

ORANGE COUNTY DISTRICT ATTORNEY
PRESS RELEASE
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FOR IMMEDIATE RELEASE

Case # 12CF1964

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FORMER SANTA ANA CITY COUNCILMAN AND HIGH-RANKING EXECUTIVE FOR COUNTY OF ORANGE CONVICTED OF SEXUAL ASSAULTS AND THEFT OF PUBLIC FUNDS

SANTA ANA, Calif. – A former Santa Ana City Councilman and high-ranking executive for the County of Orange was convicted today of sexually assaulting subordinates and committing grand theft of public funds. Carlos Bustamante, 50, Santa Ana, pleaded guilty today, Dec. 18, 2015, to one felony count of stalking, one felony count of attempted sexual battery by restraint, one felony count of grand theft by false pretense, two misdemeanor counts of false imprisonment, one misdemeanor count of assault, and one misdemeanor count of attempted sexual battery. He is expected to be sentenced to one year in jail, five years of formal probation, restitution, and mandatory lifetime sex offender registration in January 2016, in Department C-30, Central Justice Center, Santa Ana. The date and time are to be determined.

"I want to thank all victims and witnesses that bravely came forward in the face of fear and retaliation from a well-connected politician," said District Attorney Tony Rackauckas. "No one is above the law, especially those who abuse their power of authority over their subordinates to sexually assault and harass them."

At the plea today, the People read victim impact statements to the court, one victim addressed Bustamante and stated, "When I was hired... I was extremely excited. I thought it would be a great beginning for me and a better life for my family. Never did I imagine that I would be treated the way you treated me. Everything you did to me affected my job and my home life. There were many evenings that I was upset and scared and not able to focus on my family. There were many nights I couldn't sleep thinking about work the next day ... I always knew this type of behavior was wrong but never did I imagine this would happen to me. You knew that I couldn't tell anyone and you knew that I couldn't defend myself and it terrified me. All I did was go to work every day. You knew I needed my job and you knew I was helpless, yet you continued."

Another victim stated in part, "Before the assault, I would socialize, network and frequently attend work events ... As much as I tried to avoid being in this situation, it doesn't matter because I still got violated... This is something I will have to struggle with for the rest of my life."

Sexual Assault Victims

Bustamante victimized five women between 2009 and 2011 while working in his official capacity at the Orange County Public Works Department, most recently as an administration manager. All five of the charged victims were County employees and subordinate to the defendant at the time they were victimized.

Nature of the Sexual Crimes

The defendant committed several of the sexual assaults in his office at the Orange County Public Works building at 300 N. Flower Street in Santa Ana.

During one incident in 2010 or 2011, the defendant insisted that one of his victims come to his office claiming he needed to talk to her. When the female victim entered his office, he closed the door and began kissing her while holding her in a bear hug. While the female victim was telling the defendant to stop and while he was restraining her, the defendant sexually assaulted the victim by grabbing her breast over her clothing and then attempted to reach under her shirt to touch her bare breast.

During a second incident in 2011, the defendant sexually assaulted a second female victim in her work cubicle by rubbing her knee with his hand and trying to move his hand under her skirt up to her vaginal area.

During a period of time between 2009 and 2011, the defendant stalked a third female victim by unlawfully and maliciously harassing her and engaging in behavior that made her fear for her safety. Some of this conduct included repeatedly coming to her office for non-work purposes; describing his sexual dreams to her; and trying to kiss or hug her while in her office, while in elevators, or while working in the field. On one instance, he entered her office, exposed himself to her, and began masturbating in front of her. On two other occasions the defendant drove over to the female victim's house after she had told him not to come over. On one of these occasions, she hid in her bedroom to avoid the defendant and on the other, she sat in a parking lot for an hour to wait for the defendant to leave her house.

In September 2011, the defendant unlawfully attempted to hug a fourth female victim while the two were alone in an elevator at the Public Works building.

During two separate incidents, the defendant unlawfully restrained a fifth female victim and refused to release her unless she kissed him. During one incident in a parking lot, the defendant hugged the female victim despite her telling him not to. The defendant refused to let the female victim go unless she gave him a kiss. During a second incident a few months later, the defendant called the same female victim to his office under the guise of something work related. When she arrived in his office, the defendant immediately shut the door, grabbed the female victim, and began hugging and attempting to kiss her. Despite the female victim telling him "no," the defendant continued to restrain her. He again refused to let her go unless she gave him a kiss.

Reporting by Victims

The Orange County District Attorney's Office (OCDA) began investigating in March 2012 after becoming aware of allegations against the defendant. During the course of the investigation, victims expressed similar reasons for not previously disclosing the sexual assaults including embarrassment, intimidation, and fear that Bustamante could severely affect their quality of life and work. All of the victims worked for the County of Orange, needed their jobs, and Bustamante was in a position of authority over them. Each of the victims expressed fear for their professional future with the County if they reported the sexual assault, including concern that they may lose promotional or growth opportunities or be professionally retaliated against.

Many victims also explained to OCDA Investigators that they did not report the sexual assault because they did not know there were other victims or feared that no one would believe them over Bustamante, whom they believed was highly-powerful and influential. The victims did not feel they could report the assaults to their human resources department, as the human resources staff reported to Bustamante and the victims perceived them to be friends. Many victims also did not feel that they could report the assaults to the Santa Ana Police Department, as Bustamante frequently bragged about his relationships with members of the department.

Bustamante regularly bragged to the victims about his friends in positions of power, such as describing a dinner party in his home with then-Governor Arnold Schwarzenegger, and relationships with high-profile politicians and law enforcement leaders. The victims were intimidated by these relationships and feared their careers could be negatively affected by reporting.

Many of the victims continued to believe they were the only victim until a formal investigation into Bustamante's conduct began.

Bustamante was arrested on July 2, 2012, in the parking lot outside of the Santa Ana City Council meeting by OCDA Investigators.

Theft of Public Funds

Beginning in fiscal year 2008/2009, the County went into severe financial crisis and most County departments underwent budget and spending cuts, including cutting back on non-essential spending such as travel and training, as well as laying off and furloughing staff and implementing a hiring freeze.

In 2010, Bustamante wanted to attend a two and a half week Senior Executives in State and Local Government program at Harvard Kennedy School in Boston. The cost for the program was \$11,200 plus airfare and other expenses.

Bustamante received County authorization to attend the program with the agreement that Bustamante would be responsible for paying 25 percent of the cost. Bustamante then had a requisition form created asking for tuition reimbursement to pay for that part of the program cost, contrary to his agreement to be personally responsible for a portion of the tuition.

An employee at the Orange County Auditor-Controller Office noticed the conflict between the agreement with the County for Bustamante to pay 25 percent and the language regarding tuition reimbursement in the requisition form. Bustamante was subsequently required to sign a letter stating that he agreed to personally pay \$3,500 toward tuition for the Harvard Kennedy School program and re-acknowledging that the County would only pay \$7,700 of the total tuition. The defendant paid \$3,500 on July 2, 2010.

On July 27, 2010, despite the signed letter and prior agreement with the County, Bustamante submitted a \$3,000 Educational and Professional reimbursement request to the County after returning from the Harvard program. Bustamante knowingly and fraudulently received the \$3,000 reimbursement, to which he was not entitled.

Bustamante then submitted a separate reimbursement request for mileage, meals, and other expenses for the same program. County policy states that, if the County pays for an employee's participation in a program that provides meals as part of the program cost, that employee may not be reimbursed for privately purchased meals on days when meals were provided.

Despite this policy, Bustamante submitted a reimbursement request for \$75 a day for 13 days. On two of the 13 days, breakfast, lunch, and dinner were all provided by the program and included in the tuition cost, making Bustamante ineligible for reimbursements on those days. The defendant fraudulently received the reimbursement, including the \$150 to which he was not entitled. In all, Bustamante is fraudulently received \$3,150 in County funds.

Senior Deputy District Attorney Aleta Bryant and Senior Deputy District Attorney Brock Zimmon of the Special Prosecutions Unit are prosecuting this case.

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