



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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### GOVERNMENT TORT CLAIM

#### RECOMMENDED ACTION

Agenda May 18, 1999

To: The Board of Supervisors

Re: Claim of Billy Quealy, No. 899-129

**Original** document and associated materials are on file at the Clerk to the Board of Supervisors.

**In** regard to the above-referenced claim, this is to recommend that the Board take the following action:

- x   1. Deny the claim of Billy Quealy, No. 899-129 and refer to County Counsel.
- 2. Deny the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
- 3. Grant the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
- 4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_ and reject the balance, if any, and refer to County Counsel.
- 5. Reject the claim of \_\_\_\_\_ as insufficiently filed and refer to County Counsel.

cc: Not County Jurisdiction

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Ellen Aldridge

CLAIM AGAINST THE COUNTY OF SANTA CRUZ  
(Pursuant to Section 910 et Seq., Govt. Code)

899-129  
APR 1999  
RECEIVED  
CLERK OF THE BOARD  
BOARD OF SUPERVISORS  
COUNTY OF SANTA CRUZ

TO: BOARD OF SUPERVISORS  
COUNTY OF SANTA CRUZ  
AT-I-N: Clerk of the Board  
Governmental Center  
701 Ocean Street, Santa Cruz, CA 95060

1. Claimant's Name: Billy Quealy  
Address: PO Box 7059  
SANTACRUZ CA 95061  
Phone No: (mess) 454-9451 @ - billyquealy@usa.net  
P.O. Box to which notices are to be sent: PO Box 7059

2. Occurrence: SPCA boarding fee for dog w/ phone # on leash (overlooked by staff)  
Date: \_\_\_\_\_ Place: \_\_\_\_\_

Circumstances of occurrence or transaction giving rise to claim: \_\_\_\_\_  
@ Could not locate dog at shelter even though he was there  
(b) Dog had phone # on leash, conveniently lost by staff for a bathing

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:  
agree to pay all fees except boarding

5. Name(s) of public employee(s) causing injury, damage or loss, if known: SPCA negligence and some institutional conflict of laws -

6. Amount claimed now ..... \$ 96.00  
Estimated amount of future loss, if known ..... \$ 4

TOTALS 96.00

7. Basis for above computations: Board fees for days after i visited SPCA to report dog missing (they already had him)

8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:  
\_\_\_\_\_ Municipal Court \_\_\_\_\_ Superior Court

CLAIMANT'S SIGNATURE: Billy Quealy

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2 123).

april 22/99

Board of Super  
Santa Cruz County:

The young 19-25 yr old desk help at SPCA is placed in the position of ~~deciding~~ enforcing judgement and collection of fines that the County Government imposes and demands of persons who locate their lost animal there. However, the County imposed neither demand is issued as a "citation", by animal control officer.

It is the objective purpose of the SPCA to return lost animals, but if after producing #29<sup>00</sup>, one is \$6, \$12, \$18, short, as I was, the SPCA is forced to go against their own stated objective to reunite lost pets and become a prison for animals pending payment of \$6 + (\$6/day + fines) and for a \$6 shortage, will keep and kill your animal rather than return it to rightful owner.

I suggest the County is liable for each and every animal whose owner has located at SPCA, but is refused return of animal pending any fine the County may issue as citation but instead chose to 'punish' animal and 'person' with imprisonment and separation.

You can't have it both ways, prison & fine, you keep animal as punishment or release animal with citation for fine

spca overcharge \$96<sup>00</sup>

11 88

My dog was delivered with his phone # on collar. When I pointed this out the workers 'lost' the collar after admitting it was there, readable, but faded.

I was at spca 3/29 my dog was picked up 3/27. Although he was there and I filed out all the necessary info I was unable to find him & mixed in with "adoptables" They guaranteed he would not be up for until after 2 weeks. Then when I found him sorry \$6<sup>00</sup> short, I was led on to believe I may do a work exchange, only to be told 'no such thing exists' by KAT BROWN (The second x I brought it up) He remained caged 3 weeks!!!  
unnecessary - punishment AND fine.

I want back all the EXTRA RENT charged past the day I arrived to locate my dog and filled out all appropriate I.D.

3/29 - 4/14,  
one punishment is enough.

\$96<sup>00</sup>

or I will sue for \$10,000<sup>00</sup> aggravate negligence, conflict of interest, failure to perform duty, bribery and whatever else my Attorney can come with, against the County, SPCA, and the teenage desk help

Kindly remit the \$96.00 overcharge to BILLY QUEALY PO Box 7059, Santa Cruz CA 95061

THESE FEES NEED TO BE PAID IN CASH ONLY

(ADMINISTERED)  
WHEN VACC. IS

Rabies	9
Penalty	10
License	24
Board	
Impound	20
<hr/>	
	1296

1296 + 1296 = 2592

RECLAIM FEES

2/11

Animal ID 062236 Date 4/10

Bill & Cheryl