

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

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

Authorize Chair to sign an Order of the Board to reject Claim No. C98-17 in the amount of \$6,000. The claimant is requesting compensation for marijuana plants that were confiscated during a probation check which he alleges were used for medicinal purposes. Based on information received from the Sheriff's Department, the County has no 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.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

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

Claim No. C98-17.
Notice of Rejection.

CLERK'S USE ONLY:

Res. No.: 98-368 Ord. No. _____

Vote - Ayes: 4 Noes: _____

Approved: Rolling Abstained: _____

() Minute Order Attached () No Action Necessary

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

Date: _____

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

By: _____
Deputy

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

Recommended

Not Recommended

For Policy Determination

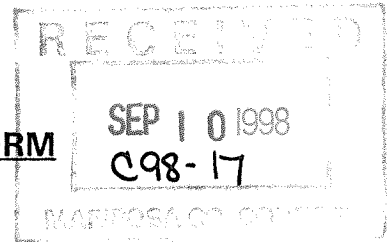
Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: JG

COUNTY OF MARIPOSA CLAIM FORM



CLAIM OF MICHAEL J. OSBORNE)
(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: MICHAEL J. OSBORNE
Whose address is: 5519 CHOWCHILLA MT. RD.
City and State: MARIPOSA, CA. Zip: 95338

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of
the date of presentation of this claim, of \$ 6 000.00.

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

< > Property Damage < > Other (LIST)
< > Personal Injury CONFISCATION OF
< > Contract MEDICINE

which occurred on 8-10, 1998, in the vicinity of:
(MONTH/DAY)

RESIDENCE OF CLAIMANT
(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.)

DURING PROBATION CHECK GUNS AND MEDICINE WERE CONFISCATED.
GUNS WERE RETURNED 2 WEEKS LATER, MEDICINE WAS NOT. THEY
KNEW MY MEDICINE WAS LEGAL, THEY TOOK IT ANYWAY. THEY
SHOWED NO COMPASSION.

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

BILL HUNT, DEPUTY SHERIFF

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)

CONFISCATION OF 12 MARIJUANA PLANTS. APPROXIMATE YIELD 12 OUNCES
AT \$5000 PER OUNCE. 12 OUNCES X \$500.00 = \$6,000.00

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)

LOSS OF MEDICINE \$ 6,000.00

_____ \$ _____

Other damages (ITEMIZE)

_____ \$ _____

_____ \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ 6,000.00

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:** \$ 6,000.00

All notices or other communications with regard to this claim should be sent to claimant at: 5519 CHOWCHILLA MT. RD. MARIPOSA, CA. 95338

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 9-10-98

Signed: Michael J. Osborne
(CLAIMANT/AGENT FOR CLAIMANT)

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.

William S. Eidelman, M.D.

12927 Venice Blvd Los Angeles CA 93023 (310) 390-3425

Feb 12, 1998

Regarding: Mike Osborne

To Whom It May Concern:

Mike Osborne is under my medical care. He suffers from migraines, insomnia, and arthritis. He reports that marijuana relieves his pain and helps him sleep.

On the basis of these reports, I am recommending that Mr. Osborne continue with therapy as per the California Compassionate Use Act.

Sincerely,



William S. Eidelman, M.D.

The Natural Medicine Center



William S. Eidelman, M.D.

1434 E. Ojai Avenue
Ojai CA 93023
(805) 640-1100
(805) 640-8020 fax

www.medicalmaze.com

*ON FILE WITH AND CONFIRMED BY BRYCE JOHNSON,
PROBATION OFFICER.*

ON FILE WITH DEPUTIES HUNT + SARNO SINCE MARCH

1 JEFFREY G. GREEN
2 County Counsel
3 P. O. Box 189
4 5037 Stroming Rd.
5 Mariposa, CA 95338

6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)
10 CLAIM FOR DAMAGES PURSUANT)
11 TO GOVERNMENT CODE § 911.6)

CLAIM NO. C98-17

12 Michael J. Osborne
13 5519 Chowchilla Mountain Rd.
14 Mariposa, CA 95338

15 having filed with this Board on September 10, 1998, a claim for damages in the amount of
16 \$6,000.

17 NOW, THEREFORE, it is ordered by the Board of Supervisors that the claim is hereby
18 REJECTED.

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

20 AYES: Balmain, Stewart, Parker, Pickard
21 NOES: None
22 ABSENT: Reilly
23 ABSTAINED: None

24 Dated this 6th day of October, 1998.

25 PATTI A. REILLY, Chair
26 Board of Supervisors

27 ATTEST:

28 BY Bob Pickard
VICE CHAIRMAN

Margie Williams
MARGIE WILLIAMS, Clerk of the Board

TO: Michael J. Osborne
5519 Chowchilla Mountain Rd.
Mariposa, CA 95338

RE: CLAIM FOR DAMAGES (Claim No. C98-17)
NOTICE OF REJECTION

AMOUNT OF CLAIM: \$6,000

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on September 10, 1998 was rejected by action of the Board on October 6, 1998.

WARNING

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code § 945.6)

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

JEFFREY G. GREEN
Mariposa County Counsel

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)

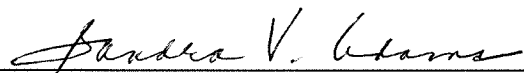
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5037 Stroming Road (P. O. Box 189), Mariposa, CA 95338. On October 27, 1998, I served the within Notice of Rejection of Claim No. C98-17 on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel's office:

Michael J. Osborne
5519 Chowchilla Mountain Rd.
Mariposa, CA 95338

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 27, 1998 at Mariposa, California.


Sandra V. Adams