

Kittitas County Prosecutor

Agenda Staff Report

AGENDA DATE:

2/22/2012

ACTION REQUESTED:

Consider Claim for Damages submitted by Jeanne Hartman

BACKGROUND:

Ms. Hartman apparantly was the victim of an accident at the last county fair where a horse spooked during an event she was watching. The horse knocked over a fence and fell. Ms. Hartman was injured in the process. She, with the aid of fair personnel, went to the hospital.

INTERACTION:

Ms. Hartman submitted a cliam for damages and various medical and optical bills. She has not yet submitted a final/total bill. I spoke with the director of the fairgrounds, Matt Anderson, who stated that the fences were put up in the customary manner as were the seats. The horse event was an open class event and Mr. Anderson did not know whose horse it was that was involved.

RECOMMENDATION:

The County is not the guarantor of the safety of all who come to the fair. The County generally takes responsibility for harms that result from its own errors or negligence, such as unsecured loads of gravel or continued use of broken snow plowing equipment. Here, nothing that the County did contributed to Ms. Hartman's injury. The horse neither belonged to nor was operated by the County. The fence and seating were appropriate. This is unquestionably an unfortunate accident, but not something that gives rise to County liability. I recommend denial.

HANDLING:

Claim filed with auditor and forwarded to Prosecutor. Prosecutor contacted fair administrator.

LEAD STAFF:

Neil Caulkins