RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes  No X)

Authorize Chair to sign an Order of the Board to reject Claim No. C99-11 in the amount of $1,515.90. The claimant is requesting reimbursement for the repair of two doors and a portion of a wall caused by forced entry of Mariposa County Sheriff's Deputies during the course of arrest of claimant's tenants. There was criminal activity being conducted at this residence and therefore the owner's recourse is against the tenants. The County does not have any liability exposure in this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows Counsel's recommendation in matters of this nature.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

➢ Reject claim as recommended.
➢ Take no action; claim will automatically be denied if no action is taken.

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Correspondence from R. Begley & J. Verley.
Notice of Rejection:

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

✓ Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:

A.O. Initials:

The foregoing instrument is a correct copy of the original on file in this office.

MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

Deputy

Action Form Revised 5/92
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF S.T.O.N.Y., INC. (Claimant)

v.

COUNTY OF MARIPOSA

CLAIM FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE (Government Code § 910)

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (PLEASE TYPE OR PRINT)

Claimant: S.T.O.N.Y., INC.
Whose address is: 1425 Miramar St.
City and State: Los Angeles CA Zip: 90026

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of $1,515.90.

This claim is based on: (CHECK APPROPRIATE BOX OR BOXES)

<> Property Damage <> Other (LIST)
<> Personal Injury
<> Contract

which occurred on October 5, 1999, in the vicinity of:

6752 Dogtown Rd., Coulterville, CA 9531

(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim:

(PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

Tenant David B. Rigney, who was renting from claimant a detached building at the above address was arrested on October 5, 1999, by Sheriff Norman Ross and others for illegal activity connected with the manufacture and distribution of [Continued]

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:

SHERIFF ROSS AND OTHERS
methamphetamine (Case # MF9902021 in the Mariposa County Sheriff's Office). In the course of the arrest, the arresting authorities forcibly entered the main house on the property, which was not rented out and was reserved for Claimant's exclusive use, with no access given to the tenant. In order to gain entrance to this house, the law officers broke two doors, breaking the glass part of the doors and the door frames, and also part of the living room wall. This claim is being filed to recover the cost of repairing the damage caused by this forced entry.

Note: Copies, herein, of: Contractors Invoice with Receipts #1 & #2. Sheet with 3 pictures of the damaged doors and walls.
The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of: (DESCRIBE GENERALLY CLAIMANT’S INJURIES OR DAMAGES)

The amount claimed, as of the date of presentation of this claim is computed as follows:

**Damages incurred to date:**

Expenses for medical and hospital care

Loss of earnings

Specific damages (ITEMIZE)

- Materials to repair damage
- Labor to repair damage

Other damages (ITEMIZE)

TOTAL DAMAGES INCURRED TO DATE: $1,515.90

Estimated future damages as far as known from this incident:

Total estimated prospective damages:

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: $1,515.90

All notices or other communications with regard to this claim should be sent to claimant at: 1425 Miramar St., Los Angeles CA 90024

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 12/19/99

Signed: ST N.Y., INC. by Nu

(CLAIMANT/AGENT FOR CLAIMANT)

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**Government Code § 911.2. Time of or presentation of claims**

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.
CONTRACTORS INVOICE

FROM: Markus Dolch
26691 Highway 94
DULZURA, CA 91917

TO: S.T.O.N.Y. Inc.
1425 Miramar Street
Los Angeles, CA 90026

WORK PERFORMED AT:
6752 Dogtown Rd.
Covina, CA 91721

DATE: 10/99
YOUR WORK ORDER NO.
OUR BID NO.

DESCRIPTION OF WORK PERFORMED

- Repair of two wood doors with glass panes, including demolition and removal of debris, plus painting (two coats).
- Repair of broken door casings
- Repair of broken-out wall, including plastering and painting (two coats).
- Replacement of two locks, levers, and deadbolts

Materials:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt #1</td>
<td>1</td>
<td>$29.30</td>
<td>$29.30</td>
</tr>
<tr>
<td>Oil paint own stock</td>
<td>1</td>
<td>$20.00</td>
<td>$20.00</td>
</tr>
<tr>
<td>Total Materials</td>
<td></td>
<td></td>
<td>$240.90</td>
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Labor:

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<thead>
<tr>
<th>Description</th>
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<tr>
<td>25 hours</td>
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<td>$875.00</td>
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<tr>
<td>20 hours</td>
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<td>$20.00</td>
<td>$400.00</td>
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<td>Total Labor</td>
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Materials + Labor: $1515.90

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of $1515.90.

This is a Full invoice due and payable by: 11-10-99

in accordance with our Agreement No. Dated

E-Z CONTRACTORS FORMS FORM NO. EZ 122
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<tr>
<th>QUANTITY</th>
<th>SIZE</th>
<th>DESCRIPTION</th>
<th>Total Ft</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>1 ¾ x 7</td>
<td>PT Beam 2 x 6 x 0.5</td>
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<td>4.56</td>
<td>956.6</td>
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<tr>
<td>3</td>
<td>8</td>
<td>HW. 2 x 6 x 8</td>
<td>24.19</td>
<td>4.56</td>
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<tr>
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<td>1 x 10 x 8</td>
<td>PAR #2</td>
<td>1</td>
<td>59.14</td>
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<tr>
<td>17</td>
<td>4</td>
<td>PT SILL 1 ½  x 6 x 8</td>
<td>17.27</td>
<td>4.13</td>
<td>71.32</td>
</tr>
</tbody>
</table>

Total: $2732

Signed: [Signature]

Note: No adjustments will be made for shortages claimed after date of delivery. No material will be accepted for credit unless accompanied by this invoice. Dirty or damaged material will NOT be accepted for credit.

THANK YOU - WE APPRECIATE YOUR PATRONAGE
<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Price</th>
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<td>Single Strength Clear Glass</td>
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<tr>
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</table>

Sub-Total: 177.24  Tax: 11.94  Total: 176.60
JEFFREY G. GREEN
County Counsel
P. O. Box 189
5100 Bullion Street
Mariposa, CA  95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of:  CLAIM NO. C99-11
CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE § 911.6

S.T.O.N.E.Y., INC., 1425 Maramar Street, Los Angeles, CA  90026 having filed with this Board on December 29, 1999, a claim for damages in the amount of $1,515.90.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is hereby rejected.

The foregoing order was passed by the following vote of the Board:

AYES:  Reilly, Balmain, Stewart, Parker, Pickard
NOES:  None
ABSENT: None
ABSTAINED: None

Dated this 18th day of January, 1999, 2000

GARRY K. PARKER, Chair
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board