



County of Santa Cruz

0079

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 950604068
(831) 454-2040 FAX: (831) 454-2115

DWIGHT L. HERR, COUNTY COUNSEL
CHIEF ASSISTANTS
Deborah Steen
Samuel Torres, Jr.

Assistants
Harry A. Oberheiman III
Marie Costa
Jane M. Scott
Rahn Garcia
Tamyra Rice
Pamela Fyfe
Ellen Aldridge
Kim Baskett
Lee Gulliver
Dana McRae

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda December 14, 1999

To: Board of Supervisors

Re: Claim of Laurence D. Hurst, No. 900-071'

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:

1. Deny the claim of _____ and refer to County Counsel.
- 2 X . Deny the application to file a late claim on behalf of Laurence D. Hurst, No. 900-071 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 mount 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: Mark Tracy, Sheriff-Coroner

COUNTY COUNSEL

By Samuel Torres, Jr.

APPLICATION FOR LEAVE TO FILE

A LATE CLAIM PURSUANT TO SECTION 911.4

OF THE GOVERNMENT CODE

**TO: BOARD OF SUPERVISORS
CLERK OF THE BOARD
701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 96060**

PH. (408) 452-2222
FAX (408) 452-2222



Laurence D. Hurst hereby makes application for leave to present a late claim founded on a cause of action for abuse of power, slander, intentional tort, libel which occurred on April 23, 99 and for which a claim was not presented within 6 months (for death, injury to personal property or person or crops); or 1 year (any other cause of action) by Section 911.2 of the Government Code. For additional circumstances relating to the said cause of action claimant refers to and hereby incorporates by reference the proposed claim attached to this application.

Claimant hereby sets forth the following reasons why said claim was not timely presented The private organization that Mark Tracy forced me from using slander, libel and his position, had by-laws I hoped would correct the situation. However Tracy used his title and power to over-rule normal procedure. I used every avenue to avoid taking this public, it took time. Tracy abused his power to the last.

Said application is being presented within a reasonable time after occurrence of said cause of action, not to exceed one year from the date of the occurrence giving rise to the claim

WHEREFORE, claimant respectfully requests that said application be granted pursuant to Government Code 911.6 and that said claim which is hereby attached, be received and acted on in accordance with Sections 910 et seq., of the Government Code of the State of California.

DATED 11/18/99

CLAIMANT Laurence D. Hurst

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

0081

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

1. Claimant's Name: LAURENCE D. HURST
Address: 420 Sunlit Lane , Bonny Doon Calif 95060
Phone No: (831) 469-9032
P.O. Box to which notices are to be sent Address, same as street
2. Occurrence: I was Slandered and Libeled, and pressured out of an org
Date: April 23, 99 Place: My Home, listed above.
Circumstances of occurrence or transaction giving rise to claim: County employee lied to
the membership of a volunteer. organization (both libeled and
slandered) to force my removal from that group. He prssured the
organization and ignored both BY-LAWS and the U.S. Constitution.
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
At this point, I would forgive the severe damages, if: the
employee was given letter of reprimand, suspended for one
day, apologized and I was reinstated at former position.
5. Name(s) of public employee(s) causing injury, damage or loss, if known: Mark Tracy
Sheriff of Santa Cruz County
6. Amount claimed now \$ 137,500
Estimated amount of future loss, if known \$ in excess of
TOTALS 1,000,000
7. Basis for above computations: Purchases made prior to actions, funds spent
to maintain our chuses and establishing replacement group.
8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:

_____ Municipal Court _____ Santa Cruz _____ Superior Court

CLAIMANT'S SIGNATURE: 

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 454-2123).



County of Santa Cruz ⁰⁰⁸²

SHERIFF - CORONER

701 OCEAN STREET, SUITE 340, SANTA CRUZ, CA 95060

(831) 454-2985 FAX: (831) 454-2353

MARK TRACY
SHERIFF -CORONER

April 23, 1999

Mr. Laurence Hurst
420 Sunlit Lane
Bonny Doon, CA 95060

Dear Mr. Hurst:

Effective immediately, you are suspended from the Sheriffs Office Posse. I am **also** recommending that the Posse Board of Directors move forward to remove you from the Posse.

This action is based on the following:

- Your removal from the Posse on a prior occasion for conduct that was detrimental to the best interest, welfare, standing, goodwill, fellowship reputation or good name of the Posse.
- Your reenstatement to the Posse a year ago with the understanding that you would conduct yourself in a manner appropriate for membership.
- Your arrest by the C.H.P. on November 31, 1998, for driving while intoxicated.
- Your failure to **notify** the Sheriff or any Posse Board Members of the arrest.
- Your acceptance of position on the Posse Board of Directors as Sergeant of Arms **while** knowing that you **failed** to inform the Sheriff or the Posse Board of your pending criminal case.
- Your unwillingness to address your obvious problem with over consumption of alcohol.

Your suspension includes your involvement in Sheriffs Office functions or wearing of the uniform or badge. The suspension is permanent. You will surrender your badge to the Deputy who serves you with this document.

Laurence Hurst
420 Sunlit Lane
Santa Cruz, CA 95060

0083

April 23, 1999

Sheriff-Coroner
Mark Tracy
701 Ocean Street, Suite 340
Santa Cruz, Ca 95060

Dear Sheriff Tracy,

Our Deputies served your letter this evening. Took me quite by surprise. Although, I did not tell you personally of my terrible situation, something you said at the next Posse meeting made me believe you were aware. I feel very comfortable with the Posse's board and would have discussed it with Herb Ross or Deb Tracy, had I not thought you were aware of the allegations. So, I thought you were being kind and trying to save me the embarrassment. Remember me asking if you were comfortable with me doing a DARE activity with this hanging over my head ?

I am very sorry to have let down and disappointed my fellow Posse members and my many friends in the Posse.

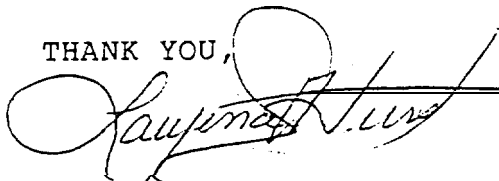
In your letter you called attention to 5 points to qualify your actions and recommendation to the board, however you stated several falsehoods. First of all, I was at no time removed from the Posse. August 30, 1994 I resigned upset over the fact that my dating of Christina Martin had become a public issue, and the way it was handled. Secondly, I was reinstated to the Posse in excess of 3 years ago, which gives me 15 years of dedicated service with a brief 8 month leave of absence. Upon my reinstatement I, as all Posse members do, agreed to adhere to the By-Laws and it was also agreed, that since more of the previous situation was now understood as was my reason for resigning that these issues would not be brought up again and my resignation would be

considered a Leave of Absence.

This would be a horrible smear on my record, if found guilty, yet I can truly say my behavior while in uniform has always been above reproach. Please ask any of the Posse members I have been on Mall Patrol with or those I have ridden with on search and rescue assignments.

I truly wish you would meet face to face and reconsider putting myself and Our Posse in this position.

THANK YOU,



Laurence D Hurst

Santa Cruz County Sheriff's Posse
2127 Ocean Street Extension
Santa Cruz, Ca 95060

May 16, 99

Dear Deb and Fellow Board Members,

I was instructed not to attend the board meeting of May 13, 99, it was thought that Sheriff Tracy wanted to address the board and my presence would be awkward. In agreeing to this politeness, I was promised my response to Sheriff Tracy's letter would be read. It was not. Additionally, I presumed I would be heard before a vote would be taken.

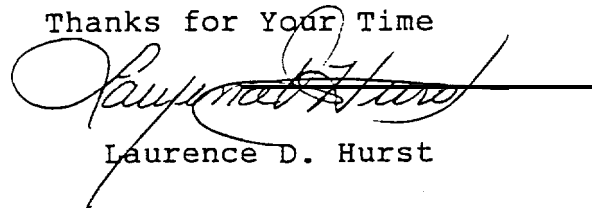
I am not **reconizing** the vote taken, since it is in direct conflict with Sheriff Tracy's request and Robert's Rules of Order. Our By-Laws do state that, the member being removed must appear before the board. Robert's Rules state that my own vote, as a board member, is still valid until after my removal.

I must also state that, there are few men I respect as I do John Barnes. This aside, our by-laws do not allow for appointments of Officers, and Robert's Rules specifically oppose the idea. Therefore, of our 7 member board only 4 were in attendance, I believe this would have change the outcome.

My wish at this time would be to set aside the illegal vote taken and to either hold a special board meeting or wait until the next regular board meeting, at such a time I would be allowed to state my side.

Ofcourse the By-Laws allow for trial before the entire membership, I believe we would all like to avoid that option.

Thanks for Your Time

A handwritten signature in cursive script, appearing to read "Laurence D. Hurst", is written over a horizontal line.

Laurence D. Hurst

PS. I believe any of you I have ridden with would want me out there if your child was lost.

S.C.C. Sheriff's Posse
Board of Directors
2127 Ocean Street Extension
Santa Cruz, Calif 95060

May 30, 99

Dear Members of the Board,

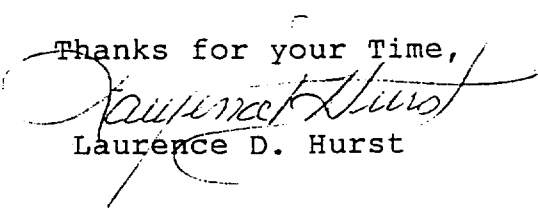
I must apologize for misstating Article 6 in my last letter to you. As Deb Tracy and I discovered over the phone, I was using a 11/96 revision of the By-Laws, unaware the 7/98 revision took out membership protections. Notwithstanding that error, or perhaps using it to prove my point, I must ask you to revisit what the Posse is becoming.

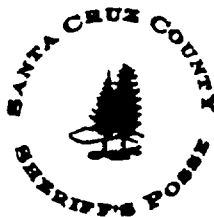
I am hereby informing you, that I would like to assert my Article 6 right to address the membership. My reasons for the appeal are as follows:

1. The board's only stated reason is Sheriff Tracy demanded it. Sheriff Tracy's letter says recommending.
2. At least 4 elements of our by-laws and constitution were ignored during this procedure.
3. It was a known fact, that this was an allegation, not a conviction.
4. It was known to the Sheriff that, there was a urine test result of .06 BAC. Below DUI levels.
5. The Sheriff and His Board, after swearing to uphold the Constitution of the United States, blatantly ignored "Innocent until proven guilty".

Please inform me of the earliest possible appeal time, and I think to put a true end to this, political head game, it would be best if Sheriff Mark Tracy was in attendance.

Thanks for your Time,


Laurence D. Hurst

SANTA CRUZ**SHERIFF'S POSSE**

Laurence Hurst
 420 Sunlit Lane
 Bonny Doon, Ca 95060

May 20, 1999

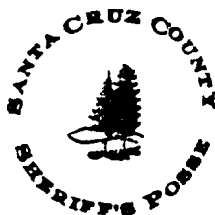
Dear Laurence,

This letter is to advise you that per the Santa Cruz County Sheriffs Posse Constitution and Bylaws, Article six: Section I- Removal of members, your membership in the Santa Cruz County Sheriffs Posse has been permanently suspended. The board regrets having to take this action, however as per Sheriff Tracy's letter to you of April 23, 1999 he placed you on immediate and permanent suspension. Because of Sheriff Tracy's action, we have no recourse but to terminate your membership.

As you are aware in the bylaws you have an appeal recourse. Article six: Section I states, In the event of such vote to expel, the expelled member shall lose membership in the Posse and shall be so notified by the President. The member may appeal to the full membership by written notification to the President within thirty (30) days of the decision by the Board of Directors. The regular membership shall vote and the decision shall be by majority ballot. In the event the majority vote is to expel, the expelled member shall lose membership without recourse. The President will notify the expelled member by writing by certified mail.

Sincerely,

Santa Cruz County Sheriff Posse
 Board of Directors

SANTA CRUZ**SHERIFF'S POSSE**

July 9, 1999

Mr. Laurence Hurst
420 Sunlit Lane
Bonny Doon, CA 95060

Dear Mr. Hurst,

This letter is to inform you of the results of your appeal meeting on July 8, 1999. I regret to inform you the membership of the Santa Cruz County Sheriffs Posse majority voted to terminate your membership.

Please return all posse related items, saddle blanket, Robert's Rules of Order and any other property to the treasure no later than July 16, 1999. Upon doing so, all deposits if applicable, will be returned to you.

Sincerely,

Deborah Tracy
President