

CLAIM AGAINST THE CITY OF SAN BERNARDINO

(For damages to persons or personal property)
(Complete Both Pages)

A claim against the City of San Bernardino must be filed with the City Clerk within 6 months after the incident or event occurred. Be sure your claim is against the City of San Bernardino and not another public entity. Completed claims must be mailed or delivered to: City Clerk, City of San Bernardino, 290 North D Street, San Bernardino, California 92401. If additional space is needed to answer one of the questions, please attach an additional sheet.

- Warning:**
- A) It is a Criminal Offense to File a False Claim!**
(Penal Code Sec. 72; Insurance Code Sec. 556.1)
 - B) It is a Criminal Offense to File a False Claim against a Peace Officer!**
(Penal Code 148.6)

RECEIVED - CITY CLERK
NOV 30 PM 3:43
Date Stamp

Claimant Information

Name Steve Carrigan Address to which claimant desires notices to be sent: _____

Address [Redacted] Name R. Craig Scott, Esq./Executive Law Group, Inc.

Address 2601 Main Street, Suite 510

Address Irvine, CA 92614-4220

Phones [Redacted] Zip Code _____

Driver's License No. [Redacted] Birth Date [Redacted] Social Security No. [Redacted]

Claim Information

Date of claim incident August - October 2023 Time _____ A.M. P.M.

Exact and specific location of event from which the claim arises Various, including in San Bernardino, and Pacific Grove

Describe the injury, property damage or loss, so far as it is known at the time of this claim.
Please see accompanying letter dated November 28, 2023, and the accompanying Summary of Facts.

Describe the occurrence, event, act, object or omission you claim caused the injury or damage.
Please see accompanying letter dated November 28, 2023, and the accompanying Summary of Facts.

List persons injured.		Injured
1. <u>Steve Carrigan</u>	<u>[Redacted]</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Describe injuries for each person, matching injuries with numbers above.

1. Please see Damages Claimed, next page. Also please see accompanying letter dated November 28, 2023, and the accompanying Summary of Facts.

2. _____

3. _____

State how the City of San Bernardino or its employees were at fault.
Please see accompanying letter dated November 28, 2023, and the accompanying Summary of Facts.

Damages Claimed

	Property Damage	Bodily Injury
Amount claimed as of this date.	\$1,231,250*	
Estimated amount of future costs.	1,000,000	
Total Costs of Claim (Property Damage + Bodily Injury)	\$2,231,250	

Basis for computation of amounts claimed or attach copies of all bills, invoices, and estimates; *City caused loss of employment as City Manager of Salinas (two years, three months remaining on contract, \$731,250); \$500,000 damages to reputation; \$1,000,000 (loss of future employment opportunities).

Damages Claimed — More Than \$10,000

You must indicate court jurisdiction: Municipal _____ Superior **XX** _____

Claim Investigation

Give the names of any employee(s) who have been involved. Please see Witnesses below.

Was this incident reported to a law enforcement agency? Yes No If yes, which agency? _____

Who reported it? _____ When was it reported? _____

List the following:

Witnesses:
 San Bernardino Mayor and City Council Members
Name Address
 Suzie Soren, San Bernardino Human Resources
Name Address
 Frank Rojas, Koff & Associates
Name Address

Witnesses:
 Thomas A. Rice/Best, Best & Krieger
Name Address
 Gary Phillips, Bob Murray & Associates
Name Address

Indicate additional information which you believe might be helpful in considering this claim.
 Please see accompanying letter dated November 28, 2023, and the accompanying Summary of Facts.

- Warning:** **A) It is a Criminal Offense to File a False Claim!**
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 (Penal Code 148.6)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

 _____ 11/28/23 _____
 Claimant's Signature Date



Legal Services for
Executives and
Professionals in
Transition

2601 Main St., Ste. 510
Irvine, CA 92614-4220
Ph: 949.222.0188
Fax: 949.222.0113
www.execlaw.com

November 28, 2023

VIA USPS PRIORITY MAIL AND EMAIL

Genoveva Rocha, City Clerk
City of San Bernardino
201 North "E" Street, Building A
San Bernardino, CA 92401
Email: sbcityclerk@sbcity.gov

RE: CLAIM FOR DAMAGES – STEVE CARRIGAN

TO: THE CITY OF SAN BERNARDINO, THE MAYOR AND ALL COUNCIL MEMBERS,
AND THE CITY ATTORNEY:

YOU ARE HEREBY NOTIFIED that STEVE CARRIGAN ("CARRIGAN"), whose address is [REDACTED], claims damages from the CITY OF SAN BERNARDINO, BY AND THROUGH THE CONDUCT OF THE MAYOR OR MEMBERS OF THE CITY COUNCIL, OR CITY EMPLOYEES OR OTHER AGENTS (collectively and/or individually, "The CITY").

This Claim is based upon the continuous injuries and damages suffered by CARRIGAN from August 2023 up to and including the date of this Claim, and going forward, in the nature of:

1. Tortious Interference with Contract.

The CITY, without privilege or justification, intentionally interfered with the existing employment agreement between CARRIGAN and the City of Salinas. That interference resulted in the City of Salinas terminating CARRIGAN's employment agreement.

2. Intentional Interference with Prospective Economic Advantage.

The CITY interfered with CARRIGAN's prospective business advantages, as future City Manager of San Bernardino, by conduct referenced in this Claim, including by failing to hire him due to his race.

3. Damage to Reputation.

The CITY has repeatedly and with malice engaged in unprivileged conduct by which CARRIGAN's reputation, as referenced in this Claim, has suffered substantial damage.

4. Intentional and Negligent Infliction of Emotional Distress.

The CITY both intentionally and negligently inflicted severe emotional distress on CARRIGAN by conduct referenced in this Claim.

5. Race Discrimination in Violation of Government Code Section 12940(a).

The CITY has discriminated against CARRIGAN on the basis of his race (white), as manifested by conduct referenced in this Claim.

6. Invasion of Privacy (False Light).

The CITY invaded CARRIGAN's privacy by causing publicity that placed him in a false light in the public eye.

Genoveva Rocha, City Clerk
City of San Bernardino
November 28, 2023
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7. Violation of Brown Act.

The CITY unlawfully disclosed confidential information acquired in closed session, as manifested by conduct referenced in this Claim.

Following is a Summary of Facts supporting the foregoing seven-point summary of this Claim.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'RCS', is written over a horizontal line.

R. Craig Scott
For Claimant, Steven CARRIGAN

STEVE CARRIGAN – SUMMARY OF FACTS

In July 2023, Mr. Steve Carrigan ("Carrigan"), who was then the City Manager of Salinas, received a call from a recruiter, Frank Rojas from Koff & Associates ("Rojas"). Rojas suggested that Carrigan take a look at the San Bernardino City Manager position. San Bernardino was then on their second recruitment to fill the position and Rojas stated that he felt Carrigan's background and experience would be a good fit.

Carrigan interviewed with San Bernardino on August 3, 2023 (via Zoom) and on August 18, 2023 (in-person). After the second interview, Rojas called to tell Carrigan that it was a "dead-heat" between another candidate and Carrigan. Rojas told Carrigan that the San Bernardino Council was requesting a list of demands from both candidates. A few days later, Rojas called to tell Carrigan that he was the finalist that the Council wanted to move forward with.

Thomas Rice ("Rice"), San Bernardino Chief Assistant City Attorney, who had sat in on the San Bernardino Council interviews of Carrigan reached out to Carrigan via email with a job offer from the San Bernardino City Council. After some back and forth, they agreed upon the terms of employment. Rice told Carrigan that the full City Council would consider Carrigan's employment contract in Closed Session on August 28, 2023.

The City of San Bernardino, by and through the conduct of the Mayor or members of the City Council, or City employees or other agents (collectively and/or individually, "The CITY"), breached the confidentiality of closed session and of the recruiting process and revealed Carrigan's candidacy for the San Bernardino City Manager position to the Salinas City

Council. The CITY acted without regard for the privacy rights of Carrigan and with the intent to interfere with Carrigan's existing contractual relations with the City of Salinas. Rojas declared that he and the San Bernardino City Attorneys instructed the San Bernardino City Council about confidentiality, and about the imperative that no one in attendance at a closed session mention any of the candidates' names to anyone outside of the recruitment process.

In San Bernardino there is a pattern of unprivileged conduct designed to destroy the employment prospects of any person seeking the San Bernardino City Manager position who is not favored by the Mayor or one or more members of the San Bernardino City Council. Council Members leak the candidacy of those who are disfavored to the city council where the candidate then works. The wrongful intent and purpose of the CITY in this effort is to undermine a candidate's current employment, so that the disfavored candidate becomes insecure and withdraws his candidacy. In August – October 2023, The CITY succeeded in this effort with two candidates for the San Bernardino City Manager position: Carrigan and one other who was touted in the press as having "impeccably impressive credentials." According to an article posted on September 8, 2023, in *The Sentinel*, this candidate withdrew from consideration after someone contacted his or her employer and informed them that their city manager had applied for the San Bernardino City Manager position.

In Carrigan's case, after his name was revealed publicly by The CITY, without Carrigan's authorization, Carrigan contacted Rojas requesting that his name be removed from consideration to be the next San Bernardino City Manager. Carrigan also sent an email to the Salinas City Council and

to all Salinas City employees stating that "after much consideration, Salinas is the place for me."

But, it was too late for Carrigan to hold on to his position in Salinas. The Salinas City Council had been tipped off by The CITY, and the Salinas City Council terminated Carrigan.

After Carrigan's possible appointment as City Manager of San Bernardino was considered in a Closed Session of the San Bernardino City Council, Rojas informed Carrigan that three of the Council Members wanted a different candidate. Pressed for more information, Rojas told Carrigan "this is about race." Carrigan is white. Two of the three Council Members who did not vote to extend an employment offer to Carrigan are African American and they wanted the other candidate, who is African American. In addition to the foregoing information, other confidential closed-session information was released in violation of the Brown Act.

In the open session of the August 28, 2023 San Bernardino City Council meeting, a large group of African American residents attended. They spoke out against Carrigan's potential appointment as San Bernardino City Manager. Seven of the ten speakers that spoke against Carrigan's candidacy are African American. One or more members of The CITY orchestrated this effort to squash Carrigan's candidacy because Carrigan is not the correct, favored race (Black).

On Thursday, October 5, 2023, the day after the San Bernardino City Council met in Closed Session, Carrigan received a call from Ms. Suzie Soren ("Soren"). Soren is the San Bernardino Human Resources Director. Referring to the Closed Session, Soren told Carrigan, "Steve, there was a

lot of talk last night about you and there was a lot of talk about how we cost you your job." Soren was referring to The CITY's interference that resulted in Carrigan's being terminated as Salinas City Manager.

On Friday, October 6, 2023, Carrigan received a call from a recruiter, Gary Phillips from Bob Murray & Associates ("Phillips"). Phillips called to ask Carrigan if he would be interested in being the Interim City Manager for Pacific Grove. Phillips said Carrigan was a good candidate because he knows the issues in Monterey County, has 10 years' experience as a city manager, and lives 30 minutes from Pacific Grove. (Other candidates from outside the region would have to commute or rent an apartment and since this position of Interim City Manager of Pacific Grove only pays a salary and no benefits, living nearby is a real plus.)

On Tuesday, October 10, 2023, Phillips called to tell Carrigan that Phillips met with the Pacific Grove City Council and they chose not to select Carrigan as the Interim City Manager.

Phillips explained to Carrigan that the Pacific Grove City Council said that they knew of Carrigan and they think he is a good guy, but they were unwilling to move forward with Carrigan because his circumstances were "too political." That reference was to the actions of The CITY toward Carrigan.