



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
PUBLIC INTEGRITY DIVISION

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July 29, 2015

Honorable Members of the Carson City Council  
City of Carson  
701 E. Carson Street  
Carson, CA 90745

Re: Complaint of Brown Act Violation, Case P15-0365

Dear Honorable Council Members,

We have received a complaint alleging violations of the Ralph M. Brown Act at the June 12, 2015 Carson City Council meeting. Specifically, it was alleged that the Carson City Council violated California Government Code section 54953(b)(3), which states:

“If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.”

We note that Carson Mayor Pro Tempore Elito Santarina was not present at the June 12, 2015 council meeting, but participated by way of cellular telephone from the emergency room of a local hospital. No mention was made that the meeting would be held by teleconference, and the only location listed for the meeting was the Carson City Hall Helen Kawagoe Council Chambers. Additionally, the emergency room of a hospital does not qualify as a location “accessible to the public” for purposes of an open meeting. Based on these facts, it is clear that the Carson City Council meeting on June 12, 2015, failed to comply with the requirements of California Government Code section 54953(b)(3).

At the June 12, 2015 meeting, the Carson City Council voted 2-1 to appoint former Compton City Clerk Charles Davis to perform the second count and certify the vote from the June 2, 2015 special election, instead of Carson City Clerk Jim Dear. This was the only action taken by the city council at this meeting.

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We also reviewed the Carson City Council meeting on June 16, 2015. At approximately the five hour and 18 minute mark, the Carson City Attorney reported out of closed session that the "council has instructed the city attorney to provide notice to the city clerk and the city clerk's attorney that they formally acknowledge him, at this time, as the election official..."

Further, we reviewed the Carson City Council meeting on June 25, 2015. At this meeting, Carson City Clerk Jim Dear formally certified the election results of the June 2, 2015 special election. The Carson City Council then voted 4-0 to approve Resolution 15-077, declaring the result of the June 2, 2015 special election, confirming Jawane Hilton as the winner. Council member Hilton then resigned his appointed position to the seat on the council formerly held by Carson City Mayor Albert Robles, and accepted his elected position to the Carson City Council. City Clerk Jim Dear then administered the Oath of Allegiance to Council member Hilton.

Accordingly, although the Carson City Council violated the Ralph M. Brown Act at the June 12, 2015 council meeting by improperly noticing and conducting a teleconferenced meeting, they cured and corrected this violation by rescinding the only action taken at the meeting, and acknowledging Carson City Clerk Jim Dear's authority to certify the election. Therefore, we will take no further action in regards to this matter. However, we expect that this letter will suffice to inform the council so that it does not repeat the same violation in the future.

Very truly yours,

JACKIE LACEY  
District Attorney of Los Angeles County

By 

Sean Hassett  
Deputy District Attorney