

April 3, 2007

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular Meeting of
April 10, 2007

RECOMMENDATION TO DENY CLAIM

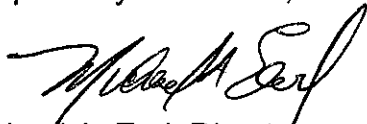
Recommendation:

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

1. Claimant: Pompano, Mark
Date of Loss: 03-13-07
Date Filed: 03-29-07
Allegation: Violation of Civil Rights

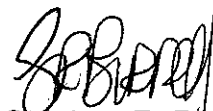
A copy of this claim is on file in the City Clerk's office.

Respectfully Submitted,



Michael A. Earl, Director
Personnel & Risk Management

Concur:



Stephen R. Burrell
City Manager

1 Mark J. Pompano
2 2904 Laurel Avenue
3 Manhattan Beach, CA 90266

4 Claimant in pro per

5 **In re**

6 Mark J. Pompano

CLAIM FOR DAMAGES:

7
8 Claimant,

9 vs.

10 CITY OF HERMOSA BEACH,

11 HERMOSA BEACH POLICE DEPT,

12 SERGEANT RAUL J. SALDANA

California Government Code Section 910

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

16 A) Claimant Name and Address: Mark J. Pompano, 2904 Laurel Avenue, Manhattan Beach,
17 California 90266.

18 B) Notices concerning this claim may be sent to: Mark J. Pompano, 2904 Laurel Avenue,
19 Manhattan Beach, California 90266.

20 C) Date and Situs: On April 3, 2006, Sergeant Raul Saldana, while acting in his official capacity
21 as a supervisor employed with the Hermosa Beach Police Department ("HBPD") contacted the
22 Claimant's employer (City of Los Angeles) and initiated an employment complaint against the
23 Claimant. In his complaint, Sergeant Saldana alleged that on or about March 30, 2006, Claimant
24 inappropriately attended the criminal trial of *People v. Morgan* held at Inglewood Superior Court,
25 Division 4, Inglewood, California. Sergeant Saldana also alleged that the Claimant "eye-fucked"
26 him and that the Judge reprimanded the Claimant for his presence in her courtroom. As a result
27 of Sergeant Saldana's allegations, the Claimant's employer conducted an employment complaint
28 investigation of Claimant. As part of the investigation, Sergeant Saldana provided the Claimant's
employer with a tape-recorded statement of his allegations.



1 On or about March 13, 2007, Claimant's employer completed its investigation of Sergeant
2 Saldana's allegations against Claimant. The investigation determined that the trial was open to
3 the public, and a nexus between Claimant's observation of the trial and Claimant's employment
4 never existed due to the facts that; 1) Claimant was engaged in lawful conduct on his own time,
5 2) Claimant never represented himself as an employee of the City of Los Angeles, 3) Claimant
6 never made any-type of gesture with his eye(s) to Sergeant Saldana, 4) An inquiry with the trial
7 Judge and/or the trial transcripts revealed that the Judge never reprimanded, admonished or
8 chastised Claimant, and, 5) The Judge never gave any indication that the Claimant's presence in
9 her courtroom was unappreciated, inappropriate, unlawful or unacceptable. As such, Claimant's
10 employer completely exonerated Claimant of any misconduct or inappropriate behavior.

11 During his tape-recorded interview with the Claimant's employer's investigators, Sergeant
12 Saldana acknowledged that he was aware the Claimant had pending litigation against some other
13 HBPD members as the result of an incident in 2003. Sergeant Saldana also acknowledged that he
14 was aware the Federal Bureau of Investigation (FBI) was conducting a preliminary investigation
15 of the Hermosa Beach Police Department (HBPD) in response to the Claimant's concerns that his
16 civil rights were violated during the 2003 incident.

17 Claimant is aware that Sergeant Saldana has a pattern, practice, and/or custom of retaliating
18 against people that have questioned, criticized, and/or complained about his behavior and actions
19 while under color of authority. Claimant is also aware that Sergeant Saldana has allegedly made
20 more than one less-than-truthful statements to his employer, the Court, and/or the news media.

21 Claimant asserts that Sergeant Raul Saldana knowingly made the frivolous aforementioned
22 complaint for purposes of, and/or as an instrument; 1) to intimidate and threaten Claimant from
23 cooperating with the FBI, 2) to intimidate, threaten, and dissuade Claimant into forgoing his civil
24 litigation against the City of Hermosa Beach, 3) to adversely impact Claimant's health and well
25 being, and, 4) to hinder and/or interfere with Claimant's ability to provide for his family by
26 adversely impacting Claimant's employment.

27
28 This claim is made for deprivations of Federal Statutes and Civil Rights, California Civil

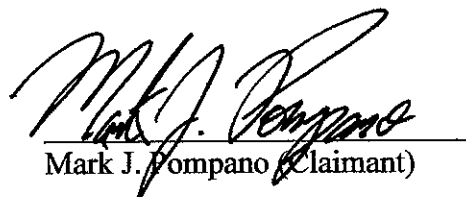
Rights, invasion of privacy, conspiracy to obstruct justice, conspiracy to deprive civil rights, violations of California Penal Code Sections 132 (Offering False Evidence) 136 (Intimidating Witnesses), 136.1 (Preventing and Dissuading Witnesses), and Government Code Section 1031 (Duty to investigate hires), negligent employment of police officers, negligent retention and supervision of peace officers, intentional and negligent infliction of emotional distress; official customs, policies, procedures and practices of the City of Hermosa Beach, Hermosa Beach Police Department pattern, practice and custom to ignore complaints of police misconduct, failure to impartially investigate such claims in accordance with acceptable law enforcement standards, tacit condemnation of and approval of police officer illegality, brutality, corruption, dishonest, a peace officers' code of silence, failure to report known or suspected incidents of police officer misconduct to the California Department of Justice, and failure to maintain necessary and reasonable peace officer personnel records correlating misconduct to personnel performance reviews.

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

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

F) Claimant agrees to "Hold Harmless" both the City of Hermosa Beach and the Hermosa Beach Police Department should the investigation by your City's Risk Manager determine that Mr. Raul Saldana was acting on his own accord and not at the direction, advise or suggestion of the City of Hermosa Beach, the Hermosa Beach Police Department and/or any entity or individual contracted by the City of Hermosa Beach, California.

Dated: March 27, 2007


Mark J. Pompano (Claimant)