

Claim for Damage or Injury

Use Black or Blue Ink or Type
Attach Additional Pages if Necessary

Mail Claim To:
Clerk of the Board of Supervisors
County of Ventura
800 S. Victoria Ave., L#1920
Ventura, CA 93009

County of Ventura

JUL 24 2023

Clerk of the Board

Clerk of the Board Stamp

CLAIMANT, NOTIFICATION AND GENERAL INFORMATION

CLAIMANT FULL NAME		CLAIMANT ADDRESS (REQUIRED)
Nouphine Xaypangna		[REDACTED]
PERSON TO BE NOTIFIED OF ANY ACTION TAKEN ON CLAIM		NOTIFICATION ADDRESS (IF DIFFERENT THAN ABOVE)
Shannon Seibert		2100 Embarcadero, Ste. 203, Oakland, CA 94606
CLAIMANT DATE OF BIRTH	MEDICARE BENEFICIARY	PHONE NUMBER(S)
[REDACTED]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(510) 677-1981
DATE OF ACCIDENT	ACCIDENT TIME AM/PM.	EMAIL ADDRESS (OPTIONAL)
Ongoing through 05/26/2023	n/a	seibert@sbm.law
PLACE OF ACCIDENT (COMPLETE ADDRESS AND DESCRIPTION TO LOCATE ON A MAP)		
800 South Victoria #1940, Hall of Administration, 4th Floor, Ventura, CA 93009		

PROPERTY DAMAGE

DESCRIBE PROPERTY DAMAGE CLAIMED, INCLUDING LOCATION, NATURE OF DAMAGE, CAUSE AND HOW VALUE IS CALCULATED
n/a

Received
JUL 25 2023
Risk Management

PERSONAL INJURY

STATE THE NATURE AND EXTENT OF CLAIMANT'S INJURY WHICH FORMS THE BASIS OF THIS CLAIM:
See Attachment A.

LIABILITY

INDICATE HOW THE ACCIDENT HAPPENED, WHY YOU FEEL THE COUNTY IS LIABLE AND NAME OF INVOLVED COUNTY EMPLOYEE(S):
See Attachment A.

AMOUNT OF CLAIM

PROPERTY DAMAGE:	Personal Injury \$:	TOTAL AMOUNT OF CLAIMS:
n/a	Unlimited Jurisdiction (> \$25,000)	Unlimited Jurisdiction (in excess of \$25,000)

WITNESSES

NAME(S)/ADDRESS(ES):
See Attachment A; multiple current and former employees and representatives of the County of Ventura to be determined; others within the knowledge of and available through County Counsel.

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIMS OR MAKING FALSE STATEMENTS

Every person who, with intent to defraud, presents for allowance or payment any false or fraudulent claim is guilty of a felony. (See California Penal Code §72).

I DECLARE UNDER THE PENALTIES OF PERJURY OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS CORRECT AND THAT THE AMOUNT OF THIS CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT DESCRIBED ABOVE.

X

[Signature]

SIGNATURE OF CLAIMANT

7/21/23

DATE

Claim for Damage or Injury
July 21, 2023

Attachment A

Ms. Xaypangna relocated to California from North Carolina after being recruited following a nationwide search to fill the then-newly created role of Diversity, Equity and Inclusion Officer for the County of Ventura. The DEI Officer position was created by the Ventura County Board of Supervisors through Resolution No. 20-1262. As the DEI Officer, Ms. Phin was tasked by the Board with strengthening and improving diversity, equity, and inclusion in the County's workforce, workplace, strategic plan, programs, and services; ensuring culturally competent, respectful outcomes for community members and the workforce; assessing County policies, procedures, and collaborations to develop equity, diversity, and inclusion as core components of the County's work in service to the community; and attempting to make Ventura County a more racial equity and justice-oriented organization in service to all communities in the county.

From the beginning of her employment, Director of Human Resources and Assistant CEO Shawn Atin subjected Ms. Xaypangna to discriminatory and hostile treatment, including publicly belittling her in front of her colleagues, micromanaging her work, impeding her ability to carry out her Board-mandated duties as DEI Officer, and unjustifiably criticizing her in the performance of her job duties. Despite Mr. Atin's open hostility and efforts to interfere with her work, Ms. Xaypangna excelled in the performance of her duties promoting racial and gender equity in Ventura County, for which she regularly received praise from colleagues, community members, and members of the Board of Supervisors.

In March 2022, Ms. Xaypangna recommended to the Board of Supervisors that an audit be conducted of the County's Human Resources processes and reporting mechanisms available to employees who were subjected to discrimination or harassment and that an outside firm make recommendations for improving protections for victims of discrimination and harassment and for whistleblowers. Mr. Atin became enraged with Ms. Xaypangna and demanded that she change her recommendation. Ms. Xaypangna refused to bow to Mr. Atin's demands.

On March 22, 2022, Dr. Sevet Johnson was appointed interim CEO after former CEO Mike Powers resigned from the position during an investigation into his alleged sexual harassment of and discriminatory conduct toward a subordinate. After Dr. Johnson assumed the interim role, Ms. Xaypangna reported Mr. Atin's illegal conduct to her. Dr. Johnson agreed to alter Ms. Xaypangna's reporting structure to remove her from the abusive oversight of Mr. Atin but did not take any further action to address Mr. Atin's illegal treatment of Ms. Xaypangna.

On April 18, 2022, in an email to Dr. Johnson and Supervisor Carmen Ramirez, Ms. Xaypangna again reported Mr. Atin's abusive conduct. In response to Ms. Xaypangna's complaint, Dr. Johnson admonished Ms. Xaypangna for reporting Mr. Atin's conduct to Supervisor Ramirez. Dr. Johnson further stated that, despite Mr. Atin's ongoing mistreatment of her, "it is critical that [Ms. Xaypangna] have a working relationship with [Mr. Atin]." Aside from demanding that Ms. Xaypangna attend mediation with Mr. Atin, Dr. Johnson did not take any further action to address Ms. Xaypangna's complaints about Mr. Atin's illegal conduct.

On June 29, 2022, Ms. Xaypangna lodged a formal complaint with the County Counsel and Auditor-Controller against Mr. Atin. The following day, County Counsel confirmed that Dr. Johnson had been informed of Ms. Xaypangna's formal complaint against Mr. Atin. Within approximately two weeks, Dr. Johnson inappropriately and without basis accused Ms. Xaypangna of being "intense," "accusatory," "inappropriate" and "intimidating" with a colleague.

In August 2022, Ms. Xaypangna was interviewed for more than six (6) hours over the course of two (2) days by Donna Evans, a third-party investigator hired by the County. Ms. Xaypangna's was not informed whether any further action would be taken by the County to investigate her complaint.

Dr. Johnson began falsely accusing Ms. Xaypangna of failing to perform her duties and failing to follow instruction, subjecting her to excessive scrutiny, demanding that she attend meetings with Mr. Atin, and chastising her for insisting that laws such as the Brown Act be followed. Though Mr. Atin also continued to psychologically abuse Ms. Xaypangna during this time, Ms. Xaypangna did not receive any further updates from the County on the alleged investigation into her June 29, 2022 complaint against him or a response to her requests for assistance.

Ms. Xaypangna and Dr. Johnson scheduled a meeting at 4:00 p.m. on January 13, 2023 to discuss Ms. Xaypangna's complaint and additional illegal conduct of Mr. Atin. The morning of the scheduled meeting, Ms. Xaypangna sent an email to Dr. Johnson explaining that she felt she was being retaliated against by Dr. Johnson for having submitted the complaint about Mr. Atin. In response, Dr. Johnson abruptly canceled the scheduled meeting. On January 22, 2023, Dr. Johnson completed an astonishingly negative performance review of Ms. Xaypangna without Ms. Xaypangna's knowledge.

On January 27, 2023, during her rescheduled meeting with Ms. Xaypangna, Dr. Johnson surprised Ms. Xaypangna by suddenly handing her the performance review she had completed the previous weekend. In a 24-page long performance review replete with cut-and-pasted email excerpts sprinkled throughout and an additional nine (9) pages of unsupported allegations attached in support, Dr. Johnson excoriated Ms. Xaypangna's job performance, ranking her as "needs improvement" in the vast majority of the performance categories.

On January 30, 2023, Ms. Xaypangna emailed County Counsel to report that Dr. Johnson was retaliating against her and explained that her working conditions had become increasingly intolerable over the six (6) months since she submitted her formal complaint about Mr. Atin. Ms. Xaypangna gave a detailed explanation of the retaliation she was being subjected to and pleaded for assistance from County Counsel. In response, Ms. Xaypangna received a curt email that ignored Ms. Xaypangna's complaint of retaliation and request for help.

Mentally and emotionally devastated by the continued mistreatment and the County's refusal to take any action to protect her, Ms. Xaypangna was placed on medical leave on February 7, 2023.

When Ms. Xaypangna returned to work approximately five (5) weeks later, she was ostracized by Dr. Johnson who, with the exception of a few brief email exchanges, did not speak to Ms. Xaypangna for nearly three (3) weeks after her return.

On April 18, 2023, Ms. Xaypangna received a letter from County Counsel with the subject line, "Discourteous treatment investigation." The letter informed Ms. Xaypangna that her allegations were determined by the County to be unsubstantiated, that the investigation had been closed, and that no further action would be taken on the matter.

Less than two (2) weeks later, Ms. Xaypangna was provided notice of the County's intent to terminate her. Ms. Xaypangna's final day of employment was May 26, 2023.

As a result of the County's illegal conduct, Ms. Xaypangna has suffered and will suffer financial losses in the form of past and future wages, benefits, and retirement earnings, significant emotional distress, and harm to her reputation and wellbeing.

The County may be liable for the financial, emotional, and reputational harm caused to Ms. Xaypangna and for her costs and attorneys' fees incurred in seeking damages under numerous state and federal employment laws, including but not limited to Government Code § 12900, *et seq.*, Labor Code § 1102.5, the California and federal Constitutions, and additional statutes that may be determined to apply through the course of investigation and discovery.

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County of Ventura

To: Clerk Of The Board

County of Ventura
JUL 24 2023
Clerk of the Board

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