



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
7

Meeting Date: **AUGUST 4, 2011**

Subject:

Authorize the Rejection of the Claim of Anne Marie Tejcek

Recommendation:

Adopt Resolution No. 2011-0087, authorizing the rejection of the claim of Anne Marie Tejcek.

Background/Justification:

On July 14, 2011, Anne Marie Tejcek ("Tejcek") filed a claim (Attachment A) with the Authority alleging that on February 18, 2011, she fell as she transited through the TSA checkpoint in Terminal Two. Tejcek claims unspecified special and general damages in excess of \$10,000.

Tejcek alleges in her claim that on February 18, 2011, she fell after exiting the body scanner operated by the TSA. She states she stepped from an area covered with a floor mat to a tiled portion of the floor and slipped while wearing only socks on her feet, falling on her right side and resulting in the fracture of her elbow. She further claims a Harbor Police officer told her she was not the first person to fall in that area.

Tejcek's claim should be denied. An investigation into the incident revealed no unsafe condition of public property nor any notice of an unsafe or dangerous condition. The area where claimant indicates she fell is under the control of the TSA.

Fiscal Impact:

Not applicable.

Environmental Review:

- A. California Environmental Quality Act: The Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. The Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act: The Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

000051

Equal Opportunity Program:

Not applicable.

Prepared by:

SUZIE JOHNSON
PARALEGAL



SDCRAA
JUL 14 2011
Corporate Services

ATTACHMENT A

FOR AUTHORITY CLERK USE ONLY

Document No.: CL-151

Filed: 7/14/11

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY
 ACCIDENT OR DAMAGE CLAIM FORM**
 Please complete all sections.
 Incomplete submittals will be returned, unprocessed.
 Use typewriter or print in ink.

1) Claimant Name: <u>ANNE MARIE FEJCEK</u>	
2) Address to which correspondence regarding this claim should be sent: <u>Scott Cummins</u> <u>Cazen Gorry</u> <u>110 Laurel St</u> <u>SAN Diego, CA 92101</u>	
Telephone No.: <u>619/238-1811</u>	Date: <u>7/11/2011</u>
3) Date and time of incident: <u>February 18, 2011; 8:30 AM</u>	
4) Location of incident: <u>TSA checkpoint, Terminal 2</u>	
5) Description of incident resulting in claim: <u>See Attached.</u>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>N/A</u>	
7) Persons having firsthand knowledge of incident:	
Witness (es) <u>Unknown at present</u>	Physician(s): <u>Indiana Recon. Hand Surgeons</u>
Name:	Name: <u>Alex Meyers, MD</u>
Address:	Address: <u>13421 Old Meridian St.</u> <u>#200 Carmel IN 46032-1411</u>
Phone:	Phone: <u>317-249-2614</u>

8) Describe property damage or personal injury claimed: *SEE ATTACHED*

9) Owner and location of damaged property or name/address of person injured:
*ANNE MARIE FEJCEK
13699 FRENCHMAN CREEK
CARMEL, IN 46032*

10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.
SPECIAL AND GENERAL DAMAGES EXCEED \$10,000.-

Dated: *7/11/2011*

Claimant: *S. A. Cune for Claimant*

(Signature)
S. A. Cune, Attorney in Fact
619 238-1811

Notice to Claimant:

Where space is insufficient, please use additional paper and identify information by proper section number.

Return completed form to:

Tony Russell, Director, Corporate Services/Authority Clerk
Corporate Services Department
P.O. Box 82776
San Diego, CA 92138-2776

**CLAIM AGAINST THE
SAN DIEGO REGIONAL AIRPORT AUTHORITY
(For Damages to Persons or Personal Property)**

On February 18, 2011, Ann Marie Tejcek (DOB 9/2/69) was taking a United flight out of the Continental Terminal (terminal #2) at San Diego Lindbergh Field, Flight #3704, departure time 9:35, San Diego to Houston, Houston to Indianapolis. At approximately 8:30 a.m., Ms. Tejcek walked into the airport from the drop-off area. The ticket counter was directly in front of her. She turned left and went up the escalator and turned right to security. The security entrance was at her far right with the conveyor table for carry-on luggage against the far right wall. She laid her belongings down and she went into the body scan machine after taking her shoes off through the far right lane. There was only one body scan machine in this area on the far right toward the wall with three lanes channeling the traffic. She stepped through the body scan machine onto a mat and she was told by a TSA agent to proceed she stepped from the mat to a tiled portion of the floor and slipped, falling onto her right side and breaking the right radial head on her elbow, which is her dominant arm. She was wearing black Nike running socks. She was in a lot of pain. After a few moments, she walked toward a bench against the wall near the security checkpoint. She sat on that bench facing the security checkpoint where she had just fallen where a TSA manager took her statement and called the Harbor Police and EMTs. She said a Harbor policeman told her that she was about the fourth or fifth person who had fallen in that area.

RESOLUTION NO. 2011-0087

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF ANNE MARIE TEJCEK.

WHEREAS, on July 14, 2011, Anne Marie Tejcek filed a claim with the San Diego County Regional Airport Authority for injuries she allegedly sustained as the result of a fall as she transited the TSA checkpoint in Terminal Two at San Diego International Airport on February 18, 2011; and

WHEREAS, at its regular meeting on August 4, 2011, the Board considered the claim filed by Anne Marie Tejcek, the report submitted to the Board, and found that the claim should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the rejection of the claim of Anne Marie Tejcek; and

BE IT FURTHER RESOLVED THAT this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 4th day of August, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL