

May 17, 2021

Honorable Rob Bonta
California Attorney General
1300 I Street
Sacramento, CA 95814

Dear Mr. Attorney General:

I write to request you open a criminal and a civil investigation into Orange County District Attorney Todd Spitzer. Mr. Spitzer has severely abused his public office by using Orange County resources for his campaign. He has not only used County property for a campaign rally, but also used County staff time for campaign purposes, and County funds to pay for the campaign rally. He has and continues to misuse public funds to support his campaign.

As a victim of crime that has personal experience with Mr. Spitzer's errant concern for survivors of crime, I was disgusted by the DA's dubious self-promotion. As a taxpayer, I found the rally reflective of the illegal means this so-called prosecutor is willing to go to enable his bid for reelection. I request that your office move swiftly to stop these illegal actions from continuing to occur.

Facts

Todd Spitzer is the elected District Attorney in Orange County. Additionally, he is a candidate for re-election to the office of District Attorney in 2022. Pete Hardin is also a declared candidate for the office of Orange County District Attorney in the 2022 election and is running against Todd Spitzer. As demonstrated by the three videos hyperlinked herein and the corresponding transcripts provided below, Spitzer has misused government resources to aid his re-election campaign.

On Monday, April 19th, 2021, Orange County Todd Spitzer hosted a "Victims' Rights Rally" on Orange County District Attorney Office property. He appeared during work hours in his official capacity as District Attorney. This event was clearly designed to support Spitzer's campaign for District Attorney, and not his public duties in that office. Throughout this campaign event, speakers repeatedly referred to announced challenger Pete Hardin, criticized Hardin, and endorsed Todd Spitzer for re-election. Spitzer and his public staff arranged for this event, including the speakers. Spitzer and his staff chose to hold the event on public property, despite the campaign messages that were being presented. In fact, Orange County Supervisor Katrina Foley [told the OC Voice](#) that, "she felt there was blatant political campaigning at the DA's headquarters, during the recent victims rally event that was organized, promoted and broadcast online with taxpayer resources."

The videos below clearly demonstrate how Spitzer exploited official office resources and taxpayer resources by arranging for the event's speakers to advocate against Spitzer's political opponent and endorse Spitzer's campaign.

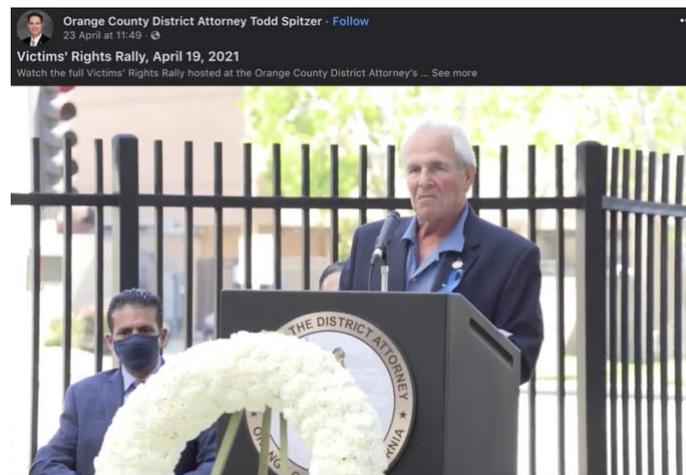
Three such examples are provided below:

1). At 1:07:00, speaker says the following:

“I recently read in the OC Register that a challenger for the DA’s office opposes the death penalty. The challenger’s reason for opposing the death penalty is, and I quote, ‘Seeking the death penalty is a pointless and cruel exercise because it forces surviving victims to endure decades of appeals. They are robbed of the process as they are subjected to endless litigation with virtually zero chance that a death penalty will ever be carried out.’ End quote. The goal of that statement – that thought – disgusts me to my core. For him to assume that he could speak for me – or all crime victims and their families – illustrates his lack of understanding for the grieving families. In his guise of protecting crime victims, he has – for all intents and purposes – spat on the victims and their families. What doesn’t he or Governor Newsom understand? Do they think that they are in the better position to decide the fate of brutal murders than the jurors, judges, the appellate courts, the California State supreme court and the voters of California? How dare they.”

In this example, the speaker has both (1) “clearly identified” a political opponent and (2) “expressly advocated” for the defeat of the political opponent in unambiguous terms. There is only one announced opponent in this race.

You can watch the clip [HERE](#).



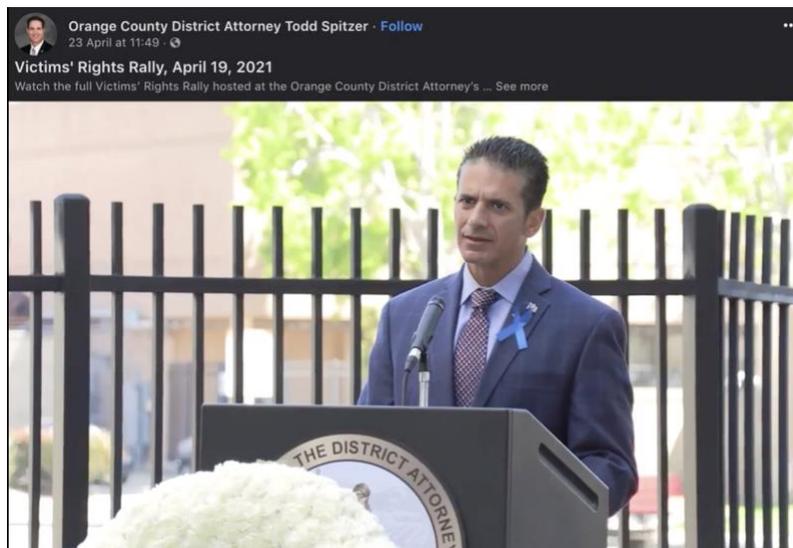
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2). At 55:00:00, speaker says the following:

"We are facing a situation today, even here in Orange County, where some DAs and some DA candidates want to place criminals ahead of victims and survivors and families and public safety. For political purposes, they are trying to divide us. They don't even want to prosecute child murderers to the fullest extent of the law."

In this example, the speaker clearly references DA candidates "even here in Orange County" and expressly advocates for their defeat.

You can watch the clip [HERE](#).

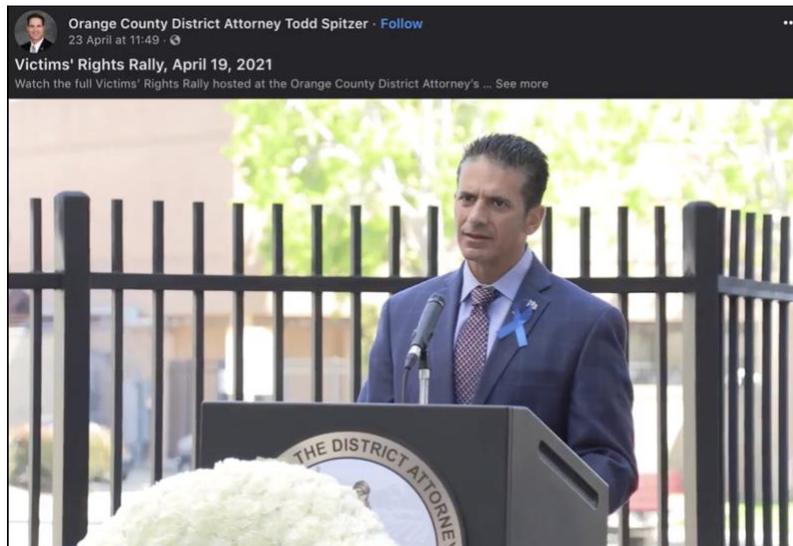


3). At 57:00:00, speaker says the following:

"To some of those politicians masquerading as DAs, I have one thing to say: Not in our community.... We won't have a DA who revictimizes victims, we won't have a DA who abandons survivors, abandons family members. We won't have a DA who sends mothers of murdered children to parole hearings by themselves to face the murderers of their children. We won't have a DA who enforces blanket policies on every single case for political purposes. DA Todd Spitzer knows the #1 job of a DA is to make sure that children, families and their community are safe. So I'd like to thank DA Todd Spitzer."

In this example, the speaker clearly references DA candidates and "expressly advocates" for their defeat.

You can watch the clip [HERE](#).



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Violations of Law

As your office is aware, the misuse of public funds is both a violation of criminal law and subjects the public official to civil action by your office. Penal Code § 424 makes it a criminal offense for an “officer . . . of any county” “and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys” to, among other things, “use[] the same for any purpose not authorized by law.”

This law has been enforced many times before. For example, see *People v. Battin* 77 Cal App 3d 642. In that case a County Supervisor used his County staff and resources to support his campaign for Lieutenant Governor. His staff responded to campaign communications and used County resources to support his campaign. This is exactly what Spitzer did with his County staff and resources. He used County staff to organize an event on County property whose sole purpose was to support his re-election campaign.

These serious criminal violations must be investigated and prosecuted. They must also be prevented from continuing to occur.

In addition, Spitzer’s actions are a violation of Government Code § 8314. Government Code § 8314 prohibits County officers, employees, and consultants from using or permitting another to use public resources for “campaign activity.” Cal. Gov’t Code § 8314(a). “‘Campaign activity’ means,” among other things “an activity constituting a contribution as defined in Section 82015” of the Political Reform Act. Section 82015 defines “contribution” as including all payments, including non-monetary items such as staff time and uses of public facilities. “Public resources” means any property or asset owned by any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and compensated time.

Misuse of public funds is a complete breach of the public’s trust and a serious matter. Spitzer has and continues to misuse public funds. Your office is charged with enforcement of these important statutes. I request you take immediate action to enforce these important statutes.

Thank you for your prompt attention to this matter.

Sincerely,

Paul E Wilson

Paul Wilson
EMAIL: wpaul4414@gmail.com