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CITY OF OXNARD
CITY CLERK

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4 Attorney for Claimant
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7 CLAIM AGAINST PUBLIC ENTITY
8 BEFORE THE CITY COUNCIL, CITY OF OXNARD
9

10 In the Matter of)
11 TOM CHRONISTER)
12 Claimant)
13 _____)

NOTICE OF CLAIM
[Govt Code Sect. 910, 910.4]

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15 1. The name and address of claimant is Thomas L. Chronister: in care of Corey W.
16 Glave, Attorney at Law, 1042 2nd Street, CA 90254 (323) 547-0472.

17 2. Claimant hereby requests that any notices regarding his claim be sent to the
18 address give in paragraph 1.

19 3. This Tort Claim is being made for payment of statutory penalties, damages, and
20 benefits for claimant under claims of a continuing violation of state statutory law, Federal Civil
21 Rights and Constitutional law, the Public Safety Officers Procedural Bill of Rights, and/or the
22 California Penal Code. While it is not believed that a Tort Claim is required, and that claimant
23 has provided the respondents with prior notice, via a verbal and written complaints, claimant
24 hereby submits the following claim out of an abundance of caution.

25 4. The persons, employees, agents, or individuals causing claimants injuries are as
26 follows: CITY OF OXNARD, a municipal entity; OXNARD POLICE DEPARTMENT, a
27 government agency; KAREN BURNHAM, Interim City Manager for the City of Oxnard; JERI
28 WILLIAMS, Chief of Police; unknown representatives of the City of Oxnard Human Resources

1 Department; and DOES 1 through 20, inclusive. All such parties (hereinafter referred to as
2 "Respondents") are believed to have been acting in their official and/or individual capacities.

3 5. Claimant, unless otherwise stated, herein was an individual employed as a sworn
4 police officer with the Oxnard Police Department holding the rank of Commander. It is believed
5 that all of Claimant's evaluations showed him to be an outstanding employee who moved up the
6 ranks to his final position of Commander.

7 6. Claimant filed his retirement papers and, in fact, retired honorably from the
8 Oxnard Police Department on July 1, 2012, with a service retirement. Nevertheless, in retaliation
9 for Claimant having a social relationship with a person not liked by the Police Administration,
10 the Police Department conducted a faux internal investigation, which included an ordered
11 interrogation of Claimant without being afforded any rights under Government Code §3303; and
12 the implementation of disciplinary action against Claimant a month and a half after his
13 retirement. The disciplinary action was based on Claimant's relationship with a person alleged to
14 be under criminal investigation, but that had not been tried or found guilty of any offense. It is
15 believed that Respondents arbitrarily enforce their rule regarding "associations" with a person
16 under criminal investigation as it is believed a number of officers of the Oxnard Police
17 Department are under criminal investigation and other members of the Police Department are
18 allowed to maintain relationships with these people under criminal investigation.

19 7. As part of the disciplinary action, the Police Department proposed retroactively
20 finding that Claimant's retirement was not in good standing and denied Claimant the "privileges"
21 outline in the Oxnard Police Department Retirement/Separation Protocol, including, including
22 but not limited to, the exclusion from events put on by the Police Department and/or labor
23 associations; the issuance of a flat badge and the issuance of a CCW endorsement identification
24 card. Additionally, Respondents confiscated, without any right to seize said items, Claimant's
25 retirement badge and ID card.

26 8. Claimant, believing that the allegations against him were not supported by facts or
27 allowed under the law, requested a pre-disciplinary hearing. This hearing took place on or about
28 October 30, 2012. The Chief of Police upheld the disciplinary action and gave notice of her

1 action on or about November 5, 2012, and said notice was sent via certified mail.

2 9. On November 13, 2012, Claimant, via counsel, put Respondents on notice that the
3 action violated Claimant's rights and that the alleged activity giving rise to the disciplinary action
4 was legal and/or could not form the basis for disciplinary action against him. Claimant requested
5 an administrative appeal of the disciplinary action and invoked any and all due process/liberty
6 interest rights granted to him by Respondents, and state and/or federal law. Claimant also
7 requested hearing on his CCW permit denial/revocation.

8 10. On or about November 21, 2012, a representative of the City of Oxnard's Human
9 Resources Department contacted counsel for Claimant and confirmed receipt of the Claimant's
10 request for an administrative hearing, invocation of due process/liberty interest rights, and
11 request for a CCW appeal hearing. The representative indicated that on the disciplinary appeal,
12 the only hearing Claimant was entitled to was a hearing with the City Manager. The
13 representative indicated that she would research available hearing dates and the process for the
14 CCW appeal hearing and get back to counsel.

15 11. No further contact has been received from Respondents and Claimant has not
16 been provided any administrative appeal, due process/liberty, or CCW appeal hearing.

17 12. Respondents have and continue to deny Claimant the use and enjoyment of a
18 right(s) to which he is entitled; to wit, an honorable retirement, all benefits of an honorable
19 retirement, a CCW permit and other benefits.

20 13. Respondents have and continue to fail to act in accordance with their ministerial
21 duty to comply with state law and its own rules and regulations regarding administrative appeals,
22 CCW appeals, and due process/liberty interest rights.

23 14. It is further alleged that the Respondents proceeded in such a manner as to deny
24 Claimant his due process of law and a fair hearing.

25 15. Respondents continue, as of the time of this Tort Claim, maintain in Claimant's
26 personnel/IA file and/or files used for personnel purposes and that are discoverable in civil and
27 criminal actions, copies of these unlawful disciplinary actions that are believed to be false and
28 misleading. By continuing to not afford Claimants with the opportunity for administrative

1 appeals, Claimants are being prohibited from challenging the factual correctness and propriety of
2 these disciplinary actions.

3 16. Respondents are believed to have intentionally and maliciously violated
4 Claimant's, and other officers right under Government Code §3300, et seq., including, but are
5 not limited to Government Code sections 3303, 3304, 3304.5, and 3309.5.

6 17. Respondents, and each of them, had and have a ministerial duty to strictly follow
7 their written Rules and Regulations, as they relate to disciplinary actions and processes.

8 18. Claimants allege that Respondents, and each of them failed to comply with their
9 ministerial duty in conducting disciplinary investigation and implementing the disciplinary
10 process when taking action against Claimant. By said actions, Respondents, and each of them,
11 caused harm to Claimants and denied Claimant the use and/or enjoyment of a right or office to
12 which the he/she/they are entitled.

13 19. Claimants allege that Respondents undertook the above actions in order to
14 promote its/their/his wish to vex, annoy, or injure another person, or an intent to do a wrongful
15 act. Respondents knew or should have known that by taking the above actions, the officer's
16 and/or his name in law enforcement would be harmed.

17 20. As a direct result of respondents' behavior, Claimant has and will continue to
18 incur harm and attorney's fees in an effort to redress the damages which he/she/it has sustained as
19 a result of said respondents' outrageous behavior.

20 21. Claimant's individual and/or aggregate damages exceed the sum of \$25,000
21 excluding attorney fees, thus, requiring either federal court or state superior court jurisdiction.
22 Claimant will amend his/her/its claim to allege any individual known to him who have caused
23 such negligence and intentional misconduct on the part of the Respondents and through the
24 respondents listed above.

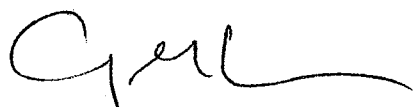
25 22. Said damages are ongoing on a day to day basis and Claimant continues to be
26 damaged due to the adverse, illegal, and unconstitutional treatment at the hands of respondents.

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Dated: February 28, 2013

COREY W. GLAVE, ATTORNEY AT LAW

By: 

Corey W. Glave
Attorneys for Claimant

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my address is 1042 2nd Street, Hermosa Beach, CA 90254

On February 28, 2013, I served the foregoing document described as

Governmental Tort Claim

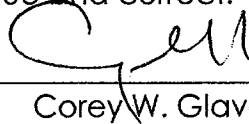
on the parties in this action by first class mail on the parties in this action by placing a copy thereof in an envelope addressed as follows:

Daniel Martinez
City Clerk
305 West Third Street
First Floor - West Wing
Oxnard, CA 93030

I deposited said document with U.S. postal service on that same day with postage thereon fully prepaid at Hermosa Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on February 28, 2013, at Hermosa Beach, California.

X STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Corey W. Glave