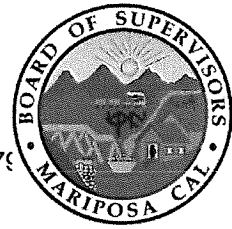


# MARIPOSA COUNTY

Human Resources/Risk Management • (209) 742-1375



## **RESOLUTION - ACTION REQUESTED 2016-527**

MEETING: October 4, 2016

TO: The Board of Supervisors

FROM: Steve Johnson, Human Resources Director - Risk Manager

RE: Rejection of Claim Nos. C16-14 and C16-15 Claimant: Andrew Marowitz

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### **RECOMMENDATION AND JUSTIFICATION:**

Reject Claim Nos. C16-14 and C16-15 presented by Andrew Marowitz for undetermined amounts; and authorize the Board of Supervisors Chair to sign the Notices of Rejection.

The claimant alleges trespassing, invasion, intrusion and violation of constitutional privacy rights by the County during code enforcement proceedings. The claimant has not proven liability or damages; therefore, it is recommended that these claims be rejected.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board has previously rejected unsubstantiated claims.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

### **ATTACHMENTS:**

Claim No. C16-14 Marowitz (PDF)  
Claim No. C16-15 Marowitz (PDF)  
Notice of Rejection - Marowitz C16-14 (DOC)  
Notice of Rejection - Marowitz C16-15 (DOC)

### **CAO RECOMMENDATION**

Requested Action Recommended

  
\_\_\_\_\_  
Mary Hodsol, CAO 9/28/2016

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier



Andrew Marowitz  
6300 San Pablo Ave.  
Oakland, CA 94608

**NOTICE OF REJECTION OF CLAIM No. C16-14/ANDREW MAROWITZ**

Notice is hereby given that the claim which you presented to the Board of Supervisors on September 1, 2016 for an undetermined amount was rejected.

The foregoing was passed by the following vote of the Board on the 4<sup>th</sup> day of October 2016:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
\_\_\_\_\_  
JOHN CARRIER, Chair  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
RENE' LA ROCHE  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
County Counsel

**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 section 945.6. 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.

2ND AMENDED ~~TO 25~~ ~~PAYMENT~~ <sup>JA</sup>

**COUNTY OF MARIPOSA CLAIM FORM**

NOTE SEE GOVT. CODE SECTION 901  
910.6(a)(1)

CLAIM OF ANDREW MAROWITZ )  
(Claimant) )  
v. )  
COUNTY OF MARIPOSA )

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

RECEIVED  
SEP 01 2016

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

BOARD OF SUPERVISORS  
C16-14

YOU ARE HEREBY NOTIFIED that: (Please type or print)

Claimant: ANDREW MAROWITZ  
Whose address is: 6300 SAN DABLO AVE  
City and State: OAKLAND, CALIF. Zip: 94608

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ IN EXCESS OF \$25,000<sup>00</sup>

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

- Property Damage
- Personal Injury
- Contract
- Other (Please List) TRESPASS, INVASION AND INTRUSION OF PRIVACY, ABUSE OF AUTHORITY, MISFEASANCE(S) VIOLATION OF MY CONSTITUTIONAL PRIVACY RIGHTS

which occurred on BEGINNING IN 2004 AND CONTINUOUS TO 2016 (MONTH) 20 19th the vicinity of (place where incident occurred):  
4796 HIRSCH ROAD, MARIPOSA, CA 95338  
(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim: (Please provide another page if more space is needed.)

PUNING CODE ENFORCEMENT DEPT IMPOSED THEMSELVES ONTO MY PROPERTY, ON A PRIVATE ROAD WITHOUT A SEARCH WARRANT AS REQUIRED BY 4TH AMENDMENT OF US CONSTITUTION INVADED + INTRUDED MY PRIVACY COURTESY, TRESPASSING EACH TIME, ENFORCING AN ILLEGAL AND UNLAWFUL INSPECTION/INVESTIGATION/CASE FILE. THE FILE WAS SUDDENLY TERMINATED WITHOUT ANY EXPLANATION ON AUG 29, 2016. DISPUTE/CONFLICT OF LAWS FEDERAL STATE/COUNTY  
The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:

SARAH WILLIAMS; JOSH SOARES, MAL MURVICH, AND FROM A MISUSE OF DISCRETION OF CONFLECTING LAW AND PLAN TO RE-ENGAGE CASE ACTION 7 STEVEN DAHLEM

TERMINATE WITHOUT PREJUDICE  
ENGAGE HEALTH SAFETY FOR INSPECTION SEARCH WARRANT

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.)

12+ YEARS OF SUFFERING THE IMPOSITION OF AUTHORITY BY PLANNING,  
MORE THAN A THOUSAND HOURS OF WORK AS REQUIRED FOR COMPLIANCE  
REFERRAL TO BUILDING DEPT, BASED ON TRESPASS, UNLAWFUL INSPECTION  
COSTS MORE THAN 10000 FOR CORRECTIVE, MANDATED WORK - OR -

STATUTORY

PUBLIC NUISANCE = INFRINGEMENT = \$100 PER DAY FINES. LOSS OF EARNING CAPACITY

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 Yes — \$ YES TO BE DETERMINED

**Specific damages (ITEMIZE & PROVIDE 3 REPAIR ESTIMATES)**

\$  
\$

**Other damages (ITEMIZE)**

LOSS OF PROPERTY WITH DISTRESS \$  
LOSS OF ENJOYMENT OF MY \$

VACATION PROPERTY  
DISPUTES COMPLIANCE

TOTAL DAMAGES INCURRED TO DATE: \$

NON-STOP WORK UNDER THREAT OF AUTHORITY

**Estimated future damages as far as known from this incident:**

Total estimated prospective damages: \$ YET TO BE DETERMINED

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ IN EXCESS OF \$25,000

All notices or other communications with regard to this claim should be sent to claimant at:

6300 SAN PABLO AVE. OAKLAND CA. 94608

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

\*\*PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

Sept 1, 2016

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

(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.



Andrew Marowitz  
6300 San Pablo Ave.  
Oakland, CA 94608

**NOTICE OF REJECTION OF CLAIM NO. C16-15/ANDREW MAROWITZ**

Notice is hereby given that the claim which you presented to the Board of Supervisors on September 1, 2016 for an undetermined amount was rejected.

The foregoing was passed by the following vote of the Board on the 4<sup>th</sup> day of October 2016:

AYES: SMALLCOME, JONES, LONG, CANN, CARRIER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

  
\_\_\_\_\_  
JOHN CARRIER, Chair  
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENE' LA ROCHE  
Clerk of the Board

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
County Counsel

**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 section 945.6. 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.

RECEIVED

SEP 01 2016

COUNTY OF MARIPOSA CLAIM FORM

BOARD OF SUPERVISORS

C16-15

CLAIM OF ANDREW MAROWITZ  
(Claimant)

v.  
COUNTY OF MARIPOSA

CLAIM FOR PERSONAL INJURY  
AND/OR PROPERTY DAMAGE  
(Government Code § 910)  
WITH \$25,000 PAYMENT ID

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (Please type or print)

Claimant: ANDREW MAROWITZ  
Whose address is: 6300 SAN PABLO AVE  
City and State: OAKLAND CA Zip: 94608

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ IN EXCESS OF 25000

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

- Property Damage
- Personal Injury
- Contract
- Other (Please List) TRESPASS, INVASION AND VIOLATION OF MY 4TH AMENDMENT RIGHT TO PRIVACY FROM UNLAWFUL SEARCH; ILLEGAL CODE ENFORCEMENT ACTION; MISFEASANCE(S)

which occurred on 2003 - AUG 29, 2016 in the vicinity of (place where incident occurred):  
AND BEYOND INCLUSIVE, ACCRUAL/NO STATUTE OF LIMITATION  
4796 HIRSCH ROAD, MARIPOSA CALIF 95338  
(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim: (Please provide another page if more space is needed.)

CODE ENFORCEMENT INSPECTOR, WITH A SEARCH WARRANT, TRESPASSED, VIOLATED MY RIGHTS OF PRIVACY, CONDUCTED ILLEGAL SEARCHES COUNTLESS TIMES, IMPOSED A COMPLAINT CASE FILE OR SUFFER A \$100 PER DAY FINE - CONFLICT OF FEDERAL, STATE & COUNTY LAWS AND EVERYONE REFUSED TO TALK/ADDRESS THE CONFLICTS SUDDENLY TERMINATED 8-29-16 FOR 12 YEARS WITHOUT ANY EXPLANATION  
OF BURDEN

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:  
SARAH WILLIAMS, SECH SOARES, MAX MYDVIKH

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.)

GREAT EMOTIONAL DISTRESS  
GREAT BURDEN OF WORK + WORK LOSS OF MY NORMAL WORK

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 YES \$ YES TO BE DETERMINED  
Specific damages (ITEMIZE & PROVIDE 3 REPAIR ESTIMATES)  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Other damages (ITEMIZE)  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

IF YOU WERE FORCED TO WORK AGAINST  
YOUR WILL FOR 12+ YEARS, HOW WOULD  
YOU FEEL  
AND THE CASE WAS  
UNLAWFUL  
ILLEGAL BY  
LAW

TOTAL DAMAGES INCURRED TO DATE: \$ MORE THAN 25,000<sup>00</sup>

**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: \$ MORE THAN 25,000<sup>00</sup>  
LESS THAN ONE MILLION

All notices or other communications with regard to this claim should be sent to claimant at:

6300 SAN PABLO AVE OAKLAND CALIF 94608  
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

\*\*PLEASE NOTE that once submitted, this document becomes a public record and is subject to all forms of public inspection including, but not limited to, display on the internet, and all public records requests.

Dated: 9-01-2016 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.



**Proof of Service by Mail**  
(1013a, 2015.5 CCP)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United States and a resident of the aforesaid County. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4988 11<sup>th</sup> Street (P.O. Box 1917), Mariposa, CA 95338. On October 6, 2016 I served the within Notice of Rejection of Claim No. C16-14/Andrew Marowitz on the claimant in said action by placing a true copy in a postage-paid envelope addressed to the person(s) hereinafter listed, in California, addressed as follows:

Andrew Marowitz  
6300 San Pablo Ave.  
Oakland, CA 94608

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

Executed on October 6, 2016 at Mariposa, California.

  
\_\_\_\_\_  
Donna Wass

**Proof of Service by Mail**  
(1013a, 2015.5 CCP)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United States and a resident of the aforesaid County. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4988 11<sup>th</sup> Street (P.O. Box 1917), Mariposa, CA 95338. On October 6, 2016 I served the within Notice of Rejection of Claim No. C16-15/Andrew Marowitz on the claimant in said action by placing a true copy in a postage-paid envelope addressed to the person(s) hereinafter listed, in California, addressed as follows:

Andrew Marowitz  
6300 San Pablo Ave.  
Oakland, CA 94608

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

Executed on October 6, 2016 at Mariposa, California.



\_\_\_\_\_  
Donna Wass