

September 3, 2015

Mr. Tony Rackauckas, Orange County District Attorney
Mr. Michael Lubinski, Senior Assistant District Attorney
401 Civic Center Drive West
Santa Ana, CA 92701

Re: Formal Complaint of Unfair Treatment, False Statements, and Double Standards against Deputy D.A. Jess Rodriguez

Dear Messrs.:

Mr. Jess Rodriguez representing the OCDA in Case Number 15HM01514, a misdemeanor, charged me on Feb 11, 2015, in connection to an incident on Oct 9, 2014, in Lake Forest. It was not until I heard from a reporter that afternoon when I actually learned about the charges, and his letter advising me of the charges was not mailed out to me until Feb 17, 2015, as evidenced by the postmark.

Now that the matter has been finalized by way of dismissal, I am filing this formal complaint against Mr. Rodriguez directly with you detailing some of his reckless misconduct and series of mischiefs. I am confident that by reading this you will learn that I have been treated unfairly and maliciously by Mr. Rodriguez.

Some of the most egregious of all his actions and statements have been that after the dismissal of the case:

- a. He deliberately made incriminating, misleading, ambiguous, and untrue statements to the press to hurt me (as detailed out and proven later herein).

Mr. Rodriguez's own words:

%Nick sent a letter acknowledging his role in the crimes, but didn't explain what that role was.+

His statements caused a headline that said I had admitted %stealing.+

- b. He wrote to the press that he held me to a higher standard because I was an elected official.

Mr. Rodriguez's own words:

%However, it was felt that as a public official, Mr. Nick should be held to a higher standard. This resolution accomplishes that while sparing taxpayers the expense of a public trial."

The firestorm that ensued Mr. Rodriguez's malicious statements has been devastating to my family and me, hurt us terribly, and haunts us to this day.

Here are the facts:

1. Mr. Rodriguez filed the case without ever contacting me or my counsel . without ever giving me or my counsel the opportunity to explain why what I had done was not a crime.
2. Mr. Rodriguez went out with his first Press Release on Feb 11, 2015, announcing his charges against me providing untrue information. He stated that my car had been %eached.+ This was untrue nor was there anything indicating that a %earch+ had been conducted in the OCSD deputiesq incident report, which was about only a paragraph long providing relatively an accurate description of the event on Oct 9, 2014, and it was clearly marked NONCRIMINAL.
3. My case was filed for my removal of campaign signs in the City of Lake Forest. About two years before the case was filed, I had received a letter from Senior ADA, Mr. Jamie Coulter, of the OCDA that spelled out why such a removal of signs was not a crime. My actions were no different than described by Mr. Coulter in his letter. And, although a new sign ordinance in Lake Forest had been passed since, chiefly due to my own efforts, the very same rules that had been cited by Mr. Coulter remained in force and applicable, and this was proven to Mr. Rodriguez by my attorney, Mr. Paul Meyer.
4. Mr. Rodriguez filed the case WITHOUT ever seeing Mr. Coulter's letter or doing any research, or if he did see it, he deliberately ignored it.
5. My attorney, Mr. Paul Meyer, obtained and provided Mr. Rodriguez proof from the owner of the property that the signs had been placed without permission of the owner . thus they were posted illegally and could be removed by anyone.
6. Mr. Meyer provided Mr. Rodriguez letters from the Lake Forest City Attorney and City Clerk stating that removing signs that had been illegally posted was not a crime. The Lake Forest City Attorney's letter in fact even referenced specifically Mr. Coulter's letter and stated that Mr. Coulter's letter and its content had shaped the language in the new ordinance.
7. Had Mr. Rodriguez done his due diligence, the charges would not have been filed. The lone act of filing the charges proved catastrophic for my family and me, and due to Mr. Rodriguez's misconduct, things only spiraled down from that point on, as explained further below.

Mr. Rodriguez learned all of this, and yet he continued course.

8. Mr. Meyer was able to successfully close the case by way of a dismissal. I offered a good faith donation and 8 hours of volunteer work. I sent in a letter to Mr. Rodriguez showing this, and he accepted it. My letter told the facts, most importantly, *"On October 9, 2014 I directed the removal of illegally placed campaign signs belonging to another person."*

Mr. Rodriguez knew all of this when he dismissed the charges. The removal was not a crime. It was not a crime in Lake Forest, and it was not a crime in surrounding cities either. Mr. Meyer had proof if needed for trial that the Irvine sign ordinance contained the same provision (Zoning ordinance in Irvine).

9. Before the dismissal, Mr. Rodriguez confirmed to Mr. Meyer in written email that he would not issue any press statement without checking with Mr. Lubinski. Mr. Meyer has the email.

Nevertheless, as soon as the dismissal occurred mid-morning of July 16, 2015, Mr. Rodriguez, as I understand it, unbeknownst to anyone at the DA Office, contacted the press City News

Service, and made false and misleading statements against me. He **LIED** about me to the news.

The reporters wrote the story based on Mr. Rodriguez's lies: The news title said:

“NEWS ALERT: Councilman Who Championed Sign Theft Ordinance Admits to Stealing Signs,”

which obviously is utterly false. There was no theft and as such, there was no admission of theft. I attach the story.

10. Mr. Meyer immediately called Mr. Rodriguez who admitted he had contacted the press and apologized. Mr. Rodriguez then contacted the press again, and LIED AGAIN. Mr. Rodriguez wrote a second statement which also said that I had confessed my role in the crime. This is outrageous. While he is apologizing to Mr. Meyer, he is making another call to make it worse.

You judge for yourself the truthfulness and nature of what Jess Rodriguez communicated in his own words to the press. Please note that he admitted to Mr. Meyer that he wrote these words.

The first article quoted Mr. Rodriguez:

“I would note that many first-time-offender petty theft cases resolve for dismissals in exchange for much smaller donations, or perhaps providing a DNA sample, however, it was felt that as a public official, Mr. Nick should be held to a higher standard. This resolution accomplishes that while sparing taxpayers the expense of a public trial.”

Mr. Rodriguez knew that there was no offense. Yet, he cleverly labels me a %first time offender.+

The second press statement of Mr. Rodriguez was also quoted:

“In a follow-up email to City News Service, Rodriguez wrote that ‘Nick sent a letter acknowledging his role in the crimes, but didn’t explain what that role was. In that letter he did not admit theft’.”

It is evident that Mr. Rodriguez was determined to smear me in the press with lies and insinuations, even after he apologized to Mr. Meyer. I believe that Mr. Rodriguez's motivation is clear: he believes that I and others who are elected, should be held to a higher standard. He said that he uses this higher standard in his work. He said:

“It was felt that as a public official, Mr. Nick should be held to a higher standard. This resolution accomplishes that while sparing taxpayers the expense of a public trial.”

What %standard+did he use? Is he above the law?

Even today, 1 and ½ months later, the URL reads:

<http://patch.com/california/lakeforest-ca/councilman-who-championed-sign-theft-ordinance-admits-stealing-signs>

Mr. Rodriguez acted deliberately to mislead the public and the press and to hurt me. This is unprofessional and not worthy of your office. Please take action. This case was a misdemeanor. Would you trust him with a felony?

Mr. Rodriguez lied:

- a. He said that I admitted my role in crimes. What %crimes+?
 - b. He said that I did not admit theft in %hat letter.+ So, did I admit theft in a previous or different letter?! When did I *ever* admit %theft+?!
 - c. There was no offense. Yet, he cleverly labels me a %first-time offender.+
 - d. He degenerately invokes %DNA sample,+ only to leave suggested criminality as to my person in the mind the average reader.
 - e. Then, he proudly trumpets that he has held me to a higher standard.
11. My statement in the words he accepted, said exactly, *"I had removed "illegally placed campaign signs."* Given that Mr. Rodriguez failed to do his due diligence before deciding to file charges, he presumably did not know *initially* that what I had done was not a crime. However, it was proven to Mr. Rodriguez, through an abundance of body of competent evidence, that what I had done was not a crime. He was proven that, in part, through the introduction to him of letters by ADA Jamie Coulter, Lake Forest City Attorney, Lake Forest City Clerk, and Lake Forest Old & New Sign Ordinances. Even if this had been in Irvine, it was no crime based on their own zoning ordinances (#7-9-2 as Mr. Meyer explained). Mr. Rodriguez's smearing of me was an evil act.
12. Mr. Rodriguez, representing the District Attorney, said that he prosecuted me *using "a higher standard."* What kind of justice is this? So the District Attorney forces a higher standard on certain people? How many other cases has Mr. Rodriguez prosecuted and will prosecute with the mindset of using double standards? Does he do this with foreign-born people whom he deems to be successful? Does he do it with police officers or other professionals? What if I were black? How about Asian? What if I were gay? What arbitrary standard would he have used then?

If Mr. Rodriguez were discovered to have used a different or higher standard for black people or gay people, he would be fired. Can you tell me in good conscience that there is a real difference here?

If any deputy district attorney wrote to the press, made utterly false statements, and resorted to deliberate insinuations, he would not be able to keep his job. Has Mr. Rodriguez not done exactly that?

Mr. Rodriguez's statements have tarred me as a thief who got away with something. His statements have tarnished my reputation and that of my family's. This is unfair and unjust. You have now seen the headline that he created by his words. This is while he had accepted that I had removed %legally placed campaign signs+ and that that was not a crime. He knew he was doing this. This was a deliberate attempt, a calculatedly untrue and unfair representation of facts and as such, it was malicious.

Mr. Rackauckas, I know you to be a fair man who tells it like it is . a no-nonsense fellow. You do not game the system to promote yourself, you do not use the press to advertise yourself at the expense of the truth, and you do not have double standards. When your deputy does, you must know it. Only then, you can be expected to take corrective action.

I take comfort that the two most senior members of Mr. Rackauckas's team are Mr. Lubinski and Mr. Jamie Coulter, who kindly and much selflessly helped me understand the applicable laws to revise the Lake Forest sign ordinance shortly after I was sworn in now nearly three years ago.

I trust you will soon realize the extent to which Rodriguez had not done his homework before making the charges against me, which makes him exceptionally incompetent, and the extent to which he continued with his ~~no~~ mistake, rather than owning up to it, which makes him a conceited, arrogant, and vicious coward.

Jess Rodriguez CERTAINLY is not fit to serve the public, and in fact his indifference or gross disregard to the truth makes him a danger to the welfare of the very public he~~s~~ sworn to protect and a liability to the District Attorneys~~s~~ Offices.

Gentlemen, I have done my duty of alerting you to the best of my God-given ability that you have a rogue subordinate and documented it for you some of his verifiable misdeeds. I trust that you will conduct your own independent investigation and that you will show that you have no tolerance for this type of a person to be representing your otherwise fine Offices.

I have asked Mr. Meyer to review this letter and confirm its accuracy as to the facts presented herein (and not to my opinions) by the way of his signature below.

Mr. Meyer _____.

I look forward to hearing from you. If you prefer, you may write me back to the attention of Mr. Meyer.

Yours truly,

Adam Nick