The second part of the document focuses on the role of internal controls in ensuring the accuracy of financial reporting. It describes how internal controls are designed to prevent errors and misstatements, and to ensure that all transactions are properly authorized and recorded. The text highlights that strong internal controls are a key component of an organization's risk management strategy.

3. The third part of the document discusses the importance of transparency and accountability in financial reporting. It notes that providing clear and concise information to stakeholders is essential for building trust and confidence in the organization. The text emphasizes that transparency is not only a moral obligation but also a practical necessity for the long-term success of the organization.

4. The fourth part of the document addresses the challenges of financial reporting in a complex and rapidly changing environment. It discusses the impact of new technologies, such as artificial intelligence and blockchain, on the financial reporting process. The text notes that while these technologies offer significant opportunities for improvement, they also present new challenges that must be carefully managed.

5. The fifth part of the document concludes by summarizing the key points discussed and emphasizing the need for ongoing vigilance and improvement in financial reporting. It notes that the financial reporting process is not a one-time event but a continuous cycle that requires regular review and updates to ensure its effectiveness and relevance.

6. The sixth part of the document discusses the importance of the audit function in providing an independent and objective assessment of the organization's financial statements. It notes that audits are a critical component of the financial reporting process and are essential for ensuring the reliability of the information provided to stakeholders. The text emphasizes that auditors must maintain a high level of professional skepticism and integrity in their work.

7. The seventh part of the document addresses the role of the board of directors in overseeing the financial reporting process. It notes that the board is responsible for ensuring that the organization's financial reporting is accurate and reliable, and that it is properly governed and controlled. The text emphasizes that the board must have a clear understanding of the financial reporting process and the risks associated with it.

8. The eighth part of the document discusses the importance of the financial reporting process in the overall success of the organization. It notes that accurate and reliable financial reporting is essential for the organization to make informed decisions and to attract investment. The text emphasizes that the financial reporting process is a key component of the organization's strategic management and is essential for its long-term success.

9. The ninth part of the document concludes by summarizing the key points discussed and emphasizing the need for ongoing vigilance and improvement in financial reporting. It notes that the financial reporting process is a continuous cycle that requires regular review and updates to ensure its effectiveness and relevance.

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