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March 7, 2018

VIA E-MAIL AND U.S. MAIL

Gary S. Winuk, Esq.
Kaufman Legal Group
777 S. Figueroa Street, Ste. 4050
Los Angeles, CA 90017

Re: Requests for Documentation Under the California Public Records Act

Counsel:

Your letter, dated February 20, 2018, in which you request that the City of Carson reconsider its decision to withhold certain documents requested by Ms. Vera Robles DeWitt, has been forwarded to our office for a response. We are the City Attorney for the City of Carson.

Your client's requests have been presented to the City Council and, for the reasons noted below, the City Council has authorized release of the requested Investigation Report and an un-redacted email, which are enclosed with this letter. However, the City will continue to withhold the documents related to the trash hauling vendor deliberative interview scoring sheets and notes.

With regard to the Investigation Report and email, the City continues to maintain that good cause exists to withhold these records for the reasons articulated in my previous correspondence with your client, Ms. DeWitt. However, as you state in your letter, the City has discretion whether or not claim these exemptions. In the circumstance of these two documents, the City Council (with Councilmember Hilton dissenting) has agreed to forebear its continued assertion of exemptions under the Public Records Act.

With regard to the requested records related to the trash hauling contract, the City continues to claim the exemptions articulated in my previous correspondence with your client, Ms. DeWitt – namely, the exemption for preliminary drafts and notes under Government Code section 6254(a) and the deliberative process privilege under Government Code section 6255.

The records your client seeks are the deliberative scoring and interview notes taken by a panel of staff and officials interviewing potential waste haulers. Each individual on the panel prepared an individual scoring sheet with such notes of the interview which they deemed appropriate. The individual scores for each prospective hauler were then aggregated and provided to your client.

In requesting the notes and the individual scoring that each panel member took during the interviews, your client is straightforwardly asking for “notes,” which reflect the preliminary

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deliberations of individual interview panel members used in their scoring of each prospective hauler.

While the public does have a substantial interest in knowing how public contracts are awarded, production of individual scoring sheets will discourage candor on the part of interviewers and thereby stifle the free flow of each panel member's deliberative process. On the other hand, *withholding* these individual scoring sheets, complete with their notes, is the public's interest in fostering unfettered deliberation about the value and fitness of contractors, and the freedom to jot down reactions and impressions during an interview – which may be accepted or rejected upon further reflection and final scoring – without having to worry that all of one's private thoughts and impressions will be made public.

The public interest in withholding the records therefore clearly outweighs the public interest in disclosure, for at least two reasons: first, because reactions and impressions made during an interview will likely lend minimal insight into the ultimate reasons for the scores given; and second, because requiring that notes be disclosed would create a strong incentive for public officials and employees to severely restrict their notetaking lest inadvertent scribbles be made subject to public disclosure, which could have a seriously detrimental impact on the decision making process.

Clearly, the deliberative process privilege exists to protect “mental processes by which a given decision was reached” and disclosure of the notes in question may reveal the mental processes of the evaluators.

Very truly yours,



of ALESHIRE & WYNDER, LLP

Enclosures

cc: Ms. Vera Robles DeWitt (via e-mail & enclosures)
(via e-mail only)
Mr. Ken Farfsing,
Carson City Manager
Sunny Soltani, Esq.,
City Attorney

INVESTIGATIVE REPORT

INTRODUCTION

On or about October 20, 2015, the city of Carson was made aware that an anonymous complaint from the city's fraud hotline was inappropriately provided to the subject of the complaint, a sitting Carson councilwoman.

On November 9, 2015, the city of Carson commissioned the services of Norman A. Traub Associates to conduct an independent internal/administrative investigation of this and other matters. Investigator George Vanecek was assigned to this investigation.

BACKGROUND

On or about October 20, 2015 (Date of Discovery), the city of Carson was made aware that an anonymous complaint from the city's fraud hotline was inappropriately provided to the subject of the complaint, a sitting Carson councilwoman. As of July 24, 2015, distribution of fraud hotline complaint documents was limited to the City Controller (Trini Catbagan), the Assistant City Manager (Cecil Rhambo), the Director of Human Resources (Gail McMahon) and the City Treasurer (Monica Cooper).

The fraud hotline for the city of Carson is administered (via contract) by Navex Global, an international firm with its headquarters in Oregon. Members of the public could access an online complaint form and report fraud anonymously. When Navex Global received these complaints, the reports would be forwarded to the distribution list previously mentioned.

INVESTIGATION:

On OR ABOUT December 2, 2015, Director of Human Resources Gail McMahon briefed the Investigator on this matter and provided copies of several documents, including but not limited to external / internal emails and Navex Global contacts.

The investigation included a review and analysis of the submitted documents and seven personal interviews, which took place in private conference rooms at Carson City Hall. Four telephonic follow-up interviews were conducted as well. At the time of the initial interviews, no subject information was known. The following Carson employees were interviewed:

Ms. Kelly Lindberg, Chief Deputy City Treasurer

Ms. Trini Catbagan, City Controller

Ms. Gail McMahon, Director of Human Resources

Ms. Monica Cooper, City Treasurer

Mr. Cecil Rhambo, Assistant City Manager

Ms. Alicia Tapia, Administrative Secretary to Treasurer (retired)

Ms. Shannet Fuentes, Senior Account Clerk II

After the first round of interviews, the preponderance of evidence caused the investigation to focus on Ms. Monica Cooper as the subject, in the respect of making false or misleading statements.

All but one interview was digitally recorded and all individuals interviewed were asked to treat the conversations as confidential. A summary of the interviews

follows in the "Interview" section and the verbatim transcripts are attached hereto.

ALLEGATIONS

1. It is alleged that, on or about October 20, 2015, a person(s) working at the city of Carson provided, or facilitated the provision of, a restricted-dissemination fraud hotline report to the subject of that report, Mayor Pro-Tem Lula Davis-Holmes.
2. It is further alleged that on December 21, 2015, Ms. Monica Cooper made false and/or misleading statements during her interview, as part of the official city investigation.

Findings and Conclusions may be found on page 18.

INTERVIEWS

At 9:00 a.m. on December 21, 2015, a witness interview was conducted with Ms. Kelly Lindberg. Ms. Kelly Lindberg (Lindberg) has been employed by the city of Carson for approximately 31 years. She is currently the Chief Deputy City Treasurer. She stated that she understood her status as a witness in this investigation, and the rights and responsibilities attached to that status.

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Lindberg confirmed that she was not on the distribution list for fraud hotline reports, and was asked if she had any information about the incident under investigation. She stated, "The only thing that I know is there was a Council meeting held I believe in October, and the following day after the Council meeting when I reported to work our Senior Account Clerk, Shannet Fuentes, was telling me about an incident that occurred at the Council meeting the night before -- apparently she must've watched it on video -- where the Councilwoman had a paper in her hand and she was waving it in the air claiming that she had a copy of an ethics' report or fraud hotline report that named her in the report and she was basically calling out employees' names on the public floor, which I was really, I was really appalled by. So, while she was telling me this story -- and Alice Tapia who was my former secretary who just retired on December 1 was also present -- Alice looked at me in a very strange way and I said what, what's the matter Alice? And she said, well, she was concerned because prior to the Council meeting Monica Cooper, the current City Treasurer who I report to, apparently had a paper in her hand -- and this was before the Council meeting, before it got into the hands of Councilwoman Davis Holmes -- and basically handed it to Alice and said, what is this all about? And as soon as Alice saw, she said she saw *ethics* on there, the word *ethics*, and then she saw Councilwoman Davis Holmes' name, she knew exactly what it was. She realized it was a fraud hotline report and she said she gave it right back to Monica and said, I'm not supposed to see this. You know, this is confidential and I'm not even supposed to see this. So, I think she kind of was caught off guard, but recognized when she saw the word *ethics* and she saw *Councilwoman Davis Holmes*, I think she realized what it was, so she handed it right back to her. So, my concern at that point was, wow, right before the Council meeting here we have an elected official that has that report in her hand and then that, later that evening at the Council meeting the Councilwoman has it in her hand. So, the only thing I could

hope for at that point was that when she saw, when the City Treasurer saw my secretary's reaction, I'm just hoping that she recognized the need to maintain confidentiality and it didn't go any further than that. I don't know what happened at that point or what she did with it, but, you know, that's my only hope is that she realized at that point when she saw Alice's reaction that it was inappropriate for her to share it with anybody".

Investigators Note: Ms. Alice Tapia retired from city employment on December 1, 2015, and it was unknown if she would be available for interview.

Lindberg was asked if Monica Cooper had any type of relationship with Councilwoman Davis-Holmes. She replied, "Well, they have been working together a lot lately selling merchandise at a booth for, I think they're Cancer Awareness items. I know that the Councilwoman asked her to assist in selling hats and keychains and T-shirts. So, I know that they have been spending a lot of time together right before this incident occurred and possibly after that. It was a City function, yes. I think they, I think they did it at the Jazz Festival. And I don't recall if this incident with the fraud hotline happened before she started helping, assisting the Councilwoman with selling merchandise or after. I don't recall".

Lindberg was asked if anyone would have had access to the files on Ms. Cooper's, or any other administrator's, computer. She stated that no one in the Treasurer's office has access to Ms. Cooper's computer, and that the other administrators might be on a case-by-case basis.

Lindberg was asked who, other than Ms. Cooper, could have been a potential source for the document. She stated, "Well, I highly doubt that a Sheriff

Captain's gonna give it to her, I highly doubt that the City Manager's gonna give it to her, and I highly doubt that City Attorney's gonna give it to her. So, you know, I would, in my opinion, I would think it would be more likely to be the remaining three who would be Trini (Catbagan), Monica (Cooper) or Gail (McMahon), and I would say that probably any three of them could've done it. But, the fact that Monica had it in her hand and she shared it so willingly with, you know, a secretary, that's a concern. I was kind of surprised that Ms. Cooper, me being her Chief Deputy, I was kind of surprised that she didn't come to me and say, you know, I got this report, fraud hotline report or ethics report or whatever it's called and what is this all about? I mean, she didn't have to name names, but she could've just said what is the standard practice or how are things investigated or what am I supposed to do with this if she doesn't know".

Lindberg stated that she did not observe Councilwoman Davis-Holmes visiting Ms. Cooper's office on October 20th or 21st, but stated that the layout of their office space does not afford an unobstructed view.

The interview was concluded, and Ms. Lindberg was asked not to discuss the content of the interview with others.

At 10:00 a.m. on December 21, 2015, a witness interview was conducted with Ms. Monica Cooper. Ms. Monica Cooper (Cooper) was elected to the position of City Treasurer for the city of Carson in March of 2015. She has held that position for approximately 9 months. She stated that she understood her status as a witness in this investigation, and the rights and responsibilities attached to that status.

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Fraud Hotline Investigation

Cooper stated that she did not recall receiving a copy of the fraud hotline report in question. She was asked if she recalled seeing a copy of that document in some fashion, that referenced Councilwoman Davis-Holmes. She replied that she had not.

Cooper was asked what familiarity, if any, she had with the fraud hotline documents. She replied, "No. 'Cause, well, let me just say this. When I started, I think maybe like two weeks after I was told, because originally that fraud hotline was part of the Treasurer's office. And then I was told that it will no longer be the responsibility of the Treasurer; it's moved to Human Resources and that I would have nothing to do with it. So, that was my knowledge of it from, pretty much from the time I started with the City".

Cooper stated that she had been aware that Councilwoman Davis-Holmes had brought forth a document during the council meeting, but was unaware of its contents. She was asked if she had any conversations with anyone, before or after the council meeting, that mentioned anything to her about that document and its existence. She stated that she had not.

Cooper was asked if she knew of any relationships within the city that would have facilitated the provision of the fraud report to the councilwoman. She replied, "You know what? No, I don't. I can't say with any type of certainty. I can't, I cannot answer that. Being new here, I just kind of watch, basically watch people and watch how they interact. Now, I've seen a lot of people interact with her, but -- But I'm saying certain people in the City I've seen interact with her but I can't make those type of conclusions. I wouldn't be comfortable doing that". She then added that she had seen Trini (Catbagan) "interact with her a bit".

Cooper then asked if she was the first person interviewed today, and was told that she was the third.

The following exchange then took place:

VANECEK: Correct me if I'm wrong. I believe you said you never saw a printed copy of that document?

COOPER: No.

VANECEK: Were you aware -- I think I asked you this, but were you aware the next day after the City Council meeting, was there kind of a buzz going on about that?

COOPER: No. To be honest with you, I don't even remember what, what meeting that was. You said it was in October?

VANECEK: It was a City Council meeting. Yeah, it was sometime after October 21.

COOPER: Oh, after October. Yeah, I don't remember.

VANECEK: In fact, I believe it might've been that night.

COOPER: Okay.

VANECEK: So, no buzz afterwards and to your recollection nobody come up to you and said, oh, Monica, listen to this, or have you heard about this?

COOPER: No, not at all.

VANECEK: That's kind of unusual for a City. Usually, you know, something like that happens there's a big buzz going on.

COOPER: You know what? As you're speaking I'm trying to remember, but I don't remember anybody saying -- maybe days after, or maybe like a week after I did hear something, but not that night or the next day.

VANECEK: And you didn't get a preview of it earlier because you didn't have a copy of the document or anything like that. Okay. Monica, that's all the questions I have for you.

The interview was concluded, and Ms. Cooper was asked not to discuss the content of the interview with others.

At 10:45 a.m. on December 21, 2015, a witness interview was conducted with Ms. Trini Catbagan. Ms. Trini Catbagan (Catbagan) has been employed by the city of Carson for approximately 18 years. She is currently the City Controller. She stated that she understood her status as a witness in this investigation, and the rights and responsibilities attached to that status.

Catbagan stated that she recalled receiving a copy of the fraud hotline report referencing Councilwoman Davis-Holmes via her office email. She was asked if she was familiar with the hotline protocol, and what role she played in it. She stated, "Well, I only started getting involved with this when Karen Avila retired. So, she turn over the files to me and gave me all the count of information so we can, because we have, since she left we haven't been receiving anything from them. So, I tried to contact Chad McHenry and after that we were able to set up who should be receiving the email wherein we said it should go to Cecil Rhambo, Gail McMahan, Monica Cooper and me. And then we asked them to remove Karen Avila. Well, for all those times that I've been receiving them, I've been forwarding them to Gail and Cecil just to make sure that they're receiving them because most of them are personnel matters. So, I thought that it would be important that they receive the email". Catbagan added that no one has access to her email except her.

Catbagan was asked when she first found out that a copy of the report had been given to the councilwoman. She replied, "Well, the day after the Council meeting when allegedly the Councilwoman was kind of like waving the report, that's when

I found out about it. And I was like, how did she get that? You know? So, that was when I knew about it". Catbagan stated that she had not seen Councilwoman Davis-Holmes in her office area on the day of the council meeting.

Catbagan explained that the majority of the printers attached to the city network are secured, and have been for quite some time. She stated that she would request a printing of a document from her computer, and then type in an authorization code at the printer to release the print job. This eliminates the printing of a document to a local printer, where someone might forget to pick it up.

The interview was concluded, and Ms. Catbagan was asked not to discuss the content of the interview with others.

At 11:20 a.m. on December 21, 2015, a witness interview was conducted with Mr. Cecil Rhambo. Mr. Cecil Rhambo (Rhambo) has been employed by the city of Carson as the Assistant City Manager since July of 2014. He stated that he understood his status as a witness in this investigation, and the rights and responsibilities attached to that status.

Rhambo was asked when and how he first became aware of the existence of the fraud hotline report referencing Councilwoman Davis-Holmes. He stated that he had received a copy via email from Trini Catbagan on or about October 20-21, 2015. He was not aware that a copy had been provided to the councilwoman until she produced it at the council meeting. He added that, "I asked her very pointedly how did she get that? How, you know, how did that happen? And she just said, I'm not telling you".

Rhambo was asked if he had heard any information about who might have provided the document to Councilwoman Davis-Holmes. He related, "There's some speculation that the Treasurer, who's elected, she was also on the list. In fact, the Treasurer's the one who initiated the whole program itself, although that wasn't the current Treasurer. It was the previously elected Treasurer. Karen Avila, right. So, they used to go to her and I believe Monica Cooper also received it. So, the water cooler talk, you know, that maybe she, she saw it and, and gave it, and showed it to Alicia Tapia [ph] who's now retired kind of asking -- 'cause she's new. Monica doesn't really know the process. And Alicia saw the Councilwoman's name on it and said I don't want anything to do with that. So, there's some speculation that she may have given it to her, but that hasn't been verified or confirmed".

Rhambo was asked if he had contacted Robert Eggleston, the city's IT specialist, to determine if the source of the document could be located. He explained that attempts to trace the document met with negative results. He added that he is the only one who has access to his work email account, and has a secured printer in his office area.

The interview was concluded, and Mr. Rhambo was asked not to discuss the content of the interview with others.

At 11:50 a.m. on December 21, 2015, a witness interview was conducted with Ms. Gail McMahon. Ms. Gail McMahon (McMahon) has been employed by the city of Carson as the Human Resources Director for approximately 1 year. She stated that she understood her status as a witness in this investigation, and the rights and responsibilities attached to that status.

McMahon stated that she first became aware of the existence of the fraud report referencing Councilwoman Davis-Holmes when it was forwarded to her work email account by Trini Catbagan. She added that this is the usual protocol by which she receives the reports. McMahon acknowledged that she is the only one who has access to her work email account.

McMahon first became aware that the councilwoman had a copy of the report, saying, "At the Council meeting. I can't remember what the date of that Council meeting was. But, she brought up the subject and she kind of had it in her hand waving it in the air and talking about, you know, talking about it". She added that she had no discussions with the councilwoman after the meeting.

McMahon related, "Usually when I receive a report and it's HR-related, I determine if it warrants an investigation or a meeting with the employer of any kind of discipline or illegal activity. Then, I usually talk with Cecil about it a little bit and try to let him know where I'm gonna go with it, whether it's an investigation or whether we'll do discipline immediately or, you know, after -- if it warrants that kind of thing. That's pretty much it". She added that she does not routinely print out those types of reports, but when she does it is to her secured printer.

McMahon was asked if she had heard any information or rumors regarding who may have provided the document to the councilwoman. She stated, "No, nothing prior to the Council meeting. After the Council meeting, you know, shortly thereafter there were, you know, questions and emails related to, okay, how did she get this document, and the union being concerned because, you know, when employees call in to the fraud hotline and so on and so forth. And so, is this a secure hotline? How did she get that? Did we give it to her? That kind of thing. And so, when I saw those emails flying around I talked with Cecil about it briefly

conversation was, you know, did you, you know, did you know anything about that or, and she, she basically did not answer that. She just said, you know, I don't, you know, I don't know anything about that or what if I don't know anything about it. So, she wasn't really responsive to it, to any questions about it". He acknowledged that this exchange struck him as odd, saying, "I mean 'cause I thought, look, you're, you know, she's new. She, she would have no idea whether or not, you know, what, really what to do with this and, you know, just through talking to staff it sounds like she actually, when she received it she talked to Alicia Tapia who is now retired just trying to figure out what to do with it. Now, what she did with it after that, I have no idea".

The interview was concluded.

At 9:00 a.m. on January 19, 2016, a telephonic witness interview was conducted with Ms. Alicia Tapia. Ms. Alicia Tapia (Tapia) is a retired employee of the city of Carson, having left city service in December of 2015. Prior to her retirement she was the Administrative Secretary to the Treasurer, and had worked for the city for approximately 30 years.

Tapia was asked if she had ever seen a fraud hotline document referencing Councilwoman Davis-Holmes. She replied, "Well, Monica (Cooper) asked me what this document was about, and I told her that was a fraud hotline. I think I saw something about ethics on there, too. And I told her, well, I know that we have a fraud hotline, the network, that Karen used to handle but as far as I know, I thought it had been handed over to the Controller and the Finance Director or maybe the City Manager. I kind of thought it was out of her hands but I wasn't certain, so I wanted to refer her to Kelly (Lindberg). And then she

said, okay. I told her you should talk to Kelly, and then she went back into her office and then she asked me for the fraud hotline folder and I gave that to her. And then later on in the day I asked Kelly if Monica had spoken to her and she said no. That's all I know about that".

Tapia was asked if Monica Cooper was physically holding a piece of paper in her hand at the time the document was shown to her. She replied affirmatively. She added that she had seen the words "ethics", "hotline", and "Davis Holmes". She stated that she had never seen that type of document before, and added, "First thing I would've wanted to do was not hold it in my hand, so I would've tried to ditch it as quick as I could. You know, [INAUDIBLE] this is not [INAUDIBLE] came my way at first. You know? I knew that's like off-limits to me. I know everything's anonymous so I kind of really didn't want to dink or pick or pry".

Tapia stated that she had spoken with Kelly Lindberg about the incident, and that Shannet Fuentes may have been present.

Tapia was asked what documents were in the hotline folder that Monica Cooper asked her to provide. She stated, "Just a folder. We have, when I did the requisition to pay the hotline, and then there's the manual fee and I, you know, I pull it out of, there's a bunch of purchase orders in my secretarial files there and every year I have to renew the contract. I pull out the folder and I, you know, just revise what I did last year and renew it every year. That's really all I know about the folder. I know, oh, here's the folder. Here's all the information I have. It's just a folder full of papers and we pay it every year". She did not know why Cooper asked for the folder, nor did she have any further conversations with Cooper about the letter.

The interview was concluded.

At 2:00 p.m. on May 2, 2016, an unrecorded telephonic witness interview was conducted with Ms. Shannet Fuentes. Ms. Shannet Fuentes (Fuentes) is a Senior Account Clerk II with the city of Carson.

Fuentes stated that on October 21, 2015, the morning after the city council meeting during which Councilwoman Davis-Holmes revealed her possession of the fraud hotline report, she recalled a conversation with Alicia Tapia.

Fuentes related that Tapia had told her that Monica Cooper had shown Tapia a physical copy of the fraud hotline report referencing Councilwoman Davis-Holmes. Fuentes added that Tapia had seen the document again later sitting on Monica Cooper's desk. Fuentes believes that Kelly Lindberg was also present during this conversation.

The interview was concluded.

ATTEMPTED SUBJECT INTERVIEW OF MS. MONICA COOPER

On Thursday, April 7, 2016 at 3:30 pm, Ms. Gail McMahon, Director of Human Resources, was asked to provide (and delivered to) Ms. Monica Cooper with a Notice of Subject Interview (Exhibit 1). The purpose of this type of interview is to provide a forum where the subject party can explain inconsistencies in prior statements, admit or deny culpability, and clarify (or put in context) information garnered through the investigative and interview process. The interview was

scheduled for Tuesday, April 12, 2016 at 9:00 am, subject to any scheduling conflict Ms. Cooper might have.

The Investigator emailed Ms. Cooper on Monday, April 11, 2016 (Exhibit 2), and provided a verbatim transcript of her previous statements for her review. Having received no response to the email and requested confirmation of the interview appointment, the Investigator contacted Ms. Cooper's office at 1:00 pm. The secretary indicated that Ms. Cooper was present, but not immediately available to take my call. A message was taken (with no details provided for confidentiality) asking that Ms. Cooper call or email to confirm our appointment for the following day. At 5:45 p.m., having received no response, the Investigator contacted Mr. Cecil Rhambo's office to advise of the status and request assistance in contacting Ms. Cooper. Mr. Rhambo contacted the Investigator later that evening, and advised that he had received a text from Ms. Cooper over the weekend stating that she would not meet with the Investigator. As of this writing, the Investigator has not heard, directly or indirectly, from Ms. Cooper.

CREDIBILITY OF WITNESSES

All witnesses who provided statements during the interview process did so in a forthright and truthful manner. No witness directly attributed blame to Ms. Cooper, or speculated as to her culpability in either allegation.

Ms. Alicia Tapia, who provided the most direct evidence, is a currently retired city employee who served the city for over 30 years. She has no "axe to grind" with Ms. Cooper or the city, and does not stand to gain or lose by her statements.

There has been no information provided that would indicate that Ms. Tapia was a problematic employee during her tenure, or that there were negative connotations to working for Ms. Cooper. None of Ms. Tapia's responses were emotionally biased, but factual as to her perspective and experience. She would not, and did not, speculate as to any culpability on Ms. Cooper's part. The Investigator found her to be open, truthful, and candid about the incident; and, as such, her statements have significant credibility.

FINDINGS AND CONCLUSIONS:

Listed below are the findings of fact regarding the allegations brought forth by this investigation. It should be noted that all are based solely on the statements of witnesses, and corroboration therein. The subject of this investigation, Ms. Monica Cooper, made the decision not to submit to a subject interview and, as such, did not offer an explanation or rebuttal to the allegations. In the experience of the Investigator, it would be extremely difficult, if not impossible, for Ms. Cooper to mitigate the import of her statements without conceding culpability.

1. It is alleged that, on or about October 20, 2015, a person working at the city of Carson provided, or facilitated the provision of, a restricted-dissemination fraud hotline report to the subject of that report, Mayor Pro-Tem Lula Davis-Holmes.

During the course of this investigation, no witnesses were able to provide information or evidence as to the identity of the person who provided the fraud hotline report to Councilwoman Davis –Holmes. Several witnesses made statements regarding Ms. Cooper’s possession and access to the fraud hotline report. Other than rumor or gossip that they had heard, no witness provided any direct proof that Ms. Cooper, or any other person, provided, or facilitated the provision of, the fraud hotline report to Mayor Pro-Tem Davis-Holmes. Based on the scope and parameters of the investigation as determined by the city, the preponderance of evidence is inconclusive, and does not support this allegation. Therefore, the Investigator recommends that this allegation be **NOT SUSTAINED**.

2. *It is further alleged that on December 21, 2015, Ms. Monica Cooper made false and/or misleading statements during her interview, as part of the official city investigation.*

During the course of her aforementioned witness interview, Ms. Cooper provided a definitive set of answers to questions posed of her. This was unusual in that most witnesses, including many in this investigation, frequently do not have a completely clear and specific recall of actions they took or observations they made during what, at the time, was a seemingly insignificant incident.

- a) Ms. Cooper stated that she did not recall receiving a copy of the fraud hotline report in question. She was asked if she recalled seeing a copy of that document in some fashion, that referenced Councilwoman Davis-Holmes. **She replied that she had not** (*emphasis added*).

Although Ms. Cooper denied receiving a copy of the fraud hotline report, later in the interview she acknowledged that the report did not come to her work email account, but rather to a "junk file". She stated, "They don't come, they didn't come to my email. They came to like a junk file for the City. And generally what I do with those, I delete them". Trini Catbagan had stated that she resends the fraud reports when they arrive, but only to Ms. McMahon and Mr. Rhambo....both of whom confirmed this practice.

Ms. Alicia Tapia stated that Ms. Cooper had shown her a copy of the fraud hotline report the day of the city council meeting. Ms. Cooper was physically holding a piece of paper in her hand at the time the document was shown to her. She added that she had seen the words "ethics", "hotline", and "Davis-Holmes" on the document. She stated, "Well, Monica (Cooper) asked me what this document was about, and I told her that was a fraud hotline. I think I saw something about ethics on there, too. kind of thought it was out of her hands but I wasn't certain, so I wanted to refer her to Kelly (Lindberg). And then she said, okay. I told her you should talk to Kelly, and then she went back into her office and then she asked me for the fraud hotline folder and I gave that to her. And then later on in the day I asked Kelly if Monica had spoken to her and she said no. That's all I know about that". She stated that she had never seen that type of document before, and added, "First thing I would've wanted to do was not hold it in my hand, so I would've tried to ditch it as quick as I could. I knew that's like off-limits to me. I know everything's anonymous so I kind of really didn't want to dink or pick or pry". Ms. Tapia stated that she had relayed the details of this encounter to her supervisor, Ms. Kelly Lindberg, the day after the council meeting where the report had been revealed by Mayor Pro-Tem Davis-Holmes.

Ms. Kelly Lindberg confirmed the content and timeliness of Ms. Tapia's statements. She stated, "The only thing that I know is there was a Council meeting held I believe in October, and the following day after the Council meeting when I reported to work our Senior Account Clerk, Shannet Fuentes, was telling me about an incident that occurred at the Council meeting the night before -- apparently she must've watched it on video -- where the Councilwoman had a paper in her hand and she was waving it in the air claiming that she had a copy of an ethics' report or fraud hotline report that named her in the report and she was basically calling out employees' names on the public floor, which I was really, I was really appalled by. So, while she was telling me this story -- and Alice Tapia who was my former secretary who just retired on December 1 was also present -- Alice looked at me in a very strange way and I said what, what's the matter Alice? And she said, well, she was concerned because prior to the Council meeting Monica Cooper, the current City Treasurer who I report to, apparently had a paper in her hand -- and this was before the Council meeting, before it got into the hands of Councilwoman Davis Holmes -- and basically handed it to Alice and said, what is this all about? And as soon as Alice saw, she said she saw *ethics* on there, the word *ethics*, and then she saw Councilwoman Davis Holmes' name, she knew exactly what it was. She realized it was a fraud hotline report and she said she gave it right back to Monica and said, I'm not supposed to see this. You know, this is confidential and I'm not even supposed to see this".

Ms. Shannet Fuentes independently corroborated both Tapia and Lindberg's accounts. Fuentes related that Tapia had told her that Monica Cooper had shown Tapia a physical copy of the fraud hotline report referencing Councilwoman Davis-Holmes. Fuentes added that Tapia had seen the document again later sitting on Monica Cooper's desk. This sighting likely occurred when Tapia was

asked to bring Cooper the fraud hotline file, which Tapia delivered to Cooper's office. Fuentes believes that Kelly Lindberg was also present during this conversation.

- b) Ms. Cooper stated that she had been aware that Councilwoman Davis-Holmes had brought forth a document during the council meeting, but was unaware of its contents. She was asked if she had any conversations with anyone, before or after the council meeting, that mentioned anything to her about that document and its existence. **She stated that she had not** (*emphasis added*).

Ms. Alicia Tapia stated that Ms. Cooper had shown her a copy of the fraud hotline report the day of the city council meeting. Ms. Cooper was physically holding a piece of paper in her hand at the time the document was shown to her. She added that she had seen the words "ethics", "hotline", and "Davis-Holmes" on the document. She stated, "Well, Monica (Cooper) asked me what this document was about, and I told her that was a fraud hotline. I think I saw something about ethics on there, too. Kind of thought it was out of her hands but I wasn't certain, so I wanted to refer her to Kelly (Lindberg). And then she said, okay. I told her you should talk to Kelly, and then she went back into her office and then she asked me for the fraud hotline folder and I gave that to her. And then later on in the day I asked Kelly if Monica had spoken to her and she said no. That's all I know about that". She stated that she had never seen that type of document before, and added, "First thing I would've wanted to do was not hold it in my hand, so I would've tried to ditch it as quick as I could. I knew that's like off-limits to me. I know everything's anonymous so I kind of really didn't want to dink or pick or pry". Ms. Kelly Lindberg confirmed the content and timeliness of Ms. Tapia's statements.

Mr. Rhambo was asked if he had any conversations with Ms. Monica Cooper regarding the Councilwoman Davis-Holmes fraud report incident. He stated, "It was at our Christmas party. Let me look at the date of that. But, basically the conversation was, you know, did you, you know, did you know anything about that or, and she, she basically did not answer that. She just said, you know, I don't, you know, I don't know anything about that or what if I don't know anything about it. So, she wasn't really responsive to it, to any questions about it". He acknowledged that this exchange struck him as odd, saying, "I mean 'cause I thought, look, you're, you know, she's new. She, she would have no idea whether or not, you know, what, really what to do with this and, you know, just through talking to staff it sounds like she actually, when she received it she talked to Alicia Tapia who is now retired just trying to figure out what to do with it. Now, what she did with it after that, I have no idea".

- c) The following abridged exchange took place at the end of the interview:

VANECEK: Correct me if I'm wrong. I believe you said you never saw a printed copy of that document?

COOPER: **No** (*emphasis added*).

VANECEK: And you didn't get a preview of it earlier because you didn't have a copy of the document or anything like that. Okay. Monica, that's all the questions I have for you.

As previously stated, Ms. Tapia confirmed the physical existence of the document and it's possession by Ms. Cooper.

On at least three occasions during Ms. Cooper's interview, in response to direct questioning regarding the existence of the fraud hotline report and her knowledge of same, Ms. Cooper gave specific answers which were not subject to redefinition or misinterpretation. The preponderance of evidence shows that Ms. Monica Cooper made false and/or misleading statements during the course of an official administrative investigation. The Investigator recommends that this allegation be **SUSTAINED**.

The Investigator concludes that the core issue in this case is a matter of public trust. Whether a member of the city staff is elected or hired, the constituency of the city has a right to expect accountability and transparency in the actions of that individual. As the adage goes, "sometimes good people do bad things" and all people make mistakes, the issue of how one accepts responsibility for those actions is paramount to maintaining the public trust. The Investigator opines that, by her actions, Ms. Monica Cooper has fallen short of those expectations.

Since Ms. Monica Cooper's elected status precludes the types of disciplinary proceedings that would be expected and required with any other city employee in a similar situation, the Investigator recommends that this report be made public and the city council take those measures they deem appropriate to uphold and maintain the public trust.

George A. Vanecek (CA P.I. License #26161)

Investigator

Norman A. Traub Associates

Brian Wright-Bushman

From: Monica Cooper <mcooper@carson.ca.us>
Sent: Monday, April 11, 2016 10:00 AM
To: reelmonie@yahoo.com
Subject: FW: Interview, Tuesday, April 12, 2016
Attachments: Monica Cooper CARSON 122115.pdf

From: vanecekpi@gmail.com [<mailto:vanecekpi@gmail.com>] **On Behalf Of** George Vanecek
Sent: Monday, April 11, 2016 8:26 AM
To: Monica Cooper
Subject: Interview, Tuesday, April 12, 2016

Good morning Ms. Cooper....

Please find attached a verbatim transcript from our last interview. We are currently scheduled to meet on Tuesday, April 12th at 9:00 a.m.

Please acknowledge the receipt of this email, and confirm our interview time.

Thank you!

George Vanecek
951-236-0815

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INTERVIEW OF MONICA COOPER

Taken: Monday, December 21, 2015

GEORGE VANECEK: Today is Monday, December 21, 2015. It's approximately 1005 hours. My name is George Vanecek, contract investigator, retained by the City of Carson to look into the distribution of an in-house complaint document. With me is Ms. Monica Cooper who I understand is the City Treasurer.

MONICA COOPER: Yes, sir.

VANECEK: You can call me George, please.

COOPER: Okay.

VANECEK: I used to be a sir; now I barely qualify as a mister.

COOPER: All right.

VANECEK: How long have you worked for the City of Carson?

COOPER: Since March.

VANECEK: Since March? So, seven months, eight months?

COOPER: Yeah, six.

VANECEK: Nine months.

COOPER: Oh, is it nine months? Okay. It doesn't feel like it.

VANECEK: Yeah, it's Christmas.

COOPER: Yeah, that's right. Okay.

VANECEK: We talked a little bit before we went on the record about what this investigation was about. There is a complaint document that came in via email from a company that used to be called Network -- it's now called Navex -- and it's distributed according to that company to four different people here at the City of Carson: One is Trini Catbagan, the City Controller; Cecil Rhambo, the Assistant City Manager; Gail McMahon, the Director of Human Resources; and, yourself, Monica Cooper, City Treasurer. Do you recall receiving a document on or about October 21 in your email?

COOPER: In my email? No, not in my email.

VANECEK: Not in your email?

COOPER: No.

VANECEK: Do you recall seeing a copy of that document in some fashion that referenced Councilwoman Davis Holmes?

COOPER: No.

VANECEK: Have you, since your time here in March up until now, have you ever received one of those types of complaints on the computer?

COOPER: They don't come, they didn't come to my email. They came to like a junk file for the City. And generally what I do with those, I delete them.

VANECEK: Just delete them?

COOPER: Yeah.

VANECEK: Had anyone during the time that you're here told you that you would get these periodically?

COOPER: No.

VANECEK: So, therefore, there was no expectation in your mind that if I get something, I have to do something with it?

COOPER: No. 'Cause, well, let me just say this. When I started, I think maybe like two weeks after I was told, because originally that fraud hotline was part of the Treasurer's office. And then I was told that it will no longer be the responsibility of the Treasurer; it's moved to Human Resources and that I would have nothing to do with it. So, that was my knowledge of it from, pretty much from the time I started with the City.

VANECEK: Now, apparently my understanding is -- I haven't reviewed the Council tapes -- but Councilwoman Holmes, Davis Holmes, brought forth the document in the Council meeting. Was that something that you heard about, maybe not that night but the next day?

COOPER: Yes.

VANECEK: What was your understanding of what that document was about, if you know?

COOPER: Oh, I don't know.

VANECEK: Did you have any conversations with anyone before or after that Council meeting that mentioned something to you about that document and its existence?

COOPER: No.

VANECEK: Did Ms. Davis Holmes ever approach you after the Council meeting to discuss --

COOPER: No.

VANECEK: If you remember, did Councilwoman Davis Holmes come to your office the morning or the afternoon --

COOPER: Oh, no.

VANECEK: -- prior to the Council meeting?

COOPER: No. I could say that emphatically 'cause she, we rarely have that type of contact.

VANECEK: Are, you know, one of the things about an investigation like this, it's not like being in court where you have to witness something or know it for sure. I'm gonna ask you are you aware of any people in the City that would have the type of relationship with her that they would provide her a copy of that document? And again, this is a confidential interview.

COOPER: You know what? No, I don't. I can't say with any type of certainty.

VANECEK: Well, I mean, you know, there's the grapevine, there's rumors, and again, you know, if you say, you know, I heard this, you know, I take it with that grain of salt. I don't say, oh, just because Monica said it, that means it's absolutely true. But, you know, I have to go and have different avenues and different people to talk to. So, you know, if you heard something, even if you don't think it was that accurate, you know, share it with me and say, hey, you know, I got it third hand, fifth hand, tenth hand, or I read it in the Press Enterprise, and this is what I heard. Don't know if it's true or not, but just throw it out there.

COOPER: You know what? I can't, I cannot answer that. Being new here, I just kind of watch, basically watch people and watch how they interact. Now, I've seen a lot of people interact with her, but --

VANECEK: Well, they have to.

COOPER: Well, that's true. But I'm saying certain people in the City I've seen interact with her but I can't make those type of conclusions. I wouldn't be comfortable doing that.

VANECEK: Again, I'm not asking you to accuse someone. But, you know, one of the cities that I used to work for, there was a very close relationship between the Mayor and one of the office staff, you know, and so they go back 20, 30 years. I mean he was actually the godfather of her child, and sometimes that happens. You know, those kinds of relationships maybe override, you know, what someone would say, ah, maybe I shouldn't do this. And again, you know, I'm not asking you to accuse. If you have some suspicion or, you know, you heard anything -- Bob out in Public Works, he was out there mowing her lawn last week and, yeah, I heard that he had some paperwork with him. You know, again, unless you tell me I saw this person do it, you know, it's going to be just another piece of the puzzle and I'm obviously gonna follow up on that and it may very well be a dead end.

COOPER: Oh, okay.

VANECEK: So, you know, I'm not anywhere near the point to draw any kind conclusions. You know?

COOPER: Am I your first for today?

VANECEK: You're my third person that I've talked to today.

COOPER: Oh, okay. I've seen Trini interact with her a bit.

VANECEK: But you haven't heard anything specific as to this document?

COOPER: No.

VANECEK: Correct me if I'm wrong. I believe you said you never saw a printed copy of that document?

COOPER: No.

VANECEK: Were you aware -- I think I asked you this, but were you aware the next day after the City Council meeting, was there kind of a buzz going on about that?

COOPER: No. To be honest with you, I don't even remember what, what meeting that was. You said it was in October?

VANECEK: It was a City Council meeting. Yeah, it was sometimes after October 21.

COOPER: Oh, after October. Yeah, I don't remember.

VANECEK: In fact, I believe it might've been that night.

COOPER: Okay.

VANECEK: So, no buzz afterwards and to your recollection nobody come up to you and said, oh, Monica, listen to this, or have you heard about this?

COOPER: No, not at all.

VANECEK: That's kind of unusual for a City. Usually, you know, something like that happens there's a big buzz going on.

COOPER: You know what? As you're speaking I'm trying to remember, but I don't remember anybody saying -- maybe days after, or maybe like a week after I did hear something, but not that night or the next day.

VANECEK: And you didn't get a preview of it earlier because you didn't have a copy of the document or anything like that. Okay. Monica, that's all the questions I have for you.

COOPER: Okay. All right.

VANECEK: Unless there's something that you can offer that'll, you know, give me maybe another potential piece of the puzzle, I'd ask you to offer it now.

COOPER: I can think of nothing.

VANECEK: Good enough. It is 1015 hours and we're off the record.

[END]