

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. C98-6 in the amount of \$4,743.75. The claimant is requesting payment of the remaining portion of a bill he submitted to Superior Court for investigative services on a Superior Court matter. Based on information received from Judge McMechan, I don't believe the County has an obligation to pay the portion claimant is requesting.

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. C98-6.
Notice of Rejection.

CLERK'S USE ONLY:

Res. No.: 98-100 Ord. No. _____

Vote - Ayes: 4 Noes: _____

Absent: Reilly Abstained: _____

Approved _____ () Denied _____

() 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

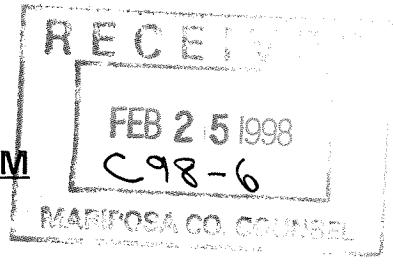
For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: *JG*



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF DARREN R. HISE)
(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: DARREN R. HISE
Whose address is: 3139 ELIZABETH LANE
City and State: CATHEYS VALLEY, CA Zip: 95306

claims damages from the **COUNTY OF MARIPOSA** in the amount, computed as of
the date of presentation of this claim, of \$ 4743.75.

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

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

which occurred on From 9/23 To 12/3, 19 97, in the vicinity of:
(MONTH/DAY)

MARIPOSA, MADEIRA AND MERCED COUNTIES
(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.)

(SEE ATTACHED MEMO. LETTER)

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

MARIPOSA COUNTY SUPR. COURT.

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)

(SEE ATTACHED)

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)

\$ _____
\$ _____

Other damages (ITEMIZE)
INVESTIGATIVE HOURS \$75.00/HR \$ 4743.75
63.25 HOURS NOT PAID \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ 4743.75 (OR AT \$46.00/HR RATE w/COPY OF Policy #2530.00)

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ 0

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ 4543.75 OR \$2530.00

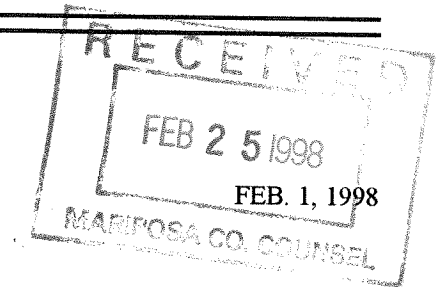
All notices or other communications with regard to this claim should be sent to claimant at: 3139 ELIZABETH CANE, CATHAYS VALLEY, CA. 95306
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: FEB. 1, 1998 Signed: [Signature]
(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.

Phone (209) 742 - 5952

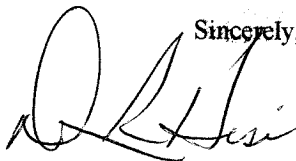


MARIPOSA COUNTY
ATTN. COUNTY COUNSEL

Dear COUNTY COUNSEL,

I am filing this claim to recover the remaining portion of my investigative bill that the Mariposa County Court has left unpaid. To this date, I have supplied them with two copies of my billing (one in Dec. 1997, and the other the first part of Jan. 1998 when the first was lost). The Mariposa Court respond to the second copy of the bill only when several phone calls were placed to the court . When the court respond to my request, they choose to pay my bill at the rate of \$ 40.00/hour and not at the rate of the \$ 75.00/hour as billed. First of all , I reduced my normal billing from \$ 110.00/hour to the lower rate to assist the county in which I live . This figure was ignored, and to this day with no explanation. Further,, the court failed to pay for approx. 34.25 hours of interviews, trans., and locating of known witnesses. The court further failed to even consider 29 hours of time that it took to retrieve, find, and comply with the District Atty. motions for discovery. With all due respect, I performed a service as an investigator in the this case with the knowledge that my bill would be honored and paid in a timely manner. To this date the County Court of Mariposa has not given me a written response to why they will not pay, and will not supply me with a copy of the granted motion in this manner to assist in my arguments.

In conclusion, if the County of Mariposa only pays at a rate of \$ 40.00/hour, then I wish to be provided a copy of this policy as well as being paid for the remaining time that was invested (approx. \$ 2530.00). If the court can not provide me with the policy as requested I wish to have my bill honored as agreed upon in the Courts grated motion (approx. \$ 4743.75).

Sincerely,


DARREN R. HISE
3139 Elizabeth Lane
Catheys Valley, Ca. 93610

12/9/92
DH
[Signature]

RE: THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
MARTIN RAY LILLEY CASE NO. 1751

CASE WORK FOR: FRANZ ANDRE - MARIE CRIEGO
Attorney and Counselor at Law
26512 Ave. 26
Chowchilla, Ca. 93610
(209) 699 - 0188
State Bar # 97503

DATE:	DESCRIPTION:	TIME:	TRAVEL TIME:	MILES:
12/3	Mariposa Court	(7.5 Hrs.	.5 Hr.	23
12/2	attempt int.Hooks;Welcher	1 Hr.	1 Hr.	57
12/2	Rev. w/ attorney	1 Hr.		
12/1	" " "	.5 Hr.		
12/1	Trans. ints.	7 Hr.		
12/1	Int. Dep. Rentfeld/rept.	1 Hr.		
12/1	attempt int. Hooks;Welcher	2 Hr.	1 Hr.	57
11/30	" " " "	2 Hr.	1 Hr.	57
11/30	int. Stiers;Lilley's;Gibson	4 Hr.	1 Hr.	46
11/29	attempt int. Hooks;Welcher	1.5 Hr.	1 Hr.	57
11/29	trans. int.	5 Hr.		
11/28	int. S. Stiers	1 Hr.	1 Hr.	44
11/27	attempt int. CPS Goger	1 Hr.	1 Hr.	22
11/27	trans. int.s	4 Hr.		
11/26	int. Totten/Wenger	1 Hr.	.5 Hr.	22
11/26	D.A. off. served papers	.5 Hr.		
11/26	attempt int. CPS Sanchez	.5 Hr.		
11/26	trans. int.s	1.5 Hr.		
11/24	attempt int. S.O.	5 Hr.	.5 Hr.	22
11/24	attempt int. Robesons; Franklin; and Ogdens	1 Hr.		
11/24	Phone int./S.O. Harass.	3 Hr.		
11/23	int.s kids;Hall; Tish	4 Hr.	1 Hr.	46
11/18	attempt to locate Hooks & Welcher. D.A. failure to provide discovery	2.5 Hr.	1 Hr.	57
11/18	Supb. Robinson,Zarate, and Cappellett	1.5 Hr.	2.5 Hr.	195

30

326-0201-511-0419 \$ 2,405.80 MR

11/14	meet/confer. w/att.	1.4 Hr. ¹	2.5 Hr.	159
09/26	trans. & reports int.	7.7 Hr. ²		
09/23	int. Stiers; Lilleys; kids; & Gregory	5 Hr.	1 Hr.	46

RETRIVAL AND REVIEW OF MOTIONS AND NEW DISCOVERY SENT TO ATTORNEY WHILE D.A. HAD KNOWLEDGE OF DEFENSE ATTORNEY WAS OUT OF THE COUNTRY.

11/12	Int.s w/Robesons amended S.O. reports	1.5 Hr.	1.5 Hr.	72
11/14	motion discovery int. w/Gibson	1 Hr.	1.5 Hr.	72
11/16	court order form	⁷ .25 Hr.	1.5 Hr.	72
11/20	motions for disc./ & for sactions	⁷ 1 Hr.	1.5 Hr.	72
11/22	taped int. w/Heidi, Brain, & Marlena	2.5 Hr.	1.5 Hr.	72
11/27	int. of Hooks(2); Gibson; & Gregorys Review of : crim. comp. wit. list; supplements; notice of intent to intro. evidence of uncharged acts.	2 Hr.	1.5 Hr.	72
11/13	int. w/Franklin	1 Hr.	1.5 Hr.	72
11/23	motions for contin.; rec. int. tel. int. w/Heidi Gregery; request for atten. of out - of - state wit.s; granting of motion	2 Hr.	1.5 Hr.	72

19

TOTAL HOURS INVEST. : 83.25 HRS. TRAVEL HOURS: 29HRS.

MILES: 1486

*49 hrs
40 per hr.
7 1960*

*1486 miles.
30 per mi.
7 445.80*

No allowance - travel time - mileage only.

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) CLAIM NO. C98-6
11 TO GOVERNMENT CODE § 911.6)
12 _____)

13 Darren R. Hise
14 3139 Elizabeth Lane
15 Catheys Valley, CA 95306

16 having filed with this Board on February 25, 1998, a claim for damages in the amount of
17 \$4,743.75

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

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

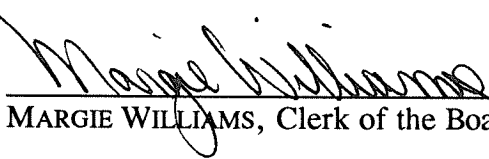
21 AYES: Balmain, Stewart, Parker, Pickard
22 NOES: None
23 ABSENT: Reilly
24 ABSTAINED: None

25 Dated this 7th day of April, 1998.

26 PATTI A. REILLY, Chair
27 Board of Supervisors

28 
VICE CHAIRMAN

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

TO: Darren R. Hise
3139 Elizabeth Lane
Catheys Valley, CA 95306

RE: CLAIM FOR DAMAGES (Claim No. C98-6)
NOTICE OF REJECTION

AMOUNT OF CLAIM: \$4,743.75

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on February 25, 1998 was rejected by action of the Board on April 7, 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.)

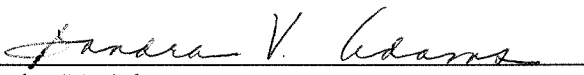
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

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 April 21, 1998, I served the within Notice of Rejection of Claim No. C98-6 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:

Darren R. Hise
3139 Elizabeth Lane
Catheys Valley, CA 95306

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

Executed on April 21, 1998 at Mariposa, California.


Sandra V. Adams