

ATTACHMENT TO GOVERNMENTAL TORT CLAIM

The City of Westminster is a city with a history steeped in corruption and cronyism which is similar to the City of Bell. The City of Bell always appeared to be overt acts of corruption. The City of Westminster conducts it on a much more subtle basis. There are corrupt council members who care only about how matters affect them—without caring the slightest for the citizens of this city. Prior to my appointment as Chief on or around June 19, 2012, Chief Coopman announced his retirement to be effective, July 30, 2012. I was lined up to be the next Chief and the most qualified at that time. According to City Manager Waller and others, prior to my appointment, it appears that upon the order of Councilman Tyler Diep, the City Attorney drafted a resolution and staff report converting the Chief's appointment from the City Manager to the City Council. This would give the City Council full control over the Police Department and make the new Chief at-will to the City Council.

(E-mail from CM Mitch Waller to me and Chief Coopman/CC Agenda Item 8.1 of June 27, 2012, Staff report of 6/27/12 from the City Attorney Bettenhausen through Dick Jones amending the Municipal Code).

This was significant for we all knew if the Police Chief was in fear of his/her job, then there would be no check on the corruption and quid pro quo experienced for decades at the city and that every Chief has had to deal with. Having knowledge of the interference, threats and pressure placed on previous Chiefs of Police by Diep and by other Council members, it was clear that Council would undermine decisions, control operations & promotions, and have access to criminal intelligence. Taking this power from the Chief and giving to Council also would have violated Government Code 38630. It was even rumored that Diep had hand selected friends to be the next Chief. (Example – e-mail of May 2, 2011 from CM Waller to Chief Coopman).

This expansion of City Council power facilitated by Dick Jones was leaked (on purpose and by e-mail) by the City Manager Waller to alert the public. Also, it was done to dissuade me from being the next Chief since they knew I was ethical and honest. I was only 47 and knowing the underhanded and corrupt abilities of certain persons on the Council, and City Attorney's ability to shield them, I would have refused the job knowing that the first time I went against them or reported them, I'd be fired and they would ruin my reputation. (Waller e-mail of July 16, 2012) Enough important people, including leaks to the press caused this attempted power grab to be pulled from the City Council Agenda at the last minute after closed session. However, the fact this was attempted speaks to the lengths Diep and City Council would go to control law enforcement to advance their personal agendas and control of the community. This disturbed me deeply as our community is largely made up of vulnerable refugees from Vietnam who escaped the oppressive police controlled communist government, to only have it potentially replicated again here in Little Saigon.

It was made very clear to me by a former City Manager and multiple Police Chief's, that I had to protect myself against a secretive and oppressive City Council culture that operates like a gang; using threats, intimidation and revenge on employees and citizens who dare speak out or challenge them. The best correlation I can draw to illustrate the "air of invincibility and superiority" demonstrated by this City Council, City Attorney and City Manager, is the City of Bell case a few years back.

I knew and was warned that City Council has relationships with line level employees throughout the organization who report back to them on other employees and manager's activities, views and political alignments. These relationships extended outside the workplace and were personal. This intelligence gathering and loyalty gave line level employees vast informal power in the workplace and the ability to undermine supervisors, managers and department heads. These employees enjoyed a protection that could be leverage against some of the highest positions in the City when needed. This system was clearly evident to the City Manager who often fell victim to this or had to manage the complaints of other victims.

When it came time for a Council sponsored event, some employees would be feel compelled to attend or give as a form of "tithing" to the event, knowing that they were being watched and that a list was sometimes compiled of who donated. It was often said that one Councilperson kept close attendance on who supported their personal events.

I was advised to take notes from day one and align myself with Federal/State authorities if possible for protection.

Over the years, certain people with the City have a reputation of ruining people publicly, including me. This includes absolute falsehoods such as a current rumor being circulated that City Councilperson Carey and I are having a romantic affair. This rumor was started to injure me and the City Councilperson. In addition, the Councilperson disclosed protected medical information to the public in an effort to harm and retaliate against me. These are just some examples that show the type of maliciousness that exists within this City.

MARGIE RICE

I have been providing information to the FBI since 2012. This has been known to the City Council for a substantial period of time. Below is an outline of issues constituting harassment, retaliation and the creation of a hostile work environment by reason of the wrongful acts of various management level and elected officials of the City of Westminster have chosen to disclose this illegal or perceived illegal conduct to governmental officials and to the City Manager of Westminster and afterwards was subject to retaliatory actions by certain officials. This list of activities is not intended to be exhaustive of all events, nor have I disclosed everyone by name as to sources of information.

I started with Westminster in June of 1990. Events concerning perceived illegal activities commenced in 2007 and have continued to the present without abatement.

In an ongoing federal case against me and others, I was under the impression that there were leaks from our closed sessions. I believe that Margie Rice leaked information to Frank Cobo, who in turn provided information to the Plaintiff lawyers to use against us. I believe this to be clear violations of the Brown Act and a breach of fiduciary duties to the City. Violations of the Brown Act are incessant at this City. I have reported them to the proper authorities including the City Manager and City Attorney. More on this will be in the actual lawsuit.

In June, 2013, I was informed by City Manager Waller that Margie Rice would try and fire me at some point because Rice feels threatened that I would expose corrupt practices and the abusive culture of this City Council. I believe there are issues with the Shoreline Ambulance contract which I have raised. Margie Rice is aware that I know she accepted monies in 2007 from Shoreline Ambulance, a bidder for the City's lucrative ambulance contract, at two separate political fund raisers at Outback Steakhouse and Westminster Lanes. These donations occurred during the Council selection phase of the RFP. Soon thereafter, Rice voted against staff recommendations to go with another vendor and went with Shoreline, her contributor and friends. Rice again accepted Shoreline donations prior to her vote again in 2012. She once again went against staff recommendations and the lowest bidder from the RFP process. I reported this at the time to my chain of command and later to the FBI.

Frank Cobo is one of the persons who gathers intelligence for Margie Rice on employees and managers reporting back so she can control City Hall and the police department. Frank Cobo is the go between. Frank has boasted about Margie Rice firing the City Manager (CM) once the CM tried to move Frank out of a certain position. Margie Rice also helped get Frank elected to the Midway Sanitary District so they can further control issues and campaign contributions.

In the fall of 2013, certain members of the City Council wanted me fired because they had become aware I had been discussing matters with the FBI regarding public corruption and legal counsel misconduct. After this, retaliation and a hostile work environment substantially increased against me.

On September, 2013, Margie Rice tells members of Kiwanis that she will have me fired for cooperating with the FBI.

On December, 2013, City IT staff at the police department are told to report to Margie's office to fix her daughter's personal computer. Staff is upset about doing "freebies" and complain that they have repeatedly been ordered to repair and load programs on Rice's family member's computers. I advised Margie Rice that City personnel cannot work on personal computers. In response, Margie Rice tells me to be careful. I advise the City Manager of this conversation.

In or around January 13, 2014, Frank Cobo is caught in the secure IT office by IT staff snooping through discovery documents for the federal trial and other documents. The incident is reported; Liebert Cassidy is also notified along with the City Manager and are advised of the breach by Cobo.

On January 16, 2014, Cobo has his credentials and access curtailed for security concerns by IT Director Marsh to the IT Offices. Margie Rice blamed me for denying Cobo to access areas of the PD building saying that I am not allowing him to do his job. After this, Margie Rice later tells people at Kiwanis that the Chief is not doing a good job and should be fired. I hear this and advise the City Manager.

In March, 2014, Rice brings up a past incident concerning the arrest of her son in 2011, and the problems that were caused to her family. She claims she will never forgive me for what was in the written police reports (WPD Case #11-09469). This is at least the third or fourth time she has brought the issue up to me over the years. Margie Rice was advised that the law was followed and her son was no exception. Margie Rice then stated she wanted the Detective (Alan Aoki) and others who prepared the police reports against her son fired. She then threatened me saying, "I can get rid of you and I'll get the votes." Later in March she is again at Kiwanis saying how she was going to fire the Chief because he doesn't do what he is supposed to do. (See the Orange County Register article in March, 2014, for how Margie Rice wants to control the Police Department.)

On March 26, 2014, Rice advises me to remove Officer Rachel Lumba from the Honor Guard and that she should be fired. Margie Rice is advised that it would be a violation of law under the Government Code to do so and I refused. Margie Rice then again indicates I will be fired if I don't comply. She says she has the votes to get me out.

In mid-April, 2014, I find out that discussions are taking place with Margie Rice that I need to be fired. Again I hear rumors that I am not performing my job.

In and around June 4, 2014 at a study session for the budget, Margie Rice indicates to me that Westminster Fleet Superintendent Kevin Beach was incompetent, should be fired and put in jail. Kevin and I have known each other since High School. She indicated that Beach would no longer be in charge of the Police building but instead it would be Frank Cobo. Afterwards, Margie Rice is in the parking lot sitting in her vehicle, yelling at me about how Kevin Beach is incompetent and she is going to start firing people that do not do what she says, "That includes you" in referring to me. She also referenced the City Manager. She then ended by screaming, "I control this city, not you or the City Manager." I then advised the City Manager about what I heard and observed.

Sometime around this time I started to develop a many medical issues due to the stress of the constant retaliation and hostile work environment. I experience vomiting, high blood pressure, chest pains, dizziness, and insomnia. I had no Command Staff due to recent reductions and layoffs. Council refused to allow any positions to be filled so I

couldn't even think about calling in sick. I also still had concerns that Frank Cobo was receiving closed session information from Rice concerning the federal trial.

Flag Day, June 13, 2014, I was told by Councilman Contreras that Margie Rice wanted to fire me and that I owe my job to him who says that he saved it for me. I advise the City Manager.

On June 28, 2014, I was told that Margie Rice really has it in for me by Councilman Contreras. He stated that he had in the past went along with Margie, playing "good cop bad cop," but he now admits to me that none of this was right what Margie Rice has been doing to me.

On June 2014, at a Kiwanis fireworks booth. I am told that I will be fired by Margie Rice because I don't do what she says.

June 30, I am informed that Margie Rice is receiving free oil changes/vehicle service from Elmore Toyota. The mechanics at Elmore Toyota were angry at Rice and reported it to Robin Roberts. I told Roberts I would follow-up with the FPPC to report the incident. Roberts was very frightened to do this and afraid of being fired for reporting Council misconduct.

July1, 2014-12:13pm, I write an e-mail and speak by phone to Adrienne Korchmaros, Chief Investigator of the Fair Political Practices Commission (FPPC). Verbally, I report the misconduct about Rice potentially receiving free services from a business she has voted on as a council person. I inform her of multiple violations of the Brown Act suspected by Roberts and myself. I also advise her that Roberts wanted to report other violations and unusual practices by elected officials in Westminster.

On July 2, I see Margie Rice at the Kiwanis fireworks booth. I confront her and ask if she has any issues with me or my department. She says everything is fine and hugs me. After she leaves, she makes disparaging remarks about my performance and says she has three votes to fire me.

On July 10, 2014, I receive complaints from IT, again having to fix Margie's personal computer. I was told it had large amounts of pornography and that two female IT workers had to do the repairs and had observed the inappropriate material and were offended. I was told that Dick Jones had told the City Manager that it was appropriate for City resources to be used on her personal computer. IT staff complains that they are tired of doing special favors for Council.

On September 12, 2014, Code Enforcement was contacted regarding a water leak in a non-public building on a weekend. Eventually, government services were utilized and complaints were raised by staff about public services being misused on a private residential location. The City Manager and I later find out that the resident was an influential person and friend of Councilman Sergio Contreras, ordering the response as a life safety issue, which was later discovered to not be the case.

September 24, 2104, Complaints are received by Councilman Contreras about an area of Hoover Street that has trash and homeless persons in the area. This area was adjacent to his home. Contreras demanded a written action plan by the City Manager/police. A plan was devised and implemented, resulting the area being cleaned up within a short period of time. However, after the area had stabilized, police services were needed to be directed to other high crime areas. Contreras insisted that we maintain our police in his neighborhood as a priority while other areas were reduced of already limited police resources. This continued until March of 2015 (6 months). Numerous times I had spoken to the City Manager about the inappropriateness and waste of police resources around the Councilman's home. I was told to just do it as not to further inflame the Councilman.

On September 30, 2014, I am told that Councilman Contreras wanted a photo with a policeman in uniform for his campaign literature. I denied the request and indicated that it was inappropriate.

On October 19, 2014, I am contacted by City Attorney Bettenhausen to answer questions so he can supply the information and talking points to Councilperson Rice for a campaign press event. Obviously this is a misuse of the City Attorney's time.

Restrictions to certain internet websites are made unrestricted so that Margie Rice can buy Avon Products and do internet shopping on the City networks. Again, I am told by the CM to do it as to avoid conflict with Rice. My IT staff is appalled and complain about the abuse of power.

In December 2014, I had a meeting with Jones and Eddie Manfro to complain about Rice's treatment of me. Jones tells me, "If you don't like it here, you can quit. That's how you resolve your issues of what's going on with Margie." This was upsetting and I had to lie down in my office because my blood pressure was spiking and I was about to pass out. This shows the type of city attorney that we had which was to always acquiesce to what Margie Rice wanted.

On December 10, 2014, during a break in the Council meeting, Margie Rice says in front of me and Commander Collins, that "when people cross me like that woman (Robin Roberts going to the FPPC/Elmore Toyota), I get even! Who does she think she is?" It is here that she vows revenge in front of me, unknowing that I was the one who reported and connected the City Clerk to the FPPC. I knew then Rice would continue to retaliate against me and Roberts. Collins noted to me how angry and vindictive she was. After that same meeting Rice spoke out loud about Roberts calling her a liar.

On December 16, I hear a rumor that Cobo said that the Chief should be placed on administrative leave for misconduct and that he and the rest of the City Council would be sued if they fail to act. I informed the City Manager.

On December 23, 2014, Eddie Manfro shows me an invoice for the City Council Christmas cards billed to a private company, Golden Trophy. This is a company owned by the current City Council secretary, Francis Nguyen. This was a violation of 1090 of the Government Code. I also hear that solicitations are being made by Frances, the Mayor and Council to buy supplies for the City through Golden Trophy to support her private business. I hear staff is appalled at the illegal requests. Later in 2015, I am given the Mayor's Award which was purchased at Golden Trophy. All instances are reported to the City Manager.

On January 15, 2015, IT staff reports they had to repair the personal computer of Rice again and to install a City version of Microsoft Office on it.

Dick Jones has a condo in Maui. Based on information and belief, he has offered it to City officials. It is unsure who has been offered the use of it. His firm has season seats at the Dodgers and Angels and he has said to me several times over the last three years, if I wanted tickets to either venue, to let him know.

Jones and his law firm sponsors or helps to sponsor the Mayor's Ball, the state of the City's luncheons, buying names for seniors for Christmas in July, Chamber of Commerce events, holiday party and other City events. I have seen some of the Jones and Mayer staff members at various fund raisers for the political campaigns. Attorneys from the Jones firm told me that if they took sick time or vacation, they would have to make up the time they were absent. The attorneys were aggressive in finding hours from staff. Since 2012, Jones has had multiple attorneys working on a case, passing it off back and forth between them. It seems that the attorneys take an extraordinary amount of time to make simple decisions on a contract and then to create a large bill.

Since 2012 and even prior to my being Chief, staff has been alarmed at the amount of the bills and billing practices. People reference that if there is a full-time attorney, why are the spending so much time for the firm on top of his salary. A lot of the bills seem excessive, general and repetitive. No one monitors the billings. Attorneys that would be prosecuting Municipal code violations would bill for driving to the scene where the investigations took place. The attorneys would then shift and send things back and forth to each other, billing for all reviews.

The attorney assigned to Municipal Code cases was in complete control of the case load as to whether cases got filed or dismissed. Essentially, billable hours and workload with no one had having a say over the time spent. No one managed these cases and prosecutions at the PD as it was left up to Jones and Mayer. This was reported to the City Manager but there were never any changes made.

Complaints were made to the Billing Manager at Jones and Mayer about billings, but bills were never changed. Jones is referenced as the sixth councilman. The PD and Code Enforcement always had their budgets scrutinized but yet no one ever looked at the billings of the City Attorneys with the same diligence. The only time that I

would see Jones was on Tuesday at department head meetings and council meetings. He was never around to warrant a full time salary.

COBO & MARGIE RICE

Cobo/Rice History – Frank Cobo has been a janitor for well over 18 years at the City. I got to know Frank when I was a Sergeant, he would walk around the PD and empty the trash/make small repairs. He had full run of the building. In 2000, I was the Chief's adjutant. I was told not to throw away any e-mail, documents or PD business in the trash, because Frank Cobo goes through the trash and reads it. This was evident by conversations with Frank over the years as he knew very confidential items.

Over the years Frank started to become political at work talking about elections, I learned from a number of people that Frank was telling Margie Rice about things going on in the PD, since Margie Rice repeated on a number of occasions that, "Frank told her" something. Rice knew about things at a granular level at the PD, personnel issues and in particular...those employees who support or don't support her. Margie Rice would make statements about line level employees about how bad they are or how good they are even though they never had any contact with her. It was a matter of control and power for Rice.

The personal and political relationship with Rice became closer over the years, as I began to see Frank at her political events, hanging her political signs, fundraising and outwardly supporting her on and off duty. Last election, Rice's political signs were taken down from an area and stored at the City Yard. I was told Cobo was the one who responded to retrieve the signs for Rice. Frank owns a private carpet cleaning business called, "Cobo Care." He is a member of the Chamber of Commerce and solicits work from employees who want their personal carpets cleaned. In the past, he has used his business equipment to clean City carpets.

Over the years, Frank has attended Chamber of Commerce meetings, political functions and fundraising events for Rice while on-duty with the City and sometimes wearing his City uniform. Margie Rice helped get Frank elected to the Midway City Sanitation District and while on duty, he morphs between an elected official and city employee depending on the environment. Frank is used by Rice for intelligence and control.

At the Taste of Westminster event in 2013, Frank Cobo threatened me that I should settle the federal case with the Plaintiffs or it would be my last job.

Frank has said he is "untouchable" and would boast repeatedly how "no one can fuck with me." He boasted on numerous occasions to me, how when the City Manager tried to affect him during the 2012 layoffs and other administrative matters, he said, "You see what happened Baker, I got his ass fired. Don't fuck with this janitor...hey man...I'm just a lowly janitor," I told him you are the most powerful janitor I have ever seen.

While still friendly with Frank, he repeated details out of closed session to me involving topics and issues. He said a few times that "Margie said this or that, and she yelled at the Vietnamese (council) guys." It was very clear that Margie Rice would repeatedly tell him about closed sessions which violated the law. I would see Rice and Cobo alone in the conference room, at her car or in the parking lot privately meeting after nearly every City Council meeting. Frank knew about personnel actions and other confidential issues, as they were included in packets for Council Members. Rice said she let Frank read this information. During at least 2 budget study sessions, Frank was seated next to Rice advising her.

In October 2012, I had only been Chief less than 2 months; 3 Hispanic Police officers named me in an existing lawsuit even though I had taken no action as Chief against them. In or around November of 2012, Frank approached me in the City courtyard and after small talk he told me, "I am helping these 3 officers who are suing, I'm with them." "You guys had better settle this case or it will be bad." He did this 2 more times, one time was at the Taste of Westminster in 2013 where I was volunteering.

I believe Frank was feeding information to the officer plaintiffs and using Rice to gain confidential information from closed sessions. At closed sessions and some special sessions tactics and authority levels were discussed. I would then see Frank meeting with Margie Rice afterwards. Margie Rice took a stance against the Chiefs and was also siding with the plaintiffs in this case.

I was deposed in this case and during my deposition; I was asked questions about statements I had made in closed session. The questions were verbatim of what I had stated to council in closed session. I believe Rice was the source of the leak and was conspiring to defraud the taxpayer and government by facilitating this case. I warned the City Manager, City Attorney and I informed the FBI.

Also, I suspected numerous leaks involving our settlement authority were leaked later as well as tactics. Our attorney's at Liebert Cassidy and Whitmore could not figure out why the plaintiffs seemed to be one step ahead of us. Both attorneys (Poturica and Stockley) were suspicious of leaks and I witnessed them voice this to the CM and to Jones. The City's management of the lawsuit was deplorable, as the City's Attorneys (LCW) was advising the Police Department during employment issues with the three plaintiffs and then defended us at trial. We were told to sign a "conflict waiver" so LCW could represent us. I am told this is a conflict that **could not be waived** since LCW should have been part of our case and the defense of Advice of Counsel. I believe Jones was instrumental in the demise of this case and us being forced to use LCW. Then the City left us hanging for months with punitive damages against us. The impending proposition of indemnification was dangled in front of us to gain our compliance and silence on other issues concerning Council. The City used this as leverage against myself and Chief Coopman (retired) to not cause problems. With nowhere else to turn, I reported this to the FBI.

Cobo was rewarded by Rice receiving non-competitive promotions and 2 pay raises during times where fiscal reductions took place and no other employees were getting raises.

Margie Rice has a core group of employee agents who act in a similar fashion to Frank.

Nearly every City Manager that has dealt with Margie Rice has considered her a major disruption for personnel issues. Having 10 City Managers in 14 years, they all know their demise begins with Margie, so, Margie Rice is catered to and given extreme privilege and power to keep her happy. When she erupts, everyone hides and looks for ways to placate her. If you speak ill of her, the penalty is a living hell, watched by her minions until the death of your career.

On August 2, 2012 – The day after I made Chief, I am invited for coffee to meet Councilman Andy Quach at Lynda Sandwiches on Beach Boulevard. We have coffee and chat about his need to trust me. I am in full uniform and after about 30 minutes, he asks me to walk with him to a business in the complex. We walk inside a business named Moonlight Restaurant and Nightclub, where an Asian woman who was the owner meets us in the front of the business. Andy Quach speaks to her in Vietnamese and she immediately stares at me frightened and visibly shaking. I asked what he said and he said “nothing, don’t worry about it.” I am angry as I believe he used me to intimidate her and I immediately left the location.

On August 21, 2012 - I receive a phone call from a County Supervisor to offer congratulations to me. I am told that some people are corrupt, taking money from businesses and to watch myself. I was told if I need any advice on handling issues, to call . I heard from Margie Rice after a closed session later in the year that Councilman Quach took money from businesses in a “pay to play.”

On August 23, 2012 – Councilman Quach asks to meet me for coffee at the Starbucks at Brookhurst and Edinger in Fountain Valley. I meet him and he wants to know if he can count on me. I told him I did not like what happened at Moonlight a few weeks earlier. I told Andy that I would report anything illegal, immoral and unethical and not to place me in any situation where I have to take action. I told him what I had heard and he denied all of it calling it political attacks. He then asked if any other authorities were investigating him. He also asked that I notify him if I hear anything.

On September 10, 2012- Soon after becoming Chief, more special requests came. Mayor Rice wanted her pastor appointed as a police chaplain immediately. This was done through Diana Dobbert (see e-mail of September 10, 2012). I knew she was doing this to plant another person in the PD. We were already full of Chaplains at the time and just completed layoffs so we dragged our feet hoping it would go away. The pastor complained to Margie Rice and I was confronted by Margie Rice a month later about what a terrible job I am doing since I can’t even get her pastor hired. I had also heard this at a Kiwanis meeting. So seeing that Margie Rice was mad that I didn’t comply, I didn’t want to risk more retaliation so I brought him on.

On October 1, 2012 – City Clerk reports a council candidate was using Mayor Rice’s letter of support on mailings without her knowledge. This was reported to FPPC, OCDA. (See e-mail of October 1, 2012)

On October 3, 2012 – Mayor Rice requested PD color guard to attend her Rose Center Theater Foundation 501(c) (3) (she was chairman of) fundraiser; 5 officers are paid overtime at a time our budget was decimated and we laid people off.

The Rose Center Foundation is the non-profit private entity that manages the Rose Center Theater... Rice’s baby. This was built with Redevelopment money and as of 2012, had not been returned by sale or transferred back to the taxpayer. The City has retained the Rose Center long past the time it should have been sold under the dissolution of redevelopment; this was done only to appease Rice even though the theater is losing money. Rice had just had the theater named after her, and now (2016), wants the entire complex to be named after her. The City has also used taxpayer money to subsidize the “private theater” including maintenance, salaries and information systems. This is a gift of taxpayer money all done at the behest of Rice, who voted as a Councilwoman and Mayor to give the Center money while she sat on the board of directors. Of course, no one dares say a word.

Rice has also a supporter (Crystal Rose Catering) that runs the catering concession at the Rose Center and received a no-bid renewal in 2013 (e-mail April 26, 2013) This was done at Rice’s request being that Galang has private lunches/events for Rice and caters events for her and friends at reduced costs. This was done secretly and approved by a Council who trades votes on issues as a currency.

On January 24, 2013 – Report from IT Staff at the City that Councilwoman Rice has asked to give a non-City employee (Barbara Eames) VPN (Virtual Private Network) access to City networks and mail servers to check and help Margie Rice with her e-mail. Margie Rice has authorized her to do this. IT staff reacted knowing this is not allowed and it places City servers, passwords and information at risk. Also, this person will be reading sensitive and confidential e-mails sent to Rice. I was also told that Margie Rice has friends (Frank Cobo/Ken Robbins) and family help read her e-mail, Council packets and explain issues to her. I did not authorize this nor did my IT director, however, it was approved. (E-mail of January 24, 2013)

On February 14, 2013 – City Council had City wallet badges issued to them dating back to 2005. Once I became Chief and after the election, a request came to me from the City Manager to get new badges for the new Council members. I began to wonder why Council members have badges in the first place and after I saw them, I noticed they looked identical to our police badges. Also, they were issued ID cards on Police card stock. The City Manager was getting pressure from Council to get these done as well accommodating special requests on the badges (e-mails on this issue exist).

I researched the issue and found that in 2007 Attorney general opinion stated that no Chief or Sheriff could issue badges or insignias identical or appear similar to active duty badges. Marty Mayer, City Attorney Dick Jones' legal partner, issued 2 legal alerts on the same subject. These alerts stated the Council couldn't possess or use the police style badges they already possessed. City Attorney Jones knew of this potentially illegal practice and did nothing which describes his hands off approach to letting counsel (Rice) get her way.

On March 20, 2013, I sent an e-mail (e-mail of March 20, 2013) to the City Manager advising him of the law and suggesting the badges be redesigned to not look like police badges. I told Council about the law and that they had to return the badges with CM and Dick Jones present who remained silent. A redesigned emblem was developed and later issued; however, I am unsure who actually returned their old badges to date. People were upset with me for ending this practice.

On February 28, 2013 – We received an inquiry from Chet Simmons, the assistant to the CM saying Councilman Quach had received complaints and was upset about code enforcement at the 99 Superstore on Beach Blvd. (e-mail of February 28, 2013). Councilman Quach was rumored to be receiving political donations from the owner and has asked for special favors for the location since its opening. Councilman Quach contacted me to “take it easy on the business, he’s a good guy.” I refused.

On April 23, 2013 – Councilwoman Rice’s vehicle was hit while parked at the Civic Center. Due to layoffs and reduced staffing, no officer was sent to take a report, which infuriated Rice. I received an e-mail from Diana Dobbert (e-mail of April 3, 2013) advising me of the circumstances. I responded to the scene and met with Rice who was angry. When I saw her she demanded to know why no officer was sent to take a report. I advised that due to layoff and reductions, all non-injury accidents were a non-response due to workload. She told me she and her son exchanged information with the other driver, but told me we had better come next time or else.

On June 12, 2013 – E-mail advising Rice was requesting police officer transportation to an event. This was a common occurrence where transportation to both public and private events was demanded. I am told by the CM to just avoid conflicts. This is a misuse of public equipment and funds by Rice.

I believe that none of the FPPC filings or any 700 form filings reflect any freebies that Jones and his law firm provides to department heads and elected officials.

The City has violated FEHA, 1102.5 of the Labor Code and Public Policy by retaliation of me for being a whistleblower. Those who complain within the City of illegal corruption are targeted and there are several others. This list of activities isn't exhaustive but the citizens of the City of Westminster need to know what is going on in their City. I expect to be viciously attacked by people mentioned herein but the truth lies in the facts and the facts show that these events have taken place.

Special Favors

2013 through 2014

A common occurrence at Westminster exists where a Council member has political donors and/or friends, and they would use their position as a City Councilperson to influence and sometimes demand police enforcement on suspected rival businesses or those who do not support them politically. Here are examples.

Mayor Ta would call the police department and report that a nightclub, Q's lounge, was violating the conditions of their Conditional Use Permit (CUP) and ABC violations. He would report that there were vast problems at the location and that we need to take enforcement action against them.

Within a very short time period, we would receive a phone call from Councilman Andy Quach, who would report that a nightclub, Club Bleu, was violating the conditions of their Conditional Use Permit (CUP) and ABC violations. He would report that there were vast problems at the location and that we needed to take enforcement action against them. They also mentioned that each location was stealing or hurting the business from the other.

The locations were rival nightclubs on Beach Blvd in competition for business. It is also known that Club Bleu are supporters of Mayor Ta, and Q's Lounge are supporters of Councilman Andy Quach.

The police department and myself were placed in the middle between this situation regularly and would receive pressure to take enforcement action against the other at the demands of the elected officials. When action was taken at each, the corresponding elected official would ask why are you going after his friend's business. We would report that another elected official had reported them, however, they were upset that we would even dare do anything to each of their constituents' business.

Our stance was that we investigated all complaints and if there were violations, we would enforce all the laws we possibly could. Police staff would complain about the obvious and inappropriate involvement/pressure of the Council. In some cases, the political interference got so bad, we would bring in allied agencies to do enforcement actions. In addition, I also made it a point to inform the City Manager of these situations. Councilwoman Rice has a friend and supporter who owns Sensations Dance Studio. Rice, had been seen patronized this business in the past. She called in to the police department and to me to report violations of other dance studios in the City, reporting violations and requesting immediate enforcement. She also complained that the police department was not aggressive enough in pursuing her complaints. Recently, this has also happened with my staff.

Rice has also advocated for the business to change their Conditional Use Permit to allow alcohol. Even though Rice knew the business has had alcohol on its premises without an ABC license. When Rice was told of this, she accused me and my staff of lying.

Casino buses picking up persons in Westminster, particularly Little Saigon, to transport them to casinos outside the County has manifested complaints by residents. The residents claimed noise, traffic congestion, and safety issues related to the buses and their pick up areas close to residential neighborhoods. Armed robberies had even occurred related to the casino buses. Councilmember Carey began advocating for the complaining resident to address these life/safety issues. Council member Carey asked for the police department to help with these issues in addressing the myriad of complaints. We comply.

On the other hand, Council member Diep, who is supported by the casinos (Fantasy Springs etc...), contacts the police advocating for the casino buses and asking the police relax enforcement and work with him. He mentions a deal to allow them to park on local businesses parking lots, however, this has displaced other business parking creating the issues Council member Carey was addressing. So once again we have Council members battling the same issue using the police department to achieve an opposing outcome. Of course when one side is not satisfied, it is reflected upon the Chief and the Department and is a basis for ongoing and sustained retaliation.

Although it is not uncommon to have Council members with competing interests, however, the common theme seems to be that most are donors and/or supporters of their personal campaign's. The City Manager and City Attorney are aware of these issues and stay out of the fray so as to not incur the wrath of a City Council Member.

Date:

2010 to the present on a continuous and on-gong basis.

Persons with Knowledge:

Dick Jones, members of his laws firm, all City Councilmembers, Eddie Manfro and Robin Roberts for the City of Westminster.

Entity/Persons Responsible for Harassment/Perceived Illegal Actions:

Margie Rice, Dick Jones, Tyler Diep, Sergio Contreras, Eddie Manfro and City of Westminster.

Damages:

An amount that exceeds Superior Court jurisdiction limits of no less than \$10,000,000.

Date: April __, 2016

KEVIN BAKER