

February 6, 2006

Honorable Mayor and Members of  
the Hermosa Beach City Council

Regular Meeting of  
February 14, 2006

**RECOMMENDATION TO DENY CLAIMS**

Recommendation:

It is recommended that the City Council deny the following claims and refer them to the City's Liability Claims Administrator to issue the notices of rejection.

1. Claimant: Frank W. Wallstein, Jr.  
Date of Loss: 7/22/05  
Date Filed: 1/19/06  
Allegation: Claimant alleges harassment by police.
  
2. Claimant: Stephen C. Stouder  
Date of Loss: 8/2/05  
Date Filed: 2/1/06  
Allegation: Property damage from sewer backup.

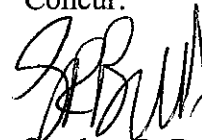
A copy of the claims is available for review in the City Clerk's Office.

Respectfully submitted,



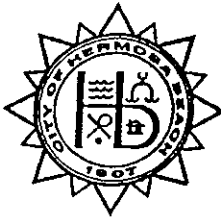
Michael A. Earl, Director  
Personnel and Risk Management

Concur:



Stephen R. Burrell  
City Manager

c: Joel Meza, Colen & Lee



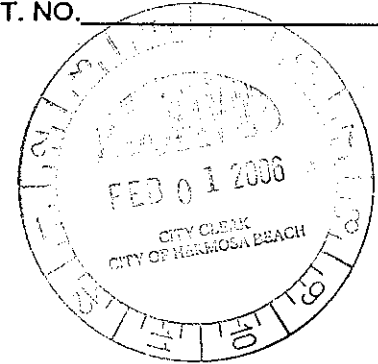
# CITY OF HERMOSA BEACH

## 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  
 Stephen C. Stouder ("Chris")

Date Of Birth Of Claimant  
 4/23/65

Home Address Of Claimant  
 526 25TH Street, Hermosa Beach, CA 90254

Occupation of Claimant  
 Attorney

Business Address of Claimant  
 6080 Center Drive, #800, L.A., CA 90045

Home Telephone Number  
 (310) 798-8505

Give address and telephone number to which you desire notices or communications to be sent regarding this claim. Home: 310/798-8505

Business Telephone Number  
 (310) 215-7579

526 25TH St., Hermosa Beach, CA 90254

Claimant's Social Security No. \_\_\_\_\_

Date of Damage/Loss/Injury  
 8/2/05

7:30 (A.M.) P.M.

Place of Damage/Loss/Injury  
 526 25TH St., Hermosa Beach, CA 90254

How did damage/loss/injury occur? (Be specific) Sewer system backed up into garage/storage room, causing personal property with raw sewage including feces, urine, used condoms, etc

Were Police at scene? Yes  No   
 Were Paramedics at scene? Yes  No

Report No. \_\_\_\_\_

What particular act or omission do you claim caused the damage/loss/injury. City personnel admitted that the backup was caused by their failure to properly clear a blockage in the city sewer system the prior day.

Name of City employee(s) causing the damage/loss/injury: Richard B. Morgan, P.E. - Director of Public Works/City Engineer; Victor Jackson, Public Works Inspector; and several others, names presently unknown.

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

Damages incurred to date (exact):

Expenses for medical and hospital care..... \$ 10. (office visit & Hep B shot)

Loss of earnings... lost 1 day of work \$ Chris: \$1,000; Sazy: \$700

Special damages for... hauling and \$ 425.-

See attached itemization for lost personal property: \$7,045

General damages: Emotional Distress \$ 7,500

Total damages incurred to date..... \$ 16,680

Estimated expenses for medical and hospital care

Future expenses for medical and hospital care..... \$ \_\_\_\_\_

Future loss of earnings..... \$ \_\_\_\_\_

Other prospective special damages Potential structural repairs and cleanup if contamination found in walls \$ Unknown

Prospective general damages \$ \_\_\_\_\_

Total estimate prospective damages..... \$ \_\_\_\_\_

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

Name Chris and Sazy Stouder Address 526 25th Street Phone (310) 798-8505  
Hermosa Beach, CA 90254

Name Richard D. Moran, P.E. Address Civic Center - 1315 Valley Dr. Phone (310) 318-0211  
(Srv. Public Works / City Engineer)  
Hermosa Beach, CA 90254

Name Victor Jackson Address Civic Center - 1315 Valley Dr. Phone (310) 318-0213  
(Public Works Inspector)  
Hermosa Beach, CA 90254

\*City employees took numerous photographs.

DOCTORS and HOSPITALS:

Hospital Paul Murata, MD Address 20911 Earl St. #400 Date Hospitalized doctor visit & Hep B shot  
Torrance, CA 90503

Doctor \_\_\_\_\_ Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_

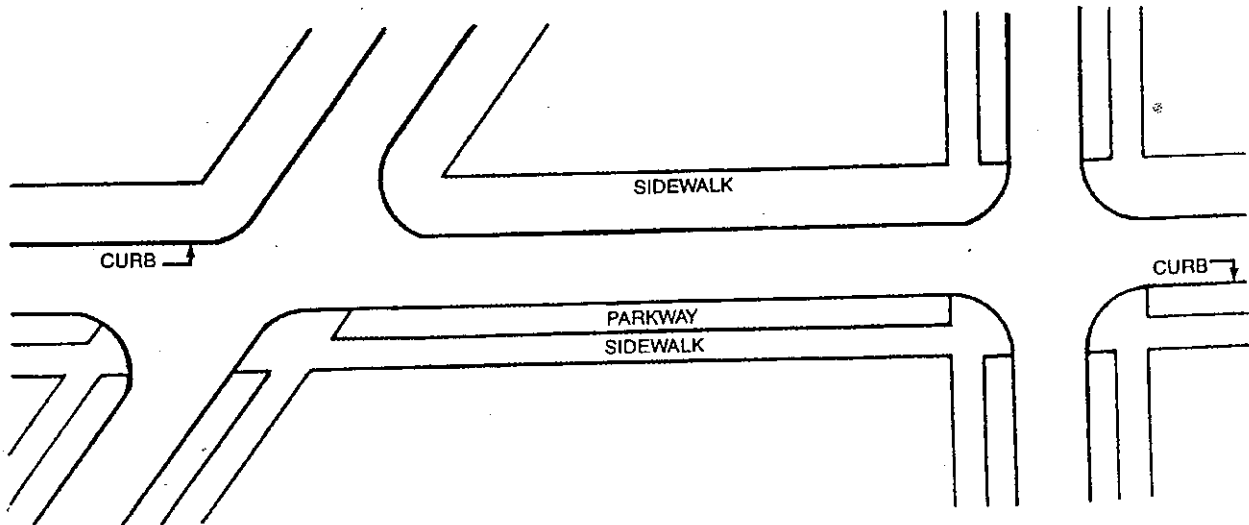
Doctor \_\_\_\_\_ Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_

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:

*[Handwritten Signature]*

Typed Name:

Stephen C. Stouder

Date:

2/1/06



**Richard D. Morgan, P.E.**  
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

*City Hall Hrs. Mon-Thu  
7AM-6PM*

*City of Hermosa Beach*



Civic Center, 1315 Valley Drive  
Hermosa Beach, California 90254-3885  
(310) 318-0211 • Fax (310) 937-5015  
e-mail: [rmorgan@hermosabch.org](mailto:rmorgan@hermosabch.org)



**Victor Jackson**  
PUBLIC WORKS INSPECTOR

*629-0824*

*City of Hermosa Beach*



**PUBLIC WORKS DEPARTMENT**

Civic Center, 1315 Valley Drive  
Hermosa Beach, California 90254-3885 Phone (310) 318-0213  
[vjackson@hermosabch.org](mailto:vjackson@hermosabch.org) Fax (310) 937-5015

**Darren Tavitian**  
Operations Manager  
Los Angeles Coast

PO Box 1463  
El Segundo, CA 90245  
310.439.4585 Mobile  
310.798.6213 Fax  
[darren.tavitian@1800gotjunk.com](mailto:darren.tavitian@1800gotjunk.com)

Book online at [www.1800gotjunk.com](http://www.1800gotjunk.com) or  
call 1-800-468-5865 to book an appointment.

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**Emergency Service Restoration, Inc.**

A Full Service Management & Administration Company for the Water Damage Industry  
INSURANCE COMPANY APPROVED

- 24 hr. Deflooding Service - 7 days a week
- Multi - Million Dollar Liability Insurance
- Skilled Certified IC Technicians with State of the Art Equipment
- 100% Unconditional Guarantee
- Clean, Gray & Sewage Mitigation
- Commercial & Residential Structure and Content Drying
- Odor Removal
- Mold Containment & Evaluation



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Tech *Guillermo Reyes*

# 1-800-GOT-JUNK?

NORTH AMERICA'S LARGEST JUNK REMOVAL SERVICE

P.O. Box 1463  
El Segundo, CA 90245-6463  
Tel: 310.640.1066

500991

Name: CHRIS STODER  
Company Name: \_\_\_\_\_  
Address: 526 25<sup>TH</sup> ST.

Date: 8/6/05  
Driver: AE/MK  
Truck#: LAC01  
Start Time: 1:30  
End Time: 7:30

White Copy: Office Yellow Copy: Client

City: Hermosa Beach State/Prov: CA Zip/Postal: 90254

Home: \_\_\_\_\_ Office: \_\_\_\_\_

Fax: \_\_\_\_\_ Job ID: 570516

Pickup Address: \_\_\_\_\_ City: \_\_\_\_\_

Load Size	Description	Price	Amount				
<u>3/4</u>	<u>A-EST JUNK</u>		<u>\$435</u>				
<p>Please let us tell your friends about us! Ask me for \$10 JUNKBUCKS.</p> <table border="1"><tr><td>Name</td><td>Contact</td></tr><tr><td> </td><td> </td></tr></table> <p><b>Thank You!</b> Book online at <a href="http://www.1800gotjunk.com">www.1800gotjunk.com</a> Please make payable to 1-800-GOT-JUNK? (address atop of this page)</p>		Name	Contact			JunkBucks	<u>-10</u>
		Name	Contact				
		Labor					
		Weight					
Subtotal							
Sales Tax							
		Total	<u>\$425<sup>00</sup></u>				

M/C  VISA  Cash  Check  Invoice  Other \_\_\_\_\_

PO#: \_\_\_\_\_ CC#: 4147 12670 0466 5622 Exp: 07/07

Name: (if different from above) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: 8/6/05  
MM / DD / YY

TERMS: All accounts due upon receipt unless credit has been established, then accounts will be due in 30 days. Overdue accounts will be subject to 2% interest per month (24% per annum). As owner, agent or tenant of the above location, I hereby authorize the above work and agree to make payment specified and acknowledge the work has been satisfactorily completed.  
1-800-GOT-JUNK? franchises are independent licensees of 1-800-GOT-JUNK? LLC and RBOS Rubbish Boys Disposal Service Inc.

**ITEMIZATION OF LOST PERSONAL PROPERTY FROM****526 25<sup>TH</sup> Street, Hermosa Beach, CA 90254****Date of Loss: August 2, 2005**

<b>NO.</b>	<b>ITEM CATEGORY</b>	<b>ITEM DESCRIPTION</b>	<b>QUANTITY</b>	<b>EST. COST PER ITEM</b>	<b>ESTIMATED TOTAL</b>
1.	Baby/Toddler Accessories	Booster Seat	1	\$25	\$25
2.	Baby/Toddler Accessories	Mobile	1	\$40	\$40
3.	Baby/Toddler Accessories	Gymini Play Gym	1	\$60	\$60
4.	Baby/Toddler Accessories	Potty Chair	1	\$25	\$25
5.	Bedding	Comforter	1	\$200	\$200
6.	Bedding	King Pillows	3	\$40	\$120
7.	Bedding	King Pillowcases	3	\$25	\$75
8.	Bedding	King Sheets	2	\$40	\$80
9.	Beverages	Beer/Domestic	4 cases	\$25	\$100
10.	Beverages	Soda	4 cases	\$10	\$40
11.	Beverages	Water	1 case	\$7	\$7
12.	Clothing	Baby/Toddler Dresses	15	\$25	\$375
13.	Clothing	Baby/Toddler Pants	10	\$20	\$200
14.	Clothing	Baby/Toddler Shoes	8 pair	\$25	\$200
15.	Clothing	Baby/Toddler Sweaters	10	\$25	\$250
16.	Clothing	Baby/Toddler Tights	10	\$5	\$50
17.	Clothing	Baby/Toddler T-Shirts	25	\$8	\$200
18.	Clothing	Children's Disney Mickey Mouse Costume	1	\$30	\$30
19.	Clothing	Children's Disney Tigger Costume	1	\$30	\$30
20.	Clothing	Children's Racecar Driver Costume	1	\$25	\$25
21.	Clothing	Children's Superman Costume	1	\$25	\$25
22.	Clothing	Men's Tennis Shoes	1	\$75	\$75
23.	Clothing	Women's Snow Boots	1	\$50	\$50
24.	Furniture	Closet Doors	2	\$100	\$200
25.	Furniture	Crib Mattress	1	\$100	\$100
26.	Furniture	Table	1	\$100	\$100
27.	Garden	Garbage Barrels	4	\$15	\$60
28.	Garden	Rubber Gardening Gloves	2 pair	\$5	\$10
29.	Hardware	Auto Battery Jumper Cable	1	\$25	\$25
30.	Hardware	Ladders	2	\$75	\$150
31.	Hardware	Paint	2 gallons	\$20	\$40
32.	Home Electronics	Personal Computer (including all components, e.g., monitor, hard drive, printer, modem, mouse, cables, etc.)	1	\$1,500	\$1,500

1 Frank W. Hallstein, Jr.  
2 555 Pier Avenue, Suite B  
3 Hermosa Beach, CA 90254



3 Claimant in pro per

5 **In re**

6 Frank W. Hallstein, Jr.

8 Claimant,

9 vs.

10 CITY OF HERMOSA BEACH,

**CLAIM FOR DAMAGES:**

California Government Code Section 910

12  
13  
14  
15 Claimant hereby makes a claim against the CITY OF HERMOSA BEACH pursuant to  
16 Government Code Section 910, et. Seq.

17 A) Claimant Name and Address: Frank W. Hallstein, Jr., 555 Pier Avenue, Suite #B, Hermosa Beach,  
18 CA 90254.

19 B) Notices concerning this claim are to be sent to: Frank W. Hallstein, Jr. 555 Pier Avenue, Suite B,  
20 Hermosa Beach, CA 90254.

21 C) Date and situs: Commencing on July 22, 2005, claimant was lawfully driving his vehicle in the 1300  
22 block of Hermosa Avenue in the City of Hermosa Beach. A Hermosa Beach Police Department  
23 (HBPD) vehicle driven by Officer Donovan Sellan pulled behind claimant's vehicle and followed  
24 claimant at an unreasonably close distance E/B Pier Avenue to Bard Street, where Officer Christopher  
25 Alkadis, in uniform, was standing outside another HBPD vehicle. Officer Alkadis pointed a video-  
26 camera at claimant and claimant's vehicle and recorded claimant's lawful activity. Continuing on July  
27 23, 2005, Officers Sellan and Alkadis, while in uniform, on duty, and driving in a HBPD vehicle,  
28 stopped in front of the door to claimant's business and ordered claimant to direct a customer to exit the

1 location. Officer Sellan confirmed that Officer Alkadis had video recorded claimant's lawful actions on  
2 the previous evening of July 22, 2005, and that he (Officer Sellan) received a telephone call via cellular  
3 telephone from another unidentified individual, which resulted in him (Officer Sellan) conducting a  
4 DMV inquiry of claimant's license plate/vehicle. The illegal actions of Officers Alkadis, Sellan, and  
5 unknown others was harassing, annoying, and frightening to claimant and claimant's family, and  
6 detrimental to claimant's business interests and personal safety. Continuing on September 8, 2005,  
7 claimant was driving claimant's vehicle on Hermosa Avenue in downtown Hermosa Beach when  
8 Officer Alkadis, in the presence of Sergeant Raul Saldana, emerged from the door of Starbuck's Coffee  
9 House and began video-taping claimant's lawful activity. The illegal actions of Officer Alkadis and  
10 Sergeant Saldana was harassing, annoying, and frightening to claimant, and detrimental to claimant's  
11 personal safety. Continuing later on September 8, 2005, claimant was driving claimant's vehicle on  
12 13<sup>th</sup> Street towards Hermosa Avenue when Officer Alkadis, in the presence of Sergeant Saldana and  
13 seemingly with his permission, emerged from behind a concrete pillar of the parking structure with a  
14 video-camera in hand. Officer Alkadis pointed the video-camera at claimant and video-recorded  
15 claimant's lawful activity.

16 The illegal actions of Officer Alkadis and Sergeant Saldana was harassing, annoying, and frightening to  
17 claimant, and detrimental to claimant's personal safety. Continuing on September 9, 2005, Officers  
18 Sellan and Brunn approached claimant on Hermosa Avenue in front of Café Boogaloo, and Officer  
19 Sellan confirmed that Officer Alkadis had in fact video-taped claimant's lawful activity on the prior  
20 evening of September 8, 2005. It must be noted that claimant was interviewed by special agents of the  
21 Federal Bureau of Investigation, regarding his knowledge of misconduct by members of the Hermosa  
22 Beach Police Department, between the dates of July 22, 2005, and September 8, 2005. Based upon the  
23 facts contained herein, claimant claims that Officer Alkadis, Officer Sellan, and Sergeant Saldana  
24 conspired and conducted unlawful investigations, and unlawful and unauthorized surveillance of  
25 claimant for the purpose of witness intimidation, dissuading claimant from continued cooperation with  
26 the Federal Bureau of Investigation, and with the specific intention of harassing, annoying, and  
27 frightening claimant and claimant's family.

28 This claim is made for deprivations of federal RICO statutes and civil rights, California civil rights,



1 invasion of privacy, conspiracy to obstruct justice, conspiracy to deprive civil rights, violations of  
2 California Penal Code Sections 132 (Offering false evidence), 136 (intimidating witnesses), 136.1  
3 (preventing and dissuading witnesses), Gov. Code Section 1031 (duty to investigate hires), negligent  
4 employment of peace officers, negligent retention and supervision of peace officers, intentional and  
5 negligent infliction of emotional distress; official customs, policies, procedures, and practices of the  
6 City of Hermosa Beach, Hermosa Beach Police Department to ignore complaints of police misconduct,  
7 failure to impartially investigate such claims in accordance with acceptable laws enforcement standards,  
8 tacit condonation of and approval of police officer illegality, brutality, corruption, dishonesty, a peace  
9 officer's code of silence, failure to report known incidents of police misconduct to the California  
10 Department of Justice, failure to maintain necessary and reasonable peace officer personnel records  
11 correlating misconduct to personnel performance reviews.

12 **D) Personal injuries, defense costs, attorneys fees and general damages to Claimant in excess of**  
13 **\$10,000.00.**

14 **E) Other than those identified above, the identities of each officer responsible are not presently known.**

15 **Dated: January 19, 2006**

16 

17 Frank W. Hallstein, Jr.  
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