

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-054
March 7, 2013

SUBJECT: Delegation of Authority to the Chief Risk Officer to Settle Certain Pre-Litigation Claims either Against or on Behalf of the District, to Procure Insurance, to Utilize Alternative Risk Financing Strategies, and to Settle Claims and Lawsuits Filed Against Members of the Medical Liability Captive Insurance Agency

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(1) and (6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(1) and (6) (2012 Supp.), and in accordance with sections 1 and 5 of An Act Authorizing the Commissioners of the District of Columbia to settle claims and disputes against the District of Columbia, approved February 11, 1929 (45 Stat. 1160, D.C. Official Code §§ 2-402 and 2-406) (2011 Repl.), section 6(n) of Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 6504, amended 50 DCR 7298), and the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008, (D.C. Law 17-196, D.C. Official Code § 1-307.81 *et seq.*) (2012 Supp.), it is hereby **ORDERED** that:

1. The Chief Risk Officer of the District of Columbia ("CRO") is delegated the authority vested in the Mayor to settle pre-litigation claims either against or, under the limited circumstances described in this paragraph, on behalf of the District. For the purposes of this order, the term "pre-litigation claims" means: (a) any claim against the District, not the subject of civil or administrative litigation, whenever the claim arises out of the alleged negligence or wrongful act, either of commission or omission, of any officer or employee of the District for whose alleged negligence or acts the District, if a private individual, would be liable *prima facie* to respond in damages, irrespective of whether such alleged negligence occurred or such acts were done in the performance of a municipal or governmental function of said District, and (b) any claim, not the subject of civil or administrative litigation, on behalf of the District, for subrogation, contribution, or indemnity that arises after a claim against the District as described in subparagraph (a). However, this delegation of authority does not authorize the CRO to settle, release, waive, or extinguish claims or defenses that the District may have arising from the same transaction, which generated the pre-litigation


claim, including any claim or defense that would be within the jurisdiction or authority of the Office of the Attorney General for the District of Columbia ("OAG") to assert, including but not limited to, false claims, contract claims, counter-claims or delinquent debts referred to the OAG for civil or administrative collection or enforcement actions.

2. The CRO may, in his or her sole discretion, settle pre-litigation claims in an amount up to and including three hundred thousand dollars and zero cents (\$300,000.00), and after consultation with the Attorney General, or his or her designee, settle pre-litigation claims in an amount up to and including five hundred thousand dollars and zero cents (\$500,000.00).
3. Pursuant to section 6(n) of Reorganization Plan No. 1 of 2003, the CRO is delegated authority to procure insurance and utilize alternative risk financing strategies, as necessary and pursuant to an authorized appropriation, for the benefit of the District to compensate for large liabilities and catastrophic exposure to risk including, but not limited to, tort settlements and judgments, contractual settlements and judgments, and property losses.
4. Pursuant to his or her jurisdiction arising under D.C. Official Code § 1-307.81 *et seq.*, the CRO is authorized to settle claims and lawsuits filed against members of the Medical Liability Captive Insurance Agency in an amount up to and including three hundred thousand dollars and zero cents (\$300,000.00), and after consultation with the Attorney General, or his or her designee, settle such claims and lawsuits in an amount up to and including five hundred thousand dollars and zero cents (\$500,000.00).
5. The authority delegated by the Mayor to the CRO herein may be further delegated to subordinates under the personnel authority of the CRO.
6. Nothing in this order shall be construed as requiring the OAG to obtain CRO approval of any settlement of any pre-litigation claim that arises within the jurisdiction or authority of the OAG, nor shall anything in this Order be construed to affect any authority delegated to the Attorney General pursuant to Part III. A. 3. of reorganization Order 50 (June 26, 1953) as amended.
7. When the Attorney General settles any pre-litigation claim, he or she or his or her designee shall provide notice to the CRO of any such settlement.
8. This Order supersedes any provision of any outstanding Mayor's Order or Commissioner's Order to the extent that any such provision is inconsistent with the provisions of this Order.

9. **EFFECTIVE DATE:** This Order shall become effective immediately and shall apply prospectively and retroactively to all settlement and subrogation assignment agreements entered into by the Chief Risk Officer on or after December 15, 2003.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA