

Sasha Linker

From: [REDACTED]
Sent: Tuesday, November 19, 2019 5:23 PM
To: CommAsst
Subject: Request for Investigation - Placer County Board of Supervisor and County Action

EXTERNAL EMAIL

Dear Fair Political Practice Commissioners,

It has been brought to my attention of a situation involving a Placer County Board of Supervisor ("Placer County Board"), Supervisor Kirk Uhler's actions or inactions, and perhaps County involvement as well, that warrant further investigation by the Fair Political Practice Commission ("FPPC"). I am a resident of Placer County, a constituent, and I am also an attorney licensed to practice law in California for twenty-seven years. Apparently, a whistleblower informed another constituent that the Placer County Board gave Supervisor Uhler's wife, Tammy Uhler, a \$35,000 raise with no discussion, largest increase of any manager, with the next individual in that job not to receive that same pay *and no discussion or disclosure of potential and/or actual conflict of interest to the public or prior to the vote on the matter*. If true, at a minimum, this bears further investigation.

While I understand that apparently FPPC has inquired into the matter based upon the constituent's filed complaint, FPPC stated that it did not condone the behavior, but it did not have enough information to proceed further (at this time). I can understand your predicament, but I would argue that it is within your province and duty to conduct a further investigation.

From your own documents, FPPC's mission is to promote the integrity of state *and local government* in California through fair, impartial interpretation and *enforcement* of political campaign, lobbying *and conflict of interest laws*. [Emphasis added.] The Political Reform Act (or "PRA") was enacted because the previous laws regulating political practices suffered from inadequate enforcement by state and local authorities. *Government Code section 81001(h)*. The Political Reform Act should be vigorously enforced pursuant to *Government Code section 81002(f)*. FPPC is required to investigate possible violations relating to any official *or administrative action* per *Government Code section 83115*. FPPC can also conduct investigations. *Government Code section 90003*.

FPPC has the authority to conduct investigations and prosecutions concerning all matters relating to the business activities and subjects under its jurisdiction including "violations of any law." *Government Code section 11180*. FPPC has the authority *to issue subpoenas for the production of papers, books, accounts, documents and testimony*. *Government Code section 11181*.

The California Supreme Court provided that the power to make an administrative inquiry (as would be within FPPC's province) does not depend upon a case or controversy, but can investigate ***"merely on suspicion that the law is being violated, or even just because it wants assurance that it is not."*** (See, United States v. Morton Salt Co., 338 U.S. 632, 642-643, emphasis added.)

Apparently, on two separate Board of Supervisor's meetings, Supervisor Uhler failed to recuse himself and/or failed to disclose a potential and/or actual conflict of interest for a raise, a substantial raise at that, being given to his spouse, who is the Assistant Director of Child Support Services for Placer County. On or about July 9, 2019, Supervisor Uhler left the

meeting for approximately five or ten minutes. The allegation is that it constituted his absence from the meeting where no disclosure would be warranted. On or about July 23, 2019, Supervisor Uhler abstained from the vote. The laws were not enacted to allow elected officials to circumvent the rules. The laws were enacted due to violations by elected officials and, at a minimum, to ensure open and honest communication with disclosure of potential and/or actual conflicts of interest. Voluntarily leaving a meeting for five or ten minutes when your wife's \$30,000 or \$35,000 raise is being awarded, with no disclosure to the public, does not meet the intent of these laws and is in direct opposition if attempting to make yourself "absent" to avoid disclosure. Remaining in a meeting and not disclosing potential and/or actual conflict of interest where you spouse is receiving a substantial raise that no one else is receiving, without disclosure to the public, also violates the intent of the law. My understanding is that the argument of the 8% raise as part of a represented or larger group did not apply as this was a unique situation and it would be reviewed once she vacated her position. Apparently, not only were these substantial raise and benefits only given to the Supervisor's spouse, but also the annual pay of this individual is to be \$173,264 (requiring only a four year degree), while the Child Support Attorney (requiring a law degree and active membership in the California State Bar) would only be \$160,264. Note that this occurs nowhere else in the State of California where the Assistant Director of Child Support Services receives more than the Child Support Attorney. But, yet it occurred in Placer County when the spouse's Supervisor left the room and at no time disclosed his conflict of interest. It also brings up the question as to the administrative action involved with these matters, as that too is within the province of FPPC.

It is my understanding that FPPC sent a no action letter, but if FPPC does not condone this behavior and did not have enough information before it...a no action letter is only when no further information would be helpful or informative. If an anonymous complaint was made regarding Supervisor Uhler's action, indicating more information could be found within Human Resources, then there is, at a minimum, further information that would be helpful and informative.

We, as attorneys, are held to the utmost of standards to be open and disclose potential and/or actual conflicts of interest. Our elected officials should be held to that same standard and you have the tools and resources at your disposal to do so. I am merely requesting that you utilize your investigatory power, and conduct further investigation and review into this matter. Note, I have no independent knowledge of this situation and make no claims or assertions, but if this information is true, it is extremely disheartening to say the least, can be tantamount to an abuse of power and begs the question as to what other matters are happening within our local Placer County Board?

Thank you sincerely for your time and consideration in this matter.

Holly L. Johnson
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