

LAW OFFICES OF
ANTHONY M. De MARCO

November 30, 2011

Los Angeles Unified School District
Robert Deegan
333 S. Beaudry Avenue
28th Floor
Los Angeles, California 90017

Re: Government Claim of [REDACTED]

A. Claimants' Name and Address [Gov. Code § 910(a)]:

[REDACTED]

B. Address Where Notices Should Be Sent [Gov. Code § 910(b)]:

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C. Date, Place and Circumstances of the Incident [Gov. Code § 910(c)]:

Vance Miller has been a music instructor with the Los Angeles Unified School District since 1978 and a Music Instructor at Hamilton High School's Academy of Music since 1993. For many years Hamilton High School and the Los Angeles Unified School District have touted the accomplishments of Vance Miller, including his

receipt of the 2010 Southern California Music Educator of the Year Award. Since at least 1996 Vance Miller has been sexually molesting Hamilton High School students. At least four students have come forward to allege that starting in 1996 and running through 2010 Miller engaged in sexual abuse, including kissing students, giving massages, showering naked with students, engaging in graphic sexual talks, masturbation, oral copulation and sodomy. Miller's conduct with students has gone on for so many years because of the institutional failure of Hamilton High School and the Los Angeles Unified School district to rein in Miller's activities with students.

[REDACTED] (" [REDACTED] ") [DOB [REDACTED]] began attending Hamilton Academy also known as Hamilton High School, as a [REDACTED] in 1997. [REDACTED] attended Hamilton because of his interest in music. Almost immediately after attending Hamilton, one of the teachers at Hamilton, Vance Miller, began giving [REDACTED] massages, engaged in sensual touching, and long hugs. [REDACTED] noticed that Miller, who was a popular teacher engaged in this touching not only with himself, but also with other students. [REDACTED] student wanting to be accepted, and who admired the popular teacher Vance also allowed Miller's advances.

Miller used his authority as Music Instructor at Hamilton High School's Academy of Music to arrange for [REDACTED] to be enrolled in several of his courses. By the Winter of 1997, Vance Miller had become a mentor to [REDACTED] engaging in graphic sexual counseling with [REDACTED], including which sexual acts of homosexual sex would cause more pleasure. Miller also encouraged [REDACTED] to publicly announce his sexual orientation as homosexual.

Mr. Miller starting in December of 1997 began regularly providing [REDACTED] rides home from school in his car. During these rides [REDACTED], an underage student, would be alone with Mr. Miller in the car. Miller asked [REDACTED] to accompany him for workouts to the YMCA in Westwood both alone, and with other of Miller's students. During the workouts Miller engaged in extensive touching of [REDACTED], including fondling his genitals and leering sexually at [REDACTED]. Because of [REDACTED]'s respect for and appreciation of his music instructor, he allowed Vance Miller's further advances. On numerous occasions Miller showered naked with [REDACTED]. During the showering Miller would openly leer at [REDACTED]'s genitals. After the showing, Miller would hug and kiss [REDACTED].

To reward [REDACTED] for accepting Miller's sexual advances Miller arranged for [REDACTED] to be in [REDACTED] fall semester of 1998, further reawarding [REDACTED] by allowing him [REDACTED]. In after school practice sessions on campus Miller would regularly engage in further graphic sexual talk with [REDACTED]. Miller continued giving rides to [REDACTED].

Over the course of not less than two years starting in the fall of 1997 Miller fondled [REDACTED]'s genitals, masturbated in front of [REDACTED], regularly kissed [REDACTED] on the lips, including french kissing, engaged in regular massages, sexualized hugs and graphic sexual talks with [REDACTED].

DELAYED DISCOVERY OF HARM

Because of Miller's age, authority and his manipulation of [REDACTED]'s thought and emotions, [REDACTED] did not perceive that Miller's conduct with him was harmful or wrong. Instead for years [REDACTED] continued to feel respect and admiration for Miller. Because of the open way in which Miller engaged in his sexualized conduct with [REDACTED] and other students, [REDACTED] believed that Miller's conduct was part of normal activity at an urban arts magnet school.

On or after October 1, 2011, [REDACTED] began to realize that Miller's conduct with him was wrong and that he had been harmed. As a result of thinking extensively about Miller and his conduct, [REDACTED] began to remember more of the sexual conduct that Miller engaged in with him. [REDACTED] is still attempting to remember and understand the extent of the conduct Miller engaged in with him.

D. Description of the Injury, Damage and Loss Incurred [Gov. Code § 910(d)]:

From the ages of 1 [REDACTED] through 1 [REDACTED] teacher Vance Miller engaged in kissing, hugging, fondling of genitals, masturbation, massages and graphic sexual counseling with [REDACTED]. As Miller's relationship with [REDACTED] continued, his grades spiraled. Eventually [REDACTED] lost his eligibility to participate in the schools music program. [REDACTED]

[REDACTED] At a time when [REDACTED] needed mentoring, Miller manipulated [REDACTED] into performing sexual acts with him, twisting his sense of not only healthy sexuality, but also trust, vulnerability, love and friendship. The sexual abuse committed by Miller has had profound impacts upon nearly all facets of [REDACTED]'s life. He is only now, through counseling beginning to recognize the affects.

E. Names of the Public Employees Causing the Loss [Gov. Code § 910(e)]:

Vance Miller, a teacher at Hamilton Academy also known as Hamilton High school sexually abused [REDACTED] and other students when they were minors. The abuse of [REDACTED] and others occurred on school grounds, during school hours, as well as off school grounds when Miller took [REDACTED] and other students on car rides from school to a local Gym and to their homes. Despite the schools awareness of Miller's

practice of providing sexual counseling to students, his practice of providing car rides to underage male students, of staying late at school with male students and taking underage male students to a local gym, no efforts were made by LAUSD or Hamilton High School to investigate his activities, more closely supervise his activities, or to restrict his activities. Simply stated the abuse of [REDACTED] and others by Miller occurred because of the negligent supervision by various employees and agents of the Los Angeles Unified School District. At this time without the benefit of further investigation [REDACTED] is unaware of the names of any other employees or agents of the Los Angeles Unified School District who were negligent in their supervision of Miller, [REDACTED], and other students.

In June of 2010 the Los Angeles Police department began investigating a criminal complaint of molestation against Vance Miller by a former student. During the course of that investigation, two students from Vance Miller 2009/2010 class complained of abuse by Vance Miller. LAUSD purposely did not maintain records of the complaints of abuse, and paid for legal counsel to represent Miller while the police investigation was still pending. The police investigation identified two additional students from Miller's 2009/2010 class who alleged sexual misconduct by Miller. To this day, despite LAUSD's awareness of complaints of molestation by numerous students, LAUSD has continued to support Miller by paying for Miller's legal defense. The failure to keep records of complaints as well as the continued defense of Miller evidence LAUSD's ratification of Vance Miller's conduct.

F. Amount Claimed [Government Code § 910(f)]:

Claimants' damages are in excess of the jurisdictional minimum of the Superior Court of the State of California, and jurisdiction for this claim would rest with the Los Angeles County Superior Court.

Very truly yours,
Law Offices of Anthony M. De Marco



Anthony M. De Marco, Esq.