



For Office Use Only

Government Claims Program
Office of Risk and Insurance Management
Department of General Services
P.O. Box 989052, MS 414
West Sacramento, CA 95798-9052

1-800-955-0045 • www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx

Clear Form

Print Form

Is your claim complete?

- Include a check or money order for \$25 payable to the State of California.
- Complete all sections relating to this claim and sign the form. Please print or type all information.
- Attach copies of any documentation that supports your claim. Please do not submit originals.

Claimant Information Use name of business or entity if claimant is not an individual

1	Bachmann	Michael	2	Tel:
	<i>Last name</i>	<i>First Name</i>	<i>MI</i>	
			3	Email:
4	[REDACTED]	[REDACTED]	CA	[REDACTED]
	<i>Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
5	Inmate or patient number, if applicable:			
6	Is the claimant under 18? N/A		If Yes, please give date of birth:	
7				

If you are an insurance company claiming subrogation, please provide your insured's name in section 7.


8	If your claim relates to another claim or claimant, please provide the claim number or claimant's name in section 8.
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Attorney or Representative Information

9	Walker	Jayme	L	10	Tel: (510) 832-5411
	<i>Last name</i>	<i>First Name</i>	<i>MI</i>	11	Email: jwalker@giccb.com
12	1999 Harrison St., Suite 1600		Oakland	CA	94612
	<i>Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>
13	Relationship to claimant: Attorney				

Claim Information Please add attachments as necessary

14	Is your claim for a stale-dated warrant (uncashed check)?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	<i>If No, skip to Step 15.</i>
	State agency that issued the warrant:			
	Dollar amount of warrant:	Date of issue:		
		<i>MM/DD/YYYY</i>		
15	Date of Incident: August 30, 2016			
	Was the incident more than six months ago?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
	If YES, did you attach a separate sheet with an explanation for the late filing?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
16	State agencies or employees against whom this claim is filed:			
	Bay Area Air Quality Management District			
17	Dollar amount of claim: In excess of the jurisdictional limit and continuing to accrue.			
	If the amount is more than \$10,000, indicate the type of civil case:	<input type="radio"/> Limited civil case (\$25,000 or less)		
		<input checked="" type="radio"/> Non-limited civil case (over \$25,000)		
	Explain how you calculated the amount:			
	Mr. Bachmann has over \$100,000 in lost wages and benefits to date. This is accruing at a rate of approximately \$15,000/month. Mr. Bachmann also claims emotional distress damages and attorneys' fees in an amount to be determined at trial.			

18	Location of the incident: Bay Area Air Quality Management District
19	Describe the specific damage or injury: See attachment
20	Explain the circumstances that led to the damage or injury: See attachment
21	Explain why you believe the state is responsible for the damage or injury: See attachment
22	Does the claim involve a state vehicle? <input type="radio"/> Yes <input checked="" type="radio"/> No
If YES, provide the vehicle license number, if known:	
Auto Insurance Information	
23	
Name of Insurance Carrier	
Mailing Address	
City	
State	
Zip	
Policy Number:	
Tel:	
Are you the registered owner of the vehicle? <input type="radio"/> Yes <input type="radio"/> No	
If NO, state name of owner:	
Has a claim been filed with your insurance carrier, or will it be filed? <input type="radio"/> Yes <input type="radio"/> No	
Have you received any payment for this damage or injury? <input type="radio"/> Yes <input type="radio"/> No	
If yes, what amount did you receive?	
Amount of deductible, if any:	
Claimant's Drivers License Number:	
Vehicle License Number:	
Make of Vehicle:	
Model:	
Year:	
Vehicle ID Number:	
Notice and Signature	
24	I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).
	
Signature of Claimant or Representative Printed Name	
Alison M. Karp Date: 2/21/2017	
25	Mail this form and all attachments with the \$25 filing fee or the "Filing Fee Waiver Request" to: Government Claims Program, P.O. Box 989052, MS 414, West Sacramento, CA 95798-9052. Forms can also be delivered to the Office of Risk and Insurance Management, 707 3rd street, 1st Floor ORIM, West Sacramento, CA 95605.

**Michael Bachmann and Sarah Steele v. Bay Area Air Quality Management District:
Attachment to Government Claim/State Personnel Board Complaint**

The Bay Area Air Quality Management District (BAAQMD) is a regional government agency charged with implementing and enforcing air quality rules and regulations against both commercial and residential sites throughout the 9 San Francisco Bay Area counties. It is responsible for issuing permits for equipment that emits air pollutants, for planning and making recommendations to promote clean air quality, and for fining companies and individuals who unlawfully pollute the air. As a government agency, BAAQMD and its elected Board members are subject to the public records laws and accountable to the public for their activities in combating pollution and enforcement of clean air quality in the Bay Area.

Michael Bachmann began working for the BAAQMD as a contractor in 1999. In 2001, he was hired as a Manager in the Information System Services Division. Mr. Bachmann performed his job well and was regularly commended for his work and his dedication to BAAQMD's mission.

In 2015, BAAQMD was in the process of relocating its headquarters. As the manager of Information Systems, Mr. Bachmann was tasked with collection, inventory and storage of district records. He was responsible for writing code to digitize physical public records, create and maintain records inventory, and building a records management archive for record retrieval and organization of electronic public records. He was also responsible for making sure physical records were moved to an off-site storage location in Richmond, CA.

In April, 2015, Mr. Bachmann hired Sarah Steele to help him and his team remove physical files from the old building and digitize and store them at an offsite facility in Richmond, CA. Ms. Steele was highly organized and adept at managing the vast quantities of information and records maintained by the District. Her tenacity, coupled with her enthusiasm for environmental history and ability to research the District's needs, made her a valuable asset to the District. Ms. Steele worked hundreds of hours in overtime to inventory, design and implement a standalone online database to manage records during the moving process and potentially beyond. Ms. Steele and Mr. Bachmann were praised by management and staff alike for their work organizing and making accessible important District records.

Public records maintained by the District include, but are not limited to, permits for emissions, including permits for all Bay Area refineries, manufacturing and chemical companies operating in the Bay Area, legal settlements, Board meeting minutes, notices of violation of air quality standards by such companies and fines given to them for violations, flare reports, which are documents of the chemical flares indicating what any factory may have emitted in pollutants on a given day, asbestos records, and records related to activities of the District to maintain air quality and combat pollution.

In August, 2015, Mr. Bachmann was informed by an employee for the enforcement division that documents that were supposed to be inventoried and maintained were being improperly destroyed even though they were subject to a subpoena related to current litigation against Pacific Steel Casting. The employee gave Mr. Bachmann some of the records she had

been able to save and Mr. Bachmann had the folder scanned and placed with the same site's other historic data.

On September 30, 2015, Sarah Steele reported to Mr. Bachmann that she was approached in an aggressive manner by Chief Legal Counsel Brian Bunger, Legal Counsel Bill Guy and Director of Enforcement Wayne Kino and was told they wanted to destroy microfiche documents containing many records of violations of air quality. Mr. Steele told Messrs. Bunger, Guy and Kino that destruction of such records violated the District's policy and state law. Ms. Steele then reported this potential violation of law to her supervisor, Mr. Bachmann. Mr. Bachmann forwarded Ms. Steele's email to his Director Eric Stevenson. Mr. Stevenson and Mr. Bachmann agreed that any records that were being destroyed should come through their department and reviewed to determine if destruction was consistent with law and internal policy and inventoried before they were destroyed. This is consistent with California Government Code § 60201 which requires the District to keep an inventory of all records it destroys and not to destroy records if destruction would adversely affect the public interest.

On November 6, 2015, Mr. Bachmann informed the Executive Management of BAAQMD, including Deputy Air Pollution Control Officer (DAPCO), Damian Breen, that he was aware that staff members were throwing away documents that the District was required to maintain, including notices of violations, flare reports, and documents that were the subject of current litigation. Mr. Bachmann informed the Executive Management that this was a violation of internal policy and state law. Chief Legal Counsel Brian Bunger told Mr. Bachmann that it was better if staff destroyed records and that the District had no obligation to document what was destroyed. Mr. Bunger further told Mr. Bachmann that it could "hurt us" if we have a record of what was destroyed. Mr. Bunger's directives to Mr. Bachmann were, in fact, violations of California state law and were certainly adverse to the public interest in maintaining records of air quality enforcement and violations.

Following this meeting, Mr. Bachmann complained to his Director Eric Stevenson and told him that Mr. Bunger was violating internal records policy and state law. Mr. Stevenson agreed and told Mr. Bachmann that he would speak with Deputy Air Pollution Control Officer, Jean Roggencamp, about the issue.

In mid-December, 2015, Mr. Bachmann and Ms. Steele discovered that several thousand enforcement records, including notices of violations of air quality standards and several hundred BAAQMD executive communication records had been deleted from the online database. According to the District's policy, enforcement records were supposed to be kept for the life of the facility plus 7 years or 25 years and executive communications were supposed to be permanent records. Mr. Bachmann again reported this to Mr. Stevenson.

By December, 2015, following Mr. Bachmann and Ms. Steele's repeated complaints that public records were being improperly destroyed, they were subjected to a bogus investigation without being told what was being investigated.

On January 20, 2016, Ms. Steele discovered that flare reports for the Chevron, Tesoro, Shell and other refineries located in the East Bay were being placed in a dumpster. Ms. Steele

informed staff that she intended to collect and inventory these documents. However, the Director of Enforcement, Wayne Kino, told her that she was not to collect or inventory anything from his division. Mr. Kino then complained to Mr. Stevenson about Ms. Steele in an attempt to adversely affect her employment.

On January 29, 2016, Ms. Steele was told that Messers. Bungler, Guy and Kino wanted her to put boxes of microfilm containing notices of violation, settlements of violations, asbestos records and thousands of citizen complaints against various Bay Area facilities that had not yet been inventoried into an unsecure storage room. Ms. Steele knew that they intended to destroy the records and complained several times to Mr. Bachmann and Mr. Stevenson. However, Mr. Stevenson was aware that Mr. Bachmann was going to be fired if he did not keep quiet about destruction of records and advised Ms. Steele to comply with the directive. Mr. Bachmann told Ms. Steele to comply with the directive but to inventory as many of the records as she could prior to returning the boxes. Ms. Steele did as much as she could and then placed the boxes in the storage room. A few days later they were gone.

On February 26, 2016, following Mr. Bachmann and Ms. Steele's repeated complaints that public records were being improperly destroyed, Mr. Bachmann was put on administrative leave allegedly for violating the District's vehicle use policy. Ms. Steele was summarily fired allegedly because her project was over which was blatantly false. Mr. Bachmann's Director, Eric Stevenson, refused to sign the letter of suspension knowing that Mr. Bachmann had not violated the vehicle use policy. Ms. Steele's position was given to a less qualified employee who destroyed District records as she was instructed by senior management in violation of law.

Mr. Bachmann remained on administrative leave until he was terminated on August 30, 2016 allegedly for violating the vehicle use policy, insubordination, assigning overtime to Sarah Steele and dishonesty on his employment application. This was merely pretext for the District's retaliation. The mere fact that the District went back and reviewed Mr. Bachmann's employment application illustrates that they were doing whatever they could to create reasons to fire Mr. Bachmann. Mr. Bachmann never knew he was being investigated regarding the education stated in his employment application. Mr. Bachmann received his B.A. during military service and produced a copy of his diploma at his termination hearing. This was ignored by the District. The other reasons for Mr. Bachmann's termination were also demonstrably false. He had been told both by his manager and HR that he had not violated the vehicle use policy and an independent investigator found that he had not assigned overtime to Ms. Steele for any inappropriate reason nor was the assignment of overtime in violation of District policy.

Mr. Bachmann and Ms. Steele's terminations were in retaliation for their repeated protests about the unlawful destruction of air quality and pollution public records. Many of these records are the subject of ongoing litigation, yet the District knowingly destroyed records without keeping any record of what was destroyed. This is a clear violation of public records laws and California's public policy of open and accountable government. Mr. Bachmann and Ms. Steele intend to make claims for violations of the Whistleblower Protection Act (Cal Gov. Code §8547 et seq.), Labor Code §1102.5, Breach of Contract and Breach of the Implied Covenant of Good Faith and Fair Dealing.

Mr Bachmann currently has approximately \$100,000 in lost wages and benefits to date. This is accruing at a rate of approximately \$15,000 per month. Ms. Steele has approximately \$77,000 in lost wages and benefits to date and accruing at a rate of approximately \$6,500 per month. Both Mr. Bachmann and Ms. Steele also claims emotional distress damage and attorneys' fees.