

CITY OF BANNING
PRESS RELEASE

July 22, 2013

For Immediate Release
Contact: Bill Manis (951) 922-3181
Director of Economic Development/
Public Information Officer

FOR IMMEDIATE RELEASE

SUBJECT: Police Chief Leonard T. Purvis Claim for Money or Damages Against the City of Banning

Effective Monday, July 22, 2013, the City of Banning is releasing a Claim for Money or Damages brought against the City, copy attached.

On Monday, July 1, 2013, the City of Banning was served a Claim for Damages ("Claim") pursuant to Government Code Section 910, by the Law Offices of Danuta W. Tuszyńska of Riverside, CA, on behalf of Banning Police Chief Leonard T. Purvis ("Claimant").

The circumstances of the Claim asserted relate to several alleged misconduct violations by Banning City Council Member Don Peterson that occurred in December 2012 and March 2013 respectively. The Claimant subsequently filed a report with the Office of the Riverside District Attorney regarding the alleged misconduct violations by Council Member Peterson.

The Claim has been turned over to ERMA (Employment Risk Management Authority), a Joint Powers Authority (JPA) program providing coverage for employment practices liability to the City. The claim will be investigated and managed by the attorney appointed by ERMA.

Because this is a labor matter with an active investigation and potential litigation, the City of Banning will not be commenting on the Claim.

###

File With:
City Clerk's Office
City of Banning
99 E. Ramsey Street
Banning, CA 92220

**CLAIM FOR MONEY OR
DAMAGES AGAINST
THE CITY OF BANNING**

RESERVE FOR FILING STAMP
CLAIM NO. *Mac*

RECEIVED

JUL 01 2013 *JH*

BY: *City Clerk's Office*

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Address of the Claimant:

Name of Claimant: Leonard T. Purvis

Address: Riverside County. Contact through counsel.

2. Post Office address to which the person presenting the claim desires notices to be sent:

Name of Addressee: Danuta W. Tuszynska Telephone: (951) 781-1233

Post Office Address: 7121 Magnolia Avenue, Riverside, CA 92504

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of Occurrence: See attached.

Time of Occurrence: See attached.

Location:

Circumstances giving rise to this claim: See attached.

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

See attached.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

See attached.

6. **If amount claimed totals less than \$10,000:** If the amount claimed is less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation: See attached.

If amount claimed exceeds \$10,000: if the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs do not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (see CCP § 86.)

Limited Civil Case

Unlimited Civil Case

You are required to provide the information requested above in order to comply with Government Code §910. Additionally, in order to conduct a timely investigation and possible resolution of your claim, the City of Banning requires that you answer the following questions.

7. Claimant(s) Social Security Number(s): See counsel.

8. Claimant(s) Date(s) of Birth: See counsel.

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.: _____ Telephone: _____

Address: _____

Insurance Policy No.: _____

Insurance Broker/Agent: _____ Telephone: _____

Address: _____

Claimant's Veh. Lic. No.: _____ Vehicle Maker/Year: _____

Claimant's Drivers Lic. No.: _____ Expiration: _____

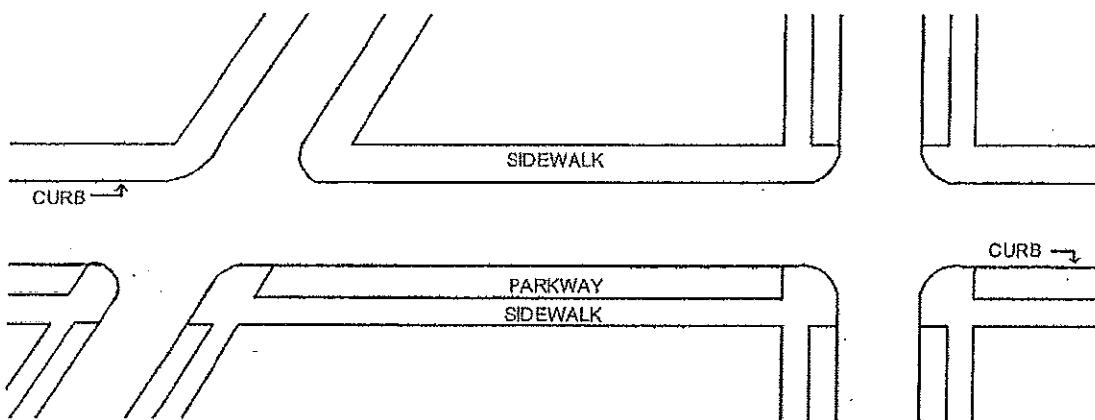
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City/Agency Vehicle was involved, designate by letter "A" location of City/Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

City/Agency Vehicle; location of City/Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Warning: Presentation of false claims is a **FELONY** (Penal Code §72). Pursuant to CCP §1038, the City/Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: _____

A handwritten signature in black ink, appearing to read "John Hernandez".

Date: _____

July 1, 2013

Law Offices of Danuta W. Tuszyńska

7121 Magnolia Avenue
Riverside, CA 92504
951.781.1233
FX 951.781.1232

July 1, 2013

City of Banning
City Clerk's Office
99 E. Ramsey St.
Banning, Ca. 92220

RE: *Claim for damages, Government Code Sec. 910, et.seq.*
Leonard T. Purvis

(a) **NAME OF CLAIMANT:** The name of the claimant is Leonard T. Purvis, who at all times relevant is an adult resident of the County of Riverside, and is employed by the City of Banning.

(b) **The post office address of claimant is:** Danuta W. Tuszynska, Attorney at Law, 7121 Magnolia Avenue, Riverside, 92504.

(c) **ADDRESS FOR NOTICES:** The post office address to which notices should be sent is: Same as (b).

(d) **THE DATE, TIME, AND OTHER CIRCUMSTANCES** of the occurrence or transaction which gave rise to the claim asserted are as follows: The acts and course of conduct claimed against herein commenced in or about March of 2013, and is a continuing course of conduct by City Councilman Don Peterson. Peterson, acting in his capacity as Banning City Councilman, attempted to cause Claimant to violate the California Penal Code; when Claimant refused, Peterson attempted and continues to attempt to wrongfully terminate Claimant from his employment with the City of Banning as Chief of Police; retaliation is ongoing and continuing as claimant suffers daily in his ongoing harassment and retaliation from Banning City Councilmember Don Peterson.

(e) **DESCRIPTION OF THE CLAIM:** Claimant is a loyal and dedicated employee of the City of Banning, having been employed as Chief of Police, and a long-term employee of eight years. Claimant

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Re: Claim for damages, Government Code Sec. 910, et.seq.

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had an excellent reputation, is the recipient of numerous awards and honors, having restored the reputation of the Banning Police Department as a respected law enforcement agency in Riverside County.

On March 7, 2013, Claimant received a voice mail message from Banning City Councilman Don Peterson. Peterson requested that Claimant, in his capacity as Chief of Police for the City of Banning, run his personal vehicle registration. Peterson specifically states that:

"Leonard, I need a favor...I need a 28 run on one of my personal plates.... I'm not sure if I filed a non- op on it or not... hoping you could run a 28 on it.....it'll save me from sitting on my butt two hours in DMV....."

Since Peterson touts his alleged prior law enforcement experience on the City's website, he is well aware that asking a "favor" of the Chief of Police in running his personal vehicle is a violation of the California Penal Code, CLETS policies, and policies of the Banning Police Department but attempted to induce Claimant Purvis to indeed violate the law in doing so. Purvis refused. After Purvis communicated his refusal to Peterson, Peterson indicated that "I had my buddy run the plate." Since that time Peterson has launched a vendetta against Purvis, attempting to have him terminated from his employment by the City and personally contacting officers to encourage a "no-confidence" vote against Purvis, in a clear-cut act of retaliation.

This is an ongoing pattern of inappropriate and illegal behavior from Councilman Peterson. In December of 2012, Peterson attempted to insinuate himself into a confidential investigation conducted by the Banning Police Department into former Mayor Don Robinson. Peterson personally requested information from Chief Purvis regarding the investigation, which Purvis refused, as a City Council member is not entitled to review a confidential law enforcement investigation while it is ongoing. Similarly, Peterson has sent emails regarding personnel matters at the Banning Police Department, indicating his preferences as to the outcomes, thereby interfering in disciplinary matters.

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Claimant made a report to the Office of the District Attorney regarding Peterson's attempt to cause Claimant to commit a crime, and solicitation to commit a violation of Penal Code section 502, unauthorized computer access and fraud. Claimant also caused an audit of the CLETS system; since he was concerned that Peterson had accessed the system through a Banning Police Officer. The audit confirmed that Peterson had been successful in having the CLETS violation occur on his behalf; however, his plate was run by the Whittier Police Department, not Banning.

In addition to contacting District Attorney Paul Zellerbach and reported the illegal activity of Councilman Peterson, Claimant has also contacted the Whittier Police Department to alert them to the CLETS violations.

California Labor Code section 2856 provides: An employee shall substantially comply with all the directions of his employer concerning the service on which he is engaged, **except where such obedience is impossible or unlawful**, or would impose new and unreasonable burdens upon the employee. Fundamental principles of public policy and adherence to the objectives underlying the state's penal statutes require the recognition of a rule barring an employer from discharging an employee who has simply complied with his legal duty and has refused to commit an illegal act.

Similarly, California Labor Code section 1102.5 states an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation. Additionally, Claimant's causes of action include breach of the implied covenant of good faith and fair dealing, and interference with contractual relations, an action for breach of contract.

City's continued retaliation against Claimant for engaging in protected activity has caused Claimant severe anxiety and stress, and severe apprehension of the financial consequences should Peterson continue in his

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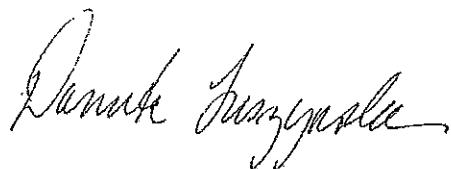
vendetta to have Claimant terminated from his employment for refusing to engage in illegal activity.

(f) IDENTIFICATION OF PUBLIC EMPLOYEES CAUSING

HARM: City of Banning and City Councilman Don Peterson, and Does 1-10 to be named at a later date. City has allowed, condoned, and perpetuated a culture of retaliation against Claimant.

AMOUNT CLAIMED: As a result of the acts complained of herein, which are not intended as a full and complete statement of each and every wrongful act, Claimant has suffered general damages in an amount to be proved at trial, but not less than \$ 250,000. In addition, Claimant has suffered special, and other economic damages, plus pre-judgment interest thereon. Claimant is further entitled to incidental and consequential damages and prejudgment interest at the prevailing legal rate. Claimant has incurred attorney fees, and will incur attorney fees, as a result of the violation of his rights. Claimant alleges that above-named individual parties acted with malice and intent to harm, oppress, and damage Claimant, and to deprive him of his statutory and constitutional rights, as a result of which he is entitled to punitive damages from each of them in a

Regards,



Danuta W. Tuszynska
Attorney at Law