Todd Spitzer Research Report
(Orange County, CA)
Explicit Content Warning

The material presented here may contain triggering and/or sensitive information. This report describes police brutality, hate crimes, sexual and violent crimes, human trafficking, illicit drugs, mental illness, and the death penalty. Please know there are resources to help you. These include:

- National Police Accountability Project
- American Civil Liberties Union
- The Trevor Project
- Human Rights Campaign
- Rape, Abuse & Incest National Network
- National Sexual Assault Hotline- 1-800-656-4673
- National Sexual Violence Resource Center
- National Domestic Violence Hotline
- Human Trafficking Hotline
- National Council on Alcoholism and Drug Dependence
- American Society of Addiction Medicine
- Death Penalty Information Center

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   3. Spitzer Voted To Continue State Executions And Claimed There Were No ‘Injustices Or Inequities’ In The Use of The Death Penalty
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9. Spitzer Opposed Bills Protecting Prisoners’ Rights in 2005
10. Spitzer Asked The DOJ To Stop Investigating His County’s Controversial Use Of Jailhouse Informants
11. Spitzer Supported Proposition 20, Which Expanded Penalties, Ineligibilities For Parole, And DNA Collection
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5. Spitzer Called For Banning Conjugal Visits for Gay and Lesbian Inmates
6. Spitzer Criticized Educational Resources For The Incarcerated
7. Since 1999, Spitzer Supported Spending Nearly $1 Billion To Expand Prisons
   1. Spitzer Backed An $80 Million Expansion Of Musick Jail
   2. Spitzer Pushed For More Prisons The Same Year That California Spend More On Incarceration Than Public Universities
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    5. Spitzer Cleared and Supported Officers Accused of Police Brutality
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       2. Spitzer Opposed Paying $650K To The Family Of An Inmate Allegedly Beaten To Death By Sheriff’s Deputies
       3. Spitzer Defended A Deputy Sheriff Who Shot And Killed A U.S. Marine
    6. Spitzer Opposed a Settlement to a Victim Alleging Sexual Assault By Police
    7. Spitzer Promoted ‘Broken Window’ Policing in 2020
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       2. Spitzer Voted Against Tightening Regulations On Unsafe Guns
3. Spitzer Voted To Remove Five-Year Expiration Of Handgun Safety Certificates
4. Spitzer Voted Against Bill To Prevent Children From Accessing Firearms In The Home
5. Spitzer Repeatedly Voted Against Gun Sales Regulations
6. Spitzer Repeatedly Voted Against Limiting Who Can Purchase Guns And Ammunition

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   3. Spitzer Voted Against The Issuance Of State IDs To Parolees
   4. Spitzer Turned A Blind Eye To Texting And Smoking While Driving
   5. Spitzer Repeatedly Criticized LA District Attorney George Gascón For Being Weak On Crime
      1. Spitzer Called Hardin A Gascón ‘Clone And Wannabe’
   6. Spitzer Advocated For Marsy’s Law, Which Allegedly Violated Inmates’ Constitutional Rights
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      3. Report Finds Spitzer Asked a Supervisor To “Write Up” A Victim After She Reported Sexual Harassment for “Lying”
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      5. Spitzer Promoted Attorneys Despite Alleged Awareness Of Their Harassment Behavior
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5. Spitzer Pulled Strings For A Prosecutor Who Allegedly Harassed a 16-Year-Old Intern

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   3. Spitzer Received 0% Ratings From Drug Reform Organizations
   4. Spitzer Voted For An Ordinance Banning Marijuana In Unincorporated Parts Of Orange County
   5. Spitzer Abstained From A Vote Creating A Registry Of Sober-Living Homes In OC
   6. Spitzer Introduced A ‘Social Host’ Ordinance To Expand Penalties For Underage Drinking

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   2. Spitzer Blamed Staff for OC Supervisors Failing To Spend $380 Million In Stashed Mental Health Funds For The Homeless
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   3. Spitzer Denied Farmworkers Additional Protections Against Unfair Labor Practices
   4. Settlements With Former Aides
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2. Former Chief of Staff Melanie Eustice Accused Spitzer Of Being Abusive And Engaging In ‘Patterns Of Illegal Behavior’

5. Spitzer Abstained From Approving Union Labor for Public Works Projects

6. Spitzer Voted To Expand OC Sheriff’s Department, Sparking Pushback From Lawyers’ Union

7. Spitzer’s High Score for California Labor Federation: 12%

18. **Immigration**

1. Immigration Highlights

2. Spitzer Opposed Early Release For Immigrant Detainees During COVID-19

3. Spitzer Voted To Join Trump’s Lawsuit Against Sanctuary Cities

4. Spitzer Supported The Criminalization Of Immigrants
   - 1. Spitzer Voted Against Recognizing The ‘Common Humanity’ Of Refugees
   - 2. Spitzer Wanted Landlords To Be ‘De-Facto Immigration Officers’
   - 3. Spitzer Opposed Citizenship For Children Born On American Soil To Undocumented Parents

5. Spitzer Opposed Issuance of Driver’s Licenses to Undocumented Immigrants

6. Spitzer Protested Immigration Before Mexican President Vicente Fox

7. Spitzer Rated 0% by California Immigrant Policy Center

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1. Climate Change and Environmental Protection Highlights

2. Spitzer Opposed Regulating Greenhouse Gas Emissions

3. Spitzer Opposed Additional Protections Against Natural Disasters

4. Spitzer Supported Landfills In Orange County

5. Spitzer Supported Developments Despite Environmental Concerns

6. Spitzer’s High Scores on Environment: 20% from Sierra Club, 11% from Environment California

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1. Health Care and Social Safety Net Services Highlights

2. Spitzer Opposed Legislation Easing Requirements for Social Services Benefits

3. Spitzer Voted Against Expansion of Subsidized Health Care Eligibility

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5. Spitzer Voted Against Continuing Food Stamps Benefits in 1997

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   3. Spitzer Voted To Preserve Tissue Of Aborted Fetuses For Paternity Testing
   4. Spitzer Voted Against Comprehensive Sex Education
   5. Spitzer’s High Score on Reproductive Rights: 20% from NARAL, 0% from Planned Parenthood
   6. Spitzer Received 90% Score from the Anti-Choice Life Priority Network

22. Election and Voting Reform
   1. Election and Voting Reform Highlights
   2. Spitzer Opposed Reforms Increasing Voter Access
   3. Spitzer Opposed Districting For Latinx Populations That Would Support Victory For Latinx Candidates
   4. Spitzer Voted Against Restricting Wealthy, Corporate Influence in Elections
   5. Spitzer Opposed Electoral College Reform
   6. Spitzer Proposed An Unconstitutional Measure For Special Elections To Fill His Seat That Cost $200K

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   3. Spitzer Supported Controversial Statewide Testing
   4. Spitzer Viewed Schools As A Site For Gang Prevention

24. Affiliation with Pandemic Profiteer John Thomas
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   2. July 2021: Spitzer Claimed He ‘Refused To Tolerate’ Price Gouging And COVID Scams
   3. …But Paid PPE Price Gouger John Thomas More Than $1 Million For Consulting Services
      1. Spitzer Retained Thomas Partner Strategies For His 2022 District Attorney Campaign
      2. Spitzer Paid Thomas $1 Million On His 2018 District Attorney Campaign
   4. Spitzer Praised TPS For ‘Biggest Political Win’ Of His Career
      1. Thomas Partners Strategies Opened A Location In Orange County In 2019
2.  2017: Thomas Named As Spitzer’s ‘Chief Strategist’

5.  2020: Thomas Exploited COVID Pandemic, Charging 800% Markup for Medical Equipment and Failing to Fulfill Contracts for PPE
   1. Thomas Founded Medical Supply Company Blue Flame Medical Amid COVID Pandemic
   2. Thomas Admitted To Charging Over 800 Percent Market Price For Ventilators
   3. Thomas Lied About Using Political Connections To Land Contracts
   4. Maryland Officials ‘Blasted’ Blue Flame For ‘Exploit[ing]’ The Pandemic After Blue Flame Failed To Deliver PPE
   5. Blue Flame Took State Contracts Thomas Knew They Could Not Fulfill, Then Thomas Blamed States For Not Being ‘Patient’
   6. California Cancelled $500M Contract With Blue Flame Only Days After Maryland
   7. Blue Flame Did Not Fulfill Contracts For Law Enforcement Agencies In At Least 6 States

   1. Justice Department, U.S. House Energy and Commerce Committee Launched Investigations Into Blue Flame
   2. …But Reversed Course In March 2021 After Receiving ‘Assurances’ That Thomas Was No Longer Under Investigation

8.  Thomas is a Spitzer Super Fan
   1. Thomas Appears to Have Wiped His Twitter of All Tweets Prior to October 2020
   2. Since October 2020, Thomas Has Retweeted Spitzer-Related Content Five Times—17% of All Thomas’ Tweets

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      2. Spitzer Allegedly Intentionally Foiled Tom Coad’s Bid For Supervisor
3. Spitzer’s Fellow Board Member Accused Him of Leaking Confidential Legal Information

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   2. Orange County Board of Supervisors Budget Expenses Increased By Over 25% During Spitzer’s Tenure From 2012 To 2018
      1. Spitzer Voted To Increase Law Enforcement Budget In 2017
      2. Spitzer Voted To Cut The Proposed Budgets Of Law Enforcement And Financial Oversight Offices
      3. In 2016, Spitzer Voted For Budget That Increased Spending For Sheriff’s Department To Buy Patrol Vehicles
      4. Spitzer ‘Took Credit For Proposing’ Additional Staff For County Sheriff
   3. Spitzer’s Compensation Increased By Nearly $45K in Five Years
      1. Spitzer Went Soft On Jail Phone Vendor Recording Inmate Phone Calls After Financial Contributions
      4. Supervisor Spitzer’s Office Expenditures Increased 35.6% From 1998-2003

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   3. Youth and Adult Corrections Spending Increased Nearly 85% During Spitzer’s Tenure
   4. Total Liabilities Increased Nearly 30% During Spitzer’s Tenure
   5. Spitzer’s Salary Increased 18% During His Tenure
   6. Spitzer’s Staff Salary Budget Increased By Over $50,000 From 2002 to 2008

29. Misuse of Taxpayer Funds
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   2. Spitzer Spent $189K In Tax Dollars On Controversial Mailers

30. Voter History and Party Affiliation
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31. Campaign Finance
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   2. Financial Summary as of December 31, 2020
3. **Questionable Donors**

1. Spitzer, as Assemblymember, Intervened in County Permitting So Businesses of His Largest Donor Could Operate Without Permits

2. Spitzer Took $22K From Law Enforcement Organizations

3. Spitzer Shielded Law Enforcement Campaign Donors from Punishment

4. Spitzer Accepted $2,200 From A Lawyer Who Defended Saudi Royals Accused Of Sex Crimes

5. Spitzer Accepted $2,100 From A Former California Assemblymember Who Allegedly Funded Her Campaign With Funds From A Fraudulent Business

6. Spitzer Accepted $2,200 From A Law Firm That Protected A Police Officer Accused Of Conspiring In A Murder

7. Spitzer Took $2.1K From The Lincoln Club Of Orange

8. Spitzer Took $6.3K From Development And Housing Interests

9. Spitzer Took $1K From Steve Baric, Republican Attorney Defending Campaign Money Launderers And Fraudulent Politicians

10. Spitzer Took $1K From Insurance Lobbyist In 2005

11. Spitzer Received $2,200 from Former Costa Mesa Mayor Righeimer
   1. Righeimer Was Part of a 1996 Republican Recall Election Scam
   2. Righeimer Defended Former Boss Rep. Rohrabacher’s Attendance at January 6 Insurrection

12. Spitzer Accepted $2,200 from an Right-Wing Activist Who Distributed Undercover Planned Parenthood Videos Praised by Hate Group

13. Spitzer Received $11,000 from the King Family, Whose Centaurus Financial Planning Faced $1.7M in Fines for Fiduciary Breaches

14. Spitzer Received $4,400 from Henry and Susan Samueli; Henry Samueli Pleaded Guilty to Lying to the SEC

15. Spitzer Accepted $2,200 from Burrtec Waste Industries, Which Violated Multiple Local Regulations

16. Spitzer Accepted Donations from Hewlett Packard After Awarding Company with a Half-a-Million Dollar Contract

17. Spitzer Accepted Campaign Donations From Ben’s Asphalt and Its Employees After Awarding the Company a Contract

18. Spitzer Declared ‘Disneyland Day’ in Orange County After Receiving Campaign Donation from Walt Disney Company

19. Spitzer Accepted $4,400 From Real Estate Developers Accused Of Defrauding Investors
20. Other Questionable Contributions

4. Questionable Disbursements
   1. Spitzer Paid Pandemic Profitteer John Thomas More Than $1 Million In Consulting Fees Despite Pledge To Prosecute PPE Price Gouging
   2. Spitzer Spent $340K from Central Committee Accounts, Including on Maui Vacation with His Wife
   3. Spitzer Gave Over $24K To Jim Lacy’s Taxifornia And Save Proposition 13
   4. Spitzer Paid Admitted Money Launderer Lysa Ray Over $5K
   6. Other Questionable Disbursements
      5. Spitzer Allegedly Funneled $90K To Fund His Own County Supervisor Race
      6. Contributions Made by Candidate

32. Lobbying
   1. Lobbying Highlights
   2. Spitzer Lobbied to Expand California Air Quality Management Board in 2016
   3. Individuals Lobbying Spitzer
      1. Insurance Lobby Lobbied Spitzer on Child Care Services Liability Insurance in 2005
      2. California Perinatal Treatment Network Lobbied Spitzer on Prison Reform for Female Offenders in 2007
   4. No Lobbyist Registrations Found

33. Personal Finance
   1. Personal Finance Highlights
   2. Taxpayer-Funded Salary
      1. Spouse’s Public Salary
   3. Earned Income
      1. Spitzer Received Up To $102K From Nicholas Holdings LLC For Legal Work On Marsy’s Law
      2. Spitzer Received Up To $700K From Centaurus Financial Inc. For Social Media Consulting
      3. Spitzer Received Up To $700K From Strategic Realty Trust For Board Compensation
   4. Spitzer’s Invested Thousands In Real Estate Trusts, Apple, Chevron, Microsoft, And Other Questionable Companies
34. **Strategic Realty Trust, Inc**
   1. Strategic Realty Trust, Inc. Highlights
   2. Spitzer Is the Board Chairman and Co-Chair of the Audit Committee of Strategic Realty Trust
   3. Strategic Realty Faced A $32K State Tax Lien In 2019
   4. Strategic Realty Ordered to Pay Over $6.25 Million in 2013 Securities Act Suit
   5. Strategic Realty Trust Appointed Spitzer, Supporter of Ousted Thompson, to the Board as a Condition of Ending the Proxy Fight
   6. Strategic Realty Faced $25K Slip and Fall Case in 2018
   7. Total Assets Dropped More than 50% During Spitzer’s Tenure
   8. Total Liabilities Dropped More Than 70% During Spitzer’s Tenure

35. **Background**
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   2. Professional History
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36. **Online and Social Media Summary**
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Top Findings

Spitzer Has Repeatedly Been Accused of Normalizing and Excusing Sexual Misconduct

Spitzer Allegedly Witnessed Gary Logalbo Harassing Women in His Office

Four Claims of Sexual Harassment Have Been Filed by Deputy District Attorneys Against Todd Spitzer and ‘Scary Gary’ Logalbo as of February 2021. In February 2021, a fourth claim victim filed a claim accusing Gary Logalbo of sexual harassment and District Attorney Todd Spitzer of witnessing the misbehavior, failing to address it, and retaliating against the victims. The Orange County Register reported:

Attorney Matt Murphy, a former prosecutor, is representing the four claimants, all deputy District Attorneys. Murphy spends much of the latest document blasting Spitzer for promoting to management his so-called best friend — known among veteran female employees as ‘Scary Gary.’ The claim says Spitzer’s tough talk against harassment in the workplace doesn’t apply to those closest to him and alleges he tried to retaliate against one of the four Jane Does who filed claims. The accusations have been met with an ‘angry tone, denials and overt victim blaming’ by Spitzer, said the claim. ‘The reason people were so deeply reticent to complain of this behavior was not fear of Mr. Logalbo, but because they feared, and continue to fear, the well-documented wrath of Todd Spitzer,’ said the document, which like the first three seeks unspecified damages.

[Orange County Register, 2/24/21]

- **Fourth Woman To Accuse Logalbo Of Harassment Claimed Spitzer Witnessed The Harassment.** According to The Orange County Register in February 2021, the fourth woman to accuse Logalbo of sexual harassment also claimed that Spitzer witnessed the harassment. [The Orange County Register, 2/26/21]

- **Accused Sexual Harasser Gary Logalbo Was The Best Man in Spitzer’s Wedding.** Former Senior Assistant District Attorney Gary Logalbo, who has been accused by four Orange County Deputy District Attorneys of sexual harassment, is DA Todd Spitzer’s “former roommate and best man at his wedding decades ago.” According to the Orange County Register in February 2021, “Spitzer has acknowledged his personal relationship with Logalbo, but denies he is his ‘best friend.’” [Orange County Register, 2/24/21]

Spitzer Allegedly Instructed the Supervisors of Victims to ‘Write Up’ Victims for ‘Lying’ After They Reported Logalbo’s Harassment

Orange County Prosecutors ‘Battled Against Their Own Boss’ by Refusing to Retaliate Against One of Logalbo’s Sexual Harassment Victims. The Voice of OC reported in May 2021 that Orange County prosecutors “battled against their own boss” by refusing Spitzer’s requests that they retaliate against Jane Doe 1, or Witness Nine, who became “the first of several DA employees” to file a formal
harassment complaint against LoGalbo. Reportedly, Spitzer “went on the attack” after discovering Jane Doe 1 filed the harassment claim, and he asked the victim’s supervisor to “write up” in her personnel evaluation that she lied about the sexual harassment. Both the victim's supervisor and his colleague refused to retaliate against Jane Doe 1 and “immediately reported” Spitzer’s request to Human Resources. Spitzer backed off once the supervisor’s colleague directly pressed him on the issue, and ultimately “approved the victim’s positive performance evaluation.” Spitzer later told the Voice of OC that he was not retaliating against Jane Doe 1, nor that the conversation with the supervisor had anything to do with LoGalbo. Rather, he argued that the “untruthfulness allegations” he raised about Jane Doe 1 were about the extension of her probation period. [Voice of OC, 5/10/21]

**Spitzer on Logalbo, According to Witness: ‘I Didn’t Think He Would Do That At Work’**

When Told ‘You Know That’s How He Is’ In January 2021, Spitzer Allegedly Replied, ‘I Didn’t Think He Would Do That At Work.’ Witness Sixteen told the Investigator that she spoke with Spitzer on the phone in January 2021 about the allegations against LoGalbo and said, “you know that’s how he is,” to which she said he replied, “I didn’t think he would do that at work.” While Witness Sixteen told her supervisor about the call at the time, the Investigator found this evidence to be “inconclusive,” as “there is no corroborating evidence either direct or indirect to support either person’s account” and Spitzer’s phrase was “vague and ambiguous, and insufficient to establish Spitzer’s knowledge of LoGalbo’s propensity for sexual harassment.” [County of Orange Investigation Report, 4/28/21]

**Spitzer Allegedly Protected a Prosecutor Who Harassed a 16 Year-Old Intern**

**Fourth Claim Of Sexual Harassment In Spitzer’s Office Claims Spitzer 'Interceded On Behalf Of' A Prosecutor Who Harassed A 16-Year-Old Intern.** The fourth unnamed claimant accusing District Attorney Todd Spitzer of enabling sexual harassment in his office alleges she reported to Spitzer after witnessing an “extra-help prosecutor” harassing a 16-year-old intern, and that Spitzer interceded on the alleged harasser's behalf. The Orange County Register reported in February 2021:

> The claim mentions another unnamed, extra-help prosecutor — a former volunteer in Spitzer’s 2018 election campaign — who allegedly harassed a 16-year-old intern. Jane Doe 4 witnessed the harassment and reported it to management, but Spitzer interceded on behalf of the prosecutor, the claim says. The alleged harasser was later “released from OCDA employment” after failing a second background check, Murphy wrote. ‘Two men, each with personal relationships to the District Attorney, acted with impunity when it came to the pervasive sexual harassment of at least four adult women and one teenage girl,’ the document said.

[Orange County Register, 2/24/21]

**Spitzer Can Be Accused of Sabotaging a Case Involving a Doctor Accused of Drugging and Raping Several Women**

**Spitzer Refused To Prosecute A Rape Case Against Dr. Grant Robicheaux and Cerissa Riley Due To Insufficient Evidence In 2020.** The San Diego Union-Tribune reported in June 2020 that Spitzer found insufficient evidence against Newport Beach surgeon Dr. Grant Robicheaux, and Cerissa Riley, his girlfriend, after they were charged in 2018 by then-District Attorney Tony Rackauckas with drugging and raping several women. Spitzer “publicly apologized” to the defendants. However, Orange County Superior Court Judge Gregory Jones refused to dismiss the charges, saying it was “puzzling’ that he was being asked to dismiss the case before any alleged victims have the opportunity to testify.” Judge Jones
referred the case to the state Attorney General’s Office. [The San Diego Union-Tribune, 6/5/20; The Orange County Register, 6/5/20; ABC7, 8/21/20]

- **2018: Then-District Attorney Tony Rackauckas Announced Charges Against Robicheaux.** According to CNN, then-District Attorney Tony Rackauckas announced charges against Robicheaux and Riley in a nationally televised press conference in 2018. [CNN, 9/22/18]

- **2018: One Of The Women Allegedly Assaulted By Robicheaux Requested That Spitzer Be Found In Contempt Of Court For Releasing Case Documents Before They Were Unsealed.** According to the Los Angeles Times in 2018, a woman who alleged that she was drugged and sexually assaulted by Robicheaux filed a motion requesting that Spitzer “be found in contempt of court for distributing sealed documents about the case to the media." Spitzer “handed out copies of a sealed search warrant and affidavit” at a news conference following Robicheaux and Riley’s arraignments. The woman felt “Spitzer’s conduct with the documents inappropriately interfered with the case." Spitzer claimed the record was public, and that he received it before it was sealed. While the news conference occurred on October 17, the warrant was unsealed October 23. [Los Angeles Times, 11/2/18]

- **2020: Spitzer Dropped The Charges Because He Found ‘No Provable Evidence’ Despite Thousands Of Photos And Hundreds Of Videos.** According to NPR, Spitzer dropped the charges because he founds “no provable evidence” that Robicheaux and Riley were culpable for their crimes in 2020. He dropped the charges despite having access to thousands of photos, hundreds of videos, and more than a dozen credible alleged victims who accused the couple of drugging and raping them. According to the former District Attorney Tony Rackaukcas, who opened the initial case, among the photos and videos were videos “where the women in the videos appear to be highly intoxicated, beyond the ability to consent or resist, and they’re barely responsive to the defendants’ sexual advances.” [NPR, 2/4/20]

- **2021: An Orange County District Attorney’s Office Investigator ‘Accused DA Todd Spitzer of Colluding with Defense Attorneys’ in Rape Case.** In April 2021, according to the Orange County Register, “An investigator with the Orange County District Attorney’s Office” filed a lawsuit accusing “Spitzer of colluding with defense attorneys representing a Newport Beach surgeon and his girlfriend in order to sabotage a rape case against the couple.” Reportedly, the investigator, Jennifer Kearns, "was the lead investigator in the criminal case against Dr. Grant Robicheaux and Cerissa Riley” and lost her position as lead investigator on the case in January 2020. She reportedly also alleged that Spitzer removed “seasoned” prosecutors from the case upon taking office and replaced them with inexperienced attorneys before requesting that the case be dismissed. Spitzer’s office denied the allegations, and Spitzer has reportedly criticized Kearns on multiple occasions. [Orange County Register, 4/12/21]

- **2021: A Judge Recused Himself From The Case After He ‘Mistreated’ Both Defense Attorneys And Prosecutors.** According to the Orange County Register, a judge recused himself from the case after he “mistreated” defense attorneys and prosecutors during a “heated” court session in 2021. The defense attorneys made a written request to remove the judge after he said told prosecutors who worked on sexual assault cases in Marin County that there were “probably not a lot of sexual assault cases up there.” He also reportedly questioned the credentials of the defense attorneys, asking whether they were up to the task of trying a case in the Orange County Superior Court. [Orange County Register, 7/30/21]
• 2021: An Attorney For Victims In Surgeon Rape Case Accused Spitzer of Interfering In Case Despite Court Ruling That His Office Was ‘Too Conflicted’ To Handle The Case. In January 2021, according to the Orange County Register, attorney Matt Murphy, “who represents several women who have accused Dr. Grant Robicheaux and Cerissa Riley of sexual assault,” accused Spitzer of interfering with the case. Reportedly, Murphy alleged in court Thursday that DA Todd Spitzer has continued to call officials with the California Attorney General’s Office, “despite the fact that the case was transferred away from Spitzer’s office “after a judge found that the District Attorney’s office was too conflicted to prosecute the couple.” Reportedly:

Murphy also alleged that the DA’s office was interfering with state prosecutors talking to the lead DA investigator on the Robicheaux and Riley case. He cited a letter sent by attorney’s representing the investigator which indicate that she would only be allowed to speak to state prosecutors when her supervisor was present, an arrangement her attorneys indicated was meant to intimidate her and amounted to a gag order.

Reportedly, the prosecution in the Robicheaux and Riley case began under former DA Tony Rackauckas, and upon taking office in 2019, Spitzer “reversed course, citing a lack of evidence and a belief that the couple were swingers whose sexual encounters and drug use was consensual.” However, a judge “declined to dismiss the criminal charges, finding that the alleged victims deserve their day in court.” According to the Orange County Register in August 2020, the judge removed Spitzer’s office from the case. [Orange County Register, 1/7/21; 8/20/20]

Spitzer Opposed a Settlement to a Victim Alleging Sexual Assault By Police

2017: Spitzer Opposed A Settlement For A Woman Alleging She Was Sexually Assaulted By A Deputy Sheriff. The Chico Enterprise-Record reported in August 2017 that Spitzer believed the county should fight a lawsuit brought by Alexa Curtin, who alleged she was raped by Deputy Nicholas Lee Caropino. Curtin, 22 years old at the time, alleged that after Deputy Caropino responded to an argument between her and her then-boyfriend, Caropino drove her to her car, “made inappropriate comments” about underwear in her car, ordered her to stay put, changed out of his uniform and proceeded to rape her. County supervisors chose to fight Curtin’s case; Spitzer said Curtin, who sought a $40 million settlement, “wanted too much money.” Four months prior to Curtin’s rape, another woman accused Caropino of sexual assault, and the sheriff’s department failed to immediately place Caropino on leave. A federal jury ultimately granted Curtin $2.25 million. [Chico Enterprise-Record, 8/5/17]

Spitzer’s Relationship with Crime is Disqualifying

Spitzer Himself Allegedly ‘Committed Serious Crimes’ As DA, Including Solicitation of Bribes

Fired OC DA Investigator Alleged He Was Terminated for Discovering Spitzer “Had Committed Serious Crimes.” In March 2021, former Orange County District Attorney’s investigator Damon Tucker filed a claim alleging “was terminated for discovering that District Attorney Todd Spitzer was soliciting bribes and involved in other criminal conduct.” Tucker’s complaint said, “Spitzer had committed serious crimes, including money laundering, terrorist threats, extortion and solicitation of bribes.” [The Orange County Register, 3/5/21]
OC Register: “Fired DA Investigator Accuses OC District Attorney Todd Spitzer of ‘Pay for Play’ Practices.” In March 2021, according to the Orange County Register, former Orange County District Attorney’s investigator Damon Tucker filed a claim alleging he “was terminated for discovering that District Attorney Todd Spitzer was soliciting bribes and involved in other criminal conduct.” Tucker’s claim alleges Spitzer, upon election to the District Attorney’s office, instructed Tucker to obtain confidential information for a wealthy campaign donor. The Orange County Register, in an article entitled, “Fired DA investigator accuses OC District Attorney Todd Spitzer of ‘pay for play’ practices” reported:

After Spitzer won election in November 2018, the investigation was taken away from Tucker, who was told to instead assist a wealthy donor in obtaining the confidential criminal history of an opponent in a lawsuit, the claim said. Tucker refused, saying he would not provide access or preferential treatment to donors in a ‘pay to play’ atmosphere. Tucker’s claim added that defense attorneys who donated to Spitzer’s campaign were getting favorable dispositions in court. ‘It became apparent to claimant that Spitzer, with the assistance of Walters, was monetizing and corrupting the OCDA’s office,’ the claim states.

[The Orange County Register, 3/5/21]

- Tucker Claimed He Found That Previous Investigators ‘Missed Bank Records That Showed Spitzer Potentially Laundered Money.’ In March 2021, The Orange County Register reported:

According to the claim, problems began in 2016 with the assignment of investigator Tom Conklin to look into the dealings of then-District Attorney Tony Rackauckas’ political rival, Spitzer. Conklin later authored an 11-page report, obtained by the Orange County Register, which said he could find no wrongdoing by Spitzer. Tucker, in his claim, said he was then assigned the task — including an investigation into whether Conklin leaked information to the Register — and found that the previous report was inaccurate in concluding Spitzer was blameless. For instance, Conklin missed bank records that showed Spitzer potentially laundered money, the claim said.

[The Orange County Register, 3/5/21]

Spitzer Protected Prosecutors and Law Enforcement Despite Malfeasance

2021: Scott Sanders Accused Spitzer of Failing ‘To Add Sheriff’s Deputies And Investigators Who Lied In Police Reports To A List That Keeps Track Of Law Enforcement Officers With Histories Of Misconduct.’ In March 2021, according to the Los Angeles Times, Assistant Public Defender Scott Sanders said that Spitzer “failed to add sheriff’s deputies and investigators who lied in police reports to a list that keeps track of law enforcement officers with histories of misconduct” on multiple occasions. Reportedly:

Sanders says in the motion filed last week that the District Attorney’s office hasn’t honored its Brady notification list, which is a record that District Attorney’s offices are supposed to update with the names of law enforcement personnel who have records of dishonesty, criminality and other issues that could affect their credibility as a witness. The U.S. Supreme Court ruling on Brady vs. Maryland requires that prosecutors notify defense attorneys when one of the officers on the list is a witness in a case. Sanders’ motion delves into an evidence mishandling scandal, where Orange County sheriff’s deputies were found to have booked evidence late
or failed to book evidence at all but subsequently lied about it in reports. Sanders claims that Spitzer hasn’t added the names of law enforcement personnel involved in the scandal.

Reportedly, Sanders claimed that Spitzer would likely “scramble now and probably quickly add hundreds of people to their Brady List — but only because they got caught.” Reportedly, audits found that evidence had been booked late more than 1,400 times, which is why Sanders “said it isn’t reasonable that only 16 deputies are on the District Attorney’s Brady list.” [Los Angeles Times, 3/19/21]

In Leaked Video, Spitzer Praised Two Prosecutors That ‘Were Part Of An Illegal Jailhouse Snitch Scandal.’ In March 2021, the Los Angeles Times reportedly that video recently surfaced from December 2019 of “Spitzer praising two prosecutors at a retirement party even though they were part of an illegal jailhouse snitch scandal.” The video reportedly cost Spitzer the support of “Paul Wilson, whose wife was killed in the Seal Beach massacre, the deadliest shooting in Orange County history,” because the snitch scandal cost prosecutors the opportunity to pursue the death penalty for the Seal Beach killer. According to the Los Angeles Times, Wilson said of Spitzer, “After years of excruciating pain I thought the county had a savior in Todd Spitzer. It was all a con game.” Investigations into the jailhouse informant scandal first began in 2016. [Los Angeles Times, 3/19/21; 3/16/21; ABA Journal, 4/26/19]

Spitzer Hired PPE Price Gouger And Subject Of State And Federal Investigations For Consulting Services

Spitzer Tweeted That He ‘Went After COVID-19 Related Scams And Price Gouging’ As District Attorney. In July 2021, Spitzer tweeted that “In 2020, we went after COVID-19 related scams and price gouging to #ProtectOurResidents.” He accompanied the tweet with a graphic that said his office “refused to tolerate price gouging of PPE.”
Spitzer’s 2022 District Attorney Campaign Paid Thomas Partners Strategies More Than $23,000 In 2021. According to campaign finance filings from the California Secretary of State, Spitzer’s 2022 District Attorney campaign paid Thomas Partners Strategies $23,200 from January 1, 2021 to June 30, 2021. Spitzer’s campaign listed Thomas Partners Strategies as “campaign consultants.” [California Secretary of State, 8/2/21]

John Thomas Is The Founder And CEO Of Consulting Firm Thomas Partners Strategies. According to the Thomas Partners Strategies website, John Thomas is the founder, President, and CEO of Thomas Partners Strategies, “a full service media, strategy and crisis communications firm.” Thomas has been a “Chief Strategist for Republican candidates at nearly every level of office across the country.” [Thomas Partners Strategies, Accessed 7/30/21]

Thomas Served ‘At The Helm’ Of Spitzer’s 2018 District Attorney Campaign. According to the Thomas Partners Strategies website, Thomas served “at the helm” of Spitzer’s District Attorney campaign in 2018, allowing Spitzer to “prevail” as the sole Republican candidate in Orange County. Spitzer commended Thomas Partners Strategies for its services, claiming:

With TPS at the campaign’s helm we accomplished the impossible and beat a 20-year law enforcement incumbent by a landslide. TPS showcased my
record with laser like precision and compelling messaging in a series of cutting-edge ads that crescendoed in the biggest political win of my career.

[Thomas Partners Strategies, Accessed 8/2/21]

- **2017: Thomas Partners Strategies Announced Its Intention To Root Out ‘Misconduct, Abuse Of Power,’ And ‘Rampant Sexual Misconduct’ In The Orange County D.A.’s Office By Supporting Spitzer’s Candidacy.** The Voice of OC reported in July 2017 that Thomas Partners Strategies announced its intention to eliminate the “laziness, misconduct, abuse of power, failure to report political donations and outside employment, [and] rampant sexual harassment” of former Orange County D.A. Tony Rackauckas’s office by supporting Spitzer’s candidacy. Thomas touted Spitzer’s record as a “battle-tested prosecutor” who can “restore faith in the DA’s office” and claimed he and his firm “look forward to running an aggressive campaign to hold DA Rackauckas accountable for the misconduct, misdeeds and mistruths that he continues to spread.” [Voice of OC, 7/10/17]

**Spitzer’s Campaign Spent Over $1 Million To Hire Thomas Partners Strategies For His 2018 District Attorney Race.** According to campaign finance filings with the Orange County Registrar of Voters, from 2017 to 2019, Spitzer’s campaign spent $1,053,153 to hire Thomas Partners Strategies for his 2018 District Attorney Race. Thomas Partners Strategies reportedly provided campaign consulting, campaign paraphernalia, media appearances, campaign literature, and phone banking. Note that the $0 “expenditures” are noted as “debt.”

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11/21/2018 $37,188.02 phone banks
12/31/2018 $75,000.00 campaign consultants
1/3/2019 $25,000.00 campaign consultants
6/30/2019 $8,300.00 phone banks
7/10/2019 $50,000.00 campaign consultants
7/10/2019  $8,300.00    phone banks

TOTAL    $1,053,153.15

[Orange County Registrar of Voters, 7/24/17; 10/13/17; 5/20/18; 5/24/18; 6/18/18; 7/23/18; 9/27/18; 10/24/18; 11/21/18; 1/25/19; 7/23/19; 1/19/20]

2018: Spitzer Named Thomas To Serve As The Senior Advisor To His Orange County District Attorney Transition Team. According to a November 2018 Voice of OC report, Spitzer named Thomas to serve as the senior advisor to his transition team to help him prepare for his first term in office as the Orange County District Attorney. Thomas, who served as the Chief Strategist for Spitzer’s campaign, specializes in strategy consulting for local and federal political campaigns nationwide as well as corporations, ballot measures, non-profits and universities. He has lead and served in a senior leadership capacity of numerous transition efforts for local, state and federal elected officials.

[Voice of OC, 11/13/18]

Thomas Charged Maryland 800 Percent Market Price For Ventilators In The Height Of The COVID Pandemic. In an interview with CBS in December 2020, Thomas admitted that his contract with Maryland charged $41,000 for each ventilator, even though market price for ventilators was $5,000. Thomas claimed the marketplace was “heated” and that price increases were “driven from the manufacturers.”

[CBS, 12/6/20]

Maryland Governor Larry Hogan Accused Blue Flame Of ‘Exploit[ing] This Pandemic For Profit,’ Called For Investigation Into The Company. According to The Baltimore Sun, in May 2020, Maryland Governor Larry Hogan accused Blue Flame of exploitation at a press conference, “blast[ing]” the company by saying, “It is unconscionable that anyone would try to exploit this pandemic for profit or for personal gain.” Hogan reportedly asked the Maryland Attorney General to investigate the company. [The Baltimore Sun, 11/19/20]

• May 2020: Maryland Attorney General Launched Investigation Into Blue Flame Medical ‘For Failure to Perform and For Potential Misrepresentation.’ CBS Baltimore reported in May 2020 that after orders from Maryland Governor Larry Hogan, the Maryland Attorney General Brian Frosh launched an investigation into Blue Flame Medical “for failure to perform and for potential misrepresentation” regarding the company’s personal protective equipment contract with the state of Maryland. According to a May 2020 Baltimore Sun report,

    The state signed a $12.5 million deal April 1 with Blue Flame Medical LLC for 1.5 million N95 masks and 110 ventilators. The masks and ventilators were supposed to ship April 14, according to documents provided by the state. The state paid half of the money up front, according to the documents. The goods never arrived, and Maryland canceled the contract Friday.

    [CBS Baltimore, 5/6/20; The Baltimore Sun, 5/2/20]

Maryland Settled The Contract Dispute, Finding No Fault To Blue Flame. In October 2020, Maryland settled the contract dispute with Blue Flame. The settlement forced Blue Flame to provide the missing masks and ventilators to the state within 45 days of the settlement, but allowed Blue Flame to keep
previous payments for the PPE and did not force the company to admit fault or wrongdoing. The company later delivered all the contracted PPE to the state. [The Baltimore Sun, 11/19/20]

**U.S. Justice Department Launched A Criminal Investigation Into Blue Flame After Two State Contracts Fell Through.** According to The Washington Post, in May 2020, the U.S. Justice Department opened a criminal investigation into Blue Flame after California and Maryland cancelled their contracts with the company within days of one another. Sources with the Maryland state government said they had been subpoenaed for information regarding the contract, but would not detail the extent of the investigation. As of July 30, 2021 news media searches for the current status of this investigation revealed charges against the company have not been announced. [The Washington Post, 5/6/20]

**U.S. House Energy and Commerce Committee Launched Investigation Into Blue Flame ‘After Several States Canceled Contracts With The Company.’** The Wall Street Journal reported in May 2020 that the U.S. House Energy and Commerce Committee launched the investigation “after several states canceled contracts with the company.” New Jersey Rep. Frank Pallone, who chairs the congressional committee, reportedly said:

> We are deeply concerned by the numerous reports regarding Blue Flame Medical LLC’s failure to deliver on contracts with state and local governments to provide critical medical supplies […] These delivery failures have caused multiple states and localities to cancel millions of dollars in orders for desperately needed gear and equipment during an unprecedented public health emergency.

[The Wall Street Journal, 5/12/20]

**Spitzer's Campaign Treasurer is an Admitted Money Launderer**

**Lysa Ray Was Spitzer’s Campaign Treasurer As Of February 1, 2021.** According to campaign finance filings with the Orange County Registrar of Voters as of February 1, 2021, Lysa Ray was treasurer for Spitzer’s campaign. [Orange County Registrar of Voters, 2/1/21]

- **2019: And 2020, Spitzer’s Campaign Paid Lysa Ray A Total Of $5,400 For Her Services.** According to campaign finance filings with the Orange County Registrar of Voters, Spitzer’s campaign paid Lysa Ray Campaign Services a total of $5,400 in 2019 and 2020. [Orange County Registrar of Voters, 2/1/21; 7/31/20; 1/31/20; 7/31/19]

**2016: Lysa Ray Admitted To Eight Counts Of Money Laundering And False Campaign Statements.** According to Voice of OC, in 2016 Lysa Ray admitted to eight counts of money laundering and false campaign statements while working for Tony Strickland’s 2010 campaign for state controller. Reportedly, Ray and Strickland’s chief of the staff at the the time, Chris Wangsaporn, “declined to cooperate with the state investigation into the laundering and blew off interviews they were subpoenaed to appear.” As part of a plea deal for Ray and Strickland’s campaign:

> Ray and the campaign admitted they violated state law when they “purposefully or negligently caused, or aided and abetted, three persons to make four earmarked, over-the-limit contributions totaling $65,000” and “filed false campaign statements” that concealed the violations by falsely reporting the money as coming from county parties that were serving as intermediaries.
Wangsaporn “kept Strickland informed of plans to run about $37,000 of the donations from an oil and gas businessman through the Ventura County Republican Party to Strickland’s campaign.” Ray, Strickland, and his campaign ultimately agreed to a $40,000 fine. [Voice of OC, 10/5/20]

**Spitzer Appeared to Engage in Pay to Play**

**Spitzer Allegedly Instructed Staff to Change Ratings for Developers Who Wouldn’t Contribute to His Campaign**

Spitzer’s Ex-Chief Of Staff Alleged Spitzer Made Him Change Bid Ratings for Developers Who Refused To Contribute To His Campaign. According to the Orange County Register in July 2017, Spitzer’s ex-chief of staff George Cardenas alleged that “Spitzer had him change the bid rating for developers who refused to donate to him.” Reportedly,

However, during a follow-up interview, Cardenas changed his statement to say that Spitzer just had him double-check the bid ratings and only had him change the ratings when they were not computed correctly, Conklin wrote. Cardenas said in an interview Wednesday evening that he never accused Spitzer of ordering bid ratings to be changed and investigators misunderstood his initial comments. The report also said investigators could not corroborate several other claims, including pay-to-play allegations to extort political contributions from developers and the use of campaign funds to buy groceries and take county staffers out for dinners. Those claims were made by Cardenas and another of Spitzer’s ex-chiefs of staff, Mike Johnson, according to the report.

[Orange County Register, 7/12/17]

**Spitzer Flip Flopped on Jail Phones After Contribution from Jail Phone Company**

Voice of OC: Spitzer ‘Backed Off Criticism of Jail Phones After Contributions From Vendor’ In 2014. According to the Voice of OC in November 2015, as an Orange County Supervisor, Spitzer “backed off [his] criticism of jail phones after contributions from vendor” in 2014. While Spitzer initially criticized the cost of inmate phone calls at the county’s jails, which was $4 per phone call plus other fees, “even if the call is just one or two minutes long,” he later abandoned his complaints about the phones. Reportedly,

But fast-forward a few months to November 2014, when a new jail phones contract went before supervisors, and the supervisors’ concern seemed to have melted away. The contract called for the exact same prices – $4 per call plus fees – yet there was not a peep of opposition from Nelson or Spitzer, who voted for it. Worth at least $4.3 million per year in revenue to the county, the contract was approved on a 4-1 vote, with then-Supervisor Janet Nguyen the sole opposition. Nguyen’s vote meant that Spitzer and Nelson would have had a majority if they wanted to turn down the contract until the call prices were lowered.

So what changed their minds? One possible factor is that on June 30, 2014, just days after Spitzer raised his concerns, the jail phone company, Global Tel-Link Corporation, contributed $1,900, the maximum possible, to his re-election campaign.

[Voice of OC, 11/17/15]
Spitzer, as Assemblymember, Intervened in County Permitting So Businesses of His Largest Donor Could Operate Without Permits

2001: Spitzer Took $3,000 From The Attorney Of Businesses Who He Fought to Be Allowed to Operate Without Permits. The Los Angeles Times reported that in 2001, during the 71st State Assembly district race, Spitzer took $3,000 from Stephen Sheldon, an attorney for wedding and motocross track ventures operating in Orange County’s canyons without permits. Reportedly, Spitzer advocated for the motocross track to stay open after its temporary use permit expired. Spitzer also voted against requiring permits for the wedding site. Sheldon was Spitzer’s largest single contributor in 2001. [Los Angeles Times, 4/15/02]

Spitzer Now Claims To Be A Reformer, But He Has Consistently Opposed Prosecution And Incarceration Reforms

Spitzer Opposed Early Release For Prisoners Before And During The COVID-19 Pandemic

2020: Spitzer Criticized $0 Bail And Early Release During COVID-19. In December 2020, Spitzer shared a press release on his office’s Facebook page:

A judge’s ruling to reduce the inmate population in the Orange County jail system by half will release dangerous and violent criminals back into our neighborhoods to commit more crimes and victimize more people. This is not fearmongering; it is a fact. The jail population, through the implementation of $0 bail and early release by the Sheriff, has been reduced by more than 33% since the beginning of the COVID-19 pandemic. The District Attorney’s Office has been keeping statistics in order to understand the impact of these court orders. Orange County inmates released early before serving their full sentence or on $0 bail went out and committed new crimes at rates at nearly triple normal recidivism rates: 44% for early release inmates and 38% for $0 bail defendants. A sample of their crimes: auto theft, burglary, robbery, assault, weapons, theft and narcotics. Nothing, not even a pandemic, suspends the rule of law. The solution is simple: don’t break the law and you won’t end up in jail.
• **OC Superior Court Ruled COVID-19 Risk for ‘Medically Vulnerable’ Populations Constituted Constitutional Violation.** In the December 2020 Order on Write of Habeas Corpus issued by the Orange County Superior Court, the court argued the continued imprisonment of “Medically-Vulnerable classes” during the COVID-19 pandemic constituted a violation of the inmates’ Eighth Amendment rights. The court referred to *In Re Von Staich*, which found:

> Prison officials may not be "deliberately indifferent to the exposure of inmates to a serious communicable disease [...], and the placement of inmates in places to which infectious diseases could easily spread constitutes a constitutional violation."

The court continued:
Precisely because Respondent [Orange County Sheriff Don Barnes] cannot be expected to achieve measures that eliminate the risk of COVID-19 entering the jail, reasonable measures must be taken to ensure that if the virus enters, it is an isolated of otherwise manageable transmission, and not one able to run rampant through a significant portion of the jail.

[Superior Court of California, County of Orange, Case #30-2020-1141117, 12/11/20]

Spitzer Claimed The Early Release Of Non-Violent Offenders In The Final 20 Months Of Their Terms Would Worsen Recidivism And Forfeit The Rehabilitation Principles Of AB 900. The Sacramento Bee reported in December 2007 that Spitzer opposed the release of “non-violent, non-serious, non-sex offenders in the final 20 months of their terms” as it would undermine the principles of AB 900, a $7.9 billion measure enacted to add 53,000 prison and jail beds and “more fully establish rehabilitation as the philosophical underpinning of California’s correctional system”; Spitzer claimed that by “letting people out 20 months early, which is supposed to be when they get their re-entry skills, they’re not going to get them at all, so recidivism is going to get worse.” [The Sacramento Bee, 12/21/07]

Spitzer Consistently Fear-Mongered About Ending Cash Bail

2018: Spitzer Called SB10, Bill Giving Judges More Discretion to Deem Defendants ‘Low-Risk’ Or Grant Lower Bail, ‘Reckless.’ In 2018, Spitzer posted on his supervisor’s Facebook page:

Sacramento is once again placing criminals before victims with SB 10, a law that gives judges more discretion to raise or lower bail for violent felons based on whether they are determined to be “low-risk” defendants. Thanks to SB 10, we’ll see more defendants out on the streets while they wait for trial, risking the safety of our communities.

[Facebook @SupervisorToddSpitzer, 9/25/18/]

Spitzer Said $0 Bail Order ‘Puts Dangerous Criminals Back on Our Streets, Endangers the Safety of our Communities’ in April 2020. In April 2020, according to a press release from the Orange County District Attorney’s office, Spitzer wrote a statement on the “Judicial Council’s adoption of zero bail” due to the coronavirus. Reportedly, he wrote that the order “puts criminals back on our streets and endangers the safety of our communities.” One of Spitzer’s complaints was reportedly that the “order takes into account only to the current criminal offense, allowing convicted felons to argue for immediate release from custody despite their prior criminal history.” He also noted that the Orange County Superior Court “agreed with the vast majority of the objections my office has made to release these people from custody.” [Office of the District Attorney, Orange County via Web Archive, 4/12/20]

Spitzer Opposed ‘Historic Fix’ To California’s Felony Murder Rule

2018: Spitzer Called A ‘Historic Fix’ To California’s Felony Murder Rule ‘Nonsense.’ In September 2018, Spitzer shared an article about SB1437, Senator Nancy Skinner’s bill narrowing the definition of felony murder, writing on his campaign Facebook page:

We need real leaders as our elected District Attorneys in order to stop this nonsense repeatedly coming from our Legislature in Sacramento. As a former State Assemblyman, I know how to organize to stop this nonsense, just like I stopped the early release of prisoners while I was there.” [sic] Please, support me for DA for Orange County so I can turn the tide against these measures.
Spitzer shared an article on SB1437 called the “no consequences for crime” bill. However, according to a press release on Senator Skinner’s website, SB1437, signed by the governor, was a “historic fix” to California’s murder statute. Under the bill, “individuals are charged appropriately for the crime they actually commit” and are not given a life stance if they “didn’t kill or have a direct role in a murder.”

Spitzer Defied State Policy To Pursue The Death Penalty Without Consideration For Victims’ Families

Spitzer Filed ‘Special Circumstances Murder Charge’ To Undercut Los Angeles District Attorney George Gascon’s New Prosecution Directives. Spitzer announced in a February 2021 press release that he “filed special circumstance murder charges” against a Kenneth Rasmuson, who was charged “kidnapping a 6-year-old boy from his Anaheim Hills neighborhood, sexually assaulting him and then killing him in 1981.” Reportedly, the Los Angeles District Attorney’s Office prosecuted the initial case against Rasmuson but “newly implemented directives by Los Angeles District Attorney George Gascon have forced Los Angeles prosecutors to move to dismiss the special circumstances and enhancements in the multiple murder prosecution.” These enhancements would have reportedly made Rasmuson eligible for the death penalty. Spitzer reportedly said, “If George Gascon refuses to follow the law in prosecuting a pedophile murderer, I will.” According to ABC7 News, Spitzer also suggested that Gascón’s policies would possible make Rasmuson eligible for parole at some point in the future. However, Gascón reportedly said:
The defendant was always facing life in prison, making the rhetoric from tough-on-crime voices incredibly dangerous and entirely removed from reality. Splitting this case up or seeking the death penalty in a state with a moratorium would have dragged the victims through decades of legal proceedings for an execution that is exceedingly unlikely to be imposed. Spending exorbitant amounts on a death penalty prosecution that is ultimately just for show would force the families of these victims to relive their trauma through decades of litigation. That’s not in the interests of the victims, nor is it in the interests of the public.

[Office of the District Attorney, Orange County via Web Archive, 2/16/21; ABC7 News, 2/23/21]

**Spitzer Promoted Unfair Courtroom Proceedings Like Allowing Uncorroborated Testimony And Removing Schoolteachers From Juries**

**Spitzer Voted Against SB1589 to Prohibit Uncorroborated Court Testimony from In-Custody Witnesses In 2008.** In 2008, Spitzer voted against SB1589, a bill that would regulate the admissibility of evidence in court by prohibiting a court from convicting “a defendant, find a special circumstance true, or use a fact in aggravation based on the uncorroborated testimony of an in-custody informant.” The in-custody informant’s testimony must be supported by “other evidence that connects the defendant” with the offense. The bill passed in the Assembly with a 41-37 vote, but the Governor vetoed the bill in September 2008. [California State Legislature, SB1589, 8/12/08]

**As Deputy District Attorney in 1993, Spitzer Said He Wouldn’t Pick Teachers For Juries Because They ‘Always Want To Give Someone A Second Chance.’** In February 1993, according to the Orange County Register, Spitzer spoke about his jury selection tendencies as an Orange County Deputy District Attorney and claimed that he typically refuses to pick teachers. Reportedly, he said, “I’m very reluctant sometimes to pick schoolteachers because schoolteachers always want to give someone a second chance.” He also said that he would “never” pick an attorney because they are too highly trained in the law. In one case, Spitzer even “excused one potential juror because he ‘looked just like the defendant’ and therefore might sympathize with him.” Conversely, he said that he prefers to pick retail workers because they “favor police” and “they get sick and tired of people ripping them off.” [Orange County Register, 2/12/93]

**Spitzer Promoted Mass Incarceration And Over-Prosecution**

**OC Incarceration Rates Exceeded The State Average Under Spitzer**

**Admissions to State Prison Increased By 6.8 Percent During Spitzer’s First Year as Orange County District Attorney in 2019.** In October 2020, the California Department of Corrections and Rehabilitation released their offender demographic report for the period ending in June 2019, six months after Spitzer took office in January 2019. Reportedly, from July 1, 2018 to June 30, 2019, Orange County admitted 1,911 inmates to state prison, compared to 1,789 in the previous year, a 6.8 percent increase. Orange County’s state prison inmate admissions reported made up 5.4 percent of the entire state’s prison admissions during the stated period. [California Department of Corrections and Rehabilitation, 10/20]

**As of 2010, Orange County Had The Sixth Highest ‘County Jail Incarceration Rate’ in California.** As of December 31, 2010, according to the Center on Juvenile and Criminal Justice, Orange County had the sixth highest “County Jail Incarceration Rate” in California, with an incarceration rate of 259.9 inmates per 1,000 adult felony arrests. Reportedly, the average rate in California was 176.5. According to the Center
on Juvenile and Criminal Justice, “Counties’ varying reliance on local jails to house their criminal justice population shows sentencing and detention practices.” Reportedly, Orange County’s 2010 rate marked a significant increase over the prior year’s incarceration rate of 238.5. [The Center on Juvenile and Criminal Justice, 12/31/10; 12/31/09]

**2010: Orange County Had Higher County Jail Population Than State Average, Despite Much Lower-Than-Average Crime Rate.** As of December 31, 2010, according to the Center on Juvenile and Criminal Justice, Orange County had a county jail population of 295 inmates per 100,000 adults. Reportedly, the state average was 281.7 county jail inmates per 100,000 adults in 2010. In the same year, Orange County’s reported crime rate was the tenth lowest in the state at 1,307.6 crimes reported per 100,000 adults, more than 33 percent lower than the state average rate of 2,006.9. [The Center on Juvenile and Criminal Justice, 12/31/10]

**Spitzer Sought To Increase Jail Time For Non-Violent Offenders And Take Away Their Educational Resources**

**Spitzer Voted in Favor of SB1137 in 2006 to Authorize Increased Jail Time and Parole Monitoring for Non-Violent Offenders.** In 2006, Spitzer voted in favor of SB1137, a bill that would make changes to the existing Substance Abuse and Crime Prevention Act of 2000 by authorizing a court to sentence a non-violent offender to jail time “in order to enhance treatment compliance” or order the defendant to enter a residential drug treatment program. Further, “the bill would require drug testing as a condition of probation,” and the defendant would be subject to monitoring by the court. The bill passed in the Assembly with a 64-8 vote, and the Governor signed the bill into law in July 2006. [California State Legislature, SB1137, 6/27/06]

**2005: Spitzer Editorial Criticized AB862, A Bill Requiring The Distribution Of A Pamphlet Educating Incarcerated Parents On Child Support.** In a 2005 editorial for The Press-Enterprise, Spitzer criticized AB862, a bill requiring the distribution of a pamphlet called “Child Support Information for the Parent in Jail or Prison.” According to Spitzer, the pamphlet would “give incarcerated parents information on how to get out of their child support payments for the term of their incarceration.” Spitzer wrote:

> Yes, that means your tax dollars will be spent not only to distribute these pamphlets, but also to transport the inmate/parent to and from a family court hearing to adjust child support payments.

AB862 passed in the Assembly. [The Press-Enterprise, 6/17/05]

- **Editorial: AB 862 Recognized That The Incarcerated, Many Of Them Mothers Convicted Of Non-Violent Drug Offenses, Were Unable To Pay Child Support Without Work.** According to a 2005 editorial in The Press Enterprise, AB 862 recognized that many incarcerated parents, a lot of whom were “mothers incarcerated for non-violent drug offenses” did not have jobs or income while incarcerated, and were thereby unable to pay child support. Instead, they “rack up thousands of dollars in child support arrearages while they are imprisoned,” some returning to jail because of nonpayment of child support, while others “are re-incarcerated after turning to illegal activity to support themselves” or make up for child support fees. [The Press Enterprise, Editorial, 9/21/05]
Spitzer Wielded A Gun in A Restaurant After Fellow Diner ‘Made Him Uncomfortable by Talking About Religion’

Spitzer Brought A Loaded Handgun Into A Restaurant to Arrest A Man He ‘Perceived As A Threat’ in 2015. In September 2015, the Orange County Register reported that Spitzer “armed himself and handcuffed a fellow diner inside a Foothill Ranch restaurant in April.” Reportedly, when dining on April 3, Spitzer, who had a valid gun permit at the time, brought a loaded gun to a restaurant and initially left it in his car. However, another diner, Jeovany Castellano, reportedly came up to Spitzer and “made him uncomfortable by talking about religion.” Spitzer claimed he felt unsafe when Castellano looked at a dinner knife on his table, so he “called 911, then, with deputies on the way, he went to his car to retrieve his gun and handcuffs.” Upon re-entering the restaurant with the gun, he handcuffed Castellano. Investigators later deemed that neither Spitzer nor Castellano had committed a crime. However, “Scott Baugh, former chairman of the Orange County Republican Party,” reportedly said, “Todd Spitzer with handcuffs and a gun is far more dangerous to the citizens of Orange County than a counselor looking at a butter knife.” [The Orange County Register, 9/15/15]

Spitzer Fervently Supports Police Against Any Criticism

Spitzer Called Police His ‘Brethren’ And Supported Officers Accused of Brutality

2018: Spitzer Shared Photos With Law Enforcement, Called Them His ‘Brethren,’ And Said He ‘Will Always Support’ Them. In September 2018, Spitzer posted on his personal Facebook page writing: “I am always proud to stand tall for my brethren law enforcement as a ten year sworn Level 1 Reserve Police Officer.” Spitzer also shared a post on his supervisor’s Facebook page, writing “I will always support our law enforcement.”
2019: Spitzer Cleared Santa Ana Police Officers Who Killed Terrall Magee During A ‘Rough Arrest.’
OC Weekly reported in February 2019 that Spitzer cleared Santa Ana police who killed Terrall Magee, an African American man, during a “rough arrest.” Officers claimed that on March 11, 2018 when they tried to arrest Magee, who broke into a liquor store, Magee allegedly tried to bite and head butt the arresting officer, Officer Manuel Pardo. OC Weekly reported “both the attempted bite and the headbutt aren’t on body camera footage released by the DA; Pardo’s device is said to have fallen off during the struggle.” Body camera footage did show Magee on the sidewalk outside the store, when another officer, Officer Michael Griffith, struck Magee’s right thigh with a baton, and “followed the baton blows with two punches to the back of his head.” Pardo also “drove his knee twice into Magee’s stomach before delivering four
punches to the lower back.” Body camera footage showed at least four officers involved in the arrest. Magee “grunted loudly throughout,” and his “grunts became fainter and fainter until turning silent.” According to an autopsy report, Magee died of sudden cardiac arrest that happened during the struggle while under the influence of meth. The District Attorney’s report did not list full names of the officers involved. [OC Weekly, 2/22/19]

2019: Spitzer Cleared Santa Ana Police Officer Gavin Roelofs Who Fatally Shot A Man During An Arrest. According to OC Weekly in February 2019, Spitzer cleared Santa Ana police officer Gavin Roelofs, who fatally shot Donadony Taylor on July 1, 2018. Roelofs responded to a call that Taylor was behaving suspiciously in a parking structure, “carrying a long metal object and pulling the door handle of a truck.” Roelofs tasered Taylor first, “but it appeared to have no effect” and then “fired his handgun twice, dropping [Taylor] to the ground.” OC Weekly reported that in “body camera footage released by Spitzer’s office, it doesn’t appear as if Taylor began rushing the officer.” Roelofs “refused to provide a statement to OCDA investigators.” [OC Weekly, 2/28/19]

Spitzer Created A New Office Specifically To Prosecute Anti-Police Crime While Letting Police Get Away With Breaking The Law

Spitzer Created ‘Crimes Against Peace Officers Unit’ in 2020. In May 2020, according to a press release from the Orange County District Attorney’s office, Spitzer announced that his office created a “Crimes Against Peace Officers Unit.” Reportedly, the unit “will be overseen by the office’s Special Prosecutions, an elite unit within the District Attorney’s Office dedicated to seeking justice in the highest profile cases” and will be dedicated solely to crimes committed against on-duty police officers. Spitzer reportedly said that “the Orange County District Attorney’s Office has prosecuted nearly 1,000 cases over the last three years in which a police officer was the victim of a crime.” Further, he claimed that “law enforcement has become increasingly dangerous as social justice advocates continue to campaign for reduced incarceration and reduced consequences for those who break the law.” [Office of the District Attorney, Orange County, 5/15/20]

Spitzer Introduced AB423 to Grant Immunity to a Police Officer Who Makes a Warrantless Arrest In 2005. In 2005, Spitzer voted in favor of AB423, a bill to “grant similar immunity to a peace officer who, when acting without malice, makes a warrantless arrest if that arrest has received a prompt, judicial determination of probable cause.” According to the Assembly Bill Analysis, the American Civil Liberties Union expressed opposition to AB423, arguing it may allow officers to “develop facts or use facts gained through unlawful arrest to get a judicial determination or probable cause after the fact.” The bill failed in the Assembly Judicial Committee with a 3-6 vote. [California State Legislature, AB423, 4/26/05; 4/26/05]

Spitzer is Partisan at the Expense of Public Safety

Spitzer Bragged About His Close Relationship With The NRA

2013: Spitzer Said ‘I Am A Member Of The NRA.’ In February 2013, according to the Orange County Board of Supervisors, Spitzer said “I am a member of the NRA, and I have been recognized by pro-2nd Amendment groups” at a public event. Reportedly, his comments came when he called for “Public Hearings on Violence” after a series of killings in the area. Reportedly, he said that “the recent violence calls for a larger discussion, not snap judgments regarding gun control.” [Orange County Board of Supervisors, 2/21/13]
Spitzer Received ‘A+’ Rating From NRA in 2004, ‘A’ Rating in 2002 and 2006. According to VoteSmart, which archived NRA legislator ratings that are no longer available on the NRA’s website, Spitzer received a rating from the NRA’s Political Victory Fund three times as a state legislator, earning two “A” ratings and one “A+” rating. Reportedly, he received an “A” rating in 2002 and 2006 and an “A+” in 2004. [VoteSmart, Accessed 3/23/21]

Spitzer Opposed Common-Sense Gun Laws Backed By Law Enforcement

2006: Spitzer Voted Against and Helped Defeat AB352, An NRA-Opposed Bill That Would Have ‘Provide[d] An Outstanding Tool For Law Enforcement’ By Microstamping Serial Numbers on Ammunition. On August 30, 2006, according to the California Legislature, Spitzer voted No on concurrence for AB352, which would have required all new handguns to automatically engrave microscopic serial numbers from the gun onto the ammunition “by imprinting on each cartridge case when the firearm is fired.” The bill’s concurrence vote failed 40-37. In April 2005, according to the California Legislature, the “National Rifle Association of America” registered its official opposition to the bill. Meanwhile, the “Legal Community Against Violence” emphasized that the bill “would provide an outstanding tool for law enforcement” by allowing them to trace ammunition to the owner of a gun. [California Legislature, AB352, 8/30/06; 4/5/05]

• Fresno Police Department and California Reserve Peace Officers Association Supported Similar 2003 Bullet Serialization Bill That The NRA Opposed. In April 2005, according to the California Legislature, the Senate Committee on Public Safety held a hearing on SB357, a bullet serialization bill first introduced by Sen. Dunn in February 2003. Reportedly, at the hearing, the Fresno Police Department and the California Reserve Peace Officers Association supported the bill, while the NRA lodged its official opposition to the bill. According to the NRA’s Institute for Legislative Action (NRA-ILA), the bill would have required “that all handgun ammunition carry a unique serial number engraved on both the bullet and the case and be registered to the purchaser.” In June 2005, prior to anticipated hearings for the bill in the California Assembly, the NRA-ILA reportedly told members to contact legislators on the “Assembly Public Safety Committee,” and “ask them to oppose SB 352,” including Spitzer. The bill ultimately did not receive a vote. [California Legislature, SB357, 4/26/05; 2/2/04; NRA Institute for Legislative Action, 6/17/05]

Spitzer Sides Against Workers And The Poor

Spitzer Said Orange County’s Homeless Should Be Sent to The San Bernardino County Desert. The Mercury News reported in May 2018 that Spitzer told a local radio station the homeless should be “sent to the San Bernardino County desert ‘and provided services.’” Spitzer said the homeless should not be located “where good, hard-working citizens of California are trying to raise their families and pay their taxes and just enjoy a quality of life.” [The Mercury News, 5/7/18]

Spitzer Called Homeless ‘Sex Offenders And Drug Addicts,’ Said They Should Not Be Located Near ‘Good, Hard-Working Citizens Of California’ In 2018. In May 2018, according to the Washington Post, Spitzer praised an effort to clear a 1,400-person homeless encampment along the Santa Ana River and called for the homeless to “be sent to the San Bernardino County desert ‘and provided services.’” Reportedly, Spitzer “referred to the homeless as ‘sex offenders and drug addicts,’” and helped “fan the resistance” to the continued existence of homeless encampments in Orange County. Reportedly:

The homeless, he told a local radio station, should not be located ‘where good, hard-working citizens of California are trying to raise their families and pay their taxes and just enjoy a quality of life.’
Spitzer Voted Against SB180 to Extend Farmworkers' Authority Over Collective Bargaining Process and Increase Protections Against Unfair Labor Practices in 2007. In 2007, Spitzer voted against SB180, a bill that would simplify the collective bargaining process for farmworkers and “extend the existing prohibitions and penalties to employers who engage in unfair labor practices.” Further, SB180 provides farmworkers with greater authority and discretion regarding the selection of their labor representatives on the collective bargaining unit. The bill passed in the Assembly with a 46-33 vote, but the Governor vetoed the bill in October 2007. [California State Legislature, SB180, 7/12/07]

Spitzer Sought to Codify Discrimination Against Women And The LGBTQ+ Community as an Assemblymember

Spitzer Voted Against AJR57 to Urge the U.S. Government to Uphold Roe v. Wade in 2004. In 2004, Spitzer voted against AJR57, a joint resolution to urge Congress and the U.S. President “to protect and uphold the intent and substance of the United States Supreme Court decision in Roe v. Wade, relating to reproductive rights.” The joint resolution passed in the Assembly with a 47-21 vote. [California State Legislature, AJR57, 4/29/04]

Spitzer Voted Against Gender Pay Equity Bill AB2555 In 2006. In 2006, Spitzer voted against AB2555, a bill that aims to hold employers more accountable for wage discrimination based on gender. According to the California State Legislature, AB2555 would increase the damages for which an employer may be liable to include a civil penalty of twice the balance of the wages due to the aggrieved employee, or 4 times the balance of the wages due if the employer’s violation is willful.

Further, AB2555 would require employers with 50 or more employees to provide each employee with a written document including the employee’s “job title, wage rate, and explanation as to how the employee’s wages are calculated.” The bill also established a requirement that the Secretary of Labor and Workforce Development appoint a commission to study pay disparities and report its findings to the legislature. The bill passed with a 47-31 vote, but Gov. Schwarzenegger vetoed the bill in September 2006. [California State Legislature, AB2555, 8/22/06]

Spitzer Voted Against AB43 To Legalize Same-Sex Marriage In 2007. In 2007, Spitzer voted against AB43, a bill that would enact the Religious Freedom and Civil Marriage Protection Act, “which would instead provide that marriage is a personal relation arising out of a civil contract between 2 persons.” The bill passed in the Assembly with a 42-34 vote. [California State Legislature, AB43, 6/5/07]

2007: After California Prisons Allowed Conjugal Visits For Gay And Lesbian Inmates, Spitzer Described ‘The Whole Concept Of These Conjugal Visits’ As ‘Ludicrous.’ The San Francisco Chronicle reported in 2007 that after California’s prison system allowed conjugal visits for gay and lesbian inmates, Spitzer stated: “The whole concept of these conjugal visits is ludicrous […] It’s prison. I don’t care whether it’s a spouse or a domestic partner, I don’t think it should be allowed at all.” [San Francisco Chronicle, 6/1/07]

Spitzer Politicizes Immigration and Even Opposes Recognizing Refugees’ “Common Humanity”
2018: Spitzer Voted To Join The Trump Administration’s Lawsuit Against California’s Sanctuary City Law. The Orange County Register reported in March 2018 that Spitzer joined a 4-0 Board of Supervisors vote to support the Trump administration’s lawsuit against California’s sanctuary city policies. The lawsuit challenged three of California’s laws as constitutional. Reportedly,

Those laws include SB-54, which limits cooperation between local law enforcement and federal immigration authorities. The California Legislature passed that law in reaction to the Trump administration’s stance on immigration. The other laws in question are: the Workplace Raid law, or AB-450, which forbids employers from cooperating with federal immigration officials and can fine them if they fail to comply; and the Detention Review law, or AB-103, which allows state officials to inspect federal facilities in California that house people on immigration detentions.

[The Orange County Register, 4/12/18]

1997: Spitzer Introduced A Resolution To Support Denying Citizenship To Children Born In The U.S. To Undocumented Immigrant Parents, Which Passed With Three Yes Votes, One Nay And One Abstention. While he was an Orange County Supervisor in 1997, Spitzer introduced to the Board of Supervisors a resolution to support denying citizenship to children born in the U.S. to undocumented immigrant parents, then under consideration in Congress. The resolution was symbolic and could not be enforced at the county level. [City News Service, 7/1/97]

Spitzer Voted Against Bill AJR-51 in 2006 That Urged the U.S. Government to Adopt Immigration Reform That Recognizes the ‘Common Humanity’ of Refugees. In 2006, Spitzer voted against Assembly Joint Resolution 51, a resolution to call upon members of the U.S. executive and legislative branches to adopt immigration reform that respects the “common humanity” of immigrants and refugees while rejecting legislation that seeks “to criminalize and individual because of his or her immigration status.” The joint resolution urges for immigration reform

based on respect for human rights; a path towards permanent residency and citizenship; enforcement of border policies, protecting the wages and working conditions of all workers, whether U.S. born or immigrant workers; reunification of families; and the promotion of citizenship and civic participation.

The resolution passed in the Assembly with a 43-27 vote. [California State Legislature, AJR-51, 5/22/06]

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Timeline

• 11/1960: Is born in Whittier, CA
• 1982: Receives his Bachelor’s degree from UCLA
• 1982: Works as a fellow at the California State Senate
• 1984-1985: Works as an English teacher at Roosevelt High School in Los Angeles
• 1989: Receives his Master’s degree in public policy from the University of California at Berkeley
• 1989: Receives his J.D. degree from the Hastings College of Law
• 1990: Becomes a reserve officer with the Los Angeles Police Department
• 1990: Starts work as an attorney at law at Spitzer Law Office
• 1990-1996: Works as a deputy district attorney in Orange County
• 1992-1996: Serves as a Brea Olinda school board trustee
• 3/1994: Speaks out in support of controversial statewide testing that had been called ”grossly unfair” by critics
• 9/1996: Supports ending public sector affirmative action through Proposition 29
• 10/1996: Faces accusations that he violated county ordinances and funneled $90,000 to fund his county supervisor campaign through ”personal loans” that were not actually from Spitzer
• 11/1996: Is elected to the Orange County Board of Supervisors
• 5/1997: Opposes providing food stamp benefits for at least six months to recipients living in Santa Ana and Stanton
• 7/1997: Introduces a resolution supporting the denial of citizenship to children born in the U.S. to undocumented immigrant parents
• 11/1998: Is accused of allegedly leaking confidential legal information by fellow Republican board member Jim Silva
• 11/1999: Seeks to spend most of the $912 million Orange County received from a national tobacco settlement to build more jail beds and reduce debts, rather than on health care like other jurisdictions across Southern California
• 11/2000: Is re-elected to the Orange County Board of Supervisors
• 8/2001: Opposes redistricting in 2001 that would increased the likelihood of a Latinx candidate being elected to the Board of Supervisor
• 11/2001: Proposes a charter in 2001 to prevent the Democratic governor from picking his replacement on the Board Of Supervisors. The attorney general later challenged the charter as
unconstitutional and each special election as a result of Spitzer’s measure cost voters at least $200,000.

- 12/2001: Seeks to deny those committed to mental hospitals for insanity any access to court for five years

- 2002: Enacts pension hikes for sheriff’s deputies and District Attorney investigators, while also retroactively granting increases for past years of service. In 2011, a new Board of Supervisors challenged the retroactive portion of the hike as unconstitutional as they dealt with billions in public pension debt

- 1/2002: Votes to take millions away from schools to refund property owners

- 5/2002: Approves a development project in Trabuco Canyon for a strip mall and gas station, despite protests from conservationists and residents

- 6/2002: Casts the sole dissenting vote against granting a settlement to the children of Gilbert Garcia, who was allegedly beaten to death by sheriff’s deputies while in custody

- 11/2002: Approves plans to build homes in Trabuco Canyon, despite opposition from state and federal officials and environmentalists who said the area should be left wild.

- 11/2002: Quits the Orange County Board of Supervisors after being elected to the California Assembly, allegedly intentionally disqualified Tom Coad, the husband of one of Spitzer’s rivals, from running for supervisor in the process

- 2002-2008: Serves on the California State Assembly, representing the 71st Assembly District

- 4/2003: Votes in favor of AB336, which would remove the five-year expiration for handgun safety certificates

- 5/2003: Spends tax dollars on mailers criticized as useless and serving “no purpose – other than PR for the legislator”

- 9/2003: Votes against SB480, a bill that would expand the definition of an “unsafe handgun” and against SB238, a bill authorizing law enforcement entities to report whether a firearm was previously used in a crime or illegally possessed

- 4/2004: Votes against urging the U.S. government to uphold the United States Supreme Court decision in Roe v. Wade

- 6/2004: Votes against SB1140, a bill that would prevent children from accessing firearms

- 8/2004: Votes against S.1152, a bill that would tighten regulations on the sale of ammunition to minors

- 1/2005: Introduces a bill regarding child care services liability insurance after receiving $1,000 in campaign contributions from a lobbyist representing insurance interests

- 4/2005: Votes to grant immunity to police officers making warrantless arrests

- 6/2005: Opposes initiatives to increase access to educational resources about voting and child support for inmates
• 1/2006: Claims there were no “injustices or inequities” in how the death penalty was carried out in California and Opposes legislation supporting wrongful conviction prevention

• 1/2006: Votes against requiring city and county governments to implement additional safety planning measures for natural disasters

• 1/2006: Votes against the California Clean Money and Fair Elections Act, a bill to reduce corporate influence in elections

• 2/2006: Introduces a bill requiring child care centers to provide parents with information about sex the offender registry after being lobbied by the Child Care Law Center

• 5/2006: Votes against a 2006 bill recognizing the “common humanity” of refugees

• 5/2006: Protests immigration and claimed Mexico needed an “educated citizenry” when Mexican President Vicente Fox spoke before the California Legislature

• 6/2006: Votes to authorize increased jail time and parole monitoring for non-violent offenders

• 8/21/2006: Opposes anti-discrimination laws in school curricula

• 8/22/2006: Votes against SB59, a bill supported by the California State Sheriffs Association that criminalized failing to report stolen guns

• 8/22/2006: Votes against AB2555, a bill to promote gender pay equity

• 8/30/2006: Votes against and helped defeat an NRA-opposed bill in 2005 that “would provide an outstanding tool for law enforcement” by microstamping series numbers on ammunition

• 8/30/2006: Opposes electoral college reform

• 8/30/2006: Votes against easing eligibility requirements for the CalWORKs benefits program

• 8/31/2006: Votes against AB32, a bill mandating tighter restrictions on greenhouse gas emissions

• 2/2007: Supports forcibly transferring almost 5,000 inmates out-of-state, targeting inmates held for deportation

• 2/2007: Advocated for building more prisons, despite California spending more on incarceration that year than on educating students in public universities

• 3/2007: Opposes efforts to create a sentencing commission that would set prison terms

• 4/2007: Advocated for building new death chambers at San Quentin prison

• 5/2007: Votes against a bill that stopped landlords from serving as “de-facto immigration officers”

• 6/2007: Votes against comprehensive sex education programs

• 6/2007: Votes against legalizing same-sex marriage and opposes conjugal visits for gay and lesbian inmates

• 6/2007: Votes against AB362, an NRA-opposed bill requiring handgun ammunition vendors to register

• 7/2007: Votes against extending farmworkers’ authority over collective bargaining processes and opposes increasing protections against unfair labor practices
• 9/2007: Votes against expanding subsidizing health care eligibility and creating a statewide health care insurance purchasing program

• 9/2007: Votes against AB888, a bill imposing “green building standards” on new commercial buildings

• 5/2008: Votes against a bill that would prohibit employers from discriminating against medical marijuana patients

• 8/2008: Votes against SB1171, a bill that strengthened the ban on carrying loaded firearms in public

• 8/2008: Opposes mandatory inclusion of HIV testing in health insurance plans

• 8/2008: Votes against AB2099, denying state identification cards to parolees

• 8/2008: Votes against SB60, which would have issued driver’s licenses to undocumented immigrants

• 10/2008: Critics claimed Marsy’s Law, which Spitzer advocated for, could violate inmates’ constitutional rights

• 2008-2010: Worked as an assistant district attorney to the Orange County District Attorney

• 8/2010: Claims he was improperly fired from the Orange County District Attorney’s Office

• 2011: Begins working as a social media advisor to broker dealers regulated by the Financial Industry Regulatory Authority and the Securities and Exchange Commission

• 2011-2014: Serves as director of legal affairs at Marsy’s Law For All

• 7/2011: Applies to become a member of the Orange County Sheriff’s Department as a reserve officer

• 4/2012: Joins Tea Party Patriots activists at a gathering calling for the removal of President Obama

• 6/2012: Wins his bid to return to the O.C. Board of Supervisors

• 2013: Begins serving as chairman of the Finance and Administration Committee for the Orange County Transportation Authority

• 2013: Begins working as a director at Transportation Corridor Agencies

• 2/2013: Brags that “I am a member of the NRA, and I have been recognized by pro-2nd Amendment groups”

• 6/2013: Claims Orange County “could save money” on public defenders by “making sure defendants who ask for a public defender actually need one”

• 6/2013: Defends a deputy sheriff who shot and killed U.S. Marine Sgt. Loggins

• 3/2014: Votes to “speed up consideration of permits to carry concealed weapons”

• 5/2014: Votes in favor of a controversial law that allowed officials to order “severely mentally ill people” into court-imposed treatment, against the patients’ wishes

• 3/2015: Votes to spend $365,000 on “expanding [the] ranks of political aides” at the Board of Supervisors
• 9/2015: Brings a loaded handgun into a restaurant and reportedly arrested and handcuffed a man he “perceived as a threat”

• 11/2015: “Back[s] off” of criticizing jail phones, namely the cost of inmate phone calls at the county’s jails, after receiving the maximum possible contribution to his re-election campaign from jail phone company Global Tel-Link Corporation in 2014. In 2018, Global Tel Link came under fire for recording over 1,000 attorney-client phone calls in potential violation of state and federal law

• 6/2016: Is accused of impersonating District Attorney Tony Rackauckas

• 6/2016: Votes for a budget that gave “extra money” to the sheriff’s department

• 6/2017: Rejects a “sweeping overhaul” of Orange County voting that would send all county voters a mail ballot, and keep vote centers open days before the election

• 6/2017: Votes to use $6.2 billion in property tax revenue to “bolster funding to law enforcement”

• 7/2017: Announces candidacy for Orange County District Attorney

• 7/2017: Faces accusations from his ex-chief of staff George Cardenas that Spitzer “had him change the bid rating for developers who refused to donate to him”

• 8/2017: Opposes a settlement for a woman who alleged she was raped by a deputy sheriff who had been previously accused of assault by another woman

• 9/2017: Orange County pays $121,000 to cover legal fees spent to obtain documents regarding Spitzer’s arrest of the man at the restaurant

• 9/2017: Is sued by a former aide for wrongful termination, not paying overtime, and health damage; Spitzer’s eventual settlement cost Orange County $150,000

• 11/2017: Votes to ban marijuana from unincorporated parts of Orange County as a County Supervisor

• 3/2018: Votes to join Trump’s lawsuit against sanctuary cities

• 6/2018: Votes to cut the proposed budgets of law-enforcement and financial oversight offices

• 7/2018: Calls programs that would divert mentally ill individuals charged with a crime to mental health programs rather than prison a “get-out-of-jail-free card”

• 9/2018: Calls SB1437, a reform bill designed to fix California’s felony murder rule, “nonsense”

• 9/2018: Shares photos with police officers on Facebook, calling them his “brethren” and saying he “will always support” them

• 11/2018: Spends $189,000 on controversial mailers during his bid for District Attorney, and was criticized for misusing taxpayer money “for political gain”

• 1/2019: Assumes office as Orange County’s District Attorney

• 2/22/2019: Clears Santa Ana police officers who killed Terrall Magee, an African American man, during a “rough arrest” in which Magee “grunted loudly throughout” and died of cardiac arrest

• 2/2019: Asks the U.S. Department of Justice to end its civil rights investigation into Orange County’s improper use of jailhouse informants
• 2/2019: Clears Santa Ana police officer Gavin Roelofs, who fatally shot Donadony Taylor

• 4/2019: Chooses to maintain a “highly controversial” DNA collection program dubbed “spit and acquit,” which collected samples from defendants in exchange for plea deals, while charging defendants processing fees; critics accused the program of being unconstitutional

• 5/2019: Protests against Governor Gavin Newsom’s death penalty moratorium

• 8/2019: Prosecutes a counter-protester at a “Make America Great Again” rally

• 12/2019: Is accused of being an “abusive boss” by former chief of staff who said Spitzer “repeatedly engaged in a pattern of illegal behavior.” The former chief of staff later dropped the corruption charges against Spitzer in exchange for a $75,000 settlement in 2020

• 12/2019: Praises two prosecutors involved in an illegal jailhouse scandal that was uncovered in 2016

• 3/2020: Opposes early released for immigrant detainees

• 5/2020: Creates a “Crimes Against Peace Officers Unit” that would be dedicated solely to crimes committed against on-duty police officers

• 5/2020: Opposes early releases during the COVID-19 pandemic and called bail reform policies like $0 bail “social justice experiments”

• 5/2020: Focuses on condemning looting during racial justice protests

• 6/2020: Refuses to prosecute a high profile rape case against a Newport Beach surgeon and his girlfriend, claiming there was insufficient evidence. In 2021, an Orange County District Attorney’s office investigator accused Spitzer of colluding with the defense attorneys in the case and attorneys for victims in the high profile rape case claimed Spitzer interfered in the case despite a court ruling that Spitzer’s office was “too conflicted” to be involved

• 8/2020: Is sued by People for the Ethical Operation of Prosecutors over the Orange County District Attorney’s use of an illegal confidential informant program that violated inmates rights by having informants threaten other inmates with violence to extract information in interrogations

• 10/2020: Supports Proposition 20, which increased ineligibilities for parole, penalties, and DNA collection

• 10/2020: Criticizes legislation that would divert first-time misdemeanor offenders

• 12/2020: Criticizes Los Angeles County District Attorney George Gascón for not prosecuting “broken window” offenses

• 2021: Repeatedly criticizes LA District Attorney George Gascón for being weak on crime, falsely claimed murder rates in Los Angeles tripled under Gascón, called progressive prosecuting a “failed social experiment,” and criticized Gascón’s directive for resentencing after 15 years served

• 1/2021: Is accused of interfering in a high profile rape case by the victims’ attorneys despite a court ruling that Spitzer’s office was “too conflicted” to be involved

• 2/2021: Fails to provide examples as to how his office would play a role in changing an American society that “prosecuted people of color differently”
• 2/2021: Seeks the death penalty for a convicted murderer, undercutting Los Angeles District Attorney George Gascon’s new prosecution directives

• 2/2021: Four claims of sexual harassment are filed against Deputy District Attorney Gary Logalbo and Spitzer, who allegedly witnessed Logalbo’s harassment behavior and was reportedly told about Logalbo’s conduct but promoted him anyway

• 2/2021: Is accused of interceding on behalf of an unnamed “extra-help prosecutor” in Spitzer’s office who allegedly harassed a 16-year-old intern

• 3/2021: Is accused of various pay to play practices, and allegedly “committed serious crimes,” such as soliciting bribes, money laundering, terrorist threats, and extortion

• 3/2021: Is accused of failing to add the names of dishonest, criminal, or otherwise problematic sheriff’s deputies and investigators with histories of misconduct to the Brady notification list

• 4/2021: Advocates in favor of the death penalty for a mass shooter

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Highlights Summary

Crime and Incarceration in Orange County Highlights

• From 2008 to 2010 during Spitzer's tenure, violent crime rose by 14.7 percent in Orange County; cases of forcible rape, robbery, and aggravated assault also increased.

• During Spitzer's first year as Orange County District Attorney in 2019, state prison admissions increased by 6.8 percent.

• In 2010, Orange County incarcerated at rates above the state average despite lower-than-average crime rates.

• From 2019 to 2021, Spitzer's office released 15 “custodial death reports,” and reported 11 “officer-involved shootings” in 2020.

• Spitzer updated the District Attorney’s Office’s “guiding principles” in February 2021, expressing a desire to “end mass incarceration” and stop prosecuting “people of color differently.” However, Attorney Christian Contreras reportedly did not believe Spitzer’s ideas were genuine, claiming they were “calculated to position him for re-election.”

Orange County District Attorney’s Office Misconduct Highlights

• In March 2021, former Orange County District Attorney’s investigator Damon Tucker alleged Spitzer of various pay to play practices, and claimed Spitzer “committed serious crimes,” such as soliciting bribes, money laundering, terrorist threats, and extortion.

• In 2021, Spitzer allegedly failed to add the names of dishonest, criminal, or otherwise problematic sheriff's deputies and investigators with histories of misconduct to the Brady notification list, used to determine their credibility as witnesses.

• A leaked video showed Spitzer in 2019 praising two prosecutors involved in a illegal jailhouse scandal, which was uncovered in 2016.

• In February 2021, four claims of sexual harassment had been filed against Spitzer and Deputy District Attorney Gary Logalbo.
  – Spitzer allegedly witnessed Logalbo’s harassment behavior and managers reportedly told him about Logalbo’s conduct. While an independent investigation found no formal complaints had previously been filed against Logalbo, Logalbo had a decades long pattern of harassment that multiple staff members recount being warned of when beginning employment. Spitzer reportedly commented on the investigation into Logalbo’s conduct by remarking, “I didn’t think he would do that at work.”
  – Spitzer is accused of promoting Logalbo despite awareness of his harassment behavior, interceding on his behalf.
Spitzer reportedly instructed a victim’s supervisor to write her up for “lying” after she reported Logalbo’s harassment. An independent investigation found Spitzer’s behavior does not qualify as retaliation, only because Doe’s supervisor refused to write her up.

- Another claim brought against an unnamed “extra-help prosecutor” in Spitzer’s office alleged the prosecutor harassed a 16-year-old intern; Spitzer allegedly interceded on the harasser’s behalf.
- In 2021, attorneys for victims in a high profile rape case claimed Spitzer interfered in the case despite a court ruling that Spitzer’s office was “too conflicted” to be involved.
- In 2021, Orange County attorney Mohammad Abuershaid alleged racist defamation by a former prosecutor in Spitzer’s office, Gary Logalbo, who allegedly referred to the Muslim lawyer as a “terrorist.”

### Prosecution and Sentencing Reform Highlights

- In 2018, Spitzer called SB1437, a bill that was deemed a “historic fix” to California's felony murder rule by the bill’s author, Senator Nancy Skinner, “nonsense.”
- Spitzer protested against Governor Gavin Newsom’s death penalty moratorium in 2019.
- Spitzer advocated in favor of the death penalty for a mass shooter in 2020.
- Spitzer also sought the death penalty for a convicted kidnapper, sexual offender, and murder in 2021, undercutting Los Angeles District Attorney George Gascon’s new prosecution directives, and despite the impacts of reopening the case on victims’ families.
- In 2007, Spitzer advocated for building new death chambers at San Quentin prison.
- Spitzer claimed in 2006 there were no “injustices or inequities” in how the death penalty was carried out in California, and opposed legislation supporting wrongful conviction prevention.
- Spitzer opposed early releases during COVID-19 and bail reform policies like $0 bail, calling them “social justice experiments.” Spitzer claimed $0 bail “puts dangerous criminals back on our streets” and “endangers the safety of our communities.”
- Spitzer criticized legislation that would divert first-time misdemeanor offenders in 2020.
- Spitzer asked the U.S. Department of Justice to end its 2019 civil rights investigation into Orange County’s improper use of jailhouse informants.
- Spitzer called programs that would divert mentally ill individuals charged with a crime to mental health programs rather than prison a “get-out-of-jail-free card” in 2018.
- In 2013, Spitzer claimed Orange County “could save money” on public defenders by “making sure defendants who ask for a public defender actually need one.”
- Spitzer opposed 2007 efforts to create a sentencing commission that would set prison terms.
- In 2005, Spitzer opposed bills that would grant inmates rights.
- During May 2020 racial justice protests, Spitzer’s office focused on condemning looting.
- In 2017, Spitzer prosecuted a counter-protester at a “Make America Great Again” rally.
• A federal court ruled the OCDA’s office violated the constitutional rights of suspected gang members in 2009, during Spitzer’s Deputy District Attorney tenure, by enforcing gang injunctions without allowing individuals to challenge their inclusion in court.

Incarceration Reform Highlights
• Spitzer opposed reducing inmate populations during COVID-19 under early release and $0 bail programs, claiming the programs nearly tripled normal recidivism rates.
• Spitzer supported forcibly transferring almost 5,000 inmates out-of-state in 2007, targeting inmates held for deportation.
• Spitzer voted to authorize increased jail time and parole monitoring for non-violent offenders in 2006.
• Spitzer opposed conjugal visits for gay and lesbian inmates in 2007.
• Spitzer opposed initiatives to increase access to educational resources about voting and child support for inmates in 2005.
• Spitzer approved an $80 million expansion of Musick Jail.
• In 2007, Spitzer advocated for building more prisons, despite California spending more on incarceration that year than on educating students in public universities.
• In 1999, then-Supervisor Spitzer wanted to spend most of the $912 million received by Orange County from a national tobacco settlement to build more jail beds and reduce debts, rather than on health care as other jurisdictions across Southern California were doing.
  – A Los Angeles Times poll of Orange County residents “found that 82% of respondents wanted tobacco settlement money to go to health-related needs.”

Police and Policing Policing Highlights
• In 2018, Spitzer shared photos with police officers on his Facebook, calling them his “brethren” and posting he “will always support” them.
• Spitzer applied to become a member of the Orange County Sheriff’s Department as a reserve officer in July 2011.
• Spitzer’s 2018 District Attorney campaign was endorsed by law enforcement officials across Orange County.
• In 2020, Spitzer’s office created a “Crimes Against Peace Officers Unit” that would be dedicated solely to crimes committed against on-duty police officers.
• Spitzer voted to grant immunity to police officers making warrantless arrests in 2005.
• Spitzer cleared and supported several police officers accused of police brutality.
  – In 2019, Spitzer cleared Santa Ana police officers who killed Terrall Magee, an African American man, during a “rough arrest” in which Magee “grunted loudly throughout” and died of cardiac arrest.
– Spitzer cleared Santa Ana police officer Gavin Roelofs, who fatally shot Donadony Taylor in 2019. Taylor did not appear to have rushed the officer according to body camera footage.

• When he was on the Board of Supervisors in 2002, Spitzer was the sole dissenting vote against granting a settlement to the children of Gilbert Garcia—who was allegedly beaten to death by sheriff’s deputies while in custody.

• In 2013, Spitzer defended a deputy sheriff who shot and killed U.S. Marine Sgt. Loggins.

• In 2017, Spitzer opposed a settlement for a woman who alleged she was raped by a deputy sheriff. The deputy had been previously accused of assault by another woman.

• Spitzer criticized Los Angeles County District Attorney George Gascón for not prosecuting “broken window” offenses in 2020.

• Spitzer enacted pension hikes for sheriff’s deputies and District Attorney investigators in 2002, while also retroactively granting increases for past years of service. In 2011, amidst billions in public pension debt, a new Board of Supervisors challenged the retroactive portion of the hike as unconstitutional.

• In 2008, during Spitzer’s Deputy District Attorney tenure, the OCDA office cleared La Habra police officers of wrongdoing who fatally shot a man from a distance, without trying to deescalate in any other manner. La Habra would settle with the man’s family for $250K in 2010.

Guns and Gun Policy Highlights

• Spitzer stated “I am a member of the NRA, and I have been recognized by pro-2nd Amendment groups” at a 2013 public event.

• Spitzer is highly rated by pro-gun organizations.
  – In 2004, the NRA gave Spitzer an “A+” rating, and an “A” rating in 2002 and 2006.

• In 2015, Spitzer brought a loaded handgun into a restaurant and reportedly arrested and handcuffed a man he “perceived as a threat.”
  – Scott Baugh, former chairman of the Orange County Republican Party, reportedly said, “Todd Spitzer with handcuffs and a gun is far more dangerous to the citizens of Orange County than a counselor looking at a butter knife.”
  – In 2017, Orange County paid $121,000 to cover legal fees spent to obtain documents regarding Spitzer’s arrest of the man at the restaurant.

• Spitzer voted against multiple gun-control bills backed by law enforcement.
  – Spitzer voted against and helped defeat an NRA-opposed bill in 2005 that “would provide an outstanding tool for law enforcement” by microstamping series numbers on ammunition.
  – Spitzer voted against a 2006 bill supported by the California State Sheriffs Association that criminalized failing to report stolen guns. In 2008, Spitzer voted against a bill that strengthened the ban on carrying loaded firearms in public.
• Spitzer also voted against tightening regulations on unsafe guns.
  – Spitzer voted in 2003 against a bill that would expand the definition of an “unsafe handgun”, and voted against a bill authorizing law enforcement entities to report whether a firearm was previously used in a crime or illegally possessed.
  – Spitzer voted in 2004 against criminalizing the use of an assault rifle.
• Spitzer voted in 2003 to remove the five-year expiration for handgun safety certificates.
• Spitzer voted in 2004 against a bill that would prevent children from accessing firearms.
• Spitzer repeatedly voted against gun sales regulations, and against limiting the purchase of guns and ammunition.
  – Spitzer voted in 2003 against a bill that would tighten regulations on the sale of ammunition to minors.
  – In 2007, Spitzer voted against and NRA-opposed bill requiring handgun ammunition vendors to register.
• Spitzer voted in 2014 to “speed up consideration of permits to carry concealed weapons.”

Other Criminal Justice Issues Highlights
• Spitzer chose to maintain a “highly controversial” DNA collection program. The program, dubbed “spit and acquit,” collected samples from defendants in exchange for plea deals, while charging defendants processing fees.
  – In 2021, law students at the UC Irvine civil rights law clinic alleged the DNA collection program was unconstitutional.
  – Spitzer described the suit as being led by a “bunch of law students” who were “trying to get experience, so they’re going after this DNA database,” stating that he was “really surprised how bad the legal work is that has been done on that brief.” Spitzer claimed the database “has been very very helpful and useful to solve crime.”
• Spitzer supported Proposition 20 in 2020, which increased ineligibilities for parole, penalties, and DNA collection.
• Spitzer voted to deny state identification cards to parolees in 2008.
• In 2021, Spitzer repeatedly criticized LA District Attorney George Gascón for being weak on crime, falsely claimed murder rates in Los Angeles tripled under Gascón, and called progressive prosecuting a “failed social experiment.” Spitzer criticized Gascón’s directive for resentencing after 15 years served.
• Spitzer called Hardin a Gascón “clone and wannabe” in 2021.
• Critics claimed Marsy’s Law, which Spitzer advocated for, could violate inmates’ constitutional rights.
Sexual Misconduct Highlights

- In 2020, Spitzer refused to prosecute a high profile rape case against a Newport Beach surgeon and his girlfriend, claiming there was insufficient evidence.
  - One of the women allegedly assaulted by the surgeon claimed Spitzer distributed sealed documents to the media and should be found in contempt.
  - An Orange County District Attorney’s office investigator accused Spitzer of colluding with the defense attorneys in the case.
  - In 2021, attorneys for victims in the high profile rape case claimed Spitzer interfered in the case despite a court ruling that Spitzer’s office was “too conflicted” to be involved.
- In February 2021, four claims of sexual harassment had been filed against Spitzer and Deputy District Attorney Gary Logalbo.
  - Spitzer allegedly witnessed Logalbo’s harassment behavior and managers reportedly told him about Logalbo’s conduct. While an independent investigation found no formal complaints had previously been filed against Logalbo, Logalbo had a decades long pattern of harassment that multiple staff members recount being warned of when beginning employment. Spitzer reportedly commented on the investigation into Logalbo’s conduct by remarking, “I didn’t think he would do that at work.”
  - Spitzer is accused of promoting Logalbo despite awareness of his harassment behavior, interceding on his behalf.
  - Spitzer reportedly instructed a victim’s supervisor to write her up for “lying” after she reported Logalbo’s harassment. An independent investigation found Spitzer’s behavior does not qualify as retaliation, only because Doe’s supervisor refused to write her up.
- Another claim brought against an unnamed “extra-help prosecutor” in Spitzer’s office alleged the prosecutor harassed a 16-year-old intern; Spitzer allegedly interceded on the harasser’s behalf.

Drug Use and Addiction Highlights

- Spitzer voted against a 2008 bill that would prohibit employers from discriminating against medical marijuana patients.
- Spitzer received zero percent ratings from drug reform organizations in 2007 and 2008.
- Spitzer voted to ban marijuana from unincorporated parts of Orange County as a County Supervisor in 2017.

Mental Health Highlights

- The Orange County Board of Supervisors “discovered” in 2018 that the county had “accumulated $380 million over the last two years that could be directed toward housing and services for mentally ill homeless people.” Spitzer blamed staff members for not informing the board of the stashed funds, but U.S. District Judge David Carter “accused the county of ‘chipmunking’ funds.”
• As supervisor, Spitzer voted in favor of a controversial 2014 law that allowed officials to order “severely mentally ill people” into court-imposed treatment, against the patients’ wishes.

• Spitzer wanted to deny those committed to mental hospitals for insanity any access to court for five years in 2001.

Discrimination Highlights

• In February 2021, Spitzer could not provide examples as to how his office would play a role in changing an American society that “prosecuted people of color differently.”

• Spitzer opposed anti-discrimination laws in school curricula in 2006.

• Spitzer opposed legalizing same-sex marriage in 2007. The same year, Spitzer opposed conjugal visits for gay and lesbian inmates.

• Spitzer supported ending public sector affirmative action through proposition 29 in 1996.

• Spitzer received dismal ratings from numerous civil rights advocacy groups. For instance, in 2005-2006, Spitzer received a 0% score from Equality California, an LGBTQ+ civil rights advocacy organization.

Labor and Workers’ Rights Highlights

• Spitzer voted against gender pay equity in 2006.

• Spitzer voted against extending farmworkers’ authority over collective bargaining processes in 2007. Spitzer also opposed increasing protections against unfair labor practices.

• Two of Spitzer’s former staff members sued Spitzer for labor rights violations.
  – In 2017, Spitzer’s former aide sued Spitzer for wrongful termination, not paying overtime, and health damage; Spitzer’s settlement with the former aide cost Orange County $150,000.
  – In 2019, Spitzer’s former chief of staff alleged Spitzer was an “abusive boss” who “repeatedly engaged in a pattern of illegal behavior.” The former chief of staff dropped the corruption charges against Spitzer in exchange for a $75,000 settlement.

• Spitzer received low ranking from labor organizations; in 2007, Spitzer received a 12% score from the California Labor Federation.

Immigration Highlights

• Spitzer opposed early released for immigrant detainees during COVID-19.

• Spitzer voted to join Trump’s lawsuit against sanctuary cities in 2018.

• Spitzer voted against a 2006 bill recognizing the “common humanity” of refugees.

• Spitzer voted against a bill that stopped landlords from serving as “de-facto immigration officers” in 2007.
• Spitzer, as Orange County Supervisor, introduced a resolution in 1997 supporting the denial of citizenship to children born in the U.S. to undocumented immigrant parents.

• Spitzer voted against issuing driver’s licenses to undocumented immigrants in 2008.

• When Mexican President Vicente Fox spoke before the California Legislature in 2006, Spitzer protested immigration and claimed Mexico needed an “educated citizenry.”

• Spitzer received a 0% score from the California Immigrant Policy Center for the 2003-04 legislative session.

Climate Change and Environmental Protection Highlights

• Spitzer voted against a 2006 bill mandating tighter restrictions on greenhouse gas emissions.

• Spitzer voted against imposing “green building standards” on new commercial buildings in 2007.

• Spitzer voted against requiring city and county governments to implement additional safety planning measures for natural disasters in 2006.

• Spitzer supported landfills in Orange County, calling them a “saving grace” in 2014.

• Spitzer supported importing trash into Orange County’s landfills for revenue in 2018.

• Spitzer supported multiple development projects in 2002 and 2015 despite environmental concerns.
  – In 2002, then-Supervisor Spitzer approved plans to build homes in Trabuco Canyon, despite opposition from state and federal officials and environmentalists who said the area should be left wild. The same year, Spitzer approved another development project in the canyon for a strip mall and gas station, despite protest from conservationists and residents.
  – In 2015, as Orange County Supervisor, Spitzer approved the Esperanza Hills Development Project, despite the project’s failure to comply with the California Environmental Quality Act (CEQA).

• In 2003, 2004, and 2006, Spitzer received a 0% score from Sierra Club California.

Health Care and Social Safety Net Services Highlights

• Spitzer voted against easing eligibility requirements for the CalWORKs benefits program in 2006.

• Spitzer voted against expanding subsidizing health care eligibility and creating a statewide health care insurance purchasing program in 2007.

• Spitzer opposed mandatory inclusion of HIV testing in health insurance plans in 2008.

• In 1997, Spitzer opposed providing food stamp benefits for at least six months to recipients living in Santa Ana and Stanton.

Reproductive Rights Highlights

• Spitzer voted in 2004 against urging the U.S. government to uphold the United States Supreme Court decision in Roe v. Wade.
Spitzer voted against comprehensive sex education programs in 2007.

In 2007, Planned Parenthood Affiliates of California gave Spitzer a 0% score.

In 2003, Spitzer received a 90% score from Life Priority Network, an anti-choice organization.

**Election and Voting Reform Highlights**

- Spitzer rejected a “sweeping overhaul” of Orange County voting in 2017 that would send all county voters a mail ballot, and keep vote centers open days before the election.

- Spitzer opposed redistricting in 2001 that would increased the likelihood of a Latinx candidate being elected to the Board of Supervisors.

- Spitzer voted against the California Clean Money and Fair Elections Act in 2006, promoting corporate influence in elections.

- Spitzer opposed electoral college reform in 2006.

- Spitzer proposed a charter in 2001 to prevent the Democratic governor from picking his replacement on the Board Of Supervisors; the attorney general challenged the charter as unconstitutional. Each special election as a result of Spitzer’s measure reportedly cost voters at least $200,000.

**Education Highlights**

- Spitzer voted to take millions away from schools to refund property owners in 2002.
  - Spitzer opposed appealing a Superior Court judge’s ruling that meant $15.6 million would be taking from the Capistrano Unified School District fund, and millions more from other cities, schools, special districts and redevelopment agencies in the county. The ruling deemed the county’s property assessments in violation of Proposition 13 limits, and required the county refund property owners.

- Spitzer supported controversial statewide testing in 1994.
  - La Habra City School Board members reportedly deemed the California Learning Assessment System (CLAS) to be “too subjective,” and “grossly unfair,” and said it would take teachers years to prepare their students for such an exam.
  - Spitzer responded, “I don’t care whether or not the scores are high.”

**Affiliation with Pandemic Profiteer John Thomas Highlights**

- In July 2021, Spitzer tweeted that he “refused to tolerate price gouging of PPE” and claimed that his office “went after COVID-19 related scams.” However, Spitzer’s Chief Strategist John Thomas exploited the COVID pandemic.

- Thomas started medical supply company Blue Flame in March 2020, as the pandemic began, then charged 800 percent mark-ups on pandemic supplies. Thomas repeatedly failed to meet multi-million dollar contracts with state and law enforcement agencies, prompting state and federal investigations into his company.
• Spitzer has paid Thomas over $1 million to lead his campaigns, $23,000 in 2021 alone—well after Thomas started milking the pandemic, in a reversal of Spitzer’s May 2020 promises that he was “no longer working with Thomas.”

Affiliation with Henry Nicholas Highlights
• Spitzer was a legal advisor to Broadcom co-founder Henry T. Nicholas III, charged with securities fraud “related to Broadcom’s $2.2 billion employee stock options scandal.”
  – Nicholas reportedly also was “entangled in his own netherworld of prostitution, drug peddling, bribery and death threats,” according to federal prosecutors.
• Nicholas gave $4.86 million in funding to the campaign for Marsy’s Law, named after his murdered sister. Spitzer managed the campaign but reportedly was not paid for his work.
• Spitzer has said he’s “proud” of the affiliation with Nicholas.
• Nicholas contributed $3.3 million to Spitzer’s campaign against California Proposition 66, which would have weakened the three strikes law.

Issues With Colleagues Highlights
• Spitzer was accused of having an “aggressive approach” as a County supervisor
• Spitzer allegedly intentionally disqualified Tom Coad from running for supervisor in 2002.
• Spitzer allegedly leaked confidential legal information according to fellow Republican board member Jim Silva in 1998.
• Spitzer was accused of impersonating District Attorney Tony Rackauckas in 2016.
• Spitzer claimed he was improperly fired from the Orange County District Attorney’s Office in 2010.

Orange County Board of Supervisors Budget Highlights
2012 To 2018
• From 2012 To 2018, during Spitzer’s second tenure, the Orange County Board of Supervisors’ budget expenses increased by over 25%. Total appropriations for District 3, Spitzer’s district, rose by 45.55%. Personnel expenditures for salaries and benefits for the district also increased by 51.43% during Spitzer’s 2012-2018 tenure.
  – The Orange County Register reported in 2016 that the Board of Supervisors received “full-time pay for part-time work,” with taxpayers paying more than $5 million a year in office budgets.
• Spitzer voted to use $6.2 billion in property tax revenue to “bolster funding to law enforcement” in 2017.
• Spitzer voted to cut the proposed budgets of law-enforcement and financial oversight offices in 2018.
• Spitzer’s total pay and benefits increased by $44,830 between 2013 and 2018.

• In March 2015, Spitzer voted to spend $365,000 on “expanding [the] ranks of political aides” at the Board of Supervisors.

• Spitzer voted for a budget that gave “extra money” to the sheriff’s department in 2016.

• In 2015, Spitzer “backed off” from criticizing jail phones, namely the cost of inmate phone calls at the county’s jails,
  – Spitzer received the maximum possible contribution to his re-election campaign from jail phone company Global Tel-Link Corporation in 2014.
  – In 2018, Global Tel Link came under fire for recording over 1,000 attorney-client phone calls in potential violation of state and federal law.
  – A lobbying firm representing Global Tel Link gave $5,000 to a PAC supporting Spitzer in 2018.

• In 2017, Spitzer’s ex-chief of staff George Cardenas alleged that “Spitzer had him change the bid rating for developers who refused to donate to him.”

1998 to 2003

• From fiscal years 1998 to 2003, during Spitzer’s tenure as 3rd District Supervisor, expenditures rose by 35.6%, or $164,266, despite no increase in the number of staff.

• During the same period, expenditures by the Orange County Board of Supervisors rose 27.39%, or over $1 million.

California State Budget Highlights

• During Spitzer’s tenure on the California Assembly from 2002 to 2008, the California State Legislature’s expenditures increased nearly 30%, by over $23 million.
  – During the same period, the California State Legislature’s expenditures towards youth and adult corrections increased by nearly 85%.

• The total liabilities of the state of California increased by $8,580,307, nearly 30%, during Spitzer’s tenure in the Assembly from 2002 to 2008.

• Spitzer’s salary increased by $17,208, or 17.38%, during his tenure in the Assembly from 2002 to 2008. In 2006, Spitzer reportedly “quietly” accepted pay increases, despite initially rejecting them.

Misuse of Taxpayer Funds Highlights

• In 2018, then-Supervisor Spitzer’s office spent $189,000 on controversial mailers during his bid for District Attorney, and was criticized for misusing taxpayer money “for political gain.”

• In 2003, Spitzer spent tax dollars on mailers criticized as useless, serving “no purpose – other than PR for the legislator.”
Voter History and Party Affiliation Highlights

• In 2012, Spitzer joined Tea Party Patriots activists at a gathering calling for the removal of President Obama.

Campaign Finance Highlights

• Between 2019 and 2020, Spitzer’s District Attorney campaign received $22,000 in contributions from law enforcement organizations, such as the Association of Orange County Deputy Sheriff’s and the Huntington Beach Police Officers Association.
  – In 2021, Spitzer allegedly failed to add the names of Orange County sheriff’s deputies and investigators with histories of misconduct to the Brady notification list, used to determine their credibility as witnesses.
  – Spitzer received $2,100 from the Association Of Orange County Deputy Sheriff’s in 2019. In 2003, representatives of the Association of Orange County Deputy Sheriff’s dismissed allegations that deputies beat prisoners after a three-day hunger strike by 100 inmates in Orange County Jail.
  – Spitzer received $2,100 from the Huntington Beach Police Officers Association in 2019. In 2017, the Huntington Beach Police Officers Association called for the resignation of Police Chief Robert Handy after he supported police accountability measures, body cameras, and community-policing policies.

• Spitzer’ campaign received a total of $6,300 from development and housing interests in 2020.

• Spitzer took $1,000 from Steve Baric, a Republican attorney who defended campaign money launderers, fraudulent politicians, and who argued for Republicans in a redistricting lawsuit.

• Spitzer’s District Attorney campaign received money from companies after awarding them contracts.
  – In 2017, Spitzer received a total of $1,700 from Hewlett Packard Company and an employee, after awarding Hewlett Packard Company a nearly $500,000 contract in 2015.
  – From 2018 to 2020, Spitzer received a total of $8,100 in campaign contributions from three individual employees of Ben’s Asphalt, after awarding the company a $720,000 contract in 2015.

• Spitzer introduced a bill regarding child care services liability insurance in 2005 after receiving $1,000 in campaign contributions from a lobbyist representing insurance interests.

• Spitzer received $2,100 from the Lincoln Club of Orange State PAC in 2019, an organization that was reportedly “the powerful rightwing group behind Citizens United and [California’s] anti-union legislation.”

• Since 2008, Spitzer reportedly used $340,000 in campaign donations to his Central Committee accounts to pay for travel, groceries, restaurant meals, hotels, and more—including a trip to Maui with his wife.
• Spitzer’s campaign treasurer, Lysa Ray, admitted to eight counts of money laundering and false campaign statements in 2016. Ray was the treasurer in 2014 for Newport Beach City Council Members who failed to properly disclose campaign money.

• Spitzer’s campaign paid Jones Day Law Firm, a firm that helped acquit a corrupt sheriff and get pro-bono clients evicted, almost $19,000 for professional services.

• In 1996, Spitzer allegedly violated county ordinances and funneled $90,000 to fund his county supervisor campaign through “personal loans” that were not actually from Spitzer.

Lobbying Highlights

• Spitzer lobbied the California State Legislature in 2016 regarding a bill to expand membership of the air quality management board.

• Spitzer introduced a bill regarding child care services liability insurance in 2005 after receiving $1,000 in campaign contributions from a lobbyist representing insurance interests.

• Spitzer introduced a bill in 2006 requiring child care centers to provide parents with information about sex the offender registry after being lobbied by the Child Care Law Center.

• In 2007, the California Perinatal Treatment Network lobbied Spitzer regarding prison reform for female offenders.

• Spitzer is not a registered lobbyist with the U.S. House of Representatives or Senate, the California Secretary of State, or the Orange County Ethics Commission.

Personal Finance Highlights

• From 2012 to 2014 Spitzer reported up to $102,000 in income from Nicholas Holdings LLC as Legal Affairs Director for Marsy’s Law, a victim protection initiative.

• From 2012 to 2018, Spitzer reported reported $10,000 to $100,000 in annual income from Centaurus Financial Inc. as a consultant attorney for social media, except during Fiscal Year 2015 for which reportings were unavailable.

• From 2012 to 2018, Spitzer reported $10,000 to $100,000 in annual income from Strategic Realty Trust as a board member, except during Fiscal Year 2015 for which reportings were unavailable.

• From 2016 to 2018, Spitzer reported yearly holdings worth $10,000 to $100,000 each in four real estate investment trusts.

• In 2017 and 2018, Spitzer reported holdings in Apple, Chevron, Verizon, and Microsoft—companies with ties to environmental damages, breach of contract, illegal dealings, gender bias, systematic discrimination, insider trading charges, and more.

  – In 2018, Apple’s CEO admitted that the company slowed down older iPhone with aging batteries. Subsequently, Apple was fined $113 million in 2020 for throttling older iPhones. In 2016, Apple reportedly paid $14.5 billion in back taxes after making an illegal deal in Ireland.
– Chevron demanded that victims “devastated by the company’s toxic waste” in the Amazon pay $32 million for court costs. In 2016, the company was one of eight companies named for “inaction on addressing climate change.”

– In 2013, the NSA revealed that it collected information on all telephone calls in the Verizon system; a court order forbade Verizon from disclosing the information gathering to the public.

– Female employees at Microsoft filed a class action lawsuit in 2017 regarding the company’s alleged discriminatory policies around promotion and compensation of women. In 2015, another class action lawsuit had been filed against Microsoft for gender-based discrimination. The US Department of Labor subsequently issued a notice to Microsoft. A former Microsoft financial manager also paid nearly $380,000 in 2016 to settle insider trading charges brought by the Securities Exchange Commission.

**Strategic Realty Trust, Inc. Highlights**

• Spitzer serves as the Chairman of the Board and Independent Director of Strategic Realty Trust, Inc., a San Mateo, California-based real estate investment and management business with a revenue of nearly $4 million.

• Spitzer received a $50,000 annual salary from Strategic Realty Trust from 2015 to 2020.

• From 2012 to 2014, Strategic Realty Trust accumulated $32,418.02 in unpaid state taxes, and as of 2021, records did not indicate that the resulting lien had been paid off.

• Strategic Realty Trust faced a class action lawsuit in October 2013, in which plaintiffs alleged the company violated several sections of the Securities Act.

• During Spitzer’s board tenure, Strategic Realty Trust’s total assets declined more than 50%.

• During Spitzer’s board tenure, Strategic Realty Trust’s Total Liabilities declined more than 70%.

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Crime and Incarceration in Orange County

Crime and Incarceration in Orange County Highlights

• From 2008 to 2010 during Spitzer’s tenure, violent crime rose by 14.7 percent in Orange County; cases of forcible rape, robbery, and aggravated assault also increased.

• During Spitzer’s first year as Orange County District Attorney in 2019, state prison admissions increased by 6.8 percent.

• In 2010, Orange County incarcerated at rates above the state average despite lower-than-average crime rates.

• From 2019 to 2021, Spitzer’s office released 15 “custodial death reports,” and reported 11 “officer-involved shootings” in 2020.

• Spitzer updated the District Attorney’s Office’s “guiding principles” in February 2021, expressing a desire to “end mass incarceration” and stop prosecuting “people of color differently.” However, Attorney Christian Contreras reportedly did not believe Spitzer’s ideas were genuine, claiming they were “calculated to position him for re-election.”

Violent Crime Rose Under Spitzer

Violent Crime in Orange County Decreased from 2018 to 2019; Data for 2020 is Not Yet Available. According to data provided by the Federal Bureau of Investigation, Orange County experienced at least 247 incidences of violent crime in 2019, including 2 murders, 11 rapes, and 21 robberies. Reportedly, in 2018, Orange County experienced a higher level of overall violent crime with 310 incidents, but fewer murders and robberies at 1 and 17 respectively. Data for 2020 was not yet available on the FBI website as of April 2021. [Federal Bureau of Investigation, Accessed 4/23/21; Accessed 4/23/21]

Violent Crime Rose 14.7 Percent in Orange County During Spitzer’s Tenure as Assistant District Attorney from 2008 to 2010. According to data provided by the Federal Bureau of Investigation, violent crime in Orange County, California increased from 163 incidents in 2008 to 187 incidents in 2010. This equates to a 14.7 percent increase in violent crime from 2008 to 2010. According to the FBI, the agency defines violent crime as “murder and nonnegligent manslaughter, rape, robbery, and aggravated assault.” [Federal Bureau of Investigation, 9/09; 2011; Accessed 3/30/21]

• Forcible Rape, Robbery, and Aggravated Assault All Increased in Orange County from 2008 to 2010. According to data provided by the Federal Bureau of Investigation, Orange County, California reported five cases of forcible rape, 27 cases of robbery, and 131 cases of aggravated assault in 2008, Spitzer’s first year as Assistant District Attorney. By 2010, the County reported eight
cases of forcible rape, 32 cases of robbery, and 147 cases of aggravated assault. There were no murders in Orange County in either year. [Federal Bureau of Investigation, 9/09; 2011]

Orange County Incarceration Rates Grew Above The State Average During Spitzer’s Tenure

Admissions to State Prison Increased By 6.8 Percent During Spitzer’s First Year as Orange County District Attorney in 2019. In October 2020, the California Department of Corrections and Rehabilitation released their offender demographic report for the period ending in June 2019, six months after Spitzer took office in January 2019. Reportedly, from July 1, 2018 to June 30, 2019, Orange County admitted 1,911 inmates to state prison, compared to 1,789 in the previous year, a 6.8 percent increase. Orange County’s state prison inmate admissions reported made up 5.4 percent of the entire state’s prison admissions during the stated period. [California Department of Corrections and Rehabilitation, 10/20]

As of 2010, Orange County Had The Sixth Highest ‘County Jail Incarceration Rate’ in California. As of December 31, 2010, according to the Center on Juvenile and Criminal Justice, Orange County had the sixth highest “County Jail Incarceration Rate” in California, with an incarceration rate of 259.9 inmates per 1,000 adult felony arrests. Reportedly, the average rate in California was 176.5. According to the Center on Juvenile and Criminal Justice, “Counties’ varying reliance on local jails to house their criminal justice population shows sentencing and detention practices.” Reportedly, Orange County’s 2010 rate marked a significant increase over the prior year’s incarceration rate of 238.5. [The Center on Juvenile and Criminal Justice, 12/31/10; 12/31/09]

2010: Orange County Had Higher County Jail Population Than State Average, Despite Much Lower-Than-Average Crime Rate. As of December 31, 2010, according to the Center on Juvenile and Criminal Justice, Orange County had a county jail population of 295 inmates per 100,000 adults. Reportedly, the state average was 281.7 county jail inmates per 100,000 adults in 2010. In the same year, Orange County’s reported crime rate was the tenth lowest in the state at 1,307.6 crimes reported per 100,000 adults, more than 33 percent lower than the state average rate of 2,006.9. [The Center on Juvenile and Criminal Justice, 12/31/10]

Orange County Incarcerated 64 Percent of Its Adult Felons, Higher Than State Average of 58.3 Percent. As of December 31, 2010, according to the Center on Juvenile and Criminal Justice, Orange County reported a total incarceration rate of 640.2 inmates per 1,000 adult felony arrests, indicating that 64 percent of individuals arrested on felony charges were currently incarcerated. In the same year, California reported a total incarceration rate of 583.5 per 1,000 adult felony arrests. According to the Center on Juvenile and Criminal Justice, the total incarceration rate indicates counties’ “use of incarceration to manage their criminal justice populations.” [The Center on Juvenile and Criminal Justice, 12/31/10]

Spitzer’s Office Has Reported At Least 15 Custodial Deaths And 11 Police Shootings

From November 2019 to March 2021, Spitzer’s Office Released 15 ‘Custodial Death Reports.’ As of March 30, 2021, according to press releases from the Orange County District Attorney, the office reported 14 “custodial death reports” from November 2019 to March 2021:
<table>
<thead>
<tr>
<th>Date of Report</th>
<th>Name</th>
<th>Date of Death</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/16/21</td>
<td>Dominic Richard Infantino</td>
<td>12/23/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>2/6/21</td>
<td>Karl Schlaich</td>
<td>2/9/20</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>11/30/20</td>
<td>Guillermo Antonio Lopez</td>
<td>3/23/20</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>10/22/20</td>
<td>Steven Joshua Ford</td>
<td>12/11/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>9/21/20</td>
<td>Shikiira Monae Kelly</td>
<td>7/18/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>9/21/20</td>
<td>Robert Anthony Moreno</td>
<td>8/31/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>7/22/20</td>
<td>Eric Denton</td>
<td>7/15/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>7/21/20</td>
<td>Baby Doe</td>
<td>7/30/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>5/1/20</td>
<td>Baby Doe</td>
<td>12/1/18</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>4/17/20</td>
<td>Anthony Bernie Aceves</td>
<td>5/23/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>4/10/20</td>
<td>Chong &quot;Richard&quot; Tok Rha</td>
<td>8/7/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>4/3/20</td>
<td>Daniel Flores Espinoza</td>
<td>2/11/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>3/12/20</td>
<td>Baby Doe</td>
<td>5/21/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>11/27/19</td>
<td>Ngoc Dang Nguyen</td>
<td>3/11/19</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
<tr>
<td>11/27/19</td>
<td>Christopher Louis Mariano</td>
<td>12/7/18</td>
<td>Lack of sufficient evidence to support charges</td>
</tr>
</tbody>
</table>

[Office of the District Attorney, Orange County, Accessed 3/30/21]
Spitzer’s Office Reported 7 ‘Officer-Involved Shootings’ From November 2020 To March 2021. As of March 30, 2021, according to press releases from the Orange County District Attorney, the office reported 7 “officer-involved shootings” from November 2020 to March 2021.

<table>
<thead>
<tr>
<th>Date of Report</th>
<th>Date of Shooting</th>
<th>Department</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/17/21</td>
<td>12/12/19</td>
<td>Anaheim Police Department</td>
<td>Officers’ actions were “reasonable and justified”</td>
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<tr>
<td>3/16/21</td>
<td>6/24/20</td>
<td>Orange County Sheriff’s Department</td>
<td>Officers’ actions were “reasonable and legally justified”</td>
</tr>
<tr>
<td>3/15/21</td>
<td>3/1/20</td>
<td>Santa Ana Police Department</td>
<td>Officer’s actions were “justified and necessary”</td>
</tr>
<tr>
<td>3/2/21</td>
<td>5/11/20</td>
<td>Orange County Sheriff’s Department</td>
<td>Officers’ actions were “reasonable, necessary, and justified”</td>
</tr>
<tr>
<td>11/30/20</td>
<td>9/26/19</td>
<td>La Habra Police Department</td>
<td>&quot;[I]nsufficient evidence to prove criminal culpability beyond a reasonable doubt&quot;</td>
</tr>
<tr>
<td>10/28/20</td>
<td>8/22/19</td>
<td>Garden Grove Police Department</td>
<td>Officers’ actions were “reasonable, necessary, and justified”</td>
</tr>
<tr>
<td>10/22/20</td>
<td>1/20/20</td>
<td>Santa Ana Police Department</td>
<td>&quot;[L]ack of sufficient evidence to prove beyond a reasonable doubt criminal culpability&quot;</td>
</tr>
</tbody>
</table>

[Office of the District Attorney, Orange County, Accessed 3/30/21]

Spitzer Claimed in 2021 His ‘Guiding Principles’ Included Ending Mass Incarceration And Addressing Racial Disparities In Prosecutions

In February 2021, Spitzer Updated The District Attorney’s Office’s ‘Guiding Principles’ To Reflect Desire to ‘End Mass Incarceration' And Stop Prosecuting ‘People Of Color Differently.’ In February 2021, according to a press release from the Orange County District Attorney’s office, “Spitzer today released a series of guiding principles for the Orange County District Attorney’s Office regarding the role of the prosecutor in our society.” Reportedly:

‘We as a society have engaged in systemic mass incarceration. As a prosecutor, I will stop it. We as a society have prosecuted people of color differently. As a prosecutor, I will stop it,’ said Orange County District Attorney Todd Spitzer. ‘We cannot fix a systematic problem without a systematic approach. That approach must be thoughtful, thorough, and include different perspectives, different experiences, and different ideas. Justice is not evidenced by the longest sentence; justice is what is best for the individual, the victim, and society as a whole.’

Spitzer reportedly listed several “policy positions and initiatives,” which include:
• End mass incarceration
• Establish a Conviction Integrity Unit
• Establish Recidivism Reduction Units that address an individual’s chances for success
• Support mental health diversion when practical to address underlying issues with programming
• Support dual 911 dispatch with mental health response and training to 911 calls seeking psychiatric assistance
• Support policies that prevent law enforcement agencies from investigating their own officer-involved shootings
• Ban the use of carotid holds by law enforcement within the Orange County District Attorney’s Bureau of Investigation and support the ban of carotid holds across all District Attorney Investigation Bureaus
• Response to ‘Defund the Police’ is to require local jurisdictions to support and advocate for sufficient community resources that support the above principles and initiatives that reduce recidivism and provide equal opportunities for all.

[Office of the District Attorney, Orange County via Web Archive, 2/10/21]

• Attorney Christian Contreras Said He Did Not Believe Spitzer’s Reform Ideas Were Genuine, ‘Move Appears To Be Calculated To Position Him For Re-election.’ In February 2021, according to City News Service, excessive-force attorney Christian Contreras praised Spitzer’s plan as a “surprise,” but said, “while I commend Mr. Spitzer if he were genuine, Mr. Spitzer has continually taken a pro-police, mass incarceration position.” Reportedly:

‘Mr. Spitzer appears to see the writing on the wall now that Mr. Gascon was elected...’ Contreras said. ‘Mr. Spitzer is up for re-election next year in 2022. This move appears to be calculated to position him for re-election despite the conservativeness of Orange County.’

[City News Service, 2/10/21]

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Orange County District Attorney’s Office Misconduct Highlights

• In March 2021, former Orange County District Attorney’s investigator Damon Tucker alleged Spitzer of various pay to play practices, and claimed Spitzer “committed serious crimes,” such as soliciting bribes, money laundering, terrorist threats, and extortion.

• In 2021, Spitzer allegedly failed to add the names of dishonest, criminal, or otherwise problematic sheriff’s deputies and investigators with histories of misconduct to the Brady notification list, used to determine their credibility as witnesses.

• A leaked video showed Spitzer in 2019 praising two prosecutors involved in a illegal jailhouse scandal, which was uncovered in 2016.

• In February 2021, four claims of sexual harassment had been filed against Spitzer and Deputy District Attorney Gary Logalbo.
  – Spitzer allegedly witnessed Logalbo’s harassment behavior and managers reportedly told him about Logalbo’s conduct. While an independent investigation found no formal complaints had previously been filed against Logalbo, Logalbo had a decades long pattern of harassment that multiple staff members recount being warned of when beginning employment. Spitzer reportedly commented on the investigation into Logalbo’s conduct by remarking, “I didn’t think he would do that at work.”
  – Spitzer is accused of promoting Logalbo despite awareness of his harassment behavior, interceding on his behalf.
  – Spitzer reportedly instructed a victim’s supervisor to write her up for “lying” after she reported Logalbo’s harassment. An independent investigation found Spitzer’s behavior does not qualify as retaliation, only because Doe’s supervisor refused to write her up.

• Another claim brought against an unnamed “extra-help prosecutor” in Spitzer’s office alleged the prosecutor harassed a 16-year-old intern; Spitzer allegedly interceded on the harasser’s behalf.

• In 2021, attorneys for victims in a high profile rape case claimed Spitzer interfered in the case despite a court ruling that Spitzer’s office was “too conflicted” to be involved.

• In 2021, Orange County attorney Mohammad Abuershaid alleged racist defamation by a former prosecutor in Spitzer’s office, Gary Logalbo, who allegedly referred to the Muslim lawyer as a “terrorist.”

• People for the Ethical Operation of Prosecutors sued Spitzer in 2018 over the Orange County District Attorney’s office’s use of an illegal confidential informant program that violated inmates rights
by having informants threaten other inmates with violence to extract information in interrogations. The lawsuit alleges that Spitzer continued the program upon taking over as District Attorney in 2019.

**Spitzer Allegedly ‘Committed Serious Crimes’ as DA And Protected Corrupt Officers and Prosecutors**

**Spitzer Allegedly Solicited Bribes And Engaged In Criminal Pay-To-Play, Then Fired Whistleblower**

**Fired OC DA Investigator Alleged He Was Terminated for Discovering Spitzer “Had Committed Serious Crimes.”** In March 2021, former Orange County District Attorney’s investigator Damon Tucker filed a claim alleging “was terminated for discovering that District Attorney Todd Spitzer was soliciting bribes and involved in other criminal conduct.” Tucker’s complaint said, “Spitzer had committed serious crimes, including money laundering, terrorist threats, extortion and solicitation of bribes.” [The Orange County Register, 3/5/21]

- **On Assignment, Tucker Found A ‘Previous Report Was Inaccurate In Concluding Spitzer Was Blameless.’** The Orange County Register reported:

  According to the claim, problems began in 2016 with the assignment of investigator Tom Conklin to look into the dealings of then-District Attorney Tony Rackauckas’ political rival, Spitzer. Conklin later authored an 11-page report, obtained by the Orange County Register, which said he could find no wrongdoing by Spitzer.

  Tucker, in his claim, said he was then assigned the task — including an investigation into whether Conklin leaked information to the Register — and found that the previous report was inaccurate in concluding Spitzer was blameless.

  [The Orange County Register, 3/5/21]

**OC Register: “Fired DA Investigator Accuses OC District Attorney Todd Spitzer of ‘Pay for Play’ Practices.”** In March 2021, according to the Orange County Register, former Orange County District Attorney’s investigator Damon Tucker filed a claim alleging he “was terminated for discovering that District Attorney Todd Spitzer was soliciting bribes and involved in other criminal conduct.” Tucker’s claim alleges Spitzer, upon election to the District Attorney’s office, instructed Tucker to obtain confidential information for a wealthy campaign donor. The Orange County Register, in an article entitled, “Fired DA investigator accuses OC District Attorney Todd Spitzer of ‘pay for play’ practices” reported:

  After Spitzer won election in November 2018, the investigation was taken away from Tucker, who was told to instead assist a wealthy donor in obtaining the confidential criminal history of an opponent in a lawsuit, the claim said. Tucker refused, saying he would not provide access or preferential treatment to donors in a ‘pay to play’ atmosphere. Tucker’s claim added that defense attorneys who donated to Spitzer’s campaign were getting favorable dispositions in court. ‘It became apparent to claimant that Spitzer, with the assistance of Walters, was monetizing and corrupting the OCDA’s office,’ the claim states.

  [The Orange County Register, 3/5/21]
Tucker Claimed He Found That Previous Investigators ‘Missed Bank Records That Showed Spitzer Potentially Laundered Money.’ In March 2021, The Orange County Register reported:

According to the claim, problems began in 2016 with the assignment of investigator Tom Conklin to look into the dealings of then-District Attorney Tony Rackauckas’ political rival, Spitzer. Conklin later authored an 11-page report, obtained by the Orange County Register, which said he could find no wrongdoing by Spitzer.

Tucker, in his claim, said he was then assigned the task — including an investigation into whether Conklin leaked information to the Register — and found that the previous report was inaccurate in concluding Spitzer was blameless. For instance, Conklin missed bank records that showed Spitzer potentially laundered money, the claim said.

[The Orange County Register, 3/5/21]

Tucker Sued Spitzer for Violation of the California Whistleblower Protection Act. In May 2021, Damon Tucker sued Spitzer for terminating Tucker’s employment in violation of the California Whistleblower Protection Act. [Orange County Superior Court, Case #2021-01200119, 5/5/21]

Tucker Alleged He Was Asked to Verify Leaked Investigation Report, And Found Evidence Spitzer Committed Crimes Including Money Laundering and Extortion. In his complaint, Tucker alleged that, after OCDA Investigator Thomas Conklin leaked a private investigative report into Spitzer to the media, Tucker was asked to verify Conklin’s exoneration of Spitzer, but discovered Conklin had missed evidence that Spitzer had committed serious crimes. Tucker alleged Conklin “missed a logical lead where bank records existed that potentially bore evidence involving SPITZER laundering money,” and that Conklin misleadingly exonerated Spitzer “despite overwhelming evidence SPITZER had committed serious crimes including money laundering (186.10 CPC), terrorist threats (422 CPC), extortion (518 CPC), and solicitation of bribes by a public official."
[Orange County Superior Court, Case #2021-01200119, 5/5/21]

Tucker Alleged Spitzer Colluded to ‘Bury’ Tucker’s Investigation Into Him. In his complaint, Tucker alleged that, upon Spitzer’s election to the District Attorney’s position, Spitzer colluded to “‘bury’ any investigations about him and/or Conklin to avoid any embarrassment or criminal implications.” Tucker alleged OCDA Bureau of Investigation Chief Walters directed Tucker to redact mentions of Spitzer in connection to “political corruption and suspected criminal conduct” from the Conklin investigation, and then later reassigned the investigation, claiming it was for Tucker’s “protection” when Spitzer took office. The investigator who was reassigned the investigation confirmed that Walters “ordered him to follow up on Conklin’s misconduct and not to pursue any of SPITZER’s criminal allegations.” That investigator’s account was:

corroborated by several other officials who indicated the 11-page report leak may have been orchestrated by Conklin in order to help SPITZER get elected and covered up by SPITZER’s team after he had been elected.

[Orange County Superior Court, Case #2021-01200119, 5/5/21]

Tucker Was Asked to Investigate a Plaintiff in a Case Against a ‘Wealthy’ Spitzer Donor, and Noticed Other Spitzer Donors Were Getting Preferential Dispositions. Tucker’s complaint alleged he was ordered to assist with a fraud investigation into a plaintiff in a pending civil suit against a “wealthy [Spitzer] political donor” and her company. Tucker reportedly told Walter he
would not give Spitzer donors preferential treatment. In the process of identifying the initial Spitzer donor, Tucker "also became aware [...] that several defense attorneys who donated to SPITZER political campaigns appeared to be receiving preferential treatment in the disposition of their cases once SPITZER came into office," in what Tucker referred to as a "pay to play scheme." [Orange County Superior Court, Case #2021-01200119, 5/5/21]

- **Tucker Claimed Retaliation After He Attempted to Preserve Evidence of Spitzer's Wrongdoing.** Tucker's complaint alleged he was investigated by Human Resources and subsequently terminated after he attempted to preserve evidence of Spitzer's wrongdoing. According to the complaint:

  Concerned the Conklin/SPITZER criminal investigation has been covered up by his superiors for political and personal gain reasons, Plaintiff [Tucker] made efforts to preserve the evidence. [...] Plaintiff believed he had an ethical duty to preserve this evidence before it was purged so that an outside agency could use it in its investigation. The OPD [Orange Police Department] confirmed records existed indicating a woman had made complaints about SPITZER. Upon receipt of this information, Plaintiff did not make a document request or make any orders.

  Subsequently, Tucker was notified by OCDA Human Resources that a personnel investigation was being opened against him "for making inquiries about SPITZER with the OPD." Tucker claimed he was "interrogated" about what evidence he had to incriminate Spitzer and where it was located. Tucker was subsequently put on administrative leave and then terminated. [Orange County Superior Court, Case #2021-01200119, 5/5/21]

**Spitzer Has Been Accused of Protecting Police With Histories of Misconduct**

**2021: Scott Sanders Accused Spitzer of Failing ‘To Add Sheriff’s Deputies And Investigators Who Lied In Police Reports To A List That Keeps Track Of Law Enforcement Officers With Histories Of Misconduct.’** In March 2021, according to the Los Angeles Times, Assistant Public Defender Scott Sanders said that Spitzer “failed to add sheriff’s deputies and investigators who lied in police reports to a list that keeps track of law enforcement officers with histories of misconduct” on multiple occasions. Reportedly:

  Sanders says in the motion filed last week that the District Attorney’s office hasn’t honored its Brady notification list, which is a record that District Attorney’s offices are supposed to update with the names of law enforcement personnel who have records of dishonesty, criminality and other issues that could affect their credibility as a witness. The U.S. Supreme Court ruling on Brady vs. Maryland requires that prosecutors notify defense attorneys when one of the officers on the list is a witness in a case. Sanders’ motion delves into an evidence mishandling scandal, where Orange County sheriff’s deputies were found to have booked evidence late or failed to book evidence at all but subsequently lied about it in reports. Sanders claims that Spitzer hasn’t added the names of law enforcement personnel involved in the scandal.

  Reportedly, Sanders claimed that Spitzer would likely “scramble now and probably quickly add hundreds of people to their Brady List — but only because they got caught.” Reportedly, audits found that evidence
had been booked late more than 1,400 times, which is why Sanders “said it isn’t reasonable that only 16 deputies are on the District Attorney’s Brady list.” [Los Angeles Times, 3/19/21]

In Leaked Video, Spitzer Praised Two Prosecutors ‘At A Retirement Party Even Though They Were Part Of An Illegal Jailhouse Snitch Scandal.’ In March 2021, the Los Angeles Times reportedly that video recently surfaced from December 2019 of “Spitzer praising two prosecutors at a retirement party even though they were part of an illegal jailhouse snitch scandal.” The video reportedly cost Spitzer the support of “Paul Wilson, whose wife was killed in the Seal Beach massacre, the deadliest shooting in Orange County history,” because the snitch scandal cost prosecutors the opportunity to pursue the death penalty for the Seal Beach killer. According to the Los Angeles Times, Wilson said of Spitzer, “After years of excruciating pain I thought the county had a savior in Todd Spitzer. It was all a con game.” Investigations into the jailhouse informant scandal first began in 2016. [Los Angeles Times, 3/19/21; 3/16/21; ABA Journal, 4/26/19]

• Voice of OC: ‘DA Spitzer Faces Calls to Resign from Families of Seal Beach Shooting Victims Who Allege False Promises.’ In August 2020, the Voice of OC published an article entitled “DA Spitzer Faces Calls to Resign from Families of Seal Beach Shooting Victims Who Allege False Promises.” The Voice of OC reported:

  Several family members of victims of Orange County’s deadliest mass murder are demanding that District Attorney Todd Spitzer resign, after previously supporting his election, saying newly-released video reveals Spitzer misled voters about cleaning up a corruption scandal that centered on their case. At a rally Wednesday in front of the DA’s office, they called on the county’s top prosecutor to step down. “We want Todd Spitzer to be held accountable. We want Todd Spitzer to resign. He doesn’t deserve that office. He’s a liar and a cheat, and he used me and he betrayed me. And I won’t allow it,” said Paul Wilson, whose wife Christy was killed in the 2011 Seal Beach salon shooting. “Todd Spitzer ran on the corruption in the Orange County Sheriff’s [Department] and the Orange County District Attorney. And then we have him on camera saying, ‘Oh this was so unfair [to the prosecutors],’” said Bethany Webb, whose sister Laura Webb was killed in the shooting and mother Harriet Stretz survived after being shot in the chest. “They cheated on an open and shut case,” she said of the prosecutors in the Seal Beach case, reiterating an appeals court’s findings of misconduct by the DA’s office.

  [Voice of OC, 8/12/20]

Spitzer Named in Four Claims of Sexual Harassment in His Office

Spitzer Allegedly Witnessed Yet Failed To Address Sexual Harassment

Four Claims of Sexual Harassment Have Been Filed by Deputy District Attorneys Against Todd Spitzer and ‘Scary Gary’ Logalbo as of February 2021. In February 2021, a fourth claim victim filed a claim accusing Gary Logalbo of sexual harassment and District Attorney Todd Spitzer of witnessing the misbehavior, failing to address it, and retaliating against the victims. The Orange County Register reported:

  Attorney Matt Murphy, a former prosecutor, is representing the four claimants, all deputy District Attorneys. Murphy spends much of the latest document blasting Spitzer for promoting to management his so-called best
friend — known among veteran female employees as ‘Scary Gary.’ The claim says Spitzer’s tough talk against harassment in the workplace doesn’t apply to those closest to him and alleges he tried to retaliate against one of the four Jane Does who filed claims. The accusations have been met with an ‘angry tone, denials and overt victim blaming’ by Spitzer, said the claim. ‘The reason people were so deeply reticent to complain of this behavior was not fear of Mr. Logalbo, but because they feared, and continue to fear, the well-documented wrath of Todd Spitzer,’ said the document, which like the first three seeks unspecified damages.

[Orange County Register, 2/24/21]

**Fourth Woman To Accuse Logalbo Of Harassment Claimed Spitzer Witnessed The Harassment.**

According to The Orange County Register in February 2021, the fourth woman to accuse Logalbo of sexual harassment also claimed that Spitzer witnessed the harassment. [The Orange County Register, 2/26/21]

**Investigation Found Logalbo Had Decades Long Pattern of Harassment**

**County of Orange Investigation Report Found That LoGalbo's Sexual Misconduct Began “Ten to Fifteen Years” Prior to His Promotion to Head of Court.** According to the County of Orange Investigation Report, the investigation into LoGalbo’s sexual misconduct found that LoGalbo began to engage in sexual misconduct and harassment “ten to fifteen years” prior to being promoted to Head of Court of the North Justice Center. [County of Orange Investigation Report, 4/28/21]

**An Employee at the Orange County District Attorney’s Office Accused LoGalbo of Making Frequent, Inappropriate Sexual Remarks Since 2002.** Witness Sixteen, an assistant district attorney who “has known Gary for a long time” since approximately April 2002, accused LoGalbo of making frequent, inappropriate sexual remarks toward her and others during his time at the Orange County District Attorney’s Office, according to the County of Orange Investigation Report. Although Witness Sixteen said she could not recall specific details regarding LoGalbo’s comments from 10 or 15 years ago, she said LoGalbo’s “mildly inappropriate” comments included “sexual innuendo.” Reportedly, Witness Sixteen said LoGalbo made “a lot of comments” about her feet and clothing, adding that his “foot fetish” is “common knowledge.” [County of Orange Investigation Report, 4/28/21]

- **LoGalbo Reportedly Told Witness Sixteen About a Prior EEO Complaint Filed Against Him “Years Ago” After He Commented on a Woman’s Brooch.** Witness Sixteen claimed that LoGalbo told her about a prior EEO complaint filed against him “years ago” after he commented on a woman’s brooch and “got in trouble,” according to the County of Orange Investigation Report. The incident reportedly involved clerical staff, and according to Witness Sixteen, may have been the reason as to why LoGalbo “got sent someplace.” [County of Orange Investigation Report, 4/28/21]

- **Witness Sixteen Felt That LoGalbo’s Behavior Became More Severe During His Tenure, the “Worst” Incident Involved LoGalbo Snapping Her Photo That He Implied to Be Used for Masturbation.** During LoGalbo’s tenure at the Orange County District Attorney’s Office, Witness Sixteen argued his behavior grew in severity. Reportedly, Witness Sixteen became LoGalbo’s assistant head of court in May 2020 where she worked “directly next door” to LoGalbo’s office. Witness Sixteen claimed that the “worst” incident involving LoGalbo came “right at the end” of his tenure, when he took a photo of her while she was talking on the phone in her office. She reportedly flipped LoGalbo off and asked why he would take her photo. LoGalbo responded: “Oh, well, you’re
the one that’s ruining it by flipping me off because that was for my spank bank.” According to the report,

Witness Sixteen understood the “spank bank” comment to mean that LoGalbo “has a picture that he’s going to use to masturbate to of me later on.” He had not used this term with her prior to this incident. She did not know if she had heard indirectly that he had used the term before, but she could not recall it if she had.

LoGalbo denied taking a photo of Witness Sixteen and claimed he was “just kidding.” [County of Orange Investigation Report, 4/28/21]

After Witness Sixteen Encouraged LoGalbo to Improve His Behavior, He Said He “Would Just Retire If He Got Into Trouble” in 2020. According to the County of Orange Investigation Report, LoGalbo reportedly told Witness Sixteen that he “would just retire if he got into trouble” after she urged him to improve his behavior in 2020. Witness Sixteen claimed to have had “several conversations” with LoGalbo about his lewd, inappropriate remarks, but he never took her advice. [County of Orange Investigation Report, 4/28/21]

Witness Ten Alleged That LoGalbo Made “Flirty” Comments Toward Her Since 2017, “Joked” About Helping Her Become Pregnant. Witness Ten, who worked under LoGalbo beginning in 2017, claimed that LoGalbo made “flirty” remarks toward her that he frequently brushed off as being a joke, according to the County of Orange Investigation Report. During one incident, Witness Ten said she was breastfeeding her child when LoGalbo told her, “Oh, I wanna try that.” Reportedly, she mentioned wanting to have another child, to which LoGalbo responded, “Oh, I can help you with that.” [County of Orange Investigation Report, 4/28/21]

Report Finds That Witnesses Were Hesitant To Report Logalbo Due To His Relationship With Spitzer

According to a report from April 2021 created by the Orange County Office of Independent Review, witnesses interviewed described a close relationship between Logalbo and Spitzer, often causing them to hesitate about reporting Logalbo’s behavior. One witness interviewed said that Logalbo “was best friends with Todd Spitzer.” One anonymous witness said that it was known that Logalbo and Spitzer were close friends and said, “like I’m not going to go out of my way to make any sort of issues for a person” who had a “relationship to, to my boss, big boss.” One witness described hesitancy in reporting Logalbo’s inappropriate behavior, specifically about Spitzer. The witness said that there was “fear of retaliation and other things” due to Logalbo’s close relationship with Spitzer. Another witness said that she was “reluctant” to report Logalbo because she “felt that” Spitzer would retaliate against her. The report even stated that, “During the course of this investigation, witnesses stated LoGalbo was shown favoritism in the promotional process.” Overall, Spitzer is mentioned in the report on Logalbo 255 times. [Orange County Office of Independent Review, 4/28/21]

Report Finds Spitzer Asked a Supervisor To “Write Up” A Victim After She Reported Sexual Harassment for “Lying”

The Investigator Found That Spitzer Told A Supervisor To Give A Witness Against LoGalbo A Negative Evaluation For An Email She Sent About LoGalbo And Spitzer. According to the County of Orange Investigation Report, the Investigator found Spitzer to be “not credible” when he denied telling
Witness Twenty, an Assistant District Attorney who supervised Witness Nine, that he “needed to write up Witness Nine” in her upcoming employee evaluation for being “untruthful” in a Jan. 15, 2021 email she sent to Witness Twenty and the Investigator regarding the LoGalbo investigation. Witness Nine’s email reportedly detailed “her concerns related to the investigation of LoGalbo, and potential retaliation against her.” Reportedly, in interviews with the Investigator, Witnesses Twenty And Twenty-One both referred to this incident, and the Investigator ultimately “resolve[d] the conflict [between their reports’ and Spitzer’s] in favor of Witness Twenty and Witness Twenty-one’s accounts.” Witness Twenty reportedly claimed that after Spitzer told him that the evaluation request “had to be handled” and that Witness Nine’s behavior “was not acceptable,” he told Spitzer that “he could not write Witness Nine up based on the instruction from human resources [to not retaliate against Witness Nine.]” Following this push-back, Spitzer “told him either he needed to think about it or they needed to discuss it further.” While Spitzer denied this characterization of the conversation, saying, “I think I just wanted to know how [Witness Nine] was doing after all this,” the Investigator did not find this denial credible. Both Spitzer and Witness Twenty recalled that they had a conversation in a small room at the West Justice Center on January 29 and that Witness Twenty-Four, a Public Information Officer in the Orange County District Attorney’s Office, was also present. Witness Twenty claimed that the conversation took place behind closed doors and that Spitzer’s security detail remained outside of the room during the conversation. [County of Orange Investigation Report, 4/28/21]

- **Witness Twenty-One Reported That Spitzer Complained About Witness Nine’s Email Reporting Sexual Harassment Multiple Times Before He Asked Witness Twenty To Add The Negative Write Up.** According to the County of Orange Investigation Report, on January 15, Witness Twenty forwarded Witness Nine’s email to Witness Twenty-One, who immediately replied, assuring Witness Twenty that “they would not retaliate against Witness Twenty and would only give Witness Nine support.” On January 21, Witnesses Twenty-One and Twenty-Three reportedly learned from an attorney for Witness Nine that Witness Nine was Jane Doe #1 in the government claim against LoGalbo. Witness Twenty-One immediately sent this information to Spitzer. The next day, Spitzer “criticized Witness Twenty-three and Twenty-one for reaching out to him so late at night in a text and then told them that Witness Nine, now identified as Jane Doe #1 had lied and was untruthful in her email reporting sexual harassment.” He reportedly repeated these claims about Witness Nine on January 26, three days before the meeting with Witness Twenty. [County of Orange Investigation Report, 4/28/21]

- **Witness Nine Mentioned Fearing Retaliation From Spitzer Because Of His Closeness To LoGalbo Multiple Times In Her Email To The Investigator.** According to the County of Orange Investigation Report, Witness Nine became “distraught” when the Investigator reached out to ask her to take part in an interview and replied with an email on Jan. 15, 2021 explaining “her concerns related to the investigation of LoGalbo, and potential retaliation against her.” Key passages include:

  As I’m sure you can imagine, any sexual harassment in the workplace is an awful thing to endure. When it comes from a manager, who literally has the power to fire, or prevent me from being hired full time for the position I have worked my entire life to achieve, it is exponentially worse. The man visiting this harassment upon us is not only a friend of the elected District Attorney, but was actually the ‘Best Man’ at his wedding. Imagine how stressed the female prosecutors in this office must be. […] You must be aware that many of the people you are sending that e-mail to were also recipients of the same unwanted behavior from the subject of your investigation. This man
was not fired, nor was he forced to resign. According to the District Attorney, he simply 'elected to retire.' Is there not an inherent incentive in your 'independent review' to find that witnesses to this behavior are being dishonest? Is it not far better for the financial interests of the County, and the political interests of Mr. Spitzer, to clear this manager of wrongdoing? Your e-mail visits even more fear upon the people you should be seeking to support. […] It is also important to remember that despite his abhorrent behavior, this manager still has many close friends, including, as I mentioned above, the District Attorney himself. Please be aware, that as new prosecutors, we are also on probation for three full years. This means we cooperate with your investigation at our own risk and without the benefit of civil service protection. Make no mistake, we will live under the specter of guileful retaliation for years to come. Frankly, the use of my name also makes me wonder if I am perhaps being investigated for some sort of wrong-doing.

In her reply to Witness Nine, the Investigator withdrew her request for an interview and wrote, “I am very sorry my email and the confidential investigation caused you to feel distraught and fearful of retaliation. Your request not to be interviewed again is reasonable and is not viewed by me to be uncooperative.” [County of Orange Investigation Report, 4/28/21]

**Report Found Spitzer Didn’t “Retaliate” Because the Supervisor Declined to Write Up the Victim**

**Orange County Prosecutors ‘Battled Against Their Own Boss’ by Refusing to Retaliate Against One of LoGalbo’s Sexual Harassment Victims.** The Voice of OC reported in May 2021 that Orange County prosecutors “battled against their own boss” by refusing Spitzer’s requests that they retaliate against Jane Doe 1, or Witness Nine, who became “the first of several DA employees” to file a formal harassment complaint against LoGalbo. Reportedly, Spitzer “went on the attack” after discovering Jane Doe 1 filed the harassment claim, and he asked the victim’s supervisor to “write up” in her personnel evaluation that she lied about the sexual harassment. Both the victim’s supervisor and his colleague refused to retaliate against Jane Doe 1 and “immediately reported” Spitzer’s request to Human Resources. Spitzer backed off once the supervisor’s colleague directly pressed him on the issue, and ultimately “approved the victim’s positive performance evaluation.” Reportedly, Spitzer later told the Voice of OC that he was not retaliating against Jane Doe 1, nor that the conversation with the supervisor had anything to do with LoGalbo. Rather, he argued that the “untruthfulness allegations” he raised about Jane Doe 1 were about the extension of her probation period. [Voice of OC, 5/10/21]

**The Investigator Found That Spitzer Did Not Technically Retaliate Because The Supervisor Declined To Follow His Instructions.** While the Investigator found that Witness Twenty’s claim that Spitzer, she did not find that these actions constituted violations of the County’s Equal Employment Opportunity Policies against retaliation because:

> When Spitzer left the meeting with Witness Twenty, he did not order Witness Twenty to prepare the evaluation with the reference to Witness Nine’s alleged untruthfulness. Instead, he indicated that they would continue the discussion. On February 8, 2021, Spitzer approved the positive evaluation as written by Witness Twenty. Witness Nine passed probation and is now a permanent employee. Thus, based on a preponderance of evidence the allegation against Spitzer for retaliation against Witness Nine is unsubstantiated.
Witness Twenty Immediately Reported The Conversation With Spitzer to Witness Twenty-One, Who Advised Him Not To Include The Negative Write-Up In His Evaluation Of Witness Nine.

According to the County of Orange Investigation Report, Witness Twenty-One, a Senior Assistant District Attorney who supervised Witness Twenty, consistently spoke with Witness Twenty about Witness Nine and Spitzer’s request for a negative evaluation and ultimately “instructed Witness Twenty not to write up Witness Nine for untruthfulness in her review.” Reportedly:

On January 29th, Witness Twenty called [Witness Twenty-One] and was very upset because Spitzer told him Witness Nine needed to be written up in her review because she lied in an email. Witness Twenty told Witness Twenty-one that Witness Twenty-four was in the meeting in the library. Witness Twenty-one instructed Witness Twenty not to write up Witness Nine for untruthfulness in her review. On January 30th, Witness Twenty-one reported her conversation with Witness Twenty about Witness Nine to Pettit, and to the County EEO office on February 1.

On February 5, Witness Twenty sent Witness Twenty-One his evaluation of Witness Nine, which found that she “exceeded expectations” and did not include any information about the email. Witness Twenty-One sent to the evaluation to Spitzer with a post-it note attached, reading, “Todd, [Witness Twenty] told me about your conversation with him and that you wanted [Witness Nine] to be written up in her evaluation. [Witness Twenty] and I both disagree with that. Please get back to me.” [County of Orange Investigation Report, 4/28/21]

Witness Twenty-Four Denied Remembering The Conversation Where Spitzer Allegedly Pressured Witness Twenty to Write Up The Victim, But The Investigator Deemed Her Interview ‘Markedly Inconsistent And Evasive.’ According to the County of Orange Investigation Report, while Witness Twenty-Four claimed to not recall the January 29 conversation between Spitzer and Witness Twenty, the Investigator found her claims to be “not credible,” “not plausible,” and “markedly inconsistent and evasive.” Reportedly, Witness Twenty-Four did not “recall having any conversations that involved Mr. [Witness Twenty] about [Witness Nine].” Following this:

Witness Twenty-four was asked: ‘Do you recall being present in court when he was there and then subsequently you and Mr. Spitzer when back to talk to Mr. [Witness Twenty] privately after that court appearance?’ Witness Twenty-four stated: ‘Well I don’t, I mean, like I said, it’s just hard for…I, I’m not, I’m not trying to be evasive at all I just really um…I know that we went back upstairs, it was Todd and I in a conference room in West Court um…we were talking about the, the Epps case um…I, I think something …about Gary but it wasn’t, but it wasn’t, it didn’t have to do with anybody’s evaluation or, or anything like that. Um…and [Witness Twenty] may have made an off-handed comment to me saying, ‘Hey, um…you know, isn’t this a pain in the ass’ or something like that, like just dealing with all of this fallout of this. So, but I don’t really, I honestly don’t recall, I, I would have to think about it and get back to you.’

Witness Twenty-four was asked again, in the same interview, about any recollection of Spitzer stepping into a room with Witness Twenty, and having a conversation with Witness Twenty, when she was also present in the room and Spitzer’s security detail stayed outside. Witness Twenty-four stated: ‘Yes, yeah.’ Witness Twenty-four stated: ‘….so it, it’s, it’s likely that they had
a conversation that since I was an active participant I wouldn’t, I’d probably be on my phone dealing with reporters or other things where I wouldn’t be actively listening to what they were saying.’

Regarding Witness Twenty-Four’s claim that she did not hear their conversation or would not have been actively listening, the Investigator deemed that her “account is not plausible given the small size of the room.” Further, regarding Witness Twenty-Four’s lack of memory, the Investigator found this similarly implausible “the short time between the date of the incident and the date of her interview” and her background as a professional reporter who would be trained to accurately recall events.

[County of Orange Investigation Report, 4/28/21]

**Spitzer Promoted Attorneys Despite Alleged Awareness Of Their Harassment Behavior**

Claimant Says Spitzer Was Advised Against Promoting Logalbo And Against Hiring The Attorney Who Harassed Teenaged Intern, But Spitzer Proceeded Anyway. Matt Murphy, representing the women alleging Spitzer enabled sexual harassment in the District Attorney’s office, claims that senior staff had advised Spitzer against promoting Gary Logalbo and against hiring the attorney who allegedly harassed a 16-year-old intern, but Spitzer proceeded with both actions despite warnings. City News Service reported:

According to the women, Logalbo was nicknamed ‘Scary Gary’ because of alleged ‘pervasive sexual harassment they had experienced, which had begun over 20 years ago,’’ Murphy said. He said they are barred from pursuing claims because the allegations date back too far. […] Murphy claimed ‘senior assistants’ had advised Spitzer against promoting Logalbo, who was best man at the D.A.’s wedding, because managers in the office ‘had known about this behavior for years.’” The attorney accused of harassing a teenaged intern, a campaign donor and volunteer, was hired by Spitzer over the objections of senior assistants, who advised against the hire before a background check was complete. CNS reported: Spitzer was again advised not to keep the attorney on the payroll after more of his background check was done, but Spitzer “personally intervened on this man's behalf and re-tasked the Investigative Bureau with a more thorough investigation,’’ Murphy said, adding that Assistant District Attorney Shawn Nelson”explained that they wished to ‘pass him through.’ […] A more detailed background check later showed the attorney failed to list two previous jobs on his resume, Murphy said. ‘Investigators reported that they were told this individual had been fired from one job for dishonesty, and from the other for using racial slurs in the workplace,’ Murphy said. The attorney denied he had ‘lied or ever used racial epithets’ but did acknowledge he had been fired from the jobs and that he left the positions off of his application, Murphy said. The attorney was let go six months after the complaint of harassment was filed, he said.

[City News Service, 2/24/21]

**Managers Allegedly Told Spitzer About Harassment Before He Promoted Logalbo.** According to Patch in February 2021, Attorney Matt Murphy, who represents the four women alleging harassment, claimed that
‘senior assistants’ had advised Spitzer against promoting Logalbo […] because managers in the office ‘had known about [sexual harassment] behavior for years.’

Spitzer promoted Logalbo despite the accusations. [Patch, 2/24/21]

**Accused Sexual Harasser Gary Logalbo Was The Best Man in Spitzer’s Wedding.** Former Senior Assistant District Attorney Gary Logalbo, who has been accused by four Orange County Deputy District Attorneys of sexual harassment, is DA Todd Spitzer’s “former roommate and best man at his wedding decades ago.” According to the Orange County Register in February 2021, “Spitzer has acknowledged his personal relationship with Logalbo, but denies he is his ‘best friend.’” [Orange County Register, 2/24/21]

**Fourth Sexual Harassment Claim Claimed Spitzer Witnessed The Misbehavior But Promoted Logalbo.** The fourth sexual harassment claim filed by deputy District Attorneys in the Orange County District Attorney’s office claimed DA Todd Spitzer “witnessed the misbehavior but protected and even promoted the offender.” According to the Orange County Register in February 2021:

As far as Logalbo, Jane Doe 4 describes one incident in which she was discussing a child annoyance case with him when he said, ‘Talking about all this sex stuff makes me horny.’ The document alleges that Chief Assistant District Attorney Shawn Nelson and Spitzer witnessed Logalbo’s misconduct but did nothing. Spitzer even raised Logalbo to the highest management post in the office, despite protests from supervisors aware of his antics, the claim said. Before he left, Logalbo was allowed to conduct a promotion interview of one of the claimants, Jane Doe 2. She didn’t get the job.

[Orange County Register, 2/24/21]

**Report Finds No Formal Complaints Were Previously Filed Against LoGalbo, But His Harassment Was No Secret**

The Investigator Found Allegations That ‘The OCDA Failed to Promptly Report Sexual Harassment Allegations’ To Be ‘Unsubstantiated.’ According to the County of Orange Investigation Report, the investigation concluded that “the allegation that the OCDA’s supervisory, management and Human Resource employees failed to promptly respond to or report suspected acts of harassment (hostile work environment and/or quid pro quo) in violation of the Policy is unsubstantiated.” Reportedly, there was a delay of 30-35 days between when Human Resources Officer Matthew Pettit first heard from a departing employee that there may be allegations against LoGalbo and when the office placed LoGalbo on administrative leave. However, during this time, Pettit had already begun conducting interviews with witnesses. The Investigator attributes the delay to:

A number of factors including the inexperience of Pettit with the County process for processing complaints, Nelson’s request that Pettit explore with County EEO the possibility of retraining or counseling for LoGalbo, the holidays, and the fact that during the pandemic many County employees were working from home.

[County of Orange Investigation Report, 4/28/21]
Multiple Witnesses Accused Spitzer’s ‘Second In Command,’ Shawn Nelson, Of Minimizing LoGalbo’s Actions And Trying To Prevent His Firing. In the course of the investigation, the Orange County Investigator spoke with Witnesses Twenty-One and Twenty-Three, who accused Shawn Nelson, described by Witness Twelve as Spitzer’s “second in command,” of trying to convince Pettit to pursue “counseling or additional training for his misconduct” instead of firing him. Reportedly, Nelson would have been in charge of the daily operation of the office, as “Nelson and Spitzer stated that the day-to-day management of the OCDA was delegated by Spitzer to Nelson.” Reportedly:

Witness Twenty-one stated near or at this time, her fellow VI [Witness Twelve] told her that Nelson said ‘Gary just needs some counseling. All he needs is counseling and everything will be fine. Witness Twelve discussed that with Witness Twenty-three and I and we got, and we were very concerned.’ […] Witness Twenty-one stated while LoGalbo was on vacation: ‘Shawn Nelson said in front of me and the other senior assistants several times, ‘Gary doesn’t have any victims. No one really came forward and reported this. So there aren’t any real people that reported it, so it’s a weird situation. It’s not like a normal situation because no one came forward and reported it.’ He also said quote/unquote, ‘People only report it because they’re asked. Everybody likes Gary. No one came forward and reported it.’ […] Witness Twenty-three also recalls comments around this time made by Nelson about LoGalbo. Witness Twenty-three stated: ‘Gary might just need some classes. Also, some comments to the effect of: it was an unusual circumstance because there really weren’t any victims. These were Shawn Nelson’s words.’

Nelson reportedly denied ever having this conversation, and disputed “that he was taking the reports lightly, and said he was urging Pettit to explore all the possible options.” [County of Orange Investigation Report, 4/28/21]

Multiple Employees Recalled Warnings About LoGalbo, But The Investigator Found That The Information Was Too Vague To Conclude That ‘OCDA Supervisors Were Aware Of Suspected Sexual Harassment.’ According to the County of Orange Investigation Report, at least six “witnesses recall[ed] being warned about LoGalbo’s inappropriate comments or warning other employees to hide their shoes or to anticipate inappropriate comments,” but the information that they were able to provide lacked “the specificity required to make a finding based upon a preponderance of evidence that OCDA supervisors were aware of suspected sexual harassment.” Additionally, “there were no prior formal complaints against LoGalbo before November 19, 2020 for Spitzer to be aware of before promoting him into a position of being a supervisor.” [County of Orange Investigation Report, 4/28/21]

The Investigator Did Not Determine Or Attempt To Determine Whether Retaliation ‘Would Have Actually Occurred’ If Earlier Employees Attempted To Report Misconduct. According to the County of Orange Investigation Report, the Investigator wrote, “In making these findings, this Investigator believes it is both speculative and unnecessary to determine whether in fact retaliation by Spitzer or any other person, including LoGalbo would have actually occurred if the witness had reported the misconduct.” [County of Orange Investigation Report, 4/28/21]

Spitzer, Allegedly: “I Didn’t Think He Would Do That at Work”

When Told ‘You Know That’s How [Logalbo] Is’ In January 2021, Spitzer Allegedly Replied, ‘I Didn’t Think He Would Do That At Work.’ Witness Sixteen told the Investigator that she spoke with Spitzer on the phone in January 2021 about the allegations against LoGalbo and said, “you know that’s
how he is," to which she said he replied, “I didn’t think he would do that at work.” While Witness Sixteen
told her supervisor about the call at the time, the Investigator found this evidence to be “inconclusive,” as
“there is no corroborating evidence either direct or indirect to support either person's account” and
Spitzer’s phrase was “vague and ambiguous, and insufficient to establish Spitzer’s knowledge of
LoGalbo’s propensity for sexual harassment.” [County of Orange Investigation Report, 4/28/21]

Spitzer Pulled Strings For A Prosecutor Who Allegedly Harassed a 16-Year-Old Intern

Fourth Claim Of Sexual Harassment In Spitzer’s Office Claims Spitzer ‘Interceded On Behalf Of’ A
Prosecutor Who Harassed A 16-Year-Old Intern. The fourth unnamed claimant accusing District
Attorney Todd Spitzer of enabling sexual harassment in his office alleges she reported to Spitzer after
witnessing an “extra-help prosecutor” harassing a 16-year-old intern, and that Spitzer interceded on the
alleged harasser’s behalf. The Orange County Register reported in February 2021:

The claim mentions another unnamed, extra-help prosecutor — a former
volunteer in Spitzer’s 2018 election campaign — who allegedly harassed a
16-year-old intern. Jane Doe 4 witnessed the harassment and reported it to
management, but Spitzer interceded on behalf of the prosecutor, the claim
says. The alleged harasser was later “released from OCDA employment”
after failing a second background check, Murphy wrote. 'Two men, each
with personal relationships to the District Attorney, acted with impunity when
it came to the pervasive sexual harassment of at least four adult women and
one teenage girl,’ the document said.

[Orange County Register, 2/24/21]

• Logalbo Investigation Report Does Not Address Allegations That Spitzer Campaign Staffer
Harassed an OC DA Intern. As the scope of the County of Orange Investigation Report only
included allegations against LoGalbo and resulting allegations of inaction and retaliation by Spitzer
and the Orange County District Attorney’s Office, the report does not discuss the allegations, made
by Jane Doe #4 in a claim against Spitzer and LoGalbo, that Spitzer “interceded on behalf of” a
prosecutor in his office who harassed an intern in the office. [County of Orange Investigation Report,
4/28/21]

...Yet Spitzer Advocated For Disclosure Of Sexual Misconduct Records To Defend
‘Public Trust’

2017: Spitzer Wrote That All Reports Into Sexual Misconduct Should Be Released Immediately. In
a 2017 published in the Chico Enterprise-Record, Spitzer wrote that “Government officials must be even
more vigilant in the pursuit of impropriety” because “The course of electoral outcomes and most
importantly the public trust is at stake.” He continued, “All investigative reports must be released once
their findings are concluded and due process is followed, and I am calling on the Legislature - both
houses - to do so immediately.” [Chico Enterprise-Record, 11/17/17]

Victims’ Attorney Accused Spitzer Of Interfering With Robicheaux and Riley Rape Case
2021: An Attorney For Victims In Surgeon Rape Case Accused Spitzer of Interfering In Case Despite Court Ruling That His Office Was 'Too Conflicted' To Handle The Case. In January 2021, according to the Orange County Register, attorney Matt Murphy, “who represents several women who have accused Dr. Grant Robicheaux and Cerissa Riley of sexual assault,” accused Spitzer of interfering with the case. Reportedly, Murphy “alleged in court Thursday that DA Todd Spitzer has continued to call officials with the California Attorney General’s Office,” despite the fact that the case was transferred away from Spitzer’s office “after a judge found that the District Attorney’s office was too conflicted to prosecute the couple.” Reportedly:

Murphy also alleged that the DA’s office was interfering with state prosecutors talking to the lead DA investigator on the Robicheaux and Riley case. He cited a letter sent by attorney’s representing the investigator which indicate that she would only be allowed to speak to state prosecutors when her supervisor was present, an arrangement her attorneys indicated was meant to intimidate her and amounted to a gag order.

Reportedly, the prosecution in the Robicheaux and Riley case began under former DA Tony Rackauckas, and upon taking office in 2019, Spitzer “reversed course, citing a lack of evidence and a belief that the couple were swingers whose sexual encounters and drug use was consensual.” However, a judge “declined to dismiss the criminal charges, finding that the alleged victims deserve their day in court.” According to the Orange County Register in August 2020, the judge removed Spitzer’s office from the case. [Orange County Register, 1/7/21; 8/20/20]

Spitzer’s Office Accused of Racist Defamation of Muslim Lawyer

2021: An Orange County Attorney Alleged ‘Racist Defamation’ Against Prosecutor in Spitzer’s Office, Accused Spitzer of Leaking His Name. In March 2021, according to the City News Service, Mohammad Abuershaid “filed a legal claim with the county alleging defamation by former prosecutor Gary Logalbo, who was accused of referring to the Muslim lawyer as a ‘terrorist.’” Reportedly, during a meeting with prosecutors, Logalbo could not remember Abuershaid’s name and said, “You know… the terrorist.” He then reportedly repeated the phrase the next day. In addition to the alleged defamation, Abuershaid’s attorney “accused Spitzer of leaking Abuershaid’s name in an attempt to get a jump on defending the allegations.” [City News Service, 3/15/21]

An Ethics Group Sued Spitzer For Using A Confidential Informant Program To Violate Inmates’ Rights

People for the Ethical Operation of Prosecutors Sued Spitzer and the Orange County Sheriff in 2018 for Use of Confidential Informant Program ‘Designed and Orchestrated' to Violate Inmates’ Rights. According to filings from the Court of Appeal of the State of California in the Fourth Appellate District, the People for the Ethical Operation of Prosecutors filed a civil suit against Orange County District Attorney Todd Spitzer and Orange County Sheriff Don Barnes in August 2018 for their operation of what plaintiffs allege was an illegal confidential informant (CI) program. Plaintiffs claim that Sheriff Barnes recruits confidential informants from the prison population in Orange County and “moves those informants near a criminal defendant to facilitate a surreptitious interrogation.” Reportedly, the informants often use illegal threats of violence to “elicit confessions,” and afterwards, Barnes awarded informants “with money,
jailhouse perks, and ‘consideration,’ such as time off their sentences.” After interrogations are conducted by informants, Spitzer, in his role as the District Attorney, reportedly uses information from these interrogations, despite knowing their illegality, and does not disclose information about the CI program to defendants, in violation of their discovery duties. Plaintiffs allege, ‘The program, at its core, is designed and orchestrated in order to violate inmates’ constitutional rights and to cover up these violations.

According to the Court’s opinion filed in August 2020, the trial court determined that plaintiffs did not have standing to sue. However, the appellate court disagreed and reversed the trial court’s decision, arguing that “the fundamental rights at stake fit comfortably within the doctrines of taxpayer and public interest standing.” [U.S. Court of Appeal of the State of California, Fourth Appellate District, Case #2018-00983799, 8/12/20]
Prosecution and Sentencing Reform

Prosecution and Sentencing Reform Highlights

• In 2018, Spitzer called SB1437, a bill that was deemed a “historic fix” to California’s felony murder rule by the bill’s author, Senator Nancy Skinner, “nonsense.”

• Spitzer protested against Governor Gavin Newsom’s death penalty moratorium in 2019.

• Spitzer advocated in favor of the death penalty for a mass shooter in 2020.

• Spitzer also sought the death penalty for a convicted kidnapper, sexual offender, and murder in 2021, undercutting Los Angeles District Attorney George Gascon’s new prosecution directives, and despite the impacts of reopening the case on victims’ families.

• In 2007, Spitzer advocated for building new death chambers at San Quentin prison.

• Spitzer claimed in 2006 there were no “injustices or inequities” in how the death penalty was carried out in California, and opposed legislation supporting wrongful conviction prevention.

• Spitzer opposed early releases during COVID-19 and bail reform policies like $0 bail, calling them “social justice experiments.” Spitzer claimed $0 bail “puts dangerous criminals back on our streets” and “endangers the safety of our communities.”

• Spitzer criticized legislation that would divert first-time misdemeanor offenders in 2020.

• Spitzer asked the U.S. Department of Justice to end its 2019 civil rights investigation into Orange County’s improper use of jailhouse informants.

• Spitzer called programs that would divert mentally ill individuals charged with a crime to mental health programs rather than prison a “get-out-of-jail-free card” in 2018.

• In 2013, Spitzer claimed Orange County “could save money” on public defenders by “making sure defendants who ask for a public defender actually need one.”

• Spitzer opposed 2007 efforts to create a sentencing commission that would set prison terms.

• In 2005, Spitzer opposed bills that would grant inmates rights.

• During May 2020 racial justice protests, Spitzer’s office focused on condemning looting.

• In 2017, Spitzer prosecuted a counter-protester at a “Make America Great Again” rally.

• A federal court ruled the OCDA’s office violated the constitutional rights of suspected gang members in 2009, during Spitzer’s Deputy District Attorney tenure, by enforcing gang injunctions without allowing individuals to challenge their inclusion in court.
Spitzer Opposed Changes To A Historically Flawed Felony Murder Law

2018: Spitzer Called A ‘Historic Fix’ To California's Felony Murder Rule ‘Nonsense.’ In September 2018, Spitzer shared an article about SB1437, Senator Nancy Skinner’s bill narrowing the definition of felony murder, writing on his campaign Facebook page:

We need real leaders as our elected District Attorneys in order to stop this nonsense repeatedly coming from our Legislature in Sacramento. As a former State Assemblyman, I know how to organize to stop this nonsense, just like I stopped the early release of prisoners while I was there.” [sic]

Please, support me for DA for Orange County so I can turn the tide against these measures.

Spitzer shared an article on SB1437 called the “no consequences for crime” bill. However, according to a press release on Senator Skinner’s website, SB1437, signed by the governor, was a “historic fix” to California’s murder statute. Under the bill, “individuals are charged appropriately for the crime they actually commit” and are not given a life stance if they “didn't kill or have a direct role in a murder.”

Spitzer Sought The Death Penalty Regardless Of The Potential Impacts On Victims’ Families

[Facebook @ToddSpitzerforOC, 9/14/18; Association of Deputy District Attorneys, Accessed 3/23/21; Senator Nancy Skinner, 9/30/18]
Spitzer Filed ‘Special Circumstances Murder Charge’ To Undercut Los Angeles District Attorney George Gascon’s New Prosecution Directives. Spitzer announced in a February 2021 press release that he “filed special circumstance murder charges” against a Kenneth Rasmuson, who was charged “kidnapping a 6-year-old boy from his Anaheim Hills neighborhood, sexually assaulting him and then killing him in 1981.” Reportedly, the Los Angeles District Attorney’s Office prosecuted the initial case against Rasmuson but “newly implemented directives by Los Angeles District Attorney George Gascon have forced Los Angeles prosecutors to move to dismiss the special circumstances and enhancements in the multiple murder prosecution.” These enhancements would have reportedly made Rasmuson eligible for the death penalty. Spitzer reportedly said, “If George Gascon refuses to follow the law in prosecuting a pedophile murderer, I will.” According to ABC7 News, Spitzer also suggested that Gascón’s policies would possible make Rasmuson eligible for parole at some point in the future. However, Gascón reportedly said:

The defendant was always facing life in prison, making the rhetoric from tough-on-crime voices incredibly dangerous and entirely removed from reality. Splitting this case up or seeking the death penalty in a state with a moratorium would have dragged the victims through decades of legal proceedings for an execution that is exceedingly unlikely to be imposed. Spending exorbitant amounts on a death penalty prosecution that is ultimately just for show would force the families of these victims to relive their trauma through decades of litigation. That’s not in the interests of the victims, nor is it in the interests of the public.

[Office of the District Attorney, Orange County via Web Archive, 2/16/21; ABC7 News, 2/23/21]

Spitzer Has Repeatedly Opposed Bail Reforms

Spitzer Denounced $0 Bail Policies As ‘Social Justice Experiments’

In a May 2020 op-ed in the Orange County Register, Spitzer wrote that “Now is not the time for social justice experiments like $0 bail.” Spitzer continued:

We didn’t need an experiment to tell us what we already knew: when you let criminals out of jail, they will commit more crimes. You also didn’t need to tell us certain crimes would go down when burglars know people are sheltering at home and can watch over their property or pick up Amazon packages off their porch before thieves can steal it.

[Spitzer Op-Ed, Orange County Register, 5/16/20]

Spitzer Claimed He Was Not ‘Fearmongering’ When Opposing Reducing Inmate Populations Amidst COVID-19

In December 2020, Spitzer shared a press release on his office’s Facebook page:

A judge’s ruling to reduce the inmate population in the Orange County jail system by half will release dangerous and violent criminals back into our neighborhoods to commit more crimes and victimize more people. This is not fearmongering; it is a fact. The jail population, through the
implementation of $0 bail and early release by the Sheriff, has been reduced by more than 33% since the beginning of the COVID-19 pandemic. The District Attorney's Office has been keeping statistics in order to understand the impact of these court orders. Orange County inmates released early before serving their full sentence or on $0 bail went out and committed new crimes at rates at nearly triple normal recidivism rates: 44% for early release inmates and 38% for $0 bail defendants. A sample of their crimes: auto theft, burglary, robbery, assault, weapons, theft and narcotics. Nothing, not even a pandemic, suspends the rule of law. The solution is simple: don’t break the law and you won’t end up in jail.

OC Superior Court Ruled COVID-19 Risk for ‘Medically Vulnerable’ Populations Constituted Constitutional Violation. In the December 2020 Order on Write of Habeas Corpus issued by the
Orange County Superior Court, the court argued the continued imprisonment of “Medically-Vulnerable classes” during the COVID-19 pandemic constituted a violation of the inmates’ Eighth Amendment rights. The court referred to *In Re Von Staich*, which found:

Prison officials may not be “deliberately indifferent to the exposure of inmates to a serious communicable disease […], and the placement of inmates in places to which infectious diseases could easily spread constitutes a constitutional violation.

The court continued:

Precisely because Respondent [Orange County Sheriff Don Barnes] cannot be expected to achieve measures that eliminate the risk of COVID-19 entering the jail, reasonable measures must be taken to ensure that if the virus enters, it is an isolated of otherwise manageable transmission, and not one able to run rampant through a significant portion of the jail.

[Superior Court of California, County of Orange, Case #30-2020-1141117, 12/11/20]

**Spitzer Argued $0 Bail Put ‘Dangerous Criminals Back on Our Streets’**

**Spitzer Continued To Criticize Cash-Free Bail Proposals As of December 2020.** In February 2021, City News Service reported that Spitzer criticized George Gascón’s reforms even as he was himself espousing his office’s reforms. Reportedly, in December 2020, he “criticized the zero-bail proposal, though he acknowledged there needs to be some reform of the bail process.” [City News Service, 2/10/21]

**Spitzer Said $0 Bail Order ‘Puts Dangerous Criminals Back on Our Streets, Endangers the Safety of our Communities’ in April 2020.** In April 2020, according to a press release from the Orange County District Attorney’s office, Spitzer wrote a statement on the “Judicial Council’s adoption of zero bail” due to the coronavirus. Reportedly, he wrote that the order “puts criminals back on our streets and endangers the safety of our communities.” One of Spitzer’s complaints was reportedly that the “order takes into account only to the current criminal offense, allowing convicted felons to argue for immediate release from custody despite their prior criminal history.” He also noted that the Orange County Superior Court “agreed with the vast majority of the objections my office has made to release these people from custody.” [Office of the District Attorney, Orange County via Web Archive, 4/12/20]

**Spitzer Advocated Against Lowering Bail For Low-Risk Defendants**

**2018: Spitzer Called SB10, Bill Giving Judges More Discretion to Deem Defendants ‘Low-Risk’ Or Grant Lower Bail, ‘Reckless.’** In 2018, Spitzer posted on his supervisor’s Facebook page:

> Sacramento is once again placing criminals before victims with SB 10, a law that gives judges more discretion to raise or lower bail for violent felons based on whether they are determined to be “low-risk” defendants. Thanks to SB 10, we’ll see more defendants out on the streets while they wait for trial, risking the safety of our communities.

[Facebook @SupervisorToddSpitzer, 9/25/18]

**Spitzer Claimed Early Release Programs Allowed Criminals To Hurt People And Increased Recidivism**
Spitzer Wrote An Editorial In 2008 Arguing Against The Early Release Of Inmates. In a 2008 editorial for The Sacramento Bee, Spitzer criticized Governor Arnold Schwarzenegger’s proposals for the early release of 22,159 “nonviolent, nonserious, non-sex offenders” and the reduction of the parole population by 18,522 to reduce prison overcrowding and address fiscal crisis. Spitzer called the governor’s proposal a “startling reversal” from earlier cooperation on Assembly Bill 900, which “gave the Department of Corrections $7.7 billion to construct 53,000 new prison beds to reduce overcrowding.” Spitzer argued California had to improve rehabilitation programs instead of implementing early release, claiming “the last year and a half of a prisoner’s sentence is the most important time to prepare them for life on the outside” and without this time under rehabilitation programs, more parolees would commit crimes, hurt people and return to prison. Instead, Spitzer claimed under Governor Schwarzenegger’s plan, “[s]talkers, gang members, drug dealers, drunken drivers and weapons traffickers” would be eligible for early release. Spitzer pointed out “crimes such as auto theft, identity theft and selling drugs near a school are not defined as ‘serious’ or ‘violent,’” and asked “[a]re these the kind of people we want back in our neighborhoods?” [The Sacramento Bee, 3/11/08]

Spitzer Claimed The Early Release Of Non-Violent Offenders In The Final 20 Months Of Their Terms Would Worsen Recidivism And Forfeit The Rehabilitation Principles Of AB 900. The Sacramento Bee reported in December 2007 that Spitzer opposed the release of “non-violent, non-serious, non-sex offenders in the final 20 months of their terms” as it would undermine the principles of AB 900, a $7.9 billion measure enacted to add 53,000 prison and jail beds and “more fully establish rehabilitation as the philosophical underpinning of California’s correctional system”; Spitzer claimed that by “letting people out 20 months early, which is supposed to be when they get their re-entry skills, they’re not going to get them at all, so recidivism is going to get worse.” [The Sacramento Bee, 12/21/07]

Spitzer Said Orange County Should ‘Save Money’ On Public Defenders by Means Testing

Spitzer: Orange County ‘Could Save Money’ By ‘Making Sure Defendants Who Ask For A Public Defender Actually Need One.’ According to City News Service in June 2013, while discussing the Orange County Board of Supervisors’ budget, Spitzer said “Public safety is a number one priority” and said that he didn’t “see any significant cuts to law enforcement” in the budget. Reportedly,

One area where the county could save money is making sure defendants who ask for a public defender actually need one, Spitzer said. ‘There are some people who jerk around the system’ Spitzer said. ‘And they’re lying to a judge about the fact they can’t afford a lawyer.’ Spitzer wants the county to require financial declarations that force defendants to prove they have a hardship. ‘I think if we had financial disclosures and they had to put down their assets and verify those assets ... we can save $3 million, conservatively,’ Spitzer said.

[City News Service, 6/11/13]

Spitzer Criticized Reforms Seeking to Reduce Mass Incarceration

Spitzer Opposed A Sentencing Commission That Could Amend Prison Terms
Spitzer Criticized SB110, A Bill That Would Create A Sentencing Commission With The Power To Set Prison Terms. According to The Sacramento Bee in March 2007, then-Assemblyman Spitzer criticized SB110, a bill that would establish a sentencing commission, with a panel that would have the power to set prison terms, which could be amended only by a two-thirds vote of the legislature. Spitzer reportedly said, there was not “one Republican, and I would be surprised if there were many Democrats who are not soft on crime” who would vote for SB110. The bill was written by state Senate President Pro Temp Don Perata of Oakland and Senate Majority Leader Gloria Romero of Los Angeles, and would create a 20-member commission including the “the chief justice of the state Supreme Court, the attorney general, the corrections secretary and an assortment of judges, a prosecutor, a public defender, an inmate rights lawyer and others selected by the Legislature and the governor.” Senator Romero pointed out that 17 other states and the federal government already had a sentencing commission, and the commission’s aim would be to review sentences, stating:

Some may have to be increased. Some may be decreased. Some may be modified. The sentencing commission isn’t about length of term. It’s about the right term, the right time for the right crime, based on risk assessment.

Senator Romero also stated the aim of the bill was to create a commission that had “teeth,” as opposed to just advisory powers. [The Sacramento Bee, 3/15/07]

Spitzer Argued Against Diversion Programs For First-Time Misdemeanor Offenders

2020: Spitzer Criticized AB3234, A Bill Offering Diversion To For First-Time Misdemeanor Offenders. In an October 2020 column in the Daily Journal, Spitzer wrote that Assembly Bill 3234, which allows judges to offer diversion to first-time misdemeanor offenders over the objection of a prosecutor, was “literally allowing people to get away with murder.” Spitzer wrote,

Once diversion is completed, it’s as if the crime never happened - and those prior convictions wash out, despite the fact that state law allows prior DUIs to be pled and proven for up to 10 years. They can’t be used as a prior - and the families whose lives are shattered by an impaired driver will not get the justice they deserve. AB 3234 does not impose a limit on how many times someone can be given diversion. How many times are we going to give someone a break before they kill someone? And now if they do, we won’t be able to prosecute them as more serious crimes.

[Spitzer op-ed, Daily Journal, 10/21/20]

Spitzer Called Mental Health Diversion Programs A ‘Get-Out-Of-Jail-Free Card’

2018: Spitzer Called AB1810, A Bill Diverting Mentally Ill Individuals Charged With A Crime To Mental Health Programs Rather Than Prison, A ‘Get-Out-Of-Jail-Free Card. In July 2018, Spitzer called AB1810, a bill that would allow mentally ill individuals charged with a crime to enter an 18-month mental health program before charges were filed, a “get-out-of-jail-free card.” Spitzer wrote in two tweets on his supervisor’s Twitter account:

Tune in to the @johnandkenshow on KFI at 3 p.m. today when I’ll be talking about AB 1810 – a terrible new anti-victim law that violates our state Constitution by giving virtually every defendant a loophole to escape jail or prison and will create a backlog of endless appeals!
And in a second tweet:

Don’t miss my conversation on the outrageous new law that gives defendants a get-out-of-jail-free card by claiming they have a mental illness[...]
Spitzer Held Protest Event Against Governor Newsom’s Death Penalty Moratorium in 2019. In May 2019, according to Office of the District Attorney of Orange County, Spitzer and “Riverside County District Attorney Mike Hestrin” hosted a “news conference opposing the death penalty moratorium imposed by Gov. Gavin Newsom.” Reportedly, Spitzer and Hestrin invited “loved ones of those murdered by defendants who have been sentenced to the death penalty” to speak against the decision. [Office of the District Attorney, Orange County via Web Archive, Accessed 3/20/21]

Spitzer Wrote A Letter To Governor Newsom Opposing Death Penalty Moratorium in 2019. In April 2019, according to the Orange County District Attorney website, Spitzer wrote a letter to Governor Gavin Newsom opposing his decision to place a moratorium on California’s use of the death penalty. Reportedly, he wrote:

Your blanket moratorium of the death penalty devastated hundreds of innocent crime victims and denied them of long-awaited justice. This week is National Crime Victims’ Rights Week. It is a time when we as a nation remember those who have been victims of violence and honor the survivors. As a prosecutor, I have seen firsthand the utter devastation that violent crime has taken on individuals. Your protection of vicious, brutal, tortuous, and sadistic murderers does not give you the moral high ground. The crime victims are the only ones entitled to moral high ground. The decision to show compassion belongs to the victims and the victims alone.

[Office of the District Attorney, Orange County, 4/11/19]

Spitzer Spoke Out Against Governor Gavin Newsom’s Death Penalty Moratorium In 2019. In April 2019, Spitzer posted on his office’s Facebook page that he “spoke out against the death penalty moratorium imposed by Gov. Gavin Newsom,” which he claimed denied “justice to murder victims and their families.” Spitzer wrote:

As part of National Crime Victims’ Rights Week, the Greater Orange County Chapter of Parents of Murdered Children held its annual candlelight vigil in Brea to remember their loved ones. I had the privilege of being the keynote speaker. During my comments, I spoke out against the death penalty moratorium imposed by Gov. Gavin Newsom. Through his actions, he is denying justice to murder victims and their families. I urge them all to write letters directly to the governor and explain the specific facts of their case. By doing a blanket moratorium the governor has not had to do any thinking about his actions but the victims need to tell their story to make his actions real with serious consequences.
Spitzer Voted To Continue State Executions And Claimed There Were No ‘Injustices Or Inequities’ In The Use of The Death Penalty

2005: Spitzer Voted Against AB1121, Which Would Place a Moratorium on State Executions. In 2005, Spitzer voted against AB1121, a bill to place a moratorium on carrying out any executions in the state of California “until certain criteria are met, or, failing that, until January 1, 2009.” The bill passed with a 4-2 vote in the Assembly Public Safety Committee. [California State Legislature, AB1121, 1/10/06]

[Facebook @OCDAToddSpitzer, 4/14/19]
• **2006: Spitzer Called Democrats’ Ultimate Rejection Of The Death Penalty Moratorium A Sign Of ‘Reasonableness’ And Claimed There Were No ‘Injustices Or Inequities’ In How The Death Penalty Was Carried Out In California.** The Los Angeles Times reported in January 2006 that Democrats ultimately failed to pass the death penalty moratorium beyond the Assembly Appropriations Committee; Spitzer described this as “the first sign of any reasonableness on public safety issues they’ve exhibited,” claiming “there is either injustices or inequities of the carrying out of the death penalty in California.” According to the Contra Costa Times, Spitzer claimed “California’s condemned inmates are given a lengthy appeals process that can last a decade or more,” and he “challenged the contention that the state has executed innocent people.”[Los Angeles Times, 1/20/06; Contra Costa Times, 1/11/06]

• **Spitzer Called AB1121, Which Would Have Also Supported Wrongful Conviction Prevention, A ‘Sham’.** The San Francisco Chronicle reported in 2006 that AB1121 would have also provided for a commission to study wrongful conviction prevention; Spitzer described this bill as a “sham.” According to statistics from the Death Penalty Information Center cited by The San Francisco Chronicle at the time, 122 condemned inmates nationwide had proved they were wrongfully convicted using DNA and other evidence. Spitzer claimed “the death penalty is working in the state of California.” [San Francisco Chronicle, 1/11/06]

**Spitzer Advocated For New Death Chambers At San Quentin Prison**

**Spitzer Claimed A New Death Penalty Chamber At San Quentin Prison Was ‘Needed’ In 2007.** According to The Sacramento Bee in April 2007, Spitzer said a new death penalty chamber at San Quentin Prison was “needed.” The new chamber would replace San Quentin’s 69-year-old gas chamber, and provide space for the administration of lethal injections. U.S. District Judge Jeremy Fogel declared months prior that the state’s lethal injection process was unconstitutional, “in part because of the dim lighting and crowded conditions in the San Quentin gas chamber,” and deemed the injections a form of cruel and unusual punishment. After the California Department of Corrections and Rehabilitation “embarked on its own” to build the new chamber, Governor Arnold Schwarzenegger halted construction. [The Sacramento Bee, 4/21/07]

• **Spitzer Criticized Blocks In Death Chamber Construction As An Effort To Stop The Death Penalty.** The Sacramento Bee reported in May 2007 that Spitzer criticized the hold-up in constructing a new death chamber at San Quentin as “one more way to stop the death penalty in California.” [The Sacramento Bee, 5/9/07]

**Spitzer Opposed Bills Protecting Prisoners’ Rights in 2005**

**2005: Spitzer Wrote Op-Ed Opposing Bills Granting Inmates Rights.** In a June 2005 op-ed in the Press-Enterprise, Spitzer criticized bills extending rights to inmates, calling the Assembly Public Safety Committee the “Assembly Criminal Rights Committee” and adding that “Criminals of this state, rest assured - your rights are well represented in the state Assembly.” Spitzer wrote:

No greater misnomer exists in the state Legislature than the Assembly Public Safety Committee. One might assume that the Public Safety Committee hears and passes legislation affecting public safety. Wrong. Instead, we kill bills that help public safety but pass bills that promote criminal rights.
Spitzer criticized AB 821, which would require county election workers to distribute pamphlets entitled “A Guide to Inmate Voting” to those convicted of a crime but not yet sentenced. Spitzer complained, “Does this mean that the Registrar of Voters would send absentee ballot information to local jails?” He also criticized AB 862, which would require the distribution of a pamphlet called “Child Support Information for the Parent in Jail or Prison,” writing that “that means your tax dollars will be spent not only to distribute these pamphlets, but also to transport the inmate/parent to and from a family court hearing to adjust child support payments.” Spitzer also opposed the distribution of condoms among inmates, writing that “taxpayers will now be aiding and abetting illegal sex acts in prison” because AB 1677 stated that the “Director of Corrections shall allow any nonprofit or public health-care agency to distribute sexual barrier protection devices such as condoms and dental dams to inmates.” [Spitzer op-ed, Press-Enterprise, 6/17/05]

Spitzer Asked The DOJ To Stop Investigating His County’s Controversial Use Of Jailhouse Informants

2019: Spitzer Asked The U.S. Department of Justice To End A Civil Rights Investigation Into The County's Improper Use Of Jailhouse Informants. The Orange County Register reported in February 2018 that District Attorney Spitzer requested the U.S. Department of Justice end its “civil rights investigation into the county’s improper use of jailhouse informants and begin negotiations to place his office under probation.” Spitzer said he was willing to admit “prosecutors and police systemically used jailhouse informants to improperly coax confessions out of inmates and withheld evidence.” Spitzer wanted the DOJ’s civil rights investigation to end because it “inundated” his office with document requests. However, legal scholars were reportedly “concerned that by halting the probe, past mistakes will remain buried and the improperly convicted will remain imprisoned.” [The Orange County Register, 2/25/19]

Spitzer Supported Proposition 20, Which Expanding Penalties, Ineligibilities For Parole, And DNA Collection

2020: Spitzer Supported Proposition 20, Increasing Ineligibilities For Parole And Penalties, And Increasing DNA Collection. The Los Angeles Times reported in October 2020 that Spitzer supported Proposition 20, a measure that would:

- expand the list of felonies for which the convicted are ineligible for early parole; increase penalties for repeat shoplifters; and collect DNA samples from adults convicted of some misdemeanors.

Other supporters of the measure included the California Police Chiefs Association, and the union representing state prison guards. Civil rights leaders, Governor Gavin Newsom, and former Governor Jerry Brown reportedly opposed the measure. [Los Angeles Times, 10/16/20]

Spitzer Voted In Favor Of Permitting Uncorroborated Testimony in Court

Spitzer Voted Against SB1589 to Prohibit Uncorroborated Court Testimony from In-Custody Witnesses In 2008. In 2008, Spitzer voted against SB1589, a bill that would regulate the admissibility of evidence in court by prohibiting a court from convicting “a defendant, find a special circumstance true, or
use a fact in aggravation based on the uncorroborated testimony of an in-custody informant.” The in-custody informant’s testimony must be supported by “other evidence that connects the defendant” with the offense. The bill passed in the Assembly with a 41-37 vote, but the Governor vetoed the bill in September 2008. [California State Legislature, SB1589, 8/12/08]

Spitzer Claimed He Wanted To Stop Charging Youth As Adults in 2019

Spitzer Said He ‘ Wanted To Do Away With Charging Juveniles As Adults’ Upon Being Sworn In As District Attorney in 2019. In January 2019, according to the City News Service, Spitzer outlined his agenda as Orange County’s new District Attorney and “said [he] wanted to do away with charging juveniles as adults.” Reportedly, he also pledged to assign some of his “most experienced prosecutors” to the juvenile division. [City News Service, 1/8/19]

As of 2021, Spitzer’s Challenger Claimed That Orange County Still Leads The State In Prosecuting Minors As Adults And Pledged To End The Practice. In March 2021, according to Patch, Peter Hardin announced his campaign against Spitzer for Orange County District Attorney and claimed that “Orange County leads the state in prosecuting underage defendants as adults.” Reportedly, he also pledged to end the prosecution of minors as adults. [Patch, 3/17/21]

Spitzer’s Office Prosecuted Protestors in 2020

In Statement on Protests in May 2020, Spitzer Focused Primarily On Condemning Looting, Promised to ‘Prosecute Every Criminal Act We Can Prove.’ In May 2020, according to a press release from the Orange County District Attorney’s office, Spitzer wrote a statement on the protests over the killing of George Floyd by a Minneapolis police officer. While he opened his statement by noting that the “right to make your voices heard will always be protected,” the remainder of the statement focused on condemning rioting and looting, as he noted that he “watched the streets of Los Angeles burn during the 1992 riots.” He reportedly wrote:

I am calling on every police chief and the Sheriff to submit their looting and rioting cases to me for criminal prosecution as soon as possible. The Orange County District Attorney’s Office will prosecute every criminal act we can prove beyond a reasonable doubt in a court of law.

[Office of the District Attorney, Orange County, 5/31/20]

Spitzer Charged 21 Protestors With Loitering For Blocking An Intersection in Anaheim. In March 2019, according to the Orange County Breeze, Spitzer’s office charged twenty-one protestors with “loitering in a public passageway for blocking traffic in Anaheim.” [Orange County Breeze, 3/25/19]

Spitzer’s Office Charged A Counterprotester Who Slapped A Man At A ‘Make America Great Again’ Rally In 2017. The Sacramento Bee reported in August 2019 that Spitzer’s office charged Jessica Aguilar, a counterprotester at a 2017 “Make America Great Again” rally, and she was convicted on a single count of misdemeanor battery. Captured on video, Aguilar slapped the man twice. About 2,000 people were at the “MAGA March,” which “became violent punctuated by a half-hour-long brawl between marchers and counterprotesters.” Spitzer stated his office did not “condone random acts of violence” and:
“With political dissension on the rise across the country, it is important to remember that (the) right to protest is afforded to everyone; no one has the right to commit an act of violence against someone because they don’t agree with their views.”

Aguilar was sentenced to service in a 10-day Caltrans work program and 20 days in jail, the latter portion dropped in Aguilar completed the work program. [The Sacramento Bee, 8/15/17]

• **Aguilar Claimed Neo-Nazi Protesters Should Have Been Prosecuted.** According to The Guardian, Aguilar believed neo-Nazi protestors “out there being violent” should be prosecuted, claiming law enforcement’s failure to do so encouraged “this Nazi behavior.” [The Guardian, 8/24/19]

**Spitzer Admitted to Routinely Removing Compassionate Jurors Like Schoolteachers During Jury Selection**

**As Deputy District Attorney in 1993, Spitzer Said He Wouldn't Pick Teachers For Juries Because They ‘Always Want To Give Someone A Second Chance.’** In February 1993, according to the Orange County Register, Spitzer spoke about his jury selection tendencies as an Orange County Deputy District Attorney and claimed that he typically refuses to pick teachers. Reportedly, he said, "I’m very reluctant sometimes to pick schoolteachers because schoolteachers always want to give someone a second chance.” He also said that he would “never” pick an attorney because they are too highly trained in the law. In one case, Spitzer even “excused one potential juror because he ‘looked just like the defendant’ and therefore might sympathize with him." Conversely, he said that he prefers to pick retail workers because they “favor police” and “they get sick and tired of people ripping them off.” [Orange County Register, 2/12/93]

**2009: OCDA Violated the Constitutional Rights of Suspected Gang Members**

**Federal Judge Ruled OCDA Violated Constitutional Rights of Suspected Gang Members By Enforcing Gang Injunction Without Due Process.** In May 2011, a federal judge ruled the Orange County District Attorney violated the rights of suspected gang members in how a gang injunction was enforced. The Orange County Register reported:

Suspected gang members were first notified in February 2009 of the injunction, which created a “safety zone” of nearly four square miles in Old Towne and West Orange. When some of them went to court to challenge their inclusion, the District Attorney’s Office dismissed them as named defendants.

But the final injunction targeted the gang as a whole, as well as any members – named or unnamed. Several dozen people who had been dismissed as named defendants were later served with the injunction nonetheless.

That violated their right to fight their case in court, U.S. District Judge Valerie Baker Fairbank ruled. She ordered police and prosecutors not to enforce the injunction against those whose names had been removed from the injunction, fewer than 60 people in all.
• **OCDAFiled an Injunction Against 115 People, More Than 50 of Whom Contested; OCDA Then Filed an Injunction Against the Gang, and Enforced Against the Same People.** The Voice of OC reported:

> The gang injunction case began in 2009 when the ACLU of Southern California and the Munger, Tolles & Olson law firm filed a class-action lawsuit against Rackaukas and the Orange Police Department. The two law enforcement agencies had filed a gang injunction against 115 people, according to the ACLU news release, alleging they belonged to the Orange Varrio Cypress gang. "When more than 50 people showed up in court to contest the allegations that they were not gang members, the [district attorney] dismissed them rather than try to prove the allegations," the news release states. Then, it asserted, the district attorney’s office and the Orange police obtained an anti-gang injunction against the gang and “enforced it against the people they dismissed.” The very people the [district attorney] had dismissed from the gang injunction action were subjected to the gang injunction and in danger of arrest for a variety of everyday activities such as being in public after 10:00 p.m., associating with other people suspected of being gang members (including immediate family members) or being in a restaurant where alcohol is served.

• **ACLU: ‘The Way the District Attorney’s Office Made These Determinations Should Make the Public Very Nervous.’** In May 2011, director of the ACLU’s Orange County office Belinda Escobosa Helzer commented on the Orange County District Attorney’s use of gang injunctions, and said:

> The way the District Attorney’s Office made these determinations should make the public very nervous […] his method of cracking down on gangs ensnares innocent victims and threatens to take away their most basic freedoms.

• **OCDA’s Office: Ruling ‘Bestows Upon Criminal Street Gang Members Greater Constitutional Protections Than Apply to Union Members, War Opponents and Anti-Abortion Protesters.’** In May 2011, following a federal ruling against the Orange County District Attorney’s office, The Orange County Register reported:

> Assistant District Attorney John Anderson had argued that there’s nothing unusual about prosecutors adding suspects to a gang injunction after it’s already in place. Anyone arrested for breaking the rules of the injunction, he said, could challenge the evidence that put them there when they appear in criminal court. The judge’s ruling that those suspects should have individual hearings before they’re included in the injunction “rewrites centuries of injunction law,” Anderson said. “It bestows upon criminal street gang members greater constitutional protections than apply to union members, war opponents and anti-abortion protesters,” he said. “The prospects of an appeal are strong,” he added.
2013: Federal Appeals Court Ruled Against OCDA in the Gang Injunction Case. In November 2013, the Voice of OC reported that the U.S. Ninth Circuit Court of Appeals ruled against the Orange County District Attorney’s Office in the case regarding the office’s use of gang injunctions. An ACLU attorney reportedly commented:

It’s common practice in gang injunction cases for prosecutors to name only a gang as a defendant, obtain an injunction by default when no one shows up on behalf of the gang to contest the case and then to apply the injunction to anyone police or prosecutors think may be a gang member, without court approval or a chance for the supposed gang member to be heard. The Ninth Circuit’s ruling calls that practice into question.

[Voice of OC, 11/7/13]

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Incarceration Reform

Incarceration Reform Highlights

• Spitzer opposed reducing inmate populations during COVID-19 under early release and $0 bail programs, claiming the programs nearly tripled normal recidivism rates.

• Spitzer supported forcibly transferring almost 5,000 inmates out-of-state in 2007, targeting inmates held for deportation.

• Spitzer voted to authorize increased jail time and parole monitoring for non-violent offenders in 2006.

• Spitzer opposed conjugal visits for gay and lesbian inmates in 2007.

• Spitzer opposed initiatives to increase access to educational resources about voting and child support for inmates in 2005.

• Spitzer approved an $80 million expansion of Musick Jail.

• In 2007, Spitzer advocated for building more prisons, despite California spending more on incarceration that year than on educating students in public universities.

• In 1999, then-Supervisor Spitzer wanted to spend most of the $912 million received by Orange County from a national tobacco settlement to build more jail beds and reduce debts, rather than on health care as other jurisdictions across Southern California were doing.

  – A Los Angeles Times poll of Orange County residents “found that 82% of respondents wanted tobacco settlement money to go to health-related needs.”

Spitzer Opposed Early Releases and Lower Bail During COVID-19 Crisis

Spitzer Criticized ‘Court Ruling to Reduce County Jail Population by 50%’ in 2020. In December 2020, according to a press release from the Orange County District Attorney’s office, Spitzer criticized “a court ruling in Campbell et. all v. Barnes that requires Sheriff Don Barnes to reduce the inmate population in the Orange County jail system by 50 %.” Reportedly, Spitzer wrote:

  A judge’s ruling to reduce the inmate population in the Orange County jail system by half will release dangerous and violent criminals back into our neighborhoods to commit more crimes and victimize more people.

Reportedly, Spitzer claimed that his office kept recidivism statistics on inmates released during the COVID-19 pandemic under $0 bail or early release and found that those “released early before serving their full sentence or on $0 bail went out and committed new crimes at rates at nearly triple normal recidivism rates.” [Office of the District Attorney, Orange County via Web Archive, 12/12/20]
Spitzer Supported Forced Inmate Transfers to Private Facilities That Targeted Inmates Slated for Deportation

**Spitzer ‘Praised’ Involuntary Inmate Transfers In 2007.** Inside Bay Area reported in February 2007 that Spitzer “praised” the announcement that “as many as 5,000 inmates” in California would be forcibly transferred to private facilities in Arizona, Oklahoma and Mississippi. The transfer, ordered by Governor Arnold Schwarzenegger, sought to alleviate prison overcrowding, while addressing concerns about early-release programs. California’s nonpartisan Legislative Counsel suggested the transfers violated the state constitution “unless the agency could show that housing inmates in California cannot be performed adequately, competently, or satisfactorily by state civil service employees.” An attorney with the Prison Law Office in San Rafael reportedly said the transfer was illegal without prisoners’ consent. [Inside Bay Area, 2/3/07]

- **The 2007 Involuntary Transfer Targeted Inmates Held For Deportation, To Which Spitzer Said ‘Hallelujah.’** The Press-Enterprise reported in February 2007 that “mainly medium-security inmates slated for deportation” would be “tapped” for an involuntary transfer. Spitzer reportedly said “Hallelujah” in support of this fact, stating inmates waiting for deportation “have no rights on where they do their time,” protecting the state’s actions from a court challenge. [The Press-Enterprise, 2/3/07]

Spitzer Voted To Authorize Increased Jail Time and Monitoring for Non-Violent Offenders

**Spitzer Voted in Favor of SB1137 in 2006 to Authorize Increased Jail Time and Parole Monitoring for Non-Violent Offenders.** In 2006, Spitzer voted in favor of SB1137, a bill that would make changes to the existing Substance Abuse and Crime Prevention Act of 2000 by authorizing a court to sentence a non-violent offender to jail time “in order to enhance treatment compliance” or order the defendant to enter a residential drug treatment program. Further, “the bill would require drug testing as a condition of probation,” and the defendant would be subject to monitoring by the court. The bill passed in the Assembly with a 64-8 vote, and the Governor signed the bill into law in July 2006. [California State Legislature, SB1137, 6/27/06]

Spitzer Called For Banning Conjugal Visits for Gay and Lesbian Inmates

**2007: After California Prisons Allowed Conjugal Visits For Gay And Lesbian Inmates, Spitzer Described ‘The Whole Concept Of These Conjugal Visits’ As ‘Ludicrous.’** The San Francisco Chronicle reported in 2007 that after California’s prison system allowed conjugal visits for gay and lesbian inmates, Spitzer stated: “The whole concept of these conjugal visits is ludicrous […] It’s prison. I don’t care whether it’s a spouse or a domestic partner, I don’t think it should be allowed at all.” [San Francisco Chronicle, 6/1/07]

Spitzer Criticized Educational Resources For The Incarcerated

**In A 2005 Editorial Spitzer Criticized AB821, A Bill Requiring The Distribution Of Educational Pamphlets On Inmate Voting.** In a 2005 editorial for The Press-Enterprise, Spitzer criticized AB821, a bill requiring that county election workers distribute pamphlets titled “A Guide to Inmate Voting” to those
convicted of a crime but not yet sentenced. Spitzer was “dumbfounded" AB821 passed the Assembly. [The Press-Earprise, 6/17/05]

In A 2005 Editorial Spitzer Criticized AB862, A Bill Requiring The Distribution Of A Pamphlet Educating Incarcerated Parents On Child Support. In a 2005 editorial for The Press-Enterprise, Spitzer criticized AB862, a bill requiring the distribution of a pamphlet called “Child Support Information for the Parent in Jail or Prison.” According to Spitzer, the pamphlet would “give incarcerated parents information on how to get out of their child support payments for the term of their incarceration.” Spitzer wrote:

Yes, that means your tax dollars will be spent not only to distribute these pamphlets, but also to transport the inmate/parent to and from a family court hearing to adjust child support payments.

AB862 passed in the Assembly. [The Press-Earprise, 6/17/05]

• Editorial: AB 862 Recognized That The Incarcerated, Many Of Them Mothers Convicted Of Non-Violent Drug Offenses, Were Unable To Pay Child Support Without Work. According to a 2005 editorial in The Press Enterprise, AB 862 recognized that many incarcerated parents, a lot of whom were "mothers incarcerated for non-violent drug offenses" did not have jobs or income while incarcerated, and were thereby unable to pay child support. Instead, they "rack up thousands of dollars in child support arrearages while they are imprisoned," some returning to jail because of nonpayment of child support, while others "are re-incarcerated after turning to illegal activity to support themselves" or make up for child support fees. [The Press Enterprise, Editorial, 9/21/05]

Since 1999, Spitzer Supported Spending Nearly $1 Billion To Expand Prisons

Spitzer Backed An $80 Million Expansion Of Musick Jail

Spitzer Approved An $80 Million Expansion Of Musick Jail In 2014. According to The Orange County Register in January 2014, Spitzer approved a Board of Supervisors vote to award an $80 million grant to expand Musick jail in Irvine, proposing a 384-bed facility that would “focus on rehabilitation" with “classrooms,” “therapy rooms,” “minimum- and medium-security dorms.” Senate Bill 1022 funded the expansion as well as similar projects statewide; Orange County “received the maximum allocation." [The Orange County Register, 1/16/14]

Spitzer Pushed For More Prisons The Same Year That California Spend More On Incarceration Than Public Universities

2007: Spitzer Advocated For Building More Prisons. According to The Record in 2007, Spitzer said “Californians need to pressure the Legislature about building more prisons because the alternative is releasing felons early.” [The Record, 2/6/07]

• 2007: California Spent More on Incarceration Than Educating Students In Public Universities, Something Spitzer Believed Was Necessary. The San Francisco Chronicle reported in 2007 Spitzer, chairman of a state Assembly committee overseeing California’s prison construction initiatives, claimed that while everyone wished prison spending would “take a smaller percentage of our budget,” it was the case that “we’re going to need large infusions of money to deal with this and our off-the-chart recidivism rates” for another decade. The Chronicle reported that “for the first time
the state will spend more on incarcerating inmates than on educating students in its public universities.” [San Francisco Chronicle, 5/21/07]

**Spitzer Favored Spending $912 Million On Jails Instead Of Improving A ‘Neglected’ Healthcare System**

**1999: Spitzer Supported Spending $912 Million In Tobacco Settlement Money On Building More Jail Beds And Reduce Debt, Rather Than Healthcare.** The Los Angeles Times reported in November 1999 that then-Supervisor Spitzer supported spending most of the $912 million received by Orange County from a national tobacco settlement to build more jail beds and reduce debts, as opposed to on health care. Reportedly, Orange County was the “only jurisdiction in Southern California not to use a large chunk of the tobacco settlement for health and social-services programs,” a decision “harshly criticized by those who say such services have been neglected in the years following the 1994 bankruptcy.” The Board of Supervisors voted to use the money to build more jail beds with the aim of reducing jail overcrowding, and on early repayment of bankruptcy debts. However, the Los Angeles Times reported a poll of 505 Orange County residents conducted by the Health Alliance to Reinvest the Tobacco Settlement “found that 82% of respondents wanted tobacco settlement money to go to health-related needs.” [Los Angeles Times, 11/10/99]

**Spitzer Supported Constructing A $17 Million Juvenile Facility In Trabuco Canyon**

**2002: Spitzer Wanted To Build A Juvenile Facility In Trabuco Canyon.** The Los Angeles Times reported in January 2002 that Spitzer supported the construction of a proposed $17-million, 90 bed juvenile facility, “Rancho Potrero Leadership Academy,” in Trabuco Canyon. The facility would address overcrowding in nearby Joplin youth center, a “64-bed treatment camp for boys,” and Juvenile Hall in Orange County, unable “to meet the projected need in coming years.” Further searches for the Rancho Potrero Leadership Academy facility did not indicate the facility was completed. [Los Angeles Times, 1/13/02]

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Police and Policing

Police and Policing Policing Highlights

• In 2018, Spitzer shared photos with police officers on his Facebook, calling them his “brethren” and posting he “will always support” them.
• Spitzer applied to become a member of the Orange County Sheriff’s Department as a reserve officer in July 2011.
• Spitzer’s 2018 District Attorney campaign was endorsed by law enforcement officials across Orange County.
• In 2020, Spitzer’s office created a “Crimes Against Peace Officers Unit” that would be dedicated solely to crimes committed against on-duty police officers.
• Spitzer voted to grant immunity to police officers making warrantless arrests in 2005.
• Spitzer cleared and supported several police officers accused of police brutality.
  – In 2019, Spitzer cleared Santa Ana police officers who killed Terrall Magee, an African American man, during a “rough arrest” in which Magee “grunted loudly throughout” and died of cardiac arrest.
  – Spitzer cleared Santa Ana police officer Gavin Roelofs, who fatally shot Donadony Taylor in 2019. Taylor did not appear to have rushed the officer according to body camera footage.
• When he was on the Board of Supervisors in 2002, Spitzer was the sole dissenting vote against granting a settlement to the children of Gilbert Garcia—who was allegedly beaten to death by sheriff’s deputies while in custody.
• In 2013, Spitzer defended a deputy sheriff who shot and killed U.S. Marine Sgt. Loggins.
• In 2017, Spitzer opposed a settlement for a woman who alleged she was raped by a deputy sheriff. The deputy had been previously accused of assault by another woman.
• Spitzer criticized Los Angeles County District Attorney George Gascón for not prosecuting “broken window” offenses in 2020.
• Spitzer enacted pension hikes for sheriff’s deputies and District Attorney investigators in 2002, while also retroactively granting increases for past years of service. In 2011, amidst billions in public pension debt, a new Board of Supervisors challenged the retroactive portion of the hike as unconstitutional.
• In 2008, during Spitzer’s Deputy District Attorney tenure, the OCDA office cleared La Habra police officers of wrongdoing who fatally shot a man from a distance, without trying to deescalate in any other manner. La Habra would settle with the man’s family for $250K in 2010.
Spitzer: Blue Lives Matter ‘Brethren’

2018: Spitzer Shared Photos With Law Enforcement, Called Them His ‘Brethren,’ And Said He ‘Will Always Support’ Them. In September 2018, Spitzer posted on his personal Facebook page writing: “I am always proud to stand tall for my brethren law enforcement as a ten year sworn Level 1 Reserve Police Officer.” Spitzer also shared a post on his supervisor’s Facebook page, writing “I will always support our law enforcement.”

[Facebook @ToddSpitzerOC, 9/15/18]

- 1996: Spitzer Wrote Op-Ed Bragging About Arresting Juveniles For Loitering As A Reserve Officer. In a 1996 column in the Los Angeles Times, Spitzer described working a “curfew sweep” in
the Hollenbeck division on Los Angeles’ Eastside, where he had “been a reserve police officer for more than five years.” Spitzer wrote:

We pick up juveniles who are loitering in the streets or attending parties past 10 p.m., take them to the station, identify and then cite them for curfew violation. A parent is asked to come to the station, where the family is counseled about the violence in their community and then cited with a future court appearance. The parental fines are steep and get more expensive with each succeeding violation.

[Spitzer column, Los Angeles Times, 6/1/96]

- **Spitzer, As A Reserve Officer, Blamed Parents For Letting Their Children Attend A Party At A ‘Gang-Infested Housing Project.’** In a 1996 column in the Los Angeles Times, Spitzer described an experience he had as a reserve officer in Los Angeles where he blamed a parent for letting her child attend a party at a “gang-infested housing project.” Spitzer wrote about another encounter where he commented on what young women were wearing at a party:

> At the corner of Fourth and Evergreen a few minutes later, more than 200 teens and young adults are loitering. When I pull up in my back and white, kids scatter. While the boys dress down in baggy pants and T-shirts, the girls wear cut-off jeans that are incredibly short and inappropriate, except maybe to do gardening in the privacy of your backyard. The ‘fashion’ showed not just skin, but provocative body parts. It just seemed so out of place; really unsophisticated kids trying to be sophisticated, to dress the part. When one mother came at 2:30 a.m. to retrieve one of these fashion princesses from the station, I confronted the mother, who was hugging her bare child to keep her warm. ‘How could you allow your daughter to dress like that?’ I asked. But before the mother could answer, the daughter said ‘I dress myself.’ It was apparent that the mother had abdicated power long ago.

Spitzer concluded that “Ultimately, no matter how large a police force we have, no matter how much community-based policing we implement, until the parents take control of their children, we will lose a whole generation of youth.” [Spitzer column, Los Angeles Times, 6/1/96]

**Spitzer Filed Application To Join Orange County Sheriff’s Department As A Reserve Officer.**

According to OC Weekly in July 2011, Spitzer filed an application to become a member of the Orange County Sheriff’s Department. According to OCSD spokesman Jim Amormino, Spitzer “requested to become a reserve sheriff’s deputy and is presently undergoing a background check.” [OC Weekly, 7/22/11]

**Spitzer’s 2018 District Attorney Campaign Won The Endorsements Of Law Enforcement Officials Across Orange County.** According to Spitzer’s 2018 District Attorney campaign website in July 2017, “numerous law enforcement leaders all over” Orange County endorsed Spitzer. These endorsements included retired police chiefs from the cities of Beverly Hills, Costa Mesa, Baldwin Park, Brea, Placentia, Anaheim, and Coast Community College, a retired chief from the California Highway Patrol, retired District Attorney Dennis Bauer, and Senior Orange County Deputy District Attorney Karen Schatzle, among others. According to a post in October 2018, Dominick Rivetti, retired chief of the Bureau of Investigations for the Los Angeles county District Attorney’s office, also endorsed Spitzer. [Todd Spitzer Orange County District Attorney via Web Archive, 7/27/17; 10/12/18]
In a Facebook Post Commemorating A Fallen Police Officer, Spitzer Used The ‘Thin Blue Line’ Hashtag. In February 2021, Spitzer posted a commemoration for a fallen Deputy on his office’s Facebook page, using the “thinblueline” hashtag.

Spitzer Created An ‘Elite’ Unit To Prosecute Anti-Police Crime in 2020

Spitzer Created ‘Crimes Against Peace Officers Unit’ in 2020. In May 2020, according to a press release from the Orange County District Attorney’s office, Spitzer announced that his office created a
“Crimes Against Peace Officers Unit.” Reportedly, the unit “will be overseen by the office’s Special Prosecutions, an elite unit within the District Attorney’s Office dedicated to seeking justice in the highest profile cases” and will be dedicated solely to crimes committed against on-duty police officers. Spitzer reportedly said that “the Orange County District Attorney’s Office has prosecuted nearly 1,000 cases over the last three years in which a police officer was the victim of a crime.” Further, he claimed that “law enforcement has become increasingly dangerous as social justice advocates continue to campaign for reduced incarceration and reduced consequences for those who break the law.” [Office of the District Attorney, Orange County, 5/15/20]

Spitzer Voted To Give Immunity To Police Officers For Warrantless Arrests

Spitzer Introduced AB423 to Grant Immunity to a Police Officer Who Makes a Warrantless Arrest In 2005. In 2005, Spitzer voted in favor of AB423, a bill to “grant similar immunity to a peace officer who, when acting without malice, makes a warrantless arrest if that arrest has received a prompt, judicial determination of probable cause.” According to the Assembly Bill Analysis, the American Civil Liberties Union expressed opposition to AB423, arguing it may allow officers to “develop facts or use facts gained through unlawful arrest to get a judicial determination or probable cause after the fact.” The bill failed in the Assembly Judicial Committee with a 3-6 vote. [California State Legislature, AB423, 4/26/05; 4/26/05]

Spitzer Cleared and Supported Officers Accused of Police Brutality

Spitzer Cleared Police Officers Who Killed An African-American Man During A ‘Rough Arrest,’ And An Officer Who Fatally Shot A Suspect During An Arrest

2019: Spitzer Cleared Santa Ana Police Officers Who Killed Terrall Magee During A ‘Rough Arrest.’ OC Weekly reported in February 2019 that Spitzer cleared Santa Ana police who killed Terrall Magee, an African American man, during a “rough arrest.” Officers claimed that on March 11, 2018 when they tried to arrest Magee, who broke into a liquor store, Magee allegedly tried to bite and head butt the arresting officer, Officer Manuel Pardo. OC Weekly reported “both the attempted bite and the headbutt aren’t on body camera footage released by the DA; Pardo’s device is said to have fallen off during the struggle.” Body camera footage did show Magee on the sidewalk outside the store, when another officer, Officer Michael Griffith, struck Magee’s right thigh with a baton, and “followed the baton blows with two punches to the back of his head.” Pardo also “drove his knee twice into Magee’s stomach before delivering four punches to the lower back.” Body camera footage showed at least four officers involved in the arrest. Magee “grunted loudly throughout,” and his “grunts became fainter and fainter until turning silent.” According to an autopsy report, Magee died of sudden cardiac arrest that happened during the struggle while under the influence of meth. The District Attorney’s report did not list full names of the officers involved. [OC Weekly, 2/22/19]

2019: Spitzer Cleared Santa Ana Police Officer Gavin Roelofs Who Fatally Shot A Man During An Arrest. According to OC Weekly in February 2019, Spitzer cleared Santa Ana police officer Gavin Roelofs, who fatally shot Donadony Taylor on July 1, 2018. Roelofs responded to a call that Taylor was behaving suspiciously in a parking structure, “carrying a long metal object and pulling the door handle of a truck.” Roelofs tasered Taylor first, “but it appeared to have no effect” and then “fired his handgun twice, dropping [Taylor] to the ground.” OC Weekly reported that in “body camera footage released by Spitzer’s office, it doesn’t appear as if Taylor began rushing the officer.” Roelofs “refused to provide a statement to OCDA investigators.” [OC Weekly, 2/28/19]
Spitzer Opposed Paying $650K To The Family Of An Inmate Allegedly Beaten To Death By Sheriff’s Deputies

Spitzer Voted Against A Settlement For The Children Of Gilbert Garcia, Allegedly Beaten To Death By Sheriff’s Deputies. According to the Los Angeles Times in June 2002, Spitzer was the sole dissenting vote on the Board of Supervisors for “the largest jail brutality settlement ever in Orange County,” which paid $650,000 to the family of Gilbert Garcia, an inmate who died from head injuries “allegedly inflicted by sheriff’s deputies.” Thirty minutes after Garcia arrived to the Intake Release Center in Santa Ana in 1998, a jail nurse noticed Garcia vomiting what appeared to be blood; coroner’s officials stated Garcia died of internal bleeding caused by a fractured skull, and an autopsy found Garcia had three broken ribs. Police officers had noted in reports upon Garcia’s arrest that he did not seem to have any injuries. Garcia’s two surviving children alleged that deputies beat their father in his cell. Civil rights attorney R. Samuel Paz reportedly said, “It’s one of the worst cases I’ve ever seen in terms of how strong the evidence was and the nature of the injuries.” The Los Angeles Times reported Garcia’s case continued to “draw scrutiny” from federal authorities, and that the case was “one of five similar probes into claims of brutality by deputies in the Orange County Jail.” [Los Angeles Times, 6/13/02]

Spitzer Defended A Deputy Sheriff Who Shot And Killed A U.S. Marine

2013: Spitzer Defended Deputy Sheriff Who Shot And Killed A U.S. Marine. In a 2013 op-ed in the Orange County Register, Spitzer defended a deputy sheriff who shot and killed U.S. Marine Sgt. Loggins. Spitzer wrote:

Loggins crashed into a fence, then exited the vehicle carrying an unknown object. He fled into a dark field, abandoning his two young daughters in the car. Loggins did not respond to commands by a uniformed deputy sheriff to stop. Loggins committed two crimes: fleeing the scene of a crash and child endangerment. Upon return to the vehicle, he was confronted by two uniformed personnel who ordered him, at gunpoint, to get to the ground. Instead, Loggins re-entered his SUV and put the car in gear. It was unequivocally clear on the videotape that the deputy ordered Loggins not to move the vehicle or he would shoot. Loggins failed to comply. Two innocent girls were in extreme danger in Loggins’ car. Without watching the tape, it is difficult for the public to understand why I could believe that the deputy was correct in his assessment to shoot Sgt. Loggins, while at the same time agreeing to settle the case for Loggins’ heirs. On the one hand, Loggins is responsible for his own bizarre behavior. According to the DA report, Loggins had been ‘previously diagnosed with ADHD and prescribed Adderall.’ ‘According to [Loggins’] daughter, Loggins had recently stopped taking medication.’ During the time of the incident, Loggins had been participating in a lengthy fast. His daughter described her dad as ‘going “cuckoo” as a result of fasting.’ Furthermore, Loggins’ daughter heard her father yell, “Get away, Satan” … prior to the incident.’

[Spitzer op-ed, Orange County Register, 6/16/13]

Spitzer Opposed a Settlement to a Victim Alleging Sexual Assault By Police

2017: Spitzer Opposed A Settlement For A Woman Alleging She Was Sexually Assaulted By A Deputy Sheriff. The Chico Enterprise-Record reported in August 2017 that Spitzer believed the county should fight a lawsuit brought by Alexa Curtin, who alleged she was raped by Deputy Nicholas Lee
Caropino. Curtin, 22 years old at the time, alleged that after Deputy Caropino responded to an argument between her and her then-boyfriend, Caropino drove her to her car, “made inappropriate comments” about underwear in her car, ordered her to stay put, changed out of his uniform and proceeded to rape her. County supervisors chose to fight Curtin’s case; Spitzer said Curtin, who sought a $40 million settlement, “wanted too much money.” Four months prior to Curtin’s rape, another woman accused Caropino of sexual assault, and the sheriff’s department failed to immediately place Caropino on leave. A federal jury ultimately granted Curtin $2.25 million. [Chico Enterprise-Record, 8/5/17]

Spitzer Promoted ‘Broken Window’ Policing in 2020

2020: Spitzer Criticized Gascón For Not Prosecuting ‘Broken Window’ Offenses, Claiming It Jeopardized Public Safety. In December 2020, Spitzer tweeted that Gascón’s “dangerous new directives,” such as not prosecuting “broken window” crimes, would “jeopardize public safety.” In the Twitter thread, Spitzer shared a video of himself from Fox News discussing Gascón’s new directives, and wrote:

This morning I spoke with Fox News’ Trace Gallagher on America’s Newsroom about my concerns with newly sworn Los Angeles County District Attorney George Gascon’s dangerous new directives. LADA is the largest District Attorney’s Office in country […] Orange County is right next door and I cannot allow what’s happening in Los Angeles to spill into Orange County.

I have been an advocate for victims for the last 30 years. Policy changes that eliminate sentencing enhancements and prohibit “broken window” crimes from being prosecuted not only jeopardize public safety, it puts more people at risk of being victims of crime.
This morning I spoke with Fox News' Trace Gallagher on America’s Newsroom about my concerns with newly sworn Los Angeles County District Attorney George Gascon’s dangerous new directives. LADA is the largest District Attorney’s Office in country, video.foxnews.com/v/6216933615001

@FoxNews

New Los Angeles County district attorney facing pushb... George Gascon's sweeping policy changes are being met with major concerns; Orange County, Calif. District ... video.foxnews.com

2:42 PM · Dec 17, 2020 · Twitter Web App

5 Retweets 11 Likes
Spitzer Supported Pension Hikes For Deputy Sheriffs as County Supervisor

Editorial: Spitzer Increased Pensions, Including Retroactive Pension Spikes, For Deputy Sheriffs As Supervisor. According to an editorial by The Orange County Register in 2007, the Board of Supervisors in 2002, including Spitzer, enacted a pension hike for sheriff's deputies and District Attorney investigators, while also retroactively granting increases for past years of service. The pension plan, described as “3 percent at 50,” allowed deputies as young as 50 years old to retire with “90 percent of their final year’s pay guaranteed after 30 years of work.” Spitzer and the four other supervisors at the time “increased the pension plan by 50 percent going forward” while also applying the increase for past years.
of service, such that “a deputy who was, say, a day away from retiring received 50 percent more in retirement pay than he bargained for.” [The Orange County Register, Editorial, 9/21/07]

**Editorial: A New Board Of Supervisors Unsuccessfully Challenged The Retroactive Portion Of The Pension Hike As Unconstitutional, Amidst Billions In Public Pension Debt.** According to a 2011 editorial by The Orange County Register, the new Board of Supervisors at the time “challenged the retroactive portion [of the pension plan] as an unconstitutional gift of public funds,” but “lost at every turn, including, this week, at the California Supreme Court,” while the state faced billions in public pension debt. The Orange County Register also wrote:

> Mr. Spitzer, who left the board for the state Assembly, is seeking public office again, he has claimed to have seen the light on pension reform, even though he still claims that no one warned him about the problem.

At the time, public pension debts in California, “estimated as high as a half-trillion dollars” were “crushing state and local governments and threatening to increase the burden on already hard-pressed California taxpayers.” [The Orange County Register, 4/15/11]

**2008: OCDA Cleared Police Who Fatally Shot Man 11 Times; City Settled With the Family for $250K**

**2008: OCDA Cleared La Habra Police Officers Who Fatally Shot Michael Cho.** According to The Orange County Register, the Orange County District Attorney’s Office cleared La Habra police officers Pete DiPasqua and John Jaime in June 2008 of wrongdoing in relation to the fatal shooting of Michael Cho. The Register reported that Cho, a 25-year-old man, was shot and killed after witnesses said “Cho approached the officers with a tire iron.” Reportedly:

> Plaintiffs’ attorneys argued that Cho was 12 to 14 feet away from the officers, giving them ample time to use pepper spray, a Taser or a police dog, which was in Jaime’s patrol car, to help apprehend Cho.

The District Attorney’s officer cleared DiPasqua and Jaime, saying their actions were legal. The District Attorney’s Office investigates only whether officers commit a crime, not whether their actions followed protocol or whether excessive force was used.

[The Orange County Register, 9/15/10]

**2010: City of La Habra Settled with Cho Family for $250K.** In September 2010, the city of La Habra settled with Michael Cho’s family for $250,000 after a mistrial was declared in the first civil trial. The Orange County Register reported:

> The Chos’ attorney said they decided against another trial because of the emotional ordeal it would present.

> “Listening to testimony about the unjustified and reckless shooting of their son certainly took a major toll on Michael’s parents,” said attorney Shelley Kaufman through an e-mail.
Guns and Gun Policy

Guns and Gun Policy Highlights

• Spitzer stated “I am a member of the NRA, and I have been recognized by pro-2nd Amendment groups” at a 2013 public event.

• Spitzer is highly rated by pro-gun organizations.
  – In 2004, the NRA gave Spitzer an “A+” rating, and an “A” rating in 2002 and 2006.

• In 2015, Spitzer brought a loaded handgun into a restaurant and reportedly arrested and handcuffed a man he “perceived as a threat.”
  – Scott Baugh, former chairman of the Orange County Republican Party, reportedly said, “Todd Spitzer with handcuffs and a gun is far more dangerous to the citizens of Orange County than a counselor looking at a butter knife.”
  – In 2017, Orange County paid $121,000 to cover legal fees spent to obtain documents regarding Spitzer’s arrest of the man at the restaurant.

• Spitzer voted against multiple gun-control bills backed by law enforcement.
  – Spitzer voted against and helped defeat an NRA-opposed bill in 2005 that “would provide an outstanding tool for law enforcement” by microstamping series numbers on ammunition.
  – Spitzer voted against a 2006 bill supported by the California State Sheriffs Association that criminalized failing to report stolen guns. In 2008, Spitzer voted against a bill that strengthened the ban on carrying loaded firearms in public.

• Spitzer also voted against tightening regulations on unsafe guns.
  – Spitzer voted in 2003 against a bill that would expand the definition of an “unsafe handgun”, and voted against a bill authorizing law enforcement entities to report whether a firearm was previously used in a crime or illegally possessed.
  – Spitzer voted in 2004 against criminalizing the use of an assault rifle.

• Spitzer voted in 2003 to remove the five-year expiration for handgun safety certificates.

• Spitzer voted in 2004 against a bill that would prevent children from accessing firearms.

• Spitzer repeatedly voted against gun sales regulations, and against limiting the purchase of guns and ammunition.
  – Spitzer voted in 2003 against a bill that would tighten regulations on the sale of ammunition to minors.
In 2007, Spitzer voted against and NRA-opposed bill requiring handgun ammunition vendors to register.

- Spitzer voted in 2014 to “speed up consideration of permits to carry concealed weapons.”

**Spitzer Is Beloved By The NRA**

**2013: Spitzer Said 'I Am A Member Of The NRA.'** In February 2013, according to the Orange County Board of Supervisors, Spitzer said “I am a member of the NRA, and I have been recognized by pro-2nd Amendment groups” at a public event. Reportedly, his comments came when he called for “Public Hearings on Violence” after a series of killings in the area. Reportedly, he said that “the recent violence calls for a larger discussion, not snap judgments regarding gun control.” [Orange County Board of Supervisors, 2/21/13]

**2018: The NRA’s ‘Only Listed Contributions In Any Local Election’ Were To Spitzer.** In March 2018, Bloomberg CityLab reported that “The NRA’s only listed contributions in any local election went to Todd Spitzer, a California Republican who received $1,600 in his two races for Orange County supervisor.” Reportedly, this is likely because “The NRA does not much bother funding state campaigns.” [Bloomberg CityLab, 3/1/18]

**Spitzer Received ‘A+’ Rating From NRA in 2004, ‘A’ Rating in 2002 and 2006.** According to VoteSmart, which archived NRA legislator ratings that are no longer available on the NRA’s website, Spitzer received a rating from the NRA’s Political Victory Fund three times as a state legislator, earning two “A” ratings and one “A+” rating. Reportedly, he received an “A” rating in 2002 and 2006 and an “A+” in 2004. [VoteSmart, Accessed 3/23/21]

**Spitzer Is Highly Rated By Other Pro-Gun Organizations**

**Spitzer Received ‘A’ Rating from Gun Owners of California in 2006.** In Winter 2006, according to the Gun Owners of California, the group, which celebrated “working in collaboration” with the “NRA-ILA,” gave Todd Spitzer an “A” rating. Reportedly, their top legislative priority that year, which succeeded, was to defeat gun safety legislation that would have mandated stricter serial number requirements. [Gun Owners of California, Winter 06]

**California Rifle and Pistol Association Awarded Spitzer With ‘Outstanding Legislator Award’ and ‘Second Amendment Advocate Recognition’ in 2005.** According to a January 2011 profile on Spitzer by the Crime Survivors Resource Center, he earned the “Outstanding Legislator Award” and a “Second Amendment Advocate Recognition” from the California Rifle and Pistol Association in 2005. [Crime Survivors Resource Center, 1/25/11]

**Spitzer Brought a Loaded Handgun Into a Restaurant to Arrest a Diner in 2015**

**Spitzer Brought A Loaded Handgun Into A Restaurant to Arrest A Man He ‘Perceived As A Threat’ in 2015.** In September 2015, the Orange County Register reported that Spitzer “armed himself and handcuffed a fellow diner inside a Foothill Ranch restaurant in April.” Reportedly, when dining on April 3, Spitzer, who had a valid gun permit at the time, brought a loaded gun to a restaurant and initially left it in his car. However, another diner, Jeovany Castellano, reportedly came up to Spitzer and “made him uncomfortable by talking about religion.” Spitzer claimed he felt unsafe when Castellano looked at a
dinner knife on his table, so he “called 911, then, with deputies on the way, he went to his car to retrieve his gun and handcuffs.” Upon re-entering the restaurant with the gun, he handcuffed Castellano. Investigators later deemed that neither Spitzer nor Castellano had committed a crime. However, “Scott Baugh, former chairman of the Orange County Republican Party,” reportedly said, “Todd Spitzer with handcuffs and a gun is far more dangerous to the citizens of Orange County than a counselor looking at a butter knife.” [The Orange County Register, 9/15/15]

• **Spitzer Renewed Gun Permit Several Months After Handcuffing Fellow Diner, After Permit Lapsed For ‘Several Weeks.’** In September 2015, according to The Orange County Register, Spitzer “renewed his permit to carry a concealed weapon” just days after “it was revealed that he armed himself and handcuffed a fellow diner inside a Foothill Ranch restaurant in April.” Reportedly, while Spitzer did not indicate in interviews that his permit had ever expired, officials in the Sheriff’s Department confirmed that “Spitzer’s permit had lapsed for several weeks.” Spitzer’s application reportedly “lists two weapons and describes a history of threats against him” as justification for possessing concealed weapons. [The Orange County Register, 9/15/15]

• **NRA Opposed Sheriff’s Ruling That Required Spitzer To Prove ‘Good Cause’ For Gun Permit Renewal, Accused Sheriff of ‘Breaking the Law.’** In April 2015, according to a letter published by Michel & Associates, P.C. Attorneys At Law, a firm representing the NRA, the NRA opposed the Orange County Sheriff’s decision to apply a “good cause” standard for the issuance of concealed-carry permits. Reportedly, they claimed that the decision was made “behind the cloak of an illusory legal mandate” and was “breaking the law.” According to the The Orange County Register, Spitzer claimed that there was “a history of threats against him” to renew his gun permit as a result of this “good cause” requirement. [Michel & Associates, P.C. Attorneys At Law, 4/8/15; The Orange County Register, 9/15/15]

2017: Orange County Paid $121,000 To Cover Legal Fees Spent To Obtain Documents Regarding Spitzer’s 2015 Arrest Of A Man At A Restaurant. The Orange County Register reported that in August 2017:

the county paid $121,000 to cover the legal fees incurred by the investigative news organization Voice of OC, which spent the money to obtain documents Spitzer wrote about a 2015 incident in which Spitzer detained a man he said was threatening him as he ate at a restaurant. The county had sought to withhold those documents.

[The Orange County Register, 9/26/17]

**Pro-Gun Assembly Votes**

**Spitzer Voted Against Multiple Law Enforcement-Backed Gun Control Measures**

2006: Spitzer Voted Against and Helped Defeat AB352, An NRA-Opposed Bill That Would Have ‘Provide[d] An Outstanding Tool For Law Enforcement’ By Microstamping Serial Numbers on Ammunition. On August 30, 2006, according to the California Legislature, Spitzer voted No on concurrence for AB352, which would have required all new handguns to automatically engrave microscopic serial numbers from the gun onto the ammunition “by imprinting on each cartridge case when the firearm is fired.” The bill’s concurrence vote failed 40-37. In April 2005, according to the California Legislature, the “National Rifle Association of America” registered its official opposition to the bill.
Meanwhile, the "Legal Community Against Violence" emphasized that the bill "would provide an outstanding tool for law enforcement" by allowing them to trace ammunition to the owner of a gun. [California Legislature, AB352, 8/30/06; 4/5/05]

• **Fresno Police Department and California Reserve Peace Officers Association Supported Similar 2003 Bullet Serialization Bill That The NRA Opposed.** In April 2005, according to the California Legislature, the Senate Committee on Public Safety held a hearing on SB357, a bullet serialization bill first introduced by Sen. Dunn in February 2003. Reportedly, at the hearing, the Fresno Police Department and the California Reserve Peace Officers Association supported the bill, while the NRA lodged its official opposition to the bill. According to the NRA’s Institute for Legislative Action (NRA-ILA), the bill would have required “that all handgun ammunition carry a unique serial number engraved on both the bullet and the case and be registered to the purchaser.” In June 2005, prior to anticipated hearings for the bill in the California Assembly, the NRA-ILA reportedly told members to contact legislators on the “Assembly Public Safety Committee,” and “ask them to oppose SB 352,” including Spitzer. The bill ultimately did not receive a vote. [California Legislature, SB357, 4/26/05; 2/2/04; NRA Institute for Legislative Action, 6/17/05]

2006: Spitzer Voted Against SB59, Bill Supported By California State Sheriffs Association That Criminalized Failing to Report Stolen Guns. On August 22, 2006, according to the California Legislature, Spitzer voted against SB59, which passed the assembly 44-34. Reportedly, the bill “creates an infraction for any person whose handgun is stolen or irretrievably lost who […] fails to report the theft or loss to local law enforcement.” The California State Sheriffs Association reportedly supported the bill while the National Rifle Association of America and the Gun Owners of California opposed it. [California Legislature, SB59, 8/22/06; 6/21/05]

2008: Spitzer Voted Against SB1171, Police Officer-Backed Bill That Prohibited Carrying Loaded Guns on Public Streets. On August 13, 2008, according to the California Legislature, Spitzer voted against SB1171, which ultimately passed the legislature 43-33. According to an April 2008 report on the bill from the Assembly Committee on Public Safety, the bill would require “all newly manufactured or imported handguns in California to be owner-authorized, or personalized in a way that would allow them to be fired only by authorized persons.” Reportedly, “owner-authorized” is defined as a gun “that has a permanent programmable biometric feature as part of its original manufacture that renders the handgun incapable of being fired except when activated by the lawful owner.” Reportedly, supporters of the bill included the Emeryville Police Department, the Health Officers Association of California, and Legal Community Against Gun Violence, while the National Rifle Association opposed the bill. [California Legislature, AB2235, 5/28/08; 4/15/08]

2008: Spitzer Voted Against AB2235, Bill Requiring ‘Owner-Authorized’ Biometric System On Guns Supported By Police. On May 28, 2008, according to the California Legislature, Spitzer voted against AB2235, which ultimately passed the legislature 43-33. According to an April 2008 report on the bill from the Assembly Committee on Public Safety, the bill would require "all newly manufactured or imported handguns in California to be owner-authorized, or personalized in a way that would allow them to be fired only by authorized persons." Reportedly, "owner-authorized" is defined as a gun “that has a permanent programmable biometric feature as part of its original manufacture that renders the handgun incapable of being fired except when activated by the lawful owner.” Reportedly, supporters of the bill included the Emeryville Police Department, the Health Officers Association of California, and Legal Community Against Gun Violence, while the National Rifle Association opposed the bill. [California Legislature, AB2235, 5/28/08; 4/15/08]

Spitzer Voted Against SB1171, Bill 'Strengthening The Ban On Carrying Loaded Firearms In Public’ Supported by Los Angeles County Sheriff's Department, in 2008. On August 13, 2008, according to the California Legislature, Spitzer voted against SB1171, which ultimately passed the
legislature by a 45-32 vote. According to a June 2008 report on the bill by the Assembly Committee on Public Safety, the Los Angeles County Sheriff’s Department and the Peace Officers Research Association of California supported the bill. Reportedly, the bill “strengthen[s] the ban on carrying loaded firearms in public” by extending the prohibition to roads in unincorporated areas. [California Legislature, SB1171, 8/13/08; 6/24/08]

Spitzer Voted Against Tightening Regulations On Unsafe Guns

2003: Spitzer Voted Against SB480, Which Would Expand the Definition of ‘Unsafe Handgun.’ In September 2003, Spitzer voted against SB480, a bill that would include in the definition of an “unsafe handgun” a “center-fire semiautomatic pistol” missing one or both of the following features: a magazine disconnect mechanism and a chamber load indicator — features that ensure safety protocols are being followed while using a handgun. The bill passed with a 44-34 vote. [California State Legislature, SB480, 9/4/03]

Spitzer Voted Against SB238, Which Would Authorize Law Enforcement to Report Illegally-Used Firearms in Their Custody, Tighten Restrictions on Assault Weapons. In September 2003, Spitzer voted against SB238, a bill that would authorize law enforcement entities to report whether a firearm was previously used in a crime or illegally possessed “when a firearm is otherwise taken into custody by” the law enforcement entities. Reportedly, the bill would also “repeal the provisions exempting retired peace officers from the application of the assault weapon ban” and require assault weapon dealers to have a permit authorizing them to do so. The bill passed with a 51-23 vote in the Assembly and signed into law by the Governor in September 2003. [California State Legislature, SB238, 9/24/03; 9/8/03]

Spitzer Voted Against AB50, Which Would Criminalize Assault With a .50 BMG Rifle. In 2004, Spitzer voted against AB50, a bill that would make it a criminal offense to commit assault against another person or law enforcement with a .50 BMG rifle. The bill passed with a 45-32 vote and was approved by the Governor in September 2004. [California State Legislature, AB50, 8/25/04; 9/13/04]

Spitzer Voted To Remove Five-Year Expiration Of Handgun Safety Certificates

Spitzer Voted in Favor of AB336 to Remove the Five-Year Expiration of a Handgun Safety Certificate. In April 2003, Spitzer voted in favor of AB336, a bill that would eliminate existing law that a handgun safety certificate — required to complete a firearm purchase or transfer — will expire five years from the date of issuance. Instead, the “bill would delete the expiration provisions relative to issuance of a handgun safety certificate.” The bill failed in the Assembly Public Safety Committee with a 2-3 vote. [California State Legislature, AB336, 2/7/03; 4/22/03]

Spitzer Voted Against Bill To Prevent Children From Accessing Firearms In The Home

2004: Spitzer Voted Against SB1140, Which Would Prevent Children From Accessing Firearms. In June 2004, Spitzer voted against SB1140, a bill that would establish a misdemeanor offense for a person who keeps a weapon, loaded or unloaded, in a location where “he or she knows or reasonably should know that a child is likely to gain access to that firearm and the child obtains access to that firearm but does not take it off-premises.” The misdemeanor is punishable by up to six months in a county jail, a fine not exceeding $1,000, or both imprisonment and fine. The bill passed with a 41-34 vote. [California State Legislature, SB1140, 1/21/04; 8/26/04]

Spitzer Repeatedly Voted Against Gun Sales Regulations
Spitzer Voted Against SB824, Which Would Require Agents Who Handle, Sell, or Deliver Firearms to Present Eligibility Certificate to Dealer. In August 2003, Spitzer voted against SB824, which would authorize firearm dealers to require agents who handle, sell, or deliver “firearms to obtain and provide to the dealer a certificate of eligibility from the department.” Further, the bill would require the firearms dealer’s salesperson to record the salesperson’s certificate of eligibility number in the register or record of electronic transfer. The bill would also require the dealer to record on the register or record of electronic transfer, the date a handgun or other firearm is delivered by the dealer.

The bill passed with a 52-23 vote in the Assembly, and was signed into law by the Governor in September 2003. [California State Legislature, SB824, 9/24/03; 8/3/03]

2005: Spitzer Voted Against AB944, Which ‘Requires Firearms Dealers To Post Certain Warnings About The Dangers Of Firearms In The Home.’ On May 26, 2005, according to the California Legislature, Spitzer voted against AB944, which passed by a vote of 41-37. Reportedly, the bill “requires firearms dealers to post certain warnings about the dangers of firearms in the home,” including warnings about legal liability. Reportedly, the National Rifle Association of America opposed the bill. [California Legislature, AB944, 5/26/05; 4/19/05]

2006: Spitzer Voted Against AB2728, Which Allows Law Enforcement to ‘Conduct Compliance Inspections Of Licensed Firearms Dealers.’ On August 31, 2006, according to the California Legislature, Spitzer voted against AB2728, which ultimately passed the Assembly 49-29. Reportedly, the bill would allow “the Department of Justice (DOJ) to conduct compliance inspections of licensed firearms dealers.” The bill would allow the DOJ to inspect the facility before opening and would also “allow for immediate temporary suspension of a dealer’s license when public safety is determined to be at risk.” The National Rifle Association of America reportedly lodged its official opposition to the bill, while the California Attorney General supported the bill. [California Legislature, AB2728, 8/31/06; 4/19/05]

2007: Spitzer Voted Against AB362, NRA-Opposed Bill Requiring Handgun Ammunition Vendors To Register. On June 6, 2007, according to the California Legislature, Spitzer voted against AB362, which ultimately passed the Assembly 44-34. According to an April 2007 report on the bill from the Assembly Committee on Public Safety, the bill would require “any person that sells or transfers more than 50 rounds of handgun ammunition in any month to register as a handgun ammunition vendor.” Reportedly, the National Rifle Association and the Gun Owners of California Incorporated opposed the bill, while the Legal Community Against Violence supported the bill. [California Legislature, AB362, 6/6/07; 4/17/07]

2008: Spitzer Voted Against AB2948, NRA-Opposed Bill Banning Gun Sales at ‘Cow Palace,’ Location Used for Gun Shows in High-Violence Area. On May 28, 2008, according to the California Legislature, Spitzer voted against AB2948, which ultimately passed the Assembly 44-34. According to an April 2008 report on the bill from the Assembly Committee on Public Safety, the bill would prohibit “the sale of any firearm or ammunition on the property or in the buildings that comprise the Cow Palace property in San Mateo County.” Reportedly, the bill’s author wrote:

The communities surrounding the Cow Palace have been plagued by violence for years. Since 2005 these communities have accounted for almost 50% of the homicides and more than 30% of the guns seized in the City and County of San Francisco. This history of violence has caused
community leaders and elected officials alike to call for a ban on gun shows in their neighborhoods. Unfortunately, because the Cow Palace is owned and operated by the State of California, the communities of San Francisco and San Mateo cannot take the necessary steps to protect their neighborhoods. AB 2948 would remedy this inequity.

Reportedly, the National Rifle Association of America and the Gun Owners of California opposed the bill, while the Legal Community Against Violence supported the bill. [California Legislature, AB2948, 5/28/08; 4/8/08]

Spitzer Repeatedly Voted Against Limiting Who Can Purchase Guns And Ammunition

Spitzer Voted in Favor of AB201, Which Would Exempt 'Honorably Discharged' Members of the Military From Handgun Safety Permit Requirements. In April 2003, Spitzer, while residing as a member of the Assembly’s Public Safety Committee, voted in favor of AB201, a bill that would exempt “honorably discharged members of the United States Armed Forces, National Guard, or Air National Guard” from being required to own a handgun safety certificate prior to purchasing, receiving, selling, delivering, loaning or transferring a handgun. The bill failed passage in the Assembly’s Public Safety Committee, and no further action was taken. [California State Legislature, AB201, 1/28/03; 4/29/03]

2004: Spitzer Voted Against S.1152, Which Would Tighten Regulations on the Sale of Ammunition to Minors. In August 2004, Spitzer voted against S.1152, a gun control measure that would regulate the sale of ammunition to people under the age of 18. According to the bill’s text, the measure would

   require any person engaged in the retail sale of handgun ammunition, as defined, to record the date, the name, address, and date of birth of the transferee, a thumbprint, and other specified information concerning the transaction, and to make the information available to peace officers, except as specified. A violation of these provisions would be a misdemeanor.

The bill passed with a 41-38 vote in the Assembly, but was vetoed by the Governor in September 2004. [California Legislature, S.1152, 8/23/04]

Spitzer Voted Against AB2714, Which Would Require Purchaser of Handgun Ammunition to Prove Identity and Age Before Delivery Can Be Made. In August 2006, Spitzer voted against AB2714, a bill that would prohibit the delivery of handgun ammunition by a common or contact carrier “unless the purchaser personally presents bona fide evidence of his or her identity and age, as specified, to the carrier and the delivery container contains specified language.” The bill passed with a 41-33 vote in the Assembly, but was vetoed by the Governor in September 2006. [California State Legislature, AB2714, 2/24/06; 8/31/06]

2008: Spitzer Voted Against AB2696, Bill Requiring Department of Justice to Use National Instant Criminal Background Check System and Mental Health Reports. On August 28, 2008, according to the California Legislature, Spitzer voted against AB2696, which passed in a 46-29 vote. According to a March 2008 report on the bill from the Assembly Committee on Public Safety, AB2696 would require “the Department of Justice (DOJ) to participate in the National Instant Criminal Background Check System (NICS).” Further, the bill would also require “that mental health facilities that must submit reports to the DOJ regarding mentally disordered persons admitted to those facilities” for the purposes of background checks. [California Legislature, AB362, 8/28/08; 3/28/08]
Pro-Gun Orange County Board of Supervisors Votes

Spitzer Voted To ‘Speed Up’ Concealed Carry Permitting Process

Spitzer Voted to Endorse Sheriff’s Plan to ‘Speed Up Consideration Of Permits To Carry Concealed Weapons’ in 2014. In March 2014, according to the Voice of OC, the Orange County Board of Supervisors, including “County Supervisor Todd Spitzer,” “unanimously endorsed Sheriff Sandra Hutchens’ plan to speed up consideration of permits to carry concealed weapons.” Reportedly, the decision came after a court ruling “seemingly struck down a longstanding legal precedent requiring stringent good-cause requirements for a gun permit.” Spitzer reportedly said, “I do believe it’s incumbent upon us to process those applications in a timely manner.” [Voice of OC, 3/5/2014]

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Other Criminal Justice Issues

Other Criminal Justice Issues Highlights

• Spitzer chose to maintain a “highly controversial” DNA collection program. The program, dubbed “spit and acquit,” collected samples from defendants in exchange for plea deals, while charging defendants processing fees.
  – In 2021, law students at the UC Irvine civil rights law clinic alleged the DNA collection program was unconstitutional.
  – Spitzer described the suit as being led by a “bunch of law students” who were “trying to get experience, so they’re going after this DNA database,” stating that he was “really surprised how bad the legal work is that has been done on that brief.” Spitzer claimed the database “has been very very helpful and useful to solve crime.”

• Spitzer supported Proposition 20 in 2020, which increased ineligibilities for parole, penalties, and DNA collection.

• Spitzer voted to deny state identification cards to parolees in 2008.

• In 2021, Spitzer repeatedly criticized LA District Attorney George Gascón for being weak on crime, falsely claimed murder rates in Los Angeles tripled under Gascón, and called progressive prosecuting a “failed social experiment.” Spitzer criticized Gascón’s directive for resentencing after 15 years served.

• Spitzer called Hardin a Gascón “clone and wannabe” in 2021.

• Critics claimed Marsy’s Law, which Spitzer advocated for, could violate inmates’ constitutional rights.

Spitzer Maintained Highly Controversial And Allegedly Unconstitutional DNA Collection Practices

2019: Spitzer Decided To Maintain A ‘Highly Controversial’ DNA Collection Program. According to The Orange County Register in April 2019, Spitzer “decided to maintain his predecessor’s highly controversial DNA collection program despite voicing deep reservations about it during his campaign.” Critics of the program stated prosecutors should not have their own DNA samples, as they possessed an “inherent conflict of interest,” and DNA collection should “belong entirely in the hands of independent labs.” District Attorney Tony Rackauckas, who created the program, was “the only prosecutor in the nation to create his own database.” The program “generated at least 725 investigative leads for local police.” [The Orange County Register, 4/11/19]

• DNA Collection Program Dubbed ‘Spit And Acquit’ Collected Samples From Defendants For Plea Deals, And Charged Defendants Processing Fees. The DNA program collected mouth
swabs from “low-level criminals as part of their plea deals,” which defense attorneys reportedly called “spit and acquit” since prosecutors would at times drop charges in exchange for samples; defendants were also charged a $75 processing fee under District Attorney Rackauckas, however the Board of Supervisors raised the fee to $110 in 2019. [The Orange County Register, 4/11/19]

UC Irvine Professors Sued Spitzer, and Argued the OC DNA Collection Program Was Unconstitutional. In February 2021, University of California, Irvine law professors William Thompson and Simon Cole sued Spitzer, seeking to restrain the OCDA office “from coercing often indigent persons charged with misdemeanors into forfeiting their constitutional rights through the unlawful collection of DNA for the OCDA’s private DNA database—‘BILL.’” According to the complaint:

This coercive and invasive system permits the OCDA to pressure individuals who are often unrepresented by counsel at the time to permanently sign away the rights to their most personal information in exchange for dismissal of charges. Individuals’ genetic information is then used at the OCDA’s sole discretion, without any oversight. Plaintiffs bring this lawsuit to end the misappropriation of California taxpayer funds for the OCDA’s unconstitutional disregard for the DNA collection and retention guidelines set forth by the California Penal Code.

[Orange County Superior Court, Case #2021-01184633, 2/16/21]

- In April 2021, Spitzer Dismissed Lawsuit Against DNA Collection As ‘Law Students […] Trying To Get Experience.’ In an April 2021 interview with KPCC Southern California, Spitzer was dismissive of concerns about the legality of Orange County’s DNA collection program. In reference to a lawsuit brought by a UC Irvine civil rights law clinic, Spitzer said:

  It’s a bunch of law students in a legal clinic, and they’re trying to get experience, so they’re going after this DNA database. […] It has been very very helpful and useful to solve crime, and I’m really surprised how bad the legal work is that has been done on that brief.

  The suit alleges defendants are unconstitutionally coerced into giving DNA samples for lenient sentences. [89.3 KPCC Southern California, 4/7/21]

2020: Spitzer Supported Proposition 20, Increasing Ineligibilities For Parole And Penalties, And Increasing DNA Collection. The Los Angeles Times reported in October 2020 that Spitzer supported Proposition 20, a measure that would:

  expand the list of felonies for which the convicted are ineligible for early parole; increase penalties for repeat shoplifters; and collect DNA samples from adults convicted of some misdemeanors.

Other supporters of the measure included the California Police Chiefs Association, and the union representing state prison guards. Civil rights leaders, Governor Gavin Newsom, and former Governor Jerry Brown reportedly opposed the measure. [Los Angeles Times, 10/16/20]

Spitzer Voted Against The Issuance Of State IDs To Parolees

Spitzer Voted Against AB2099 to Provide Parolees With a State Identification Card in 2008. In 2008, Spitzer voted against AB2099, a bill that would require the Department of Corrections and Rehabilitation
to establish a pilot program with the purpose of providing incarcerated individuals with a valid California identification card issued by the Department of Motor Vehicles prior to the individuals’ release. According to the Assembly’s Floor Analysis of AB2099 that offered additional support for the passage of the bill,

Without proper identification, people with criminal records are often unable to find employment, secure housing or apply for public benefits that may be necessary to obtain medication. If they are fortunate enough to find work, the lack of state identification can make it extremely difficult to cash paychecks or open a bank account - all vital tools in becoming a contributing member of society.

The bill passed in the Assembly with a 47-31 vote, but the Governor vetoed it in September 2008. [California State Legislature, AB2099, 8/19/08; Assembly Floor Analysis, AB2099, 10/9/08]

### Spitzer Turned A Blind Eye To Texting And Smoking While Driving

**Spitzer Voted Against SB28 to Prohibit Texting While Driving In 2008.** In 2008, Spitzer voted against SB28, a bill that would prohibit a person from writing, sending, or reading a “text-based communication” while driving a motor vehicle. The bill implemented a $20 fine for a first offense and a $50 fine for each subsequent offense. The bill passed in the Assembly with a 52-24 vote, and the Governor enacted the bill into law in September 2008. [California State Legislature, SB28, 8/13/08]

**Spitzer Voted Against An Assembly Bill Banning Smoking In A Vehicle With A Minor Present.** The Orange County Register reported in January 2006 that Spitzer voted against a bill prohibiting smoking in vehicles containing minors. On the smoking ban, Spitzer reportedly said it started to “cross over to a nanny state when law enforcement officials are trying to regulate every aspect of everyone’s lives.” The bill, which imposed fines up to $100, ultimately passed and took effect at the start of 2006. [The Orange County Register, 1/7/08]

### Spitzer Repeatedly Criticized LA District Attorney George Gascón For Being Weak On Crime

**2021: Spitzer Criticized Gascón For Wreaking ‘Havoc,’ Claiming ‘LA Murders Are Up 300 Percent.’**

In March 2021, Spitzer posted on his campaign Facebook page:

> Yesterday I responded to the latest declared candidate against me for 2022 that he is eager to adopt and impose “progressive” public safety reforms for OC. God help us. LA murders are up 300%; George Gascon has wreaked havoc on those innocent citizens one county to our North. Expect liberal criminal attorneys and those he made promises to fire good OC prosecutors in exchange for their support. I will not let that happen to our good county!
Spitzer Called Progressive Prosecuting A ‘Failed Social Experiment,’ Made Misleading Claims About Crime In L.A. And San Francisco In April 2021 Interview. In an April 2021 interview with KPCC, Spitzer called progressive prosecuting, as exemplified by Los Angeles District Attorney Gascón, a “failed social experiment,” citing rising crime in Los Angeles and claiming falsely “Walgreens has closed all 10 of its stores in the city of San Francisco, because shoplifting isn’t being prosecuted.” The interviewers noted that crime has been rising nationally over the past year, not particularly in cities with progressive prosecutors. Walgreens has closed locations in San Francisco, but has not released information on the reasoning, and there are “more than 60” located in the city. Shoplifting continues to be prosecuted as a
misdemeanor in San Francisco. [89.3 KPCC Southern California, 4/7/21; San Francisco CBS Local, 8/6/19]

2021: Spitzer Criticized Gascón’s Directive Calling For Resentencing After 15 Years Served. In March 2021, Spitzer shared an article by The Orange County Register, which reported a “convicted killer” was “confident he would soon be free” under Los Angeles County District Attorney George Gascón’s “new directive calling for the possible resentencing of inmates who have already served 15 years in prison.” Spitzer posted on his office’s Facebook page:

LA District Attorney George Gascon is giving inmates reason to celebrate. They can be released from prison under his new directives that call for resentencing after 15 years already served. A convicted murderer is seen toasting in this video released by the California District Attorney’s Association celebrating his possible release now that he’s eligible for resentencing. This is a slap in the face to victims and victim’s families, and erodes the rule of law. If we can’t hold murderers and criminals accountable, what’s to stop them from recommitting or future criminals from victimizing people and feeling confident they won’t get the full sentence for the crime committed. LADA George Gascon’s policies are dangerous for everyday citizens, and supportive to criminals. It’s a reverse order on justice and jeopardizes public safety.
Spitzer Called Hardin A Gascón ‘Clone And Wannabe’

Spitzer in 2021: Hardin Is A Gascón ‘Clone And Wannabe,’ And ‘I Have To Show What Gascón Has Done To LA Because Hardin Will Do The Same Thing.’ In an April 2021 interview Spitzer criticized Gascón’s record, saying he ‘[had] to show what Gascón has done to L.A. because Hardin will do the same thing’ if elected Orange County District Attorney, and claimed Hardin was a ‘clone and wannabe’ of Gascón. He claimed that Gascón was ‘soft on crime’ and that violent crime had increased in Los Angeles as a direct result. [89.3 KPCC Southern California, 4/7/21]
Spitzer Advocated For Marsy’s Law, Which Allegedly Violated Inmates’ Constitutional Rights

Critics Claimed Marsy’s Law Could Violate Inmates’ Constitutional Rights. The Los Angeles Times reported in 2008 that while Marsy’s Law would give a “stronger voice” to victims, critics claimed the law could violate inmates’ constitutional rights. Reportedly:

Ex-convicts accused of violating parole would lose their right to a lawyer provided by the state. Those serving possible life sentences could be denied parole for up to 15 years, triple the current maximum. And an unlimited number of victims would be able to testify at an inmate’s parole hearing and say whatever they want – uninterrupted – without having to answer questions from an inmate or the inmate’s lawyer.

[Los Angeles Times, 10/23/08]

Spitzer Voted To Charge For Search And Rescue Missions That Resulted from ‘Reckless Conduct’

2013: Spitzer Voted To Charge For Search And Rescue Missions If They Resulted From ‘Reckless Conduct.’ The Los Angeles Times reported in May 2013 that the Orange County Board of Supervisors unanimously approved enabling cities and counties “to charge for an ‘extraordinary’ search and rescue in cases in which the person was older than 16 and demonstrated ‘wanton or reckless conduct.’” Critics of the measure claimed the proposal could discourage those needing help from calling if they couldn’t pay, or discourage law enforcement from offering help if they believed someone would not be able to pay. The board’s measure follows the $160,000 search and rescue of two hikers later charged with drug possession. [Los Angeles Times, 5/22/13]

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Sexual Misconduct

Sexual Misconduct Highlights

• In 2020, Spitzer refused to prosecute a high profile rape case against a Newport Beach surgeon and his girlfriend, claiming there was insufficient evidence.
  – One of the women allegedly assaulted by the surgeon claimed Spitzer distributed sealed documents to the media and should be found in contempt.
  – An Orange County District Attorney’s office investigator accused Spitzer of colluding with the defense attorneys in the case.
  – In 2021, attorneys for victims in the high profile rape case claimed Spitzer interfered in the case despite a court ruling that Spitzer’s office was “too conflicted” to be involved.

• In February 2021, four claims of sexual harassment had been filed against Spitzer and Deputy District Attorney Gary Logalbo.
  – Spitzer allegedly witnessed Logalbo’s harassment behavior and managers reportedly told him about Logalbo’s conduct. While an independent investigation found no formal complaints had previously been filed against Logalbo, Logalbo had a decades long pattern of harassment that multiple staff members recount being warned of when beginning employment. Spitzer reportedly commented on the investigation into Logalbo’s conduct by remarking, “I didn’t think he would do that at work.”
  – Spitzer is accused of promoting Logalbo despite awareness of his harassment behavior, interceding on his behalf.
  – Spitzer reportedly instructed a victim’s supervisor to write her up for “lying” after she reported Logalbo’s harassment. An independent investigation found Spitzer’s behavior does not qualify as retaliation, only because Doe’s supervisor refused to write her up.

• Another claim brought against an unnamed “extra-help prosecutor” in Spitzer’s office alleged the prosecutor harassed a 16-year-old intern; Spitzer allegedly interceded on the harasser’s behalf.

Spitzer Accused of Colluding With Defense Attorneys To Dismiss A High-Profile Rape Case

Spitzer Refused To Prosecute A Rape Case Against Dr. Grant Robicheaux and Cerissa Riley Due To Insufficient Evidence In 2020. The San Diego Union-Tribune reported in June 2020 that Spitzer found insufficient evidence against Newport Beach surgeon Dr. Grant Robicheaux, and Cerissa Riley, his girlfriend, after they were charged in 2018 by then-District Attorney Tony Rackauckas with drugging and raping several women. Spitzer “publicly apologized” to the defendants. However, Orange County Superior Court Judge Gregory Jones refused to dismiss the charges, saying it was “puzzling’ that he was being asked to dismiss the case before any alleged victims have the opportunity to testify.” Judge Jones
referred the case to the state Attorney General’s Office. [The San Diego Union-Tribune, 6/5/20; The Orange County Register, 6/5/20; ABC7, 8/21/20]

• **2018: One Of The Women Allegedly Assaulted By Robicheaux Requested That Spitzer Be Found In Contempt Of Court For Releasing Case Documents Before They Were Unsealed.**

According to the Los Angeles Times in 2018, a woman who alleged that she was drugged and sexually assaulted by Robicheaux filed a motion requesting that Spitzer “be found in contempt of court for distributing sealed documents about the case to the media.” Spitzer “handed out copies of a sealed search warrant and affidavit” at a news conference following Robicheaux and Riley’s arraignments. The woman felt “Spitzer’s conduct with the documents inappropriately interfered with the case.” Spitzer claimed the record was public, and that he received it before it was sealed. While the news conference occurred on October 17, the warrant was unsealed October 23. [Los Angeles Times, 11/2/18]

• **2021: An Orange County District Attorney’s Office Investigator ‘Accused DA Todd Spitzer of Colluding with Defense Attorneys’ in Rape Case.** In April 2021, according to the Orange County Register, “An investigator with the Orange County District Attorney’s Office” reportedly filed a lawsuit accusing “Spitzer of colluding with defense attorneys representing a Newport Beach surgeon and his girlfriend in order to sabotage a rape case against the couple.” Reportedly, the investigator, Jennifer Kearns, “was the lead investigator in the criminal case against Dr. Grant Robicheaux and Cerissa Riley” and lost her position as lead investigator on the case in January 2020. She reportedly also alleged that Spitzer removed “seasoned” prosecutors from the case upon taking office and replaced them with inexperienced attorneys before requesting that the case be dismissed. Spitzer’s office denied the allegations, and Spitzer has reportedly criticized Kearns on multiple occasions. [Orange County Register, 4/12/21]

• **2021: An Attorney For Victims In Surgeon Rape Case Accused Spitzer of Interfering In Case Despite Court Ruling That His Office Was ‘Too Conflicted’ To Handle The Case.** In January 2021, according to the Orange County Register, attorney Matt Murphy, “who represents several women who have accused Dr. Grant Robicheaux and Cerissa Riley of sexual assault,” accused Spitzer of interfering with the case. Reportedly, Murphy “alleged in court Thursday that DA Todd Spitzer has continued to call officials with the California Attorney General’s Office,” despite the fact that the case was transferred away from Spitzer’s office “after a judge found that the District Attorney’s office was too conflicted to prosecute the couple.” Reportedly:

Murphy also alleged that the DA’s office was interfering with state prosecutors talking to the lead DA investigator on the Robicheaux and Riley case. He cited a letter sent by attorney’s representing the investigator which indicate that she would only be allowed to speak to state prosecutors when her supervisor was present, an arrangement her attorneys indicated was meant to intimidate her and amounted to a gag order.

Reportedly, the prosecution in the Robicheaux and Riley case began under former DA Tony Rackauckas, and upon taking office in 2019, Spitzer “reversed course, citing a lack of evidence and a belief that the couple were swingers whose sexual encounters and drug use was consensual.” However, a judge “declined to dismiss the criminal charges, finding that the alleged victims deserve their day in court.”
Spitzer Named in Four Claims of Sexual Harassment in His Office

Spitzer Allegedly Witnessed Yet Failed To Address Sexual Harassment

Four Claims of Sexual Harassment Have Been Filed by Deputy District Attorneys Against Todd Spitzer and ‘Scary Gary’ Logalbo as of February 2021. In February 2021, a fourth claim victim filed a claim accusing Gary Logalbo of sexual harassment and District Attorney Todd Spitzer of witnessing the misbehavior, failing to address it, and retaliating against the victims. The Orange County Register reported:

Attorney Matt Murphy, a former prosecutor, is representing the four claimants, all deputy District Attorneys. Murphy spends much of the latest document blasting Spitzer for promoting to management his so-called best friend — known among veteran female employees as ‘Scary Gary.’ The claim says Spitzer’s tough talk against harassment in the workplace doesn’t apply to those closest to him and alleges he tried to retaliate against one of the four Jane Does who filed claims. The accusations have been met with an ‘angry tone, denials and overt victim blaming’ by Spitzer, said the claim. ‘The reason people were so deeply reticent to complain of this behavior was not fear of Mr. Logalbo, but because they feared, and continue to fear, the well-documented wrath of Todd Spitzer,’ said the document, which like the first three seeks unspecified damages.

[Orange County Register, 2/24/21]

Fourth Woman To Accuse Logalbo Of Harassment Claimed Spitzer Witnessed The Harassment.

According to The Orange County Register in February 2021, the fourth woman to accuse Logalbo of sexual harassment also claimed that Spitzer witnessed the harassment. [The Orange County Register, 2/26/21]

Investigation Found Logalbo Had Decades Long Pattern of Harassment

County of Orange Investigation Report Found That L0Galbo’s Sexual Misconduct Began “Ten to Fifteen Years” Prior to His Promotion to Head of Court. According to the County of Orange Investigation Report, the investigation into LoGalbo’s sexual misconduct found that LoGalbo began to engage in sexual misconduct and harassment “ten to fifteen years” prior to being promoted to Head of Court of the North Justice Center. [County of Orange Investigation Report, 4/28/21]

An Employee at the Orange County District Attorney’s Office Accused LoGalbo of Making Frequent, Inappropriate Sexual Remarks Since 2002. Witness Sixteen, an assistant district attorney who “has known Gary for a long time” since approximately April 2002, accused LoGalbo of making frequent, inappropriate sexual remarks toward her and others during his time at the Orange County District Attorney’s Office, according to the County of Orange Investigation Report. Although Witness Sixteen said she could not recall specific details regarding LoGalbo’s comments from 10 or 15 years ago, she said LoGalbo’s “mildly inappropriate” comments included “sexual innuendo.” Reportedly, Witness Sixteen said LoGalbo made “a lot of comments” about her feet and clothing, adding that his “foot fetish” is “common knowledge.” [County of Orange Investigation Report, 4/28/21]
• **LoGalbo Reportedly Told Witness Sixteen About a Prior EEO Complaint Filed Against Him “Years Ago” After He Commented on a Woman’s Brooch.** Witness Sixteen claimed that LoGalbo told her about a prior EEO complaint filed against him “years ago” after he commented on a woman’s brooch and “got in trouble,” according to the County of Orange Investigation Report. The incident reportedly involved clerical staff, and according to Witness Sixteen, may have been the reason as to why LoGalbo “got sent someplace.” [County of Orange Investigation Report, 4/28/21]

• **Witness Sixteen Felt That LoGalbo’s Behavior Became More Severe During His Tenure, the “Worst” Incident Involved LoGalbo Snapping Her Photo That He Implied to Be Used for Masturbation.** During LoGalbo’s tenure at the Orange County District Attorney’s Office, Witness Sixteen argued his behavior grew in severity. Reportedly, Witness Sixteen became LoGalbo’s assistant head of court in May 2020 where she worked “directly next door” to Logalbo’s office. Witness Sixteen claimed that the “worst” incident involving LoGalbo came “right at the end” of his tenure, when he took a photo of her while she was talking on the phone in her office. She reportedly flipped LoGalbo off and asked why he would take her photo. LoGalbo responded: “Oh, well, you’re the one that’s ruining it by flipping me off because that was for my spank bank.” According to the report,

  Witness Sixteen understood the “spank bank” comment to mean that LoGalbo “has a picture that he’s going to use to masturbate to of me later on.” He had not used this term with her prior to this incident. She did not know if she had heard indirectly that he had used the term before, but she could not recall it if she had.

  LoGalbo denied taking a photo of Witness Sixteen and claimed he was “just kidding.” [County of Orange Investigation Report, 4/28/21]

**After Witness Sixteen Encouraged LoGalbo to Improve His Behavior, He Said He “Would Just Retire If He Got Into Trouble” in 2020.** According to the County of Orange Investigation Report, LoGalbo reportedly told Witness Sixteen that he “would just retire if he got into trouble” after she urged him to improve his behavior in 2020. Witness Sixteen claimed to have had “several conversations” with LoGalbo about his lewd, inappropriate remarks, but he never took her advice. [County of Orange Investigation Report, 4/28/21]

**Witness Ten Alleged That LoGalbo Made “Flirty” Comments Toward Her Since 2017, “Joked” About Helping Her Become Pregnant.** Witness Ten, who worked under LoGalbo beginning in 2017, claimed that LoGalbo made “flirty” remarks toward her that he frequently brushed off as being a joke, according to the County of Orange Investigation Report. During one incident, Witness Ten said she was breastfeeding her child when LoGalbo told her, “Oh, I wanna try that.” Reportedly, she mentioned wanting to have another child, to which LoGalbo responded, “Oh, I can help you with that.” [County of Orange Investigation Report, 4/28/21]

**Report Finds Spitzer Asked a Supervisor To “Write Up” A Victim After She Reported Sexual Harassment for “Lying”**

The Investigator Found That Spitzer Told A Supervisor To Give A Witness Against LoGalbo A Negative Evaluation For An Email She Sent About LoGalbo And Spitzer. According to the County of Orange Investigation Report, the Investigator found Spitzer to be “not credible” when he denied telling Witness Twenty, an Assistant District Attorney who supervised Witness Nine, that he “needed to write up Witness Nine” in her upcoming employee evaluation for being “untruthful” in a Jan. 15, 2021 email she
sent to Witness Twenty and the Investigator regarding the LoGalbo investigation. Witness Nine’s email reportedly detailed “her concerns related to the investigation of LoGalbo, and potential retaliation against her.” Reportedly, in interviews with the Investigator, Witnesses Twenty and Twenty-One both referred to this incident, and the Investigator ultimately “resolve[d] the conflict [between their reports’ and Spitzer’s] in favor of Witness Twenty and Witness Twenty-one’s accounts.” Witness Twenty reportedly claimed that after Spitzer told him that the evaluation request “had to be handled” and that Witness Nine’s behavior “was not acceptable,” he told Spitzer that “he could not write Witness Nine up based on the instruction from human resources [to not retaliate against Witness Nine.]” Following this push-back, Spitzer “told him either he needed to think about it or they needed to discuss it further.” While Spitzer denied this characterization of the conversation, saying, “I think I just wanted to know how [Witness Nine] was doing after all this,” the Investigator did not find this denial credible. Both Spitzer and Witness Twenty recalled that they had a conversation in a small room at the West Justice Center on January 29 and that Witness Twenty-Four, a Public Information Officer in the Orange County District Attorney’s Office, was also present. Witness Twenty claimed that the conversation took place behind closed doors and that Spitzer’s security detail remained outside of the room during the conversation. [County of Orange Investigation Report, 4/28/21]

**Witness Twenty-One Reported That Spitzer Complained About Witness Nine’s Email Reporting Sexual Harassment Multiple Times Before He Asked Witness Twenty To Add The Negative Write Up.** According to the County of Orange Investigation Report, on January 15, Witness Twenty forwarded Witness Nine’s email to Witness Twenty-One, who immediately replied, assuring Witness Twenty that “they would not retaliate against Witness Twenty and would only give Witness Nine support.” On January 21, Witnesses Twenty-One and Twenty-Three reportedly learned from an attorney for Witness Nine that Witness Nine was Jane Doe #1 in the government claim against LoGalbo. Witness Twenty-One immediately sent this information to Spitzer. The next day, Spitzer “criticized Witness Twenty-three and Twenty-one for reaching out to him so late at night in a text and then told them that Witness Nine, now identified as Jane Doe #1 had lied and was untruthful in her email reporting sexual harassment.” He reportedly repeated these claims about Witness Nine on January 26, three days before the meeting with Witness Twenty. [County of Orange Investigation Report, 4/28/21]

**Witness Nine Mentioned Fearing Retaliation From Spitzer Because Of His Closeness To LoGalbo Multiple Times In Her Email To The Investigator.** According to the County of Orange Investigation Report, Witness Nine became “distraught” when the Investigator reached out to ask her to take part in an interview and replied with an email on Jan. 15, 2021 explaining “her concerns related to the investigation of LoGalbo, and potential retaliation against her.” Key passages include:

As I’m sure you can imagine, any sexual harassment in the workplace is an awful thing to endure. When it comes from a manager, who literally has the power to fire, or prevent me from being hired full time for the position I have worked my entire life to achieve, it is exponentially worse. The man visiting this harassment upon us is not only a friend of the elected District Attorney, but was actually the ‘Best Man’ at his wedding. Imagine how stressed the female prosecutors in this office must be. […] You must be aware that many of the people you are sending that e-mail to were also recipients of the same unwanted behavior from the subject of your investigation. This man was not fired, nor was he forced to resign. According to the District Attorney, he simply ‘elected to retire.’ Is there not an inherent incentive in your ‘independent review’ to find that witnesses to this behavior are being dishonest? Is it not far
better for the financial interests of the County, and the political interests of Mr. Spitzer, to clear this manager of wrongdoing? Your e-mail visits even more fear upon the people you should be seeking to support. […] It is also important to remember that despite his abhorrent behavior, this manager still has many close friends, including, as I mentioned above, the District Attorney himself. Please be aware, that as new prosecutors, we are also on probation for three full years. This means we cooperate with your investigation at our own risk and without the benefit of civil service protection. Make no mistake, we will live under the specter of guileful retaliation for years to come. Frankly, the use of my name also makes me wonder if I am perhaps being investigated for some sort of wrong-doing.

In her reply to Witness Nine, the Investigator withdrew her request for an interview and wrote, “I am very sorry my email and the confidential investigation caused you to feel distraught and fearful of retaliation. Your request not to be interviewed again is reasonable and is not viewed by me to be uncooperative.” [County of Orange Investigation Report, 4/28/21]

**Report Found Spitzer Didn’t “Retaliate” Because the Supervisor Declined to Write Up the Victim**

**Orange County Prosecutors ‘Battled Against Their Own Boss’ by Refusing to Retaliate Against One of LoGalbo’s Sexual Harassment Victims.** The Voice of OC reported in May 2021 that Orange County prosecutors “battled against their own boss” by refusing Spitzer’s requests that they retaliate against Jane Doe 1, or Witness Nine, who became “the first of several DA employees” to file a formal harassment complaint against LoGalbo. Reportedly, Spitzer “went on the attack” after discovering Jane Doe 1 filed the harassment claim, and he asked the victim’s supervisor to “write up” in her personnel evaluation that she lied about the sexual harassment. Both the victim’s supervisor and his colleague refused to retaliate against Jane Doe 1 and “immediately reported” Spitzer’s request to Human Resources. Spitzer backed off once the supervisor’s colleague directly pressed him on the issue, and ultimately “approved the victim’s positive performance evaluation.” Reportedly, Spitzer later told the Voice of OC that he was not retaliating against Jane Doe 1, nor that the conversation with the supervisor had anything to do with LoGalbo. Rather, he argued that the “untruthfulness allegations” he raised about Jane Doe 1 were about the extension of her probation period. [Voice of OC, 5/10/21]

**The Investigator Found That Spitzer Did Not Technically Retaliate Because the Supervisor Declined To Follow His Instructions.** While the Investigator found that Witness Twenty’s claim that Spitzer, she did not find that these actions constituted violations of the County’s Equal Employment Opportunity Policies against retaliation because:

When Spitzer left the meeting with Witness Twenty, he did not order Witness Twenty to prepare the evaluation with the reference to Witness Nine’s alleged untruthfulness. Instead, he indicated that they would continue the discussion. On February 8, 2021, Spitzer approved the positive evaluation as written by Witness Twenty. Witness Nine passed probation and is now a permanent employee. Thus, based on a preponderance of evidence the allegation against Spitzer for retaliation against Witness Nine is unsubstantiated.

[County of Orange Investigation Report, 4/28/21]

**Witness Twenty Immediately Reported The Conversation With Spitzer To Witness Twenty-One, Who Advised Him Not To Include The Negative Write-Up In His Evaluation Of Witness Nine.**
According to the County of Orange Investigation Report, Witness Twenty-One, a Senior Assistant District Attorney who supervised Witness Twenty, consistently spoke with Witness Twenty about Witness Nine and Spitzer’s request for a negative evaluation and ultimately “instructed Witness Twenty not to write up Witness Nine for untruthfulness in her review.” Reportedly:

On January 29th, Witness Twenty called [Witness Twenty-One] and was very upset because Spitzer told him Witness Nine needed to be written up in her review because she lied in an email. Witness Twenty told Witness Twenty-one that Witness Twenty-four was in the meeting in the library. Witness Twenty-one instructed Witness Twenty not to write up Witness Nine for untruthfulness in her review. On January 30th, Witness Twenty-one reported her conversation with Witness Twenty about Witness Nine to Pettit, and to the County EEO office on February 1.

On February 5, Witness Twenty sent Witness Twenty-One his evaluation of Witness Nine, which found that she “exceeded expectations” and did not include any information about the email. Witness Twenty-One sent the evaluation to Spitzer with a post-it note attached, reading, “Todd, [Witness Twenty] told me about your conversation with him and that you wanted [Witness Nine] to be written up in her evaluation. [Witness Twenty] and I both disagree with that. Please get back to me.” [County of Orange Investigation Report, 4/28/21]

Witness Twenty-Four Denied Remembering The Conversation Where Spitzer Allegedly Pressured Witness Twenty to Write Up The Victim, But The Investigator Deemed Her Interview ‘Markedly Inconsistent And Evasive.’ According to the County of Orange Investigation Report, while Witness Twenty-Four claimed to not recall the January 29 conversation between Spitzer and Witness Twenty, the Investigator found her claims to be “not credible,” “not plausible,” and “markedly inconsistent and evasion.” Reportedly, Witness Twenty-Four did not “recall having any conversations that involved Mr. [Witness Twenty] about [Witness Nine].” Following this:

Witness Twenty-four was asked: ‘Do you recall being present in court when he was there and then subsequently you and Mr. Spitzer when back to talk to Mr. [Witness Twenty] privately after that court appearance?’ Witness Twenty-four stated: ‘Well I don’t, I mean, like I said, it’s just hard for…I, I’m not, I’m not trying to be evasive at all I just really um…I know that we went back upstairs, it was Todd and I in a conference room in West Court um…we were talking about the, the Epps case um…I, I think something … about Gary but it wasn’t, but it wasn’t, it didn’t have to do with anybody’s evaluation or, or anything like that. Um…and [Witness Twenty] may have made an off-handed comment to me saying, ‘Hey, um…you know, isn’t this a pain in the ass’ or something like that, like just dealing with all of this fallout of this. So, but I don’t really, I honestly don’t recall, I, I would have to think about it and get back to you.’

Witness Twenty-four was asked again, in the same interview, about any recollection of Spitzer stepping into a room with Witness Twenty, and having a conversation with Witness Twenty, when she was also present in the room and Spitzer’s security detail stayed outside. Witness Twenty-four stated: ‘Yes, yeah.’ Witness Twenty-four stated: ‘….so it, it’s, it’s likely that they had a conversation that since I was an active participant I wouldn’t, I’d probably be on my phone dealing with reporters or other things where I wouldn’t be actively listening to what they were saying.’

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Regarding Witness Twenty-Four’s claim that she did not hear their conversation or would not have been actively listening, the Investigator deemed that her “account is not plausible given the small size of the room.” Further, regarding Witness Twenty-Four’s lack of memory, the Investigator found this similarly implausible “the short time between the date of the incident and the date of her interview” and her background as a professional reporter who would be trained to accurately recall events.

[County of Orange Investigation Report, 4/28/21]

**Spitzer Promoted Attorneys Despite Alleged Awareness Of Their Harassment Behavior**

**Claimant Says Spitzer Was Advised Against Promoting Logalbo And Against Hiring The Attorney Who Harassed Teenaged Intern, But Spitzer Proceeded Anyway.** Matt Murphy, representing the women alleging Spitzer enabled sexual harassment in the District Attorney’s office, claims that senior staff had advised Spitzer against promoting Gary Logalbo and against hiring the attorney who allegedly harassed a 16-year-old intern, but Spitzer proceeded with both actions despite warnings. City News Service reported:

According to the women, Logalbo was nicknamed ‘Scary Gary’ because of alleged ‘pervasive sexual harassment they had experienced, which had begun over 20 years ago,” Murphy said. He said they are barred from pursuing claims because the allegations date back too far. […] Murphy claimed ‘senior assistants’ had advised Spitzer against promoting Logalbo, who was best man at the D.A.’s wedding, because managers in the office ‘had known about this behavior for years.’” The attorney accused of harassing a teenaged intern, a campaign donor and volunteer, was hired by Spitzer over the objections of senior assistants, who advised against the hire before a background check was complete. CNS reported: Spitzer was again advised not to keep the attorney on the payroll after more of his background check was done, but Spitzer “personally intervened on this man’s behalf and re-tasked the Investigative Bureau with a more thorough investigation,” Murphy said, adding that Assistant District Attorney Shawn Nelson”explained that they wished to ‘pass him through.’ […] A more detailed background check later showed the attorney failed to list two previous jobs on his resume, Murphy said. ‘Investigators reported that they were told this individual had been fired from one job for dishonesty, and from the other for using racial slurs in the workplace,’ Murphy said. The attorney denied he had ‘lied or ever used racial epithets’ but did acknowledge he had been fired from the jobs and that he left the positions off of his application, Murphy said. The attorney was let go six months after the complaint of harassment was filed, he said.

[City News Service, 2/24/21]

**Managers Allegedly Told Spitzer About Harassment Before He Promoted Logalbo.** According to Patch in February 2021, Attorney Matt Murphy, who represents the four women alleging harassment, claimed that

‘senior assistants’ had advised Spitzer against promoting Logalbo […] because managers in the office ‘had known about [sexual harassment] behavior for years.’

Spitzer promoted Logalbo despite the accusations. [Patch, 2/24/21]
Accused Sexual Harasser Gary Logalbo Was The Best Man in Spitzer’s Wedding. Former Senior Assistant District Attorney Gary Logalbo, who has been accused by four Orange County Deputy District Attorneys of sexual harassment, is DA Todd Spitzer’s “former roommate and best man at his wedding decades ago.” According to the Orange County Register in February 2021, “Spitzer has acknowledged his personal relationship with Logalbo, but denies he is his ‘best friend.”’ [Orange County Register, 2/24/21]

Fourth Sexual Harassment Claim Claimed Spitzer Witnessed The Misbehavior But Promoted Logalbo. The fourth sexual harassment claim filed by deputy District Attorneys in the Orange County District Attorney’s office claimed DA Todd Spitzer “witnessed the misbehavior but protected and even promoted the offender.” According to the Orange County Register in February 2021:

As far as Logalbo, Jane Doe 4 describes one incident in which she was discussing a child annoyance case with him when he said, ‘Talking about all this sex stuff makes me horny.’ The document alleges that Chief Assistant District Attorney Shawn Nelson and Spitzer witnessed Logalbo’s misconduct but did nothing. Spitzer even raised Logalbo to the highest management post in the office, despite protests from supervisors aware of his antics, the claim said. Before he left, Logalbo was allowed to conduct a promotion interview of one of the claimants, Jane Doe 2. She didn’t get the job.

[Orange County Register, 2/24/21]

Report Finds No Formal Complaints Were Previously Filed Against LoGalbo, But His Harassment Was No Secret

The Investigator Found Allegations That ‘The OCDA Failed to Promptly Report Sexual Harassment Allegations’ To Be ‘Unsubstantiated.’ According to the County of Orange Investigation Report, the investigation concluded that “the allegation that the OCDA’s supervisory, management and Human Resource employees failed to promptly respond to or report suspected acts of harassment (hostile work environment and/or quid pro quo) in violation of the Policy is unsubstantiated.” Reportedly, there was a delay of 30-35 days between when Human Resources Officer Matthew Pettit first heard from a departing employee that there may be allegations against LoGalbo and when the office placed LoGalbo on administrative leave. However, during this time, Pettit had already begun conducting interviews with witnesses. The Investigator attributes the delay to:

A number of factors including the inexperience of Pettit with the County process for processing complaints, Nelson's request that Pettit explore with County EEO the possibility of retraining or counseling for LoGalbo, the holidays, and the fact that during the pandemic many County employees were working from home.

[County of Orange Investigation Report, 4/28/21]

• Multiple Witnesses Accused Spitzer’s ‘Second In Command,’ Shawn Nelson, Of Minimizing LoGalbo’s Actions And Trying To Prevent His Firing. In the course of the investigation, the Orange County Investigator spoke with Witnesses Twenty-One and Twenty-Three, who accused Shawn Nelson, described by Witness Twelve as Spitzer’s “second in command,” of trying to convince Pettit to pursue “counseling or additional training for his misconduct” instead of firing him. Reportedly, Nelson would have been in charge of the daily operation of the office, as “Nelson and
Spitzer stated that the day-to-day management of the OCDA was delegated by Spitzer to Nelson.

Reportedly:

Witness Twenty-one stated near or at this time, her fellow VI [Witness Twelve] told her that Nelson said ‘Gary just needs some counseling. All he needs is counseling and everything will be fine. Witness Twelve discussed that with Witness Twenty-three and I and we got, and we were very concerned.’ [...] Witness Twenty-one stated while LoGalbo was on vacation: ‘Shawn Nelson said in front of me and the other senior assistants several times, ‘Gary doesn’t have any victims. No one really came forward and reported it. So there aren’t any real people that reported it, so it’s a weird situation. It’s not like a normal situation because no one came forward and reported it.’ He also said quote/unquote, ‘People only report it because they’re asked. Everybody likes Gary. No one came forward and reported it.” [...] Witness Twenty-three also recalls comments around this time made by Nelson about LoGalbo. Witness Twenty-three stated: ‘Gary might just need some classes. Also, some comments to the effect of: it was an unusual circumstance because there really weren’t any victims. These were Shawn Nelson’s words.’

Nelson reportedly denied ever having this conversation, and disputed “that he was taking the reports lightly, and said he was urging Pettit to explore all the possible options.” [County of Orange Investigation Report, 4/28/21]

Multiple Employees Recalled Warnings About LoGalbo, But The Investigator Found That The Information Was Too Vague To Conclude That ‘OCDA Supervisors Were Aware Of Suspected Sexual Harassment.’ According to the County of Orange Investigation Report, at least six “witnesses recall[ed] being warned about LoGalbo’s inappropriate comments or warning other employees to hide their shoes or to anticipate inappropriate comments,” but the information that they were able to provide lacked “the specificity required to make a finding based upon a preponderance of evidence that OCDA supervisors were aware of suspected sexual harassment.” Additionally, “there were no prior formal complaints against LoGalbo before November 19, 2020 for Spitzer to be aware of before promoting him into a position of being a supervisor.” [County of Orange Investigation Report, 4/28/21]

The Investigator Did Not Determine Or Attempt To Determine Whether Retaliation ‘Would Have Actually Occurred’ If Earlier Employees Attempted To Report Misconduct. According to the County of Orange Investigation Report, the Investigator wrote, “In making these findings, this Investigator believes it is both speculative and unnecessary to determine whether in fact retaliation by Spitzer or any other person, including LoGalbo would have actually occurred if the witness had reported the misconduct.” [County of Orange Investigation Report, 4/28/21]

Spitzer, Allegedly: “I Didn’t Think He Would Do That at Work”

When Told ‘You Know That’s How He Is’ In January 2021, Spitzer Allegedly Replied, ‘I Didn’t Think He Would Do That At Work.’ Witness Sixteen told the Investigator that she spoke with Spitzer on the phone in January 2021 about the allegations against LoGalbo and said, “you know that’s how he is,” to which she said he replied, “I didn’t think he would do that at work.” While Witness Sixteen told her supervisor about the call at the time, the Investigator found this evidence to be “inconclusive,” as “there is no corroborating evidence either direct or indirect to support either person’s account” and Spitzer’s phrase was “vague and ambiguous, and insufficient to establish Spitzer’s knowledge of LoGalbo’s propensity for sexual harassment.” [County of Orange Investigation Report, 4/28/21]
Spitzer Pulled Strings For A Prosecutor Who Allegedly Harassed a 16-Year-Old Intern

Fourth Claim Of Sexual Harassment In Spitzer’s Office Claims Spitzer ‘Interceded On Behalf Of’ A Prosecutor Who Harassed A 16-Year-Old Intern. The fourth unnamed claimant accusing District Attorney Todd Spitzer of enabling sexual harassment in his office alleges she reported to Spitzer after witnessing an “extra-help prosecutor” harassing a 16-year-old intern, and that Spitzer interceded on the alleged harasser’s behalf. The Orange County Register reported in February 2021:

The claim mentions another unnamed, extra-help prosecutor — a former volunteer in Spitzer’s 2018 election campaign — who allegedly harassed a 16-year-old intern. Jane Doe 4 witnessed the harassment and reported it to management, but Spitzer interceded on behalf of the prosecutor, the claim says. The alleged harasser was later “released from OCDA employment” after failing a second background check, Murphy wrote. ‘Two men, each with personal relationships to the District Attorney, acted with impunity when it came to the pervasive sexual harassment of at least four adult women and one teenage girl,’ the document said.

[Orange County Register, 2/24/21]

• Logalbo Investigation Report Does Not Address Allegations That Spitzer Campaign Staffer Harassed an OC DA Intern. As the scope of the County of Orange Investigation Report only included allegations against LoGalbo and resulting allegations of inaction and retaliation by Spitzer and the Orange County District Attorney’s Office, the report does not discuss the allegations, made by Jane Doe #4 in a claim against Spitzer and LoGalbo, that Spitzer “interceded on behalf of” a prosecutor in his office who harassed an intern in the office. [County of Orange Investigation Report, 4/28/21]

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Drug Use and Addiction

Drug Use and Addiction Highlights

• Spitzer voted against a 2008 bill that would prohibit employers from discriminating against medical marijuana patients.

• Spitzer received zero percent ratings from drug reform organizations in 2007 and 2008.

• Spitzer voted to ban marijuana from unincorporated parts of Orange County as a County Supervisor in 2017.

Spitzer Opposed Prohibition Of Employment Discrimination Against Medical Marijuana Patients

Spitzer Voted Against AB2279 to Prohibit Employment Discrimination Against Medical Marijuana Patients in 2008. In 2008, Spitzer voted against AB2279, a bill that “prohibits employers from discriminating against an employee in hiring, termination, or any condition of employment for being a qualified patient who uses medical marijuana.” Further, it authorizes medical marijuana users who have been discriminated against to bring charges against an employer. The bill passed in the Assembly with a 41-35 vote, but the Governor vetoed the bill in September 2008. [California State Legislature, AB2279, 5/28/08]

Spitzer Received 0% Ratings From Drug Reform Organizations

Spitzer Received a 0% Score From Drug Policy Forum of California in 2007-2008. In 2007-2008, Spitzer received a 0% score from Drug Policy Forum of California. [VoteSmart, Accessed 3/30/21]

Spitzer Received a 0% Score From DrugSense in 2007-2008. In 2007-2008, Spitzer received a 0% score from DrugSense. [VoteSmart, Accessed 3/30/21]

Spitzer Voted For An Ordinance Banning Marijuana In Unincorporated Parts Of Orange County

Spitzer Voted For Ordinance Banning Marijuana In Unincorporated Parts Of Orange County. According to the Baltimore Sun in November 2017, Spitzer and Orange County Board of Supervisors “gave preliminary approval to an ordinance banning marijuana sales, distribution and cultivation in unincorporated parts of the county.” Spitzer “argued that the county was only adopting what all but just two cities in the county have approved,” as Costa Mesa allowed medical marijuana research and development, and Santa Ana allowed the production of marijuana in 20 locations in the city. Supervisor Shawn Nelson, who cast the lone dissenting vote, said the board was “ignoring the will of the voters, who approved the decriminalization of marijuana last year with Proposition 64.” The state law allowed for the recreational use of marijuana for residents age 21 and older and the cultivation of up to six plants. [Baltimore Sun, 11/15/17]
Spitzer Abstained From A Vote Creating A Registry Of Sober-Living Homes In OC

Spitzer Abstained From Vote Creating Registry Of Sober-Living Homes In OC. According to the South Florida Sun-Sentinel in October 2018, as a member of the Orange County Board of Supervisors, Spitzer abstained from a vote giving initial approval to a proposed ordinance to require private alcohol and drug abuse programs in the county’s unincorporated areas to register each year with the Orange County Health Care Agency. The measure was proposed by Tony Rackauckas, who Spitzer was running against for Orange County DA. Reportedly,

The ordinance would require programs to identify their locations, owners and affiliated programs and facilities. By creating a roster, consumers and the public could make informed decisions, protect patients from conflicts related to their care and help prevent billing fraud, according to the proposal.

[South Florida Sun-Sentinel, 10/18/18]

Spitzer Introduced A ‘Social Host’ Ordinance To Expand Penalties For Underage Drinking

Spitzer Introduced ‘Social Host’ Ordinance To Penalize People Who ‘Allow, Permit, Or Host’ Parties With Underage Drinking. According to the Orange County Register in December 2013, Spitzer introduced a county law the would penalize people who “allow, permit, or host” a party with underage drinking. Reportedly,

An illegal gathering is defined as having three or more people, the draft states, with at least one person under 21 who is drinking. A parent wouldn’t be penalized for giving alcohol to his or her own children. A $750 fine would be imposed on the first offense and make subsequent offenses a misdemeanor with penalties up to $1,000 or six months in jail.

[Orange County Register, 12/17/13]

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Mental Health

Mental Health Highlights

- The Orange County Board of Supervisors “discovered” in 2018 that the county had “accumulated $380 million over the last two years that could be directed toward housing and services for mentally ill homeless people.” Spitzer blamed staff members for not informing the board of the stashed funds, but U.S. District Judge David Carter “accused the county of ‘chipmunking’ funds.”

- As supervisor, Spitzer voted in favor of a controversial 2014 law that allowed officials to order “severely mentally ill people” into court-imposed treatment, against the patients’ wishes.

- Spitzer wanted to deny those committed to mental hospitals for insanity any access to court for five years in 2001.

Spitzer Blamed Staff for OC Supervisors Failing To Spend $380 Million In Stashed Mental Health Funds For The Homeless

Spitzer Blamed Staff Members For Not Informing The Board of Supervisors Of $380 Million In Funds For Housing And Mental Health Services. According to KQED in 2018, the Orange County Board of Supervisors “only recently discovered” the county had “accumulated $380 million over the last two years that could be directed toward housing and services for mentally ill homeless people,” with Spitzer claiming staff members for not informing the board about the funds. U.S. District Judge David Carter, who oversaw the lawsuit regarding the county’s Santa Ana River Trail encampment closure, “accused the county of ‘chipmunking’ funds.” [KQED, 3/20/18]

- Following The Board’s Failure To Spend Millions In Available Funds For The Homeless, A Unanimous Board Approved $70.5 Million On Permanent Housing. The Orange County Register reported that following the failure of the board to spend millions in available funds for the homes, a unanimous board vote supported spending $70.5 million on permanent housing. The vote also “emerged from negotiations” following a lawsuit against “efforts to dismantle the homeless encampments along the Santa Ana River Trail,” after which the county agreed to move nearly 700 to local motels for 30-day stays. The Board of Supervisors’s vote followed the expiration of these 30 day vouchers. [The Orange County Register, 3/19/18]

Spitzer Approved A Law Forcing Mental Health Treatments On Patients Without Their Consent

Spitzer Approved A Controversial Law Allowing Officials To Order ‘Severely Mentally Ill People’ Into Court-Imposed Treatment, Against Patients’ Wishes. The Orange County Register reported in May 2014 that Spitzer, alongside a unanimous Board of Supervisors, approved a controversial law, “Laura’s Law,” that allowed officials to order “severely mentally ill people into court-imposed outpatient treatment, even if that treatment is against a patient’s wishes.” Civil rights lawyer Ann Menasche reportedly objected the law, stating:
I oppose it for four reasons: it’s unproven, costly, unjust and unnecessary. […] It’s two to three times the cost of proven voluntary programs. What this means is less money available for voluntary programs and affordable housing, despite the large unmet need. It’s unjust and casts a wide net that nonviolent individuals get caught in. … By removing the individual’s right to decide and by involuntarily detaining them, this program risks renewing trauma and driving people away from mental health services altogether.

In response to critics claiming the law infringed on civil liberty, Spitzer reportedly said society had “obligations” and you “don’t have liberty when you can’t control your own destiny.” [The Orange County Register, 5/14/14]

Spitzer Wanted To Deny Those Committed To Mental Hospitals For Insanity Access To Court For Five Years

2001: Spitzer Wanted To Deny Those Committed To Mental Hospitals For Insanity Access To Court For Five Years. According to The Orange County Register in 2001, Spitzer wanted “state law changed so that someone committed to a mental hospital for insanity cannot go back to court in less than five years.” This position came after Edward Allaway, a convicted killer, applied for outpatient release from a mental institution. [The Orange County Register, 12/22/01]

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Discrimination

Discrimination Highlights

• In February 2021, Spitzer could not provide examples as to how his office would play a role in changing an American society that “prosecuted people of color differently.”

• Spitzer opposed anti-discrimination laws in school curricula in 2006.

• Spitzer opposed legalizing same-sex marriage in 2007. The same year, Spitzer opposed conjugal visits for gay and lesbian inmates.

• Spitzer supported ending public sector affirmative action through proposition 29 in 1996.

• Spitzer received dismal ratings from numerous civil rights advocacy groups. For instance, in 2005-2006, Spitzer received a 0% score from Equality California, an LGBTQ+ civil rights advocacy organization.

Spitzer Promised To End Discriminatory Sentencing, But Could Not Give Policy Plans

In February 2021, Spitzer Claimed ‘American Society Has Prosecuted People of Color Differently;’ When Asked How He Was Changing That There Were No Policy Examples. Spitzer claimed in February 2021 that “American society has prosecuted people of color differently,” and that his office would change that in Orange County. When asked what steps he had taken in an April 2021 interview, Spitzer cited one example of a case of a young Black man for whom his office was seeking lenient sentencing, but could not describe a policy change in the District Attorney's office, nor a metric by which Assistant District Attorneys could be judged towards the goal of racial justice in prosecuting. [89.3 KPCC Southern California, 4/7/21]

Spitzer Opposed Anti-Discrimination Laws In School Curricula

Spitzer Voted Against SB1437 in 2006 to Prohibit Schools From Adopting Discriminatory Curriculum Content. In 2006, Spitzer voted against SB1437, a bill that would revise the list of characteristics included in existing anti-discriminatory school curriculum law by prohibiting curriculum that discriminates against or reflects adversely upon an individual based on their “race or ethnicity, gender, disability, nationality, sexual orientation, and religion.” The bill passed in the Assembly with a 47-31 vote, but in September 2006, Gov. Schwarzenegger vetoed the bill. [California State Legislature, SB1437, 8/21/06]

Spitzer Voted Against Legalizing Same-Sex Marriage in 2007

Spitzer Voted Against AB43 To Legalize Same-Sex Marriage In 2007. In 2007, Spitzer voted against AB43, a bill that would enact the Religious Freedom and Civil Marriage Protection Act, “which would
instead provide that marriage is a personal relation arising out of a civil contract between 2 persons." The bill passed in the Assembly with a 42-34 vote. [California State Legislature, AB43, 6/5/07]

**Spitzer Opposed Conjugal Visits For Gay And Lesbian Inmates**

2007: After California Prisons Allowed Conjugal Visits For Gay And Lesbian Inmates, Spitzer Described ‘The Whole Concept Of These Conjugal Visits’ As ‘Ludicrous.’ The San Francisco Chronicle reported in 2007 that after California’s prison system allowed conjugal visits for gay and lesbian inmates, Spitzer stated: “The whole concept of these conjugal visits is ludicrous […] It’s prison. I don’t care whether it’s a spouse or a domestic partner, I don’t think it should be allowed at all.” [San Francisco Chronicle, 6/1/07]

**Spitzer Opposed Affirmative Action Programs in 1996**

1996: Spitzer Supported Proposition 29, Ending Public Sector Affirmation Action. The Los Angeles Times reported in September 1996 that Spitzer supported Proposition 29, which ended public sector affirmative action programs. The initiative “had the support of much of the Republican Party leadership” in California, and was viewed as attractive for voter turnout, especially among white males who saw themselves as “victimized by affirmative action programs.” [Los Angeles Times, 9/8/96]

**Spitzer’s High Score from Equality California: 22%**

Spitzer Received a 10% Score From Equality California In 2007. In 2007, Spitzer received a 10% score from Equality California, an LGBTQ+ civil rights advocacy organization. [VoteSmart, Accessed 3/30/21]

- Spitzer Received a 0% Score From Equality California In 2005-2006. In 2005-2006, Spitzer received a 0% score from Equality California, an LGBTQ+ civil rights advocacy organization. [VoteSmart, Accessed 3/30/21]

- Spitzer Received a 7% Score From Equality California In 2005. In 2005, Spitzer received a 7% score from Equality California, an LGBTQ+ civil rights advocacy organization. [VoteSmart, Accessed 3/30/21]

- Spitzer Received a 22% Score From Equality California In 2003. In 2003, Spitzer received a 22% score from Equality California, an LGBTQ+ civil rights advocacy organization. [VoteSmart, Accessed 3/30/21]
Labor and Workers’ Rights

Labor and Workers’ Rights Highlights

• Spitzer voted against gender pay equity in 2006.

• Spitzer voted against extending farmworkers’ authority over collective bargaining processes in 2007. Spitzer also opposed increasing protections against unfair labor practices.

• Two of Spitzer’s former staff members sued Spitzer for labor rights violations.
  – In 2017, Spitzer’s former aide sued Spitzer for wrongful termination, not paying overtime, and health damage; Spitzer’s settlement with the former aide cost Orange County $150,000.
  – In 2019, Spitzer’s former chief of staff alleged Spitzer was an “abusive boss” who “repeatedly engaged in a pattern of illegal behavior.” The former chief of staff dropped the corruption charges against Spitzer in exchange for a $75,000 settlement.

• Spitzer received low ranking from labor organizations; in 2007, Spitzer received a 12% score from the California Labor Federation.

Spitzer Opposed Equal Pay For Equal Work Protections in 2006

Spitzer Voted Against Gender Pay Equity Bill AB2555 In 2006. In 2006, Spitzer voted against AB2555, a bill that aims to hold employers more accountable for wage discrimination based on gender. According to the California State Legislature, AB2555

would increase the damages for which an employer may be liable to include a civil penalty of twice the balance of the wages due to the aggrieved employee, or 4 times the balance of the wages due if the employer’s violation is willful.

Further, AB2555 would require employers with 50 or more employees to provide each employee with a written document including the employee’s “job title, wage rate, and explanation as to how the employee’s wages are calculated.” The bill also established a requirement that the Secretary of Labor and Workforce Development appoint a commission to study pay disparities and report its findings to the legislature. The bill passed with a 47-31 vote, but Gov. Schwarzenegger vetoed the bill in September 2006. [California State Legislature, AB2555, 8/22/06]

Spitzer Denied Farmworkers Additional Protections Against Unfair Labor Practices

Spitzer Voted Against SB180 to Extend Farmworkers’ Authority Over Collective Bargaining Process and Increase Protections Against Unfair Labor Practices in 2007. In 2007, Spitzer voted against SB180, a bill that would simplify the collective bargaining process for farmworkers and “extend the existing prohibitions and penalties to employers who engage in unfair labor practices.” Further, SB180
provides farmworkers with greater authority and discretion regarding the selection of their labor representatives on the collective bargaining unit. The bill passed in the Assembly with a 46-33 vote, but the Governor vetoed the bill in October 2007. [California State Legislature, SB180, 7/12/07]

Settlements With Former Aides

Spitzer’s Settlement With Former Aide Christine Richters, Which Cost The County $150K, Alleged Spitzer Violated Several Labor Rights

Spitzer’s Former Aide Sued Spitzer In 2017 For Wrongful Termination, Not Paying Overtime, And Damage To Her Health. The Orange County Register reported in September 2017 that Christine Richters, Spitzer’s former aide, sued him for wrongful termination, not paying overtime, and health damage. Richters alleged Spitzer had a “raging temper” and “ran his office ‘through means of fear and aggression,’ causing her to experience depression and other health issues,” and that “she was fired illegally after requesting a transfer to a new position.” Richters also alleged Spitzer “required employees to be ‘on standby 24 hours per day, 7 days per week to respond to any text message.’” Richters worked in Spitzer’s office February 2013 through October 2016. [The Orange County Register, 9/26/17; Orange County Superior Court, Case #2017-00910955, 3/24/17]

Former Aide Accused Spitzer Of Forcing Her To Work For His Campaign For Supervisor And In His County Office To Pay Off Debt. According to the Los Angeles Times in July 2017, Christine Richters, Spitzer’s former aide, said she owed money to Spitzer to cover legal bills from when Spitzer represented her as a private attorney. Richters said she was unable to pay him, so “they agreed on a deal in which she would work for his 2012 supervisorial campaign — and later his supervisorial office — then pay him back with money she earned.” Reportedly,

Richters said she told prosecutors she deposited paychecks from the campaign fund and public money from the supervisor’s office and gave the cash back to Spitzer. She met Spitzer at the county parking lot and her home to give him the cash, which she told investigators totaled about $7,000.

Sources told the Times the Orange County District Attorney’s office and the California Fair Political Practices Commission were examining the allegations. [Los Angeles Times, 7/12/17]

• A Settlement With Richters Cost Orange County $150,000. The Orange County Register reported the county paid Richters a $150,000 settlement, covering “the county’s alleged violations of the Fair Labor Standards Act.” [The Orange County Register, 9/26/17]

Former Chief of Staff Melanie Eustice Accused Spitzer Of Being Abusive And Engaging In ‘Patterns Of Illegal Behavior’

Spitzer’s Former Chief of Staff Accused Him Of Being An ‘Abusive Boss’ Who ‘Repeatedly Engaged In A Pattern Of Illegal Behavior.’ According to Voice of OC in December 2019, Melanie Eustice, Spitzer’s former chief of staff when he was on the Orange County Board of Supervisors, filed a legal claim with the county alleging Spitzer of being an “abusive boss” who “repeatedly engaged in a pattern of illegal behavior, highlighting instances of improperly releasing information from county bids and public records.” Eustice followed Spitzer to the DA’s office after he was elected in 2018 as his Chief of
Administration and Public Affairs, but “abruptly left the DA’s office in October after a series of confrontations with Spitzer.” Reportedly,

‘Ms. Eustice has endured an abusive work environment in Mr. Spitzer’s office including angry outbursts, emotional abuse, bullying, shaming, and control tactics. When Mr. Spitzer could not compel Ms. Eustice to do his bidding in connection with the RFP (Request for Proposals) and PRA (Public Records Act), he erupted in a fit of rage charging at her and screaming, ‘get the fuck out of here,’ reads an Oct. 23 claim filed with the County of Orange earlier this year and obtained recently by Voice of OC through a Public Records Act request.

‘Ms. Eustice was terminated in retaliation for her complaints concerning illegal behavior and for refusing to participate in activities that would result in a violation of law,’ her claim states. In her claim, Eustice said Spitzer instructed her ‘to engage in the following illegal activity,’ saying he wanted her to ‘release a request for proposal to Mr. Spitzer prior to publication so he could share it with a prospective county vendor.’

[Voice of OC, 12/17/19]

Spitzer’s Former Aide Investigated Whether He Violated Labor Law. According to Voice of OC in December 2019, Spitzer’s former top-ranking aide Melanie Eustice filed a legal claim with the county alleging that Spitzer was an abusive boss, and according to her lawyer, Devon M. Lyon, she was “investigating potential claims for violation of Labor Code sections 1101 (forbidding employee from becoming a candidate for public office) and 1102 (coercion or threat of discharge for following any particular course or line of political action or political activity).” According to Voice of OC, this was in reference to “a series of text messages between Spitzer and Eustice.” Months after leaving Spitzer and the DA’s office, Eustice announced her campaign for the state assembly, and “There are some indications that Spitzer and Eustice may have feuded over her campaign.” [Voice of OC, 12/17/19]

•  Spitzer’s Former Aide Eustice Received $75,000 To Drop Corruption Allegations. According to Voice of OC in February 2020, Spitzer’s former top-ranking aide Melanie Eustice “was quietly paid out a $75,000 settlement last fall after agreeing to drop public corruption allegations against Spitzer and remaining silent.” Under the agreement, Eustice would receive a “three-months severance” of $65,091. Her separation would not be called a termination or a resignation, and an “additional $75,000 would be paid to Eustice to settle her legal claim.” Both Eustice and Spitzer would be restrained from making public comments about one another by a “mutual non-disparagement” agreement. Reportedly,

According to series of public records reviewed by Voice of OC, including contracts and email correspondence, it’s clear that after a confrontation Eustice ended her tenure with Spitzer on Oct. 18. In legal claims to the County of Orange, Eustice said she was fired that day after blowing the whistle on illegal activities by Spitzer. However, in later email correspondence to Eustice’s lawyers, County Counsel Leon Page disputed that, arguing that she was still employed and required to report for work.

[Voice of OC, 2/3/20]

•  Voice of OC: Eustice’s Settlement Was Similar To Settlement With Richters, Another Spitzer Aide. According to Voice of OC in February 2020, the county’s $75,000 settlement with former
Spitzer aide Melanie Eustice was similar to another legal agreement with a different Spitzer employee, Christine Richters. Reportedly,

If Eustice was wrong about her legal advice to Spitzer, why would county officials agree to have taxpayers pay her nearly $150,000? And then, boom, that payout total triggered my memory, of Christine Richters. Richters was a former Spitzer aide when he served as a county supervisor who also came out with troubling allegations against Spitzer in a public claim. She was eventually paid out $150,000 to settle her claims and remain quiet. Pattern? To make it even more odd, the person who argued for Spitzer in that case to reporters…was Eustice herself. And the same lawyer that represented Richters, was Devon Lyon, who now just ended up representing Eustice, in her own settlement from the County of Orange. Taxpayers should do the rest of the math themselves.

[Voice of OC, 2/3/20]

Spitzer Abstained From Approving Union Labor for Public Works Projects

2000: Spitzer Abstained From A Vote Approving Union Labor For Public Works Projects. According to the Los Angeles Times in 2000, Spitzer abstained from an Orange County Board of Supervisors vote that guaranteed union workers would be used on public works projects for the subsequent five years. The pact between county and union labor passed with three votes on the board. [Los Angeles Times, 2/26/00]

Spitzer Voted To Expand OC Sheriff’s Department, Sparking Pushback From Lawyers’ Union

Spitzer Voted To Expand Department Of OC Sheriff’s Department, Sparking Pushback From Lawyers’ Union. According to MyNewsLA.com in November 2015, Orange County Attorneys Association, the union representing Orange County’s prosecutors, public defenders and other attorneys, was “threatening legal action” after the Orange County Board of Supervisors voted to expand a watchdog department for the Orange County Sheriff’s Department to also scrutinize the lawyers. Reportedly,

Now the dispute is over a proposal to expand the Office of Independent Review to also scrutinize complaints against the attorneys on the county payroll. The board voted 3-2 Tuesday to move forward with exploring the possibility of expanding the agency to include oversight of the Orange County Public Defender, Social Services Agency, Probation Department and District Attorney’s Office. Supervisors Shawn Nelson and Michelle Steel cast the dissenting votes. […] Senior Deputy District Attorney Larry Yellin, the union’s president, told City News Service the union is considering legal action against the county.

Yellin said:

What it appears to me is an attempt by members of the Board of Supervisors to usurp the power of another elected official, Tony Rackauckas, who was elected by the people and I find that offensive.

Spitzer’s High Score for California Labor Federation: 12%

**Spitzer Received a 12% Score From California Labor Federation In 2007.** In 2007, Spitzer received a 12% score from California Labor Federation. [VoteSmart, Accessed 3/30/21]

- **Spitzer Received Single-Digit Percentage Scores from California Labor Federation from 2003 to 2006.** From 2003 to 2006, Spitzer received single-digit percentage scores from the California Labor Federation. In 2003, 2004, 2005, and 2006, respectively, Spitzer received a 7%, 4%, 3%, and 8% score. [VoteSmart, Accessed 3/30/21]
Immigration

Immigration Highlights

• Spitzer opposed early released for immigrant detainees during COVID-19.
• Spitzer voted to join Trump’s lawsuit against sanctuary cities in 2018.
• Spitzer voted against a 2006 bill recognizing the “common humanity” of refugees.
• Spitzer voted against a bill that stopped landlords from serving as “de-facto immigration officers” in 2007.
• Spitzer, as Orange County Supervisor, introduced a resolution in 1997 supporting the denial of citizenship to children born in the U.S. to undocumented immigrant parents.
• Spitzer voted against issuing driver’s licenses to undocumented immigrants in 2008.
• When Mexican President Vicente Fox spoke before the California Legislature in 2006, Spitzer protested immigration and claimed Mexico needed an “educated citizenry.”
• Spitzer received a 0% score from the California Immigrant Policy Center for the 2003-04 legislative session.

Spitzer Opposed Early Release For Immigrant Detainees During COVID-19

Spitzer Said He Would Not Include Immigration Detainees In COVID-19 Early Releases in 2020. In March 2020, according to the Orange County Register, Spitzer said that due to the coronavirus pandemic, “it is clear that a shutdown of the larger, dorm-style jail barracks is needed and early release taken into consideration.” However, he reportedly “worked with the Sheriff’s Department to ensure those convicted of certain felonies are not eligible for early release,” including those in jail on immigration holds. [Orange County Register, 3/27/20]

Spitzer Voted To Join Trump’s Lawsuit Against Sanctuary Cities

2018: Spitzer Voted To Join The Trump Administration’s Lawsuit Against California’s Sanctuary City Law. The Orange County Register reported in March 2018 that Spitzer joined a 4-0 Board of Supervisors vote to support the Trump administration’s lawsuit against California’s sanctuary city policies. The lawsuit challenged three of California’s laws as constitutional. Reportedly,

Those laws include SB-54, which limits cooperation between local law enforcement and federal immigration authorities. The California Legislature passed that law in reaction to the Trump administration’s stance on immigration. The other laws in question are: the Workplace Raid law, or AB-450, which forbids employers from cooperating with federal immigration officials and can fine them if they fail to comply; and the Detention Review
law, or AB-103, which allows state officials to inspect federal facilities in California that house people on immigration detentions.

[The Orange County Register, 3/27/18]

**Spitzer Supported The Criminalization Of Immigrants**

**Spitzer Voted Against Recognizing The ‘Common Humanity’ Of Refugees**

Spitzer Voted Against Bill AJR-51 in 2006 That Urged the U.S. Government to Adopt Immigration Reform That Recognizes the ‘Common Humanity’ of Refugees. In 2006, Spitzer voted against Assembly Joint Resolution 51, a resolution to call upon members of the U.S. executive and legislative branches to adopt immigration reform that respects the “common humanity” of immigrants and refugees while rejecting legislation that seeks “to criminalize and individual because of his or her immigration status.” The joint resolution urges for immigration reform based on respect for human rights; a path towards permanent residency and citizenship; enforcement of border policies, protecting the wages and working conditions of all workers, whether U.S. born or immigrant workers; reunification of families; and the promotion of citizenship and civic participation.

The resolution passed in the Assembly with a 43-27 vote. [California State Legislature, AJR-51, 5/22/06]

**Spitzer Wanted Landlords To Be ‘De-Facto Immigration Officers’**

2007: Spitzer Voted Against A Bill Stopping Landlords From Serving As ‘De-Facto Immigration Officers.’ The Redding Record Searchlight reported in 2007 that Spitzer criticized a bill preventing cities and counties from prohibiting landlords from renting to undocumented persons and thereby serving as “de-facto immigration officers”; according to the California State Legislature, Spitzer voted against the bill, AB976. The bill prohibited landlords from having to “collect information or take any other action regarding a tenant or prospective tenant’s citizenship or immigration status,” something supporters claimed should be “reserved to federal authorities.” Spitzer reportedly claimed the bill “opens up a whole opportunity for litigation,” and other Assembly Republicans described the bill as “legally ambiguous.” AB976 ultimately passed in the Assembly by a vote of 44-25 in May 24, 2007. [Redding Record Searchlight, 5/25/07; California State Legislature, AB976, 5/24/07]

**Spitzer Opposed Citizenship For Children Born On American Soil To Undocumented Parents**

1997: Spitzer Introduced A Resolution To Support Denying Citizenship To Children Born In The U.S. To Undocumented Immigrant Parents, Which Passed With Three Yes Votes, One Nay And One Abstention. While he was an Orange County Supervisor in 1997, Spitzer introduced to the Board of Supervisors a resolution to support denying citizenship to children born in the U.S. to undocumented immigrant parents, then under consideration in Congress. The resolution was symbolic and could not be enforced at the county level. [City News Service, 7/1/97]

**Spitzer Opposed Issuance of Driver’s Licenses to Undocumented Immigrants**
Spitzer Voted Against SB60 to Issue Driver's Licenses to Undocumented Immigrants In 2008. In 2008, Spitzer voted against SB60, a bill that would require the Department of Motor Vehicles to issue a driver's license and identification card “to an applicant who does not provide valid documentary evidence of lawful status under the federal act.” Further, the bill would repeal the requirement that an applicant submit proof of residence in the U.S. and verify citizenship. The bill passed with a 41-31 vote. [California State Legislature, SB60, 8/29/08]

Spitzer Protested Immigration Before Mexican President Vicente Fox

Spitzer Wore A “No Mas” Button When Mexican President Vicente Fox Spoke Before the California Legislature in 2006, And Claimed Mexico Needed ‘Educated Citizenry.’ The Contra Costa Times reported in May 2006 that when Mexican President Vicente Fox spoke before the California Legislature, some Republicans, including Spitzer, R-Orange, "attended the joint session wearing yellow buttons with the phrase 'No Mas,' meaning 'No more,'"; Spitzer reportedly said:"Unless and until [President Fox] fixes the education system, and starts producing an educated citizenry, you will never have an end to illegal immigration." [Contra Costa Times, 5/26/06]

Spitzer Rated 0% by California Immigrant Policy Center

Spitzer Received a 0% Score From California Immigrant Policy Center For 2003-2004. For 2003-2004, Spitzer received a 0% score from California Immigrant Policy Center. [VoteSmart, Accessed 3/30/21]
Climate Change and Environmental Protection

Climate Change and Environmental Protection Highlights

- Spitzer voted against a 2006 bill mandating tighter restrictions on greenhouse gas emissions.
- Spitzer voted against imposing “green building standards” on new commercial buildings in 2007.
- Spitzer voted against requiring city and county governments to implement additional safety planning measures for natural disasters in 2006.
- Spitzer supported landfills in Orange County, calling them a “saving grace” in 2014.
- Spitzer supported importing trash into Orange County’s landfills for revenue in 2018.
- Spitzer supported multiple development projects in 2002 and 2015 despite environmental concerns.
  - In 2002, then-Supervisor Spitzer approved plans to build homes in Trabuco Canyon, despite opposition from state and federal officials and environmentalists who said the area should be left wild. The same year, Spitzer approved another development project in the canyon for a strip mall and gas station, despite protest from conservationists and residents.
  - In 2015, as Orange County Supervisor, Spitzer approved the Esperanza Hills Development Project, despite the project’s failure to comply with the California Environmental Quality Act (CEQA).
- In 2003, 2004, and 2006, Spitzer received a 0% score from Sierra Club California.

Spitzer Opposed Regulating Greenhouse Gas Emissions

Spitzer Voted Against AB32 in 2006 to Mandate Tighter Restrictions on Greenhouse Gas Emissions. In 2006, Spitzer voted against AB32, a bill that would require the state board in California to implement regulations "to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program.” Among the regulations include the adoption of a statewide greenhouse gas emissions limit that is equal to emissions levels in 1990 to be achieved by 2020. The bill passed in the Assembly with a 47-32 vote, and the Governor signed the bill into law in September 2006. [California State Legislature, AB32, 8/31/06]

Spitzer Voted Against AB888 in 2007 to Impose ‘Green Building Standards’ Upon New Commercial Buildings. In 2007, Spitzer voted against AB888, a bill that would require new commercial buildings that are 50,000 square feet or greater to adhere to “green building standards” as described by the United States Green Building Council’s Leadership in Energy and Environmental Design. The bill passed in the Assembly with a 45-32 vote. [California State Legislature, AB888, 9/12/07]
Spitzer Voted Against SB1313 to Ban Carcinogenic PFC Chemicals in 2008. In 2008, Spitzer voted against SB1313, a bill that would “prohibit the manufacture, sale, or distribution of any food contact substance” of perfluorinated compounds. Reportedly, perfluorinated compounds contain perfluorooctanoic acid (PFOA), a chemical that is considered by the federal Environmental Protection Agency (EPA) Science Advisory Board to be a likely carcinogen and is considered a chemical that induces breast tumors in animals. In addition, PFOA and PFOS have been linked to problems in pregnancy, including developmental complications.

The bill passed in the Assembly with a 43-30 vote, but faced a veto by the Governor in September 2008. [California State Legislature, SB1313, 8/21/08]

Spitzer Opposed Additional Protections Against Natural Disasters

Spitzer Voted Against AB802, a Natural Disaster Safety Planning Bill, In 2006. In 2006, Spitzer voted against AB802, a bill to require city and county governments to implement additional safety planning measures in order to protect the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.

According to the California State Legislature, the bill would also require the respective governments to identify and review any areas that are subject to flooding, and conversely, areas that “may accommodate floodwater for purposes of groundwater recharge and stormwater management.” The bill passed in the Assembly with a 41-34 vote. [California State Legislature, AB802, 1/26/06]

Spitzer Supported Landfills In Orange County

Spitzer Called Landfills In Orange County A ‘Saving Grace.’ The Orange County Register reported in October 2014 that Spitzer called a landfill in Bee Canyon, Orange County, which generated up to $17 million a year in net revenues, a “saving grace.” The Bee Canyon landfill reportedly experienced three landslides, the recent landslide “big enough to fill a football field with dirt 234 feet high,” able to “wipe out a park trail and fire access road on Loma Ridge” – a “problem” for an area “prone to wildfires.” [The Orange County Register, 10/15/14]

Spitzer Supported Importing Trash Into Orange County’s Landfills For Revenue In 2018. According to The Orange County Register in June 2018, Spitzer supported a Board of Supervisors to continue importing trash into the county’s landfills for revenue, dubbed “trash for cash.” Spitzer claimed the county needed the money and believed there was “enough county landfill space to last well into the middle of the century.” The trash import began when Orange County needed funds following the 1994 bankruptcy, allowing “haulers from Los Angeles, Riverside and San Bernardino counties to pay a fee and dump their trash.” However, The Orange County Register reported bankruptcy debts were “largely paid off” and a grand jury report warned the county’s landfill space was running out. [The Orange County Register, 6/28/18]
Spitzer Supported Developments Despite Environmental Concerns

2015: A Lawsuit Alleged The Orange County Board Of Supervisors, Including Spitzer, Failed To Comply With CEQA By Supporting The Esperanza Hills Development Project. The Orange County Register reported in July 2015 that opponents of Esperanza Hills, a development project north of Yorba Linda, filed a lawsuit against the county, alleging the proposal unanimously passed by the Board of Supervisors violated the California Environmental Quality Act (CEQA). Spitzer represented the Yorba Linda area. Critics alleged the Environmental Impact Report for the development was “fundamentally incomplete” both in terms of its scope of coverage and lack of detail supporting its conclusions and analysis.” There concerns were about:

- public safety due to lack of adequate access to the site, increased traffic on neighborhood streets, inadequate fire evacuation plans and excessive water use. The 2008 Freeway Complex Fire burned through the hills area and created a standstill on local roads as residents tried to flee, opponents have said.

[The Orange County Register, 7/2/15]

2002: Spitzer And The Board Of Supervisors Approved Plans To Build Homes In Trabuco Canyon Despite Opposition From State And Federal Officials And Environmentalists. The Orange County Register reported in November 2002 that Spitzer voted for a project to build 283 houses on Saddleback Meadows in Trabuco Canyon, “a site state and federal officials and environmentalists have said should be left wild”; the Board of Supervisors approved the project by a vote of 3-1, giving landowner California Quartet Ltd. the “go-ahead to heavily grade the rolling hills.” Among some of the concerns with the development were criticisms of the environmental report, which “didn’t address the development’s potential for landslides and urban runoff.” [The Orange County Register, 11/08/02]

2002: Spitzer Approved Turning Land In Trabuco Canyon Into A Strip Mall And Gas Station, Despite Pleas From Conservationists And Residents. According to the Los Angeles Times in May 2002, then-Supervisor Spitzer approved the development of Trabuco Canyon land, close to Cleveland National Forest, into a strip mall and gas station, despite outcry from the Rural Canyons Conservancy Fund, and residents— who sent more than 350 letters to the county protesting the development. The approval passed by a 3-0 vote. The development, Live Oak Plaza, would be on a 23-acre parcel, with six of those acres “turned into a strip mall with 42,000 square feet of retail and office space, 234 parking spaces and a gas station with eight pumps.” [Los Angeles Times, 5/8/02]

2002: Spitzer Approved Construction In Tonner Canyon, Despite Concerns From Environmentalists About Building Homes On Top Of A Former Oil Field. The Los Angeles Times reported in November 2002 that the Board of Supervisors, including Spitzer, approved the construction of 795 homes in Tonner Canyon despite concerns from environmentalists building atop a former oil field. Nuevo Energy Co. reportedly “promised to keep the bulk of the 798 acres as open space, building on 180 acres and restoring the rest” while 16 acres would “remain in oil production until it is phased out.” Spitzer said he believed “the proper balance has been struck with this project.” [Los Angeles Times, 11/20/02]

Spitzer’s High Scores on Environment: 20% from Sierra Club, 11% from Environment California

• Spitzer Received a 20% Score From Sierra Club California In 2005 and 2008. In 2005 and 2008, Spitzer received a 20% score from Sierra Club California. [Sierra Club California, Assembly Scorecard 2005, Accessed 3/30/21; Assembly Scorecard 2008, Accessed 3/30/21]

• Spitzer Received a 8% Score From Sierra Club California In 2007. In 2007, Spitzer received a 8% score from Sierra Club California. [Sierra Club California, Assembly Scorecard 2007, Accessed 3/30/21]

Spitzer Received a 0% Score From Environment California In 2006. In 2006, Spitzer received a 0% score from Environment California. [Environment California, Scorecard 2006, Accessed 3/30/21]

• Spitzer Received a 11% Score From Environment California In 2005. In 2005, Spitzer received a 11% score from Environment California. [Environment California, Scorecard 2005, Accessed 3/30/21]
Health Care and Social Safety Net Services

Health Care and Social Safety Net Services Highlights

• Spitzer voted against easing eligibility requirements for the CalWORKs benefits program in 2006.
• Spitzer voted against expanding subsidizing health care eligibility and creating a statewide health care insurance purchasing program in 2007.
• Spitzer opposed mandatory inclusion of HIV testing in health insurance plans in 2008.
• In 1997, Spitzer opposed providing food stamp benefits for at least six months to recipients living in Santa Ana and Stanton.

Spitzer Opposed Legislation Easing Requirements for Social Services Benefits

Spitzer Voted Against AB3029 in 2006, Which Would Ease the Requirements for an Individual to Be Deemed Eligible for CalWORKS Benefits Program. In August 2006, Spitzer voted against AB3029, a bill to ease the requirements for CalWORKs Benefits program, a social services program using federal Temporary Assistance to Needy Families (TANF) funds, as well as state and county funds to provide cash assistance to individuals in California. The bill would repeal "the quarterly redetermination requirements and instead would impose similar requirements for a semiannual redetermination." Additionally, according to the California State Legislature, AB3029 would also

repeal the requirements for prospective determination of a recipient’s grant amount, and the requirement that the recipient report the specified changes to the county.

The bill passed in the Assembly with a 47-29 vote. [California State Legislature, AB3029, 8/30/06]

Spitzer Voted Against Expansion of Subsidized Health Care Eligibility

Spitzer Voted Against AB8 to Expand Subsidized Health Care Eligibility and Create a Statewide Health Insurance Purchasing Program in 2007. In September 2007, Spitzer voted against AB8, a bill that would expand the number of children and adults eligible for various statewide health care programs, including Healthy Families and Medi-Cal, and created a new coverage program for individuals ineligible for "full-scope no-cost Medi-Cal or Medicare coverage." Further, AB8 required employers with a minimum of 250 employees to pay health care coverage premiums for their employees and dependents while making it unlawful for an employer’s health care service plan to
exclude a potential enrollee from any individual coverage on the basis of an actual or expected health condition, type of illness, treatment, medical condition, or accident, or for a preexisting condition.

The bill passed in the Assembly with a 46-31 vote, but the Governor vetoed the bill in October 2007. [California State Legislature, AB8, 9/10/07]

**Spitzer Opposed Inclusion of HIV Testing in Health Care Coverage**

**Spitzer Voted Against AB1894 to Require the Coverage of HIV Testing in Health Insurance Plans in 2008.** In August 2008, Spitzer voted against AB1894, a bill that would require health care service plans and health insurers to provide coverage of HIV testing, "regardless of whether the testing is related to a primary diagnosis." Further, refusing to provide HIV testing in health care coverage would be a crime. According to the Senate Rules Committee analysis of AB1894, Black women are disproportionately impacted by HIV/AIDS. In 2002, AIDS was reportedly the leading cause of death among Black women aged 25 to 34 and the second leading cause of death for Black men aged 35 to 44. Reportedly, the California Nurses Association/National Nurses Organizing Committee writes that this bill will save lives and greatly reduce the spread of HIV and AIDS by individuals who presently are unaware that they are infected.

The bill passed in the Assembly with a 47-29 vote, and the Governor enacted the bill into law in September 2008. [California State Legislature, AB1894, 8/19/08; Senate Floor Analyses, AB1894, 8/12/08]

**Spitzer Voted Against Continuing Food Stamps Benefits in 1997**

1997: **Spitzer Voted Against Continuing Food Stamp Benefits For Santa Ana And Stanton Residents.** The Los Angeles Times reported in May 1997 that Spitzer voted against a measure that would continue providing food stamp benefits for at least six months to recipients living in Santa Ana and Stanton. After a decrease in allocation of federal government funds from $8.1 million to $7.2 million, a welfare reform measure cut off food stamp benefits “to more than 1,000 able-bodied adults in Orange County.” The Board of Supervisors subsequently agreed to an exemption for residents of Santa Ana and Stanton, which was “approved by the federal government last month for areas with high unemployment rates.” Spitzer voted against the exemption, which ultimately passed on a 3-2 vote. [Los Angeles Times, 5/7/97]

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Reproductive Rights

Reproductive Rights Highlights

- Spitzer voted in 2004 against urging the U.S. government to uphold the United States Supreme Court decision in Roe v. Wade.
- Spitzer voted against comprehensive sex education programs in 2007.
- In 2007, Planned Parenthood Affiliates of California gave Spitzer a 0% score.
- In 2003, Spitzer received a 90% score from Life Priority Network, an anti-choice organization.

Spitzer Voted Against a Woman’s Right to Choose in 2004

Spitzer Voted Against AJR57 to Urge the U.S. Government to Uphold Roe v. Wade in 2004. In 2004, Spitzer voted against AJR57, a joint resolution to urge Congress and the U.S. President “to protect and uphold the intent and substance of the United States Supreme Court decision in Roe v. Wade, relating to reproductive rights.” The joint resolution passed in the Assembly with a 47-21 vote. [California State Legislature, AJR57, 4/29/04]

Spitzer Voted To Preserve Tissue Of Aborted Fetuses For Paternity Testing

Spitzer Voted in Favor of AB1427 to Require Doctors to Preserve Tissue of Aborted Fetuses in 2006. In 2006, Spitzer voted in favor of AB1427, a bill that would require physicians and surgeons to preserve “sufficient tissue of the aborted fetus” in order to determine paternity in the case of “any criminal action regarding sexual crimes relating to the aborted pregnancy.” In the Assembly Public Safety Committee’s analysis of the bill, Planned Parenthood expressed opposition to the bill, arguing that AB1427 “is unnecessary, overly burdensome, and a continuing effort to harass providers who provide access to safe, legal abortion services.” The bill failed in the Assembly Public Safety Committee with a 2-4 vote. [California State Legislature, AB1427, 1/10/06; Assembly Bill Analysis, 1/9/06]

Spitzer Voted Against Comprehensive Sex Education

Spitzer Voted against AB1511 to Implement a Comprehensive Sex Education Program Within the California Department of Health Services In 2007. In 2007, Spitzer voted against AB1511, a bill that would establish Stronger Families for California Program under the Department of Health Services. The program’s primary goal is to decrease teenage pregnancies and STDs through a public education program that reportedly equips parenting adults, as defined, with the communication skills necessary to talk with their children about sex, sexual health, and making well-informed decisions to protect their health and safety.

The bill passed in the Assembly with a 48-31 vote. [California State Legislature, AB1511, 6/5/07]
Spitzer’s High Score on Reproductive Rights: 20% from NARAL, 0% from Planned Parenthood

**Spitzer Received a 0% Score From Planned Parenthood Affiliates of California In 2007.** In 2007, Spitzer received a 0% score from Planned Parenthood Affiliates of California. [VoteSmart, Accessed 3/30/21]

**Spitzer Received a 0% Score From NARAL Pro-Choice California In 2006 and 2007.** In 2006 and 2007, Spitzer received a 0% score from NARAL Pro-Choice California. [VoteSmart, Accessed 3/30/21]

- **Spitzer Received a 20% Score From NARAL Pro-Choice California In 2005-2006.** In 2005-2006, Spitzer received a 20% score from NARAL Pro-Choice California. [VoteSmart, Accessed 3/30/21]

- **Spitzer Received an 11% Score From NARAL Pro-Choice California In 2003-2004.** In 2003-2004, Spitzer received a 11% score from NARAL Pro-Choice California. [VoteSmart, Accessed 3/30/21]

**Spitzer Received 90% Score from the Anti-Choice Life Priority Network**

**Spitzer Received a 90% Score From Life Priority Network In 2003.** In 2003, Spitzer received a 90% score from Life Priority Network. [VoteSmart, Accessed 3/30/21]
Election and Voting Reform

Election and Voting Reform Highlights

- Spitzer rejected a “sweeping overhaul” of Orange County voting in 2017 that would send all county voters a mail ballot, and keep vote centers open days before the election.
- Spitzer opposed redistricting in 2001 that would increased the likelihood of a Latinx candidate being elected to the Board of Supervisors.
- Spitzer voted against the California Clean Money and Fair Elections Act in 2006, promoting corporate influence in elections.
- Spitzer opposed electoral college reform in 2006.
- Spitzer proposed a charter in 2001 to prevent the Democratic governor from picking his replacement on the Board Of Supervisors; the attorney general challenged the charter as unconstitutional. Each special election as a result of Spitzer’s measure reportedly cost voters at least $200,000.

Spitzer Opposed Reforms Increasing Voter Access

Spitzer Rejected A ‘Sweeping Overhaul’ Of Orange County Voting That Would Send All County Voters A Mail Ballot, And Keep Vote Centers Open Days Before The Election. The Chico Enterprise-Record reported in June 2017 that Spitzer rejected a “sweeping overhaul of the county’s voting system” that would send every voter a mail ballot, replace approximately 1,000 precinct polls with 150 “vote centers” open 10 days before the election for those wanting to vote in person or to drop-off their ballots. The reform would reportedly save more than $10 million in replacing “antiquated” voting machines. Furthermore, The Chico Enterprise-Record reported 61 percent of county voters were permanent vote-by-mail voters. [Chico Enterprise-Record, 6/14/17]

Spitzer Claimed He Was Concerned About Voter Fraud. The Chico Enterprise-Record reported in June 2017 that Spitzer claimed he had “real concerns about voter fraud.” California Secretary Of State Alex Padilla said he was “surprised … shocked and deeply disappointed” by the decision, and claimed “Supervisor Spitzer sounds like (President) Donald Trump in citing voter fraud.” According to Padilla:

Study after study, report after report, investigation after investigation show there’s virtually no voter fraud. He ought to be ashamed. This model for holding elections has been proven to work. Turnout goes up and cost goes down.

[Chico Enterprise-Record, 6/14/17]

Spitzer Opposed Districting For Latinx Populations That Would Support Victory For Latinx Candidates
Spitzer Opposed New District Boundaries In 2001 That Increased The Chances A Latinx Candidate Could Be Elected To The Board Of Supervisors. The Los Angeles Times reported in August 2001 that Spitzer voted against new district boundaries that kept Santa Ana, which held the biggest Latinx population, in tact thereby increasing the likelihood “for a serious attempt to put a Latino on the board in 2004.” The Orange County Board of Supervisors approved the plan by a 3-1 vote, with Spitzer dissenting, and another board members abstaining. [Los Angeles Times, 8/15/01]

Spitzer Voted Against Restricting Wealthy, Corporate Influence in Elections

Spitzer Voted Against AB583, the California Clean Money and Fair Elections Act, in 2006. In 2006, Spitzer voted against AB583 — the California Clean Money and Fair Elections Act of 2006 — a bill that would reduce the influence of wealthy donors and corporations in elections by limiting “contributions to a candidate for statewide elective office who does not participate in clean money funding.” According to the California Clean Money Campaign, AB583 would also implement a system of publicly-funded political campaigns for the California Secretary of State’s office. Reportedly,

By giving qualified Secretary of State candidates the option to run entirely with public funds instead of private campaign contributions, AB 583 would insure that voters would never need to have any question about who they’re accountable to when they oversee California’s elections.

The bill passed in the Assembly with a 47-31 vote. [California State Legislature, AB583, 1/30/06]

Spitzer Opposed Electoral College Reform

Spitzer Voted Against AB2948 in 2006 to Award the Presidential Popular Vote Winner With the State’s Electoral Votes. In 2006, Spitzer voted against AB2948, a bill that would ratify an interstate compact to award California’s electoral college votes to the presidential nominee who received “the largest national popular vote total,” rather than the candidate who won the vote in California. The bill passed in the Assembly with a 48-30 vote, but was vetoed by the Governor in September 2006. [California State Legislature, AB2948, 8/30/06]

• Spitzer Did Not Vote on SB37, a National Popular Vote Bill, in 2008. In 2008, Spitzer failed to vote on SB37, a national popular vote bill similar to AB2948 introduced to the Assembly in 2006 that was vetoed by the Governor. SB37 would ratify an interstate compact to award California’s electoral college votes to the presidential nominee who received “the largest national popular vote total,” rather than the candidate who won the vote in California. The bill passed with a 45-30 vote, yet was vetoed by the Governor a second time in September 2008. [California State Legislature, SB37, 6/30/08]

Spitzer Proposed An Unconstitutional Measure For Special Elections To Fill His Seat That Cost $200K

2001: Spitzer Proposed A Charter Preventing A Democratic Governor From Picking His Replacement On The Board Of Supervisors. The Los Angeles Times reported in November 2001 that Spitzer proposed a charter for Orange County, “with the sole purpose of filling vacancies on the Board of Supervisors by special election rather than appointment by the governor,” preventing Democratic
Governor Gray Davis from appointing his replacement when Spitzer left the Board of Supervisors. The Republican Party “embraced” the charter. Spitzer claimed the charter meant “local control” and was “democracy at work,” allowing local voters chose their representation rather than a governor “more familiar with Sacramento.” [Los Angeles Times, 11/25/01]

• **2003: The Charter Was Upheld In Court After The Attorney General Challenged It As Unconstitutional.** The Los Angeles Times reported in June 2003 that the state appellate court “unanimously upheld” Measure V, Spitzer’s charter, after the Attorney General Lockyer argued it was a “single-issue charter” and thereby unconstitutional. The California Supreme Court later declined to hear appeals to the state appellate decision. [Los Angeles Times, 6/12/03]

• **Each Special Election As A Result Of Measure V Cost $200,000.** According to The Orange County Register in January 2003, each special election held as a result of Measure V, which gave voters the authority to “fill unscheduled vacancies on the Board of Supervisors,” cost voters at least $200,000. [The Orange County Register, 1/22/03]
Education Highlights

- Spitzer voted to take millions away from schools to refund property owners in 2002.
  - Spitzer opposed appealing a Superior Court judge’s ruling that meant $15.6 million would be taken from the Capistrano Unified School District fund, and millions more from other cities, schools, special districts and redevelopment agencies in the county. The ruling deemed the county’s property assessments in violation of Proposition 13 limits, and required the county refund property owners.

- Spitzer supported controversial statewide testing in 1994.
  - La Habra City School Board members reportedly deemed the California Learning Assessment System (CLAS) to be “too subjective,” and “grossly unfair,” and said it would take teachers years to prepare their students for such an exam.
  - Spitzer responded, “I don’t care whether or not the scores are high.”

Spitzer Voted To Take Money From Schools To Enforce Proposition 13, Reimbursing Property Owners Instead

Spitzer Supported A Judge’s Ruling That Orange County Property Assessments Violated Proposition 13, Forcing Millions In Refunds Taken Out Of The Orange County General Fund, Schools, And The Orange County Fire Authority. According to the Los Angeles Times in January 2002, then-Supervisor Spitzer voted against appealing a Superior Court judge’s opinion that Orange County property assessments violated Proposition 13, and that $18.6 million should be taken from the Orange County’s general fund, $15.6 million from Capistrano Unified School District, and $12.1 million from the Orange County Fire Authority to repay property owners. Additionally, 49 cities, schools, special districts and redevelopment agencies in Orange County would potentially have to refund at least $1 million each. The court ruling found property assessments violated Proposition 13, a “landmark tax reform measure,” by “raising the assessed value of homes more than the 2%-a-year limit found in Proposition 13.” The Los Angeles Times reported, however:

  County attorneys defended the practice, used after properties have dropped in value and their assessments lowered. When the values rebound, the new assessments routinely exceed the 2% limit—a method called recapturing.

Spitzer reportedly led the Board of Supervisors’ support for the ruling, with the board voting 4-1 against appealing it. Spitzer called the “recaputuring” method unconstitutional and likened it to “pleading for a burglar to continue his crimes because the money is needed to feed his family.” [Los Angeles Times, 1/17/02]
Spitzer Supported Controversial Statewide Testing

1994: Spitzer Supported A New Statewide Performance Assessment Test Criticized As Too Subjective And Time-Consuming. According to the Los Angeles Times in March 1994, Spitzer supported the California Learning Assessment System (CLAS), a new statewide performance assessment test that was criticized by La Habra City School Board members as "too subjective," and "grossly unfair." The test asked for "thoughts and ideas" rather than asking "direct questions that can be answered with one correct response." La Habra City School Board President Nancy S. Zinberg claimed it would take teachers years to prepare their students for such an exam. School districts across the county were reportedly concerned that scores would be "will be so low that people will blame public education," to which Spitzer responded "I don’t care whether or not the scores are high […] The good thing about (CLAS) is that you can’t teach the right answer." [Los Angeles Times, 3/1/94]

Spitzer Viewed Schools As A Site For Gang Prevention

Spitzer’s 2018 Campaign For District Attorney Prioritized Improving Schools As A Gang Prevention Strategy. According to the website for Spitzer’s 2018 campaign for District Attorney, Spitzer wanted to improve schools because he believed “improving our schools and prioritizing afterschool programs,” were effective at "preventing our youth from joining gangs and entering a life a crime.” [Todd Spitzer Orange County District Attorney via Web Archive, Accessed 4/6/21]
Affiliation with Pandemic Profiteer John Thomas

Affiliation with Pandemic Profiteer John Thomas Highlights

• In July 2021, Spitzer tweeted that he “refused to tolerate price gouging of PPE” and claimed that his office “went after COVID-19 related scams.” However, Spitzer’s Chief Strategist John Thomas exploited the COVID pandemic.

• Thomas started medical supply company Blue Flame in March 2020, as the pandemic began, then charged 800 percent mark-ups on pandemic supplies. Thomas repeatedly failed to meet multi-million dollar contracts with state and law enforcement agencies, prompting state and federal investigations into his company.

• Spitzer has paid Thomas over $1 million to lead his campaigns, $23,000 in 2021 alone—well after Thomas started milking the pandemic, in a reversal of Spitzer’s May 2020 promises that he was “no longer working with Thomas.”

July 2021: Spitzer Claimed He ‘Refused To Tolerate’ Price Gouging And COVID Scams

Spitzer Tweeted That He ‘Went After COVID-19 Related Scams And Price Gouging’ As District Attorney. In July 2021, Spitzer tweeted that “In 2020, we went after COVID-19 related scams and price gouging to #ProtectOurResidents.” He accompanied the tweet with a graphic that said his office “refused to tolerate price gouging of PPE.”
...But Paid PPE Price Gouger John Thomas More Than $1 Million For Consulting Services

Spitzer Retained Thomas Partner Strategies For His 2022 District Attorney Campaign

Spitzer’s 2022 District Attorney Campaign Paid Thomas Partners Strategies More Than $23,000 In 2021. According to campaign finance filings from the California Secretary of State, Spitzer’s 2022 District Attorney campaign paid Thomas Partners Strategies $23,200 from January 1, 2021 to June 30, 2021. Spitzer’s campaign listed Thomas Partners Strategies as “campaign consultants.” [California Secretary of State, 8/2/21]

Spitzer Paid Thomas $1 Million On His 2018 District Attorney Campaign

John Thomas Is The Founder And CEO Of Consulting Firm Thomas Partners Strategies. According to the Thomas Partners Strategies website, John Thomas is the founder, President, and CEO of Thomas Partners Strategies, “a full service media, strategy and crisis communications firm.” Thomas has been a “Chief Strategist for Republican candidates at nearly every level of office across the country.” [Thomas Partners Strategies, Accessed 7/30/21]
Thomas Served ‘At The Helm’ Of Spitzer’s 2018 District Attorney Campaign. According to the Thomas Partners Strategies website, Thomas served “at the helm” of Spitzer’s District Attorney campaign in 2018, allowing Spitzer to “prevail” as the sole Republican candidate in Orange County. Spitzer commended Thomas Partners Strategies for its services, claiming:

With TPS at the campaign’s helm we accomplished the impossible and beat a 20-year law enforcement incumbent by a landslide. TPS showcased my record with laser like precision and compelling messaging in a series of cutting-edge ads that crescendoed in the biggest political win of my career.

[Thomas Partners Strategies, Accessed 8/2/21]

• 2017: Thomas Partners Strategies Announced Its Intention To Root Out ‘Misconduct, Abuse Of Power,’ And ‘Rampant Sexual Misconduct’ In The Orange County D.A.’s Office By Supporting Spitzer’s Candidacy. The Voice of OC reported in July 2017 that Thomas Partners Strategies announced its intention to eliminate the “laziness, misconduct, abuse of power, failure to report political donations and outside employment, [and] rampant sexual harassment” of former Orange County D.A. Tony Rackauckas’s office by supporting Spitzer’s candidacy. Thomas touted Spitzer’s record as a “battle-tested prosecutor” who can “restore faith in the DA’s office” and claimed he and his firm “look forward to running an aggressive campaign to hold DA Rackauckas accountable for the misconduct, misdeeds and mistruths that he continues to spread.” [Voice of OC, 7/10/17]

Spitzer’s Campaign Spent Over $1 Million To Hire Thomas Partners Strategies For His 2018 District Attorney Race. According to campaign finance filings with the Orange County Registrar of Voters, from 2017 to 2019, Spitzer’s campaign spent $1,053,153 to hire Thomas Partners Strategies for his 2018 District Attorney Race. Thomas Partners Strategies reportedly provided campaign consulting, campaign paraphernalia, media appearances, campaign literature, and phone banking. Note that the $0 “expenditures” are noted as “debt.”

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1/3/2019 $25,000.00 campaign consultants
6/30/2019 $8,300.00 phone banks
7/10/2019 $50,000.00 campaign consultants
7/10/2019 $8,300.00 phone banks
TOTAL $1,053,153.15

[Orange County Registrar of Voters, 7/24/17; 10/13/17; 5/20/18; 5/24/18; 6/18/18; 7/23/18; 9/27/18; 10/24/18; 11/21/18; 1/25/19; 7/23/19; 1/19/20]

2018: Spitzer Named Thomas To Serve As The Senior Advisor To His Orange County District Attorney Transition Team. According to a November 2018 Voice of OC report, Spitzer named Thomas to serve as the senior advisor to his transition team to help him prepare for his first term in office as the Orange County District Attorney. Thomas, who served as the Chief Strategist for Spitzer’s campaign, specializes in strategy consulting for local and federal political campaigns nationwide as well as corporations, ballot measures, non-profits and universities. He has lead and served in a senior leadership capacity of numerous transition efforts for local, state and federal elected officials.

[Voice of OC, 11/13/18]

Spitzer Praised TPS For ‘Biggest Political Win’ Of His Career

Spitzer Praised Thomas Partners Strategies In Case Study On Company Website. On the Thomas Partners Strategies company website, Thomas lauded Spitzer's DA victory as a successful, “textbook” race for the company, and Spitzer praised the company for their work, saying:

With TPS at the campaign’s helm we accomplished the impossible and beat a 20-year law enforcement incumbent by a landslide. TPS showcased my record with laser like precision and compelling messaging in a series of cutting-edge ads that crescendoed in the biggest political win of my career.

[Thomas Partners Strategies, Accessed 9/2/21]

Thomas Partners Strategies Opened A Location In Orange County In 2019

2019: Thomas Partners Strategies, The Firm That Led Spitzer To ‘Victory’ In 2018, Opened An Office In Orange County’s Newport Beach ‘Ahead Of The Hot 2020 Political Cycle.’ The Orange County-Breeze reported in June 2019 that Thomas Partners Strategies, the firm that led Spitzer to “victory” in 2018, opened an office in Orange County’s Newport Beach “ahead of the hot 2020 political cycle.” Reportedly, the addition marks TPS’s third office, with the company’s other offices located in Los Angeles and Washington, D.C. John Thomas argued that his company is “doubling down on OC” in order to elect Republicans throughout the area. Reportedly, he said:

This is Reagan Country. I’m ashamed it has gotten to the point where every single federal seat is in Democrat hands. That’s why TPS has committed to doubling down our efforts to flip Orange County back to Red. We know how
to win difficult races, despite the odds and plan to bring those skills, aggressive campaigning and knowhow to all our clients in Orange County with an even more hands on approach.

[Orange County Breeze, 6/6/19]

2017: Thomas Named As Spitzer’s ‘Chief Strategist’

Spitzer Listed Thomas As His ‘Chief Strategist’ In Campaign Announcement. In his announcement for his District Attorney race in July 2017, Spitzer listed Thomas as his “chief strategist” twice. At the beginning of the press release, Spitzer listed Thomas as the “primary contact” for the campaign. Later in the press release, Thomas spoke on the race, criticizing Spitzer’s opponent Tony Rackauckas and complimenting Spitzer:

Spitzer’s Chief Strategist, John Thomas, said, ‘As Tony Rackauckas approaches over 20 years in office it’s time for a new DA. Someone with the integrity and experience of a top prosecutor but also the understanding to know that we need to stop crime before it starts by focusing on proven and effective prevention methods like after-school activities and job training programs. Todd Spitzer is a battle-tested prosecutor who has the right priorities to restore faith in the DA’s office and get back to the business of fighting crime.’ Thomas continues, ‘Finally, the voters have a choice to replace Tony Rackauckas who has let down Orange County long enough. We look forward to running an aggressive campaign to hold DA Rackauckas accountable for the misconduct, misdeeds and mistruths that he continues to spread. We are not as cynical about voters as Rackauckas and his handlers. We know people are paying attention to the news and are disappointed that Orange County’s top prosecutor is out of touch and unethical.’ ‘Laziness, misconduct, abuse of power, failure to report political donations and outside employment, rampant sexual harassment—Rackauckas seems to believe the DA’s office is auditioning for an episode of Animal House or Shark Tank rather than a premier public safety agency.’ ‘Supervisor Spitzer begins the race for District Attorney with substantial advantages including his lifelong dedication to victims, a proven record on public safety, and a massive war chest to engage the voters. Meanwhile the OC Grand Jury refers to the District Attorney Tony Rackauckas as running the office with a “failure of leadership” and practicing as a “a lazy law firm”. (Orange County Grand Jury, June 2017) The void in leadership has blown up in scandals that continue to implode the District Attorney’s Office threatening the integrity of our justice system and maligning the great work of the employees who want to be proud again of their public agency.’

[Voice of OC, 7/10/17]

2020: Thomas Exploited COVID Pandemic, Charging 800% Markup for Medical Equipment and Failing to Fulfill Contracts for PPE

Thomas Founded Medical Supply Company Blue Flame Medical Amid COVID Pandemic

John Thomas Founded Blue Flame Medical In March 2020, Amid COVID-19 Pandemic. According to The Baltimore Sun, in March 2020, John Thomas and his partner Mike Gula founded Blue Flame Medical,
a medical supply company, in March 2020 “as the coronavirus pandemic swept the country.” [The Baltimore Sun, 11/19/20]

**Thomas Admitted To Charging Over 800 Percent Market Price For Ventilators**

**Thomas Charged Maryland 800 Percent Market Price For Ventilators In The Height Of The COVID Pandemic.** In an interview with CBS in December 2020, Thomas admitted that his contract with Maryland charged $41,000 for each ventilator, even though market price for ventilators was $5,000. Thomas claimed the marketplace was “heated” and that price increases were “driven from the manufacturers.” [CBS, 12/6/20]

**Thomas Lied About Using Political Connections To Land Contracts**

**March 2020: Thomas Said In An Interview That His Political Work Connected Him To Customers.** According to The New York Times in March 2020, Thomas said in an interview that his political connections helped he and Gula find suppliers and customers around the world. Reportedly,

> ‘In politics — especially if you’re at a high enough level — you are one phone call away from anybody in the world,’ Mr. Thomas said, adding that his new company had partnered with firms to sell and distribute its products.
> ‘It’s not about the financial motivations,’ he said of his new venture[…]
> ‘We’re here to solve a need to help people.’


**Thomas And Gula Used Political Connections To Land Maryland PPE Contract.** According to The Baltimore Sun, Blue Flame founders Thomas and Gula used their connection to Maryland Governor Larry Hogan’s director of federal relations to land a $12.5 million contract with the state. Gula, Thomas’ partner at Blue Flame, knew Tiffany Waddell, Hogan’s director of federal relations, who called him “a good friend of mine” in an email. Waddell introduced Gula to Ellington Churchill, secretary of the state Department of General Services, offering PPE from a Chinese manufacturer. Churchill forwarded information about Blue Flame to his department, but denies that Blue Flame received special treatment. Reportedly, “A couple of days later, Maryland and Blue Flame struck the $12.5 million deal.” [The Baltimore Sun, 11/19/20]

**December 2020: Thomas Said In A CBS Interview That He Did Not Use Political Connections To Land Customers.** In a December 2020 interview with CBS, when asked if he used his political connections to obtain contracts, Thomas said “I can’t think of a time that we used any political connections to get a contract.” When CBS host Lesley Stahl pushed Thomas, saying that based on FOIA information, “it seems your network of political contacts actually did kick in for you,” Thomas replied “I’d call it happy customer references.” [CBS, 12/6/20]

**Maryland Officials ‘Blasted’ Blue Flame For ‘Exploiting’ The Pandemic After Blue Flame Failed To Deliver PPE**

**Blue Flame Missed Crucial Deadlines For PPE Delivery, Violating Their Contract With Maryland.** According to The Baltimore Sun, in April 2020, the Maryland state procurement director told Blue Flame they were two weeks behind on delivering masks and ventilators to the state, despite “numerous requests for information and order status.” In May, the state tried to cancel the $12.5 million contract with Blue Flame, but company officials claimed they did not violate the contract. [The Baltimore Sun, 11/19/20]
Maryland Governor Larry Hogan Accused Blue Flame Of ‘Exploit[ing] This Pandemic For Profit,’ Called For Investigation Into The Company. According to The Baltimore Sun, in May 2020, Maryland Governor Larry Hogan accused Blue Flame of exploitation at a press conference, “blasting” the company by saying, “It is unconscionable that anyone would try to exploit this pandemic for profit or for personal gain.” Hogan reportedly asked the Maryland Attorney General to investigate the company. [The Baltimore Sun, 11/19/20]

- **May 2020: Maryland Attorney General Launched Investigation Into Blue Flame Medical ‘For Failure to Perform and For Potential Misrepresentation.’** CBS Baltimore reported in May 2020 that after orders from Maryland Governor Larry Hogan, the Maryland Attorney General Brian Frosh launched an investigation into Blue Flame Medical “for failure to perform and for potential misrepresentation” regarding the company’s personal protective equipment contract with the state of Maryland. According to a May 2020 Baltimore Sun report,

  The state signed a $12.5 million deal April 1 with Blue Flame Medical LLC for 1.5 million N95 masks and 110 ventilators. The masks and ventilators were supposed to ship April 14, according to documents provided by the state. The state paid half of the money up front, according to the documents. The goods never arrived, and Maryland canceled the contract Friday.

  [CBS Baltimore, 5/6/20; The Baltimore Sun, 5/2/20]

**Maryland Settled The Contract Dispute, Finding No Fault To Blue Flame.** In October 2020, Maryland settled the contract dispute with Blue Flame. The settlement forced Blue Flame to provide the missing masks and ventilators to the state within 45 days of the settlement, but allowed Blue Flame to keep previous payments for the PPE and did not force the company to admit fault or wrongdoing. The company later delivered all the contracted PPE to the state. [The Baltimore Sun, 11/19/20]

**Blue Flame Took State Contracts Thomas Knew They Could Not Fulfill, Then Thomas Blamed States For Not Being ‘Patient’**

**Blue Flame Took Large Contracts Even Though Thomas Knew They Did Not Have Enough Supply.** In a CBS interview in December 2020, Thomas claimed that Chinese manufacturers repeatedly delayed his product reaching the U.S., and that “goods he ordered just kept disappearing.” Blue Flame sent the state of Maryland a delay notice for their contract. However, “at that very same time – the company wrote to California: ‘we feel confident we can deliver large quantities quite quickly … We do not have any problems getting things out of country.’” [CBS, 12/6/20]

**Thomas: Customers ‘That Wanted To Be Patient’ Got PPE.** In an interview with CBS in December 2020, when questioned on his ability to fulfill Blue Flame’s contracts, Thomas claimed that “The ones that wanted to be patient got their product. The ones that didn’t want to be patient got a refund. There’s nothing more I can do than that.” [CBS, 12/6/20]

**California Cancelled $500M Contract With Blue Flame Only Days After Maryland**

**California Cancelled PPE Contract With Blue Flame Within Hours Of Signing It.** According to CalMatters, in May 2020 California signed a PPE contract with Blue Flame, only to cancel the contract within six hours. California originally wired the company $456.9 million for medical supplies, even though the company had only existed for three days. [CalMatters, 5/5/20]

**Blue Flame Did Not Fulfill Contracts For Law Enforcement Agencies In At Least 6 States**
**Blue Flame Did Not Fulfill At Least 6 Contracts With Law Enforcement Agencies Across The Country.** In an interview with CBS in December 2020, Lesley Stahl asked Thomas,

> Okay. I’m gonna read something to you, and you tell me, when I’m finished, what they all have in common. Okay? Idaho State Police, Florida Department of Law Enforcement, North Carolina State’s Bureau of Investigation, Iowa’s DCI Crime Lab, Arizona’s Department of Public Safety, the Takoma Park Police: What do they have in common?

Thomas replied, “Law enforcement, of course,” to which Stahl said “No, they placed orders with you that weren’t fulfilled.” [CBS, 12/6/20]

**May 2020: Spitzer Said He Was ‘No Longer Working with Thomas’ Following Federal Investigation**

May 2020: Spitzer Said He Was ‘No Longer Working With Thomas’ and Would Refer Any Cases Related to Thomas’ Price Gouging to the Attorney General. In May 2020, The Orange County Register reported:

Thomas, whose parents are leaders of a Los Angeles County chapter of the influential GOP fundraising Lincoln Club, has been a political consultant since he was in his early 20s. He helped Spitzer win his Orange County DA seat in 2018 and has helped Supervisor Andrew Do with his campaigns. Spitzer’s office said he’s no longer working with Thomas, while Do didn’t respond to requests for comment. Orange County says it hasn’t done any deals with Blue Flame Medical. And if any complaints come up in the county related to the company, Spitzer’s office said they’ll refer them to the state Attorney General.

[The Orange County Register, 5/7/20]

**Justice Department, U.S. House Energy and Commerce Committee Launched Investigations Into Blue Flame**

Rep. Katie Porter Called On The Federal Government To Investigate Blue Flame And Ensure They Are Charging Fair Prices. According to CalMatters, in May 2020 Representative Katie Porter raised concerns about Blue Flame and called on the federal government to ensure the business was charging fair prices for PPE. Porter alleged that Blue Flame could be “a costly and burdensome middleman from which states and localities must now purchase supplies” in a letter to the inspector general of the U.S. Department fo Health and Human Services. Porter further worried that companies like Blue Flame would become “indicative of a potentially growing trend” of fraudulent PPE distributors. [CalMatters, 5/5/20]

**U.S. Justice Department Launched A Criminal Investigation Into Blue Flame After Two State Contracts Fell Through.** According to The Washington Post, in May 2020, the U.S. Justice Department opened a criminal investigation into Blue Flame after California and Maryland cancelled their contracts with the company within days of one another. Sources with the Maryland state government said they had been subpoenaed for information regarding the contract, but would not detail the extent of the investigation. As of July 30, 2021 news media searches for the current status of this investigation revealed charges against the company have not been announced. [The Washington Post, 5/6/20]
U.S. House Energy and Commerce Committee Launched Investigation Into Blue Flame ‘After Several StatesCanceled Contracts With The Company.’ The Wall Street Journal reported in May 2020 that the U.S. House Energy and Commerce Committee launched the investigation “after several states canceled contracts with the company.” New Jersey Rep. Frank Pallone, who chairs the congressional committee, reportedly said:

We are deeply concerned by the numerous reports regarding Blue Flame Medical LLC’s failure to deliver on contracts with state and local governments to provide critical medical supplies […] These delivery failures have caused multiple states and localities to cancel millions of dollars in orders for desperately needed gear and equipment during an unprecedented public health emergency.

[The Wall Street Journal, 5/12/20]

...But Reversed Course In March 2021 After Receiving ‘Assurances’ That Thomas Was No Longer Under Investigation

March 2021: Spitzer Announced His Continued Collaboration With Thomas After Receiving ‘Assurances’ That Thomas ‘Had No Pending or Open Government Claims Against Him.’ The Orange County Register reported in August 2021 that Spitzer announced his continued partnership with political strategist John Thomas after receiving “assurances in writing” from Thomas’s attorney that Thomas no longer faced government claims against him. Spitzer praised Thomas’s efforts in leading his District Attorney campaign to victory in 2018, but noted that:

However, as the elected district attorney, it was fundamentally critical going forward that I received all assurances that Mr. Thomas had no pending or open government claims against him personally or his business. After receiving “those assurances in writing,” Spitzer expressed his excitement to work with Thomas “to stop (political opponent) Pete Hardin and the woke criminal justice movement from turning Orange County into a lawless, pro criminal paradise, like Los Angeles.” Hardin, on the other hand, argued that

‘It’s appalling that the county’s top law enforcement official — who is supposed to protect Orange County residents from scam artists — would get into bed with a man targeted by state and federal investigators,’ […] ‘Unfortunately, this comes as no surprise given Spitzer’s record of befriending and protecting predators, enabling sexual harassment in his own office, and mounting claims of pay-to-play political corruption. As crime in Orange County spikes, how can anyone feel confident in our criminal justice system when its leader repeatedly fraternizes with crooks?’

[Orange County Register, 8/19/21]

• Blue Flame Attorney Alan Jackson: ‘There Are No Government Investigations Into the Firm.’

According to an August 2021 Orange County Register report, Blue Flame attorney Alan Jackson claimed “there are no government investigations into the firm.” Reportedly,

Blue Flame also is suing its former banker for allegedly triggering the debacle by making it appear the firm was a fraud. The lawsuit alleges officials at Chain
Bridge Bank spooked California into backing away from its $450 million deal with Blue Flame. ‘As a result of defendants’ intentional, reckless, and negligent conduct, California panicked, the payment was reversed or otherwise returned to California, and Blue Flame’s transaction with California was torpedoed,’ the suit said.

According to the report, one of Thomas’s representatives claimed that Blue Flame “has delivered on its orders for the medical equipment.” [Orange County Register, 8/19/21]

**Thomas is a Spitzer Super Fan**

**Thomas Appears to Have Wiped His Twitter of All Tweets Prior to October 2020**

**Thomas Joined Twitter in 2009, But His Oldest Tweet is from October 2020.** Thomas appears to have wiped his Twitter of all posts prior to October 2020. According to his Twitter account, John Thomas joined the platform in 2009:

![John Thomas Twitter Account](image)

However, his oldest tweet—a retweet from right-wing political consultant Woody Johnston of a video of a movie character saying “seventeen days? We’re not going to last 17 hours”— is from October 2020:
Since October 2020, Thomas Has Retweeted Spitzer-Related Content Five Times—17% of All Thomas' Tweets

Thomas Has Retweeted Spitzer Related Content Five Times, 17% of Thomas' Tweets. Thomas has retweeted Spitzer-related content, including tweets mentioning Spitzer, featuring Spitzer in videos, or from
Spitzer’s accounts, at least five times since October 2020, the earliest tweets available. These represent 17% of Thomas’ 29 Tweets.

OC District Attorney Todd Spitzer & CHP released the booking photos of the suspects arrested in the shooting death of 6-year-old Aiden Leos.

Marcus Anthony Eriz and Wynne Lee are being held on $1 million bail at the Orange County Jail.

Charges are expected to be filed tomorrow.
Orange County D.A. @toddspitzeroc calls out L.A. County D.A. @GeorgeGascon during a @FOXLA interview:

"He's completely taken the criminal justice and turned it upside down. In my opinion, he's now pro criminal and anti victim."

CC: @FoxPhil @MarlaTellez @OCDAToddSpitzer
“This is Orange County, California. This is not Los Angeles County or San Francisco...I spent the last 32 years putting people like you behind bars,” @OCDAToddSpitzer said to the suspects involved in the deadly shooting of a young boy on the 55 Freeway. bit.ly/3vybzC8
Thank you @ocgop for inviting me to speak. We discussed current threats to our public safety and how we will never let Orange County be turned into Los Angeles or San Francisco #NoLAinOC #NoSFinOC
It's no secret that criminal first candidates are targeting the Orange County District Attorney's office. I refuse to let a radical, pro-criminal candidate like criminal lawyer Pete Hardin turn Orange County into LA or San Francisco.

We need leaders willing to implement common-sense gun reforms, not showmen looking for the headline.

- Pete Hardin

PETE HARDIN: HYPOCRITE

Q: Would you commit to eliminating gun and gang enhancements (as Gascon is doing)?
A: I'm not prepared to answer that right now.
- Also Pete Hardin
Affiliation with Henry Nicholas

Affiliation with Henry Nicholas Highlights

- Spitzer was a legal advisor to Broadcom co-founder Henry T. Nicholas III, charged with securities fraud "related to Broadcom’s $2.2 billion employee stock options scandal."
  - Nicholas reportedly also was "entangled in his own netherworld of prostitution, drug peddling, bribery and death threats," according to federal prosecutors.
- Nicholas gave $4.86 million in funding to the campaign for Marsy’s Law, named after his murdered sister. Spitzer managed the campaign but reportedly was not paid for his work.
- Spitzer has said he’s “proud” of the affiliation with Nicholas.
- Nicholas contributed $3.3 million to Spitzer’s campaign against California Proposition 66, which would have weakened the three strikes law.

Spitzer Worked For A Billionaire Indicted For Prostitution, Drug Peddling, Bribery, Death Threats, And Securities Fraud

Spitzer Was A Legal Adviser To Henry T. Nicholas III, ‘Entangled’ With Prostitution, Drug Peddling, Bribery and Death Threats, And Securities Fraud. The Orange County Register reported in 2008 that Spitzer was a legal advisor to Henry T. Nicholas III, billionaire co-founder of Broadcom charged with securities fraud “related to Broadcom’s $2.2 billion employee stock options scandal”; The Sacramento Bee reported Nicholas was also “entangled in his own netherworld of prostitution, drug peddling, bribery and death threats,” according to federal prosecutors. [The Orange County Register, 12/26/08; The Sacramento Bee, 6/10/08]

Nicholas Was The Only Major Donor For Proposition Nine, Marsy’s Law, Named After His Murdered Sister. According to The Orange County Register, Spitzer’s successful campaign for Proposition Nine, a “victims bill of rights” dubbed “Marsy’s Law” after the name of Nicholas’ sister who was murdered in 1984, was mostly funded by Nicholas, who gave $4.86 million to the campaign. Spitzer managed the campaign, and reportedly got no compensation for his campaign work. [The Orange County Register, 12/26/08]

Spitzer Stated He Was ‘Proud’ Of His Affiliation With Nicholas. According to The Orange County Register in 2008, Spitzer wrote in an email:

I am proud of my affiliation with Dr. Nicholas since he is an individual who shares with me, and me with him, a deep and unwavering commitment to public safety and also to community building and philanthropy

Spitzer worked for law firms Adorno, Yoss, Alvarado & Smith and Reed & Davidson when he served Nicholas. Spitzer reportedly stopped working for Nicholas when he joined the District Attorney’s office. [The Orange County Register, 12/26/08]
2004: Nicholas Financed Spitzer’s Campaign Against Proposition 66. The Orange County Register reported that when Spitzer campaigned against Prop 66, a measure that "would have weakened California's ‘three strikes’ law," in 2004, Nicholas donated $3.3 million to the fight the proposition, and allowed Spitzer to "charge expenses on his personal black American Express card." [The Orange County Register, 12/26/08]

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Issues With Colleagues

Issues With Colleagues Highlights

• Spitzer was accused of having an “aggressive approach” as a County supervisor.
• Spitzer allegedly intentionally disqualified Tom Coad from running for supervisor in 2002.
• Spitzer allegedly leaked confidential legal information according to fellow Republican board member Jim Silva in 1998.
• Spitzer was accused of impersonating District Attorney Tony Rackauckas in 2016.
• Spitzer claimed he was improperly fired from the Orange County District Attorney’s Office in 2010.

Orange County Board of Supervisors

OC Colleagues Considered Spitzer an ‘Occasional Annoyance’ and ‘An Arrogant Know-It-All’

A 1997 Article About Spitzer Covered His Frequent Conflicts And ‘Aggressive Approach’ As A Board Member, Including Accusing Colleagues Of Lying. A Los Angeles Times article published in November 1997 described Spitzer’s “aggressive approach” as supervisor, including “erupt[ing] at County Chief Executive Officer Jan Mittermeier, […] accusing her of lying to keep supervisors in the dark.” Reportedly, his “colleagues consider[ed] him anywhere from an occasional annoyance to an arrogant know-it-all.” [Los Angeles Times, 11/4/97]

Spitzer Allegedly Intentionally Foiled Tom Coad’s Bid For Supervisor

Tom Coad Alleged Spitzer’s Early Departure From The Board In 2002 Was To Foil Coad’s Bid For Supervisor. In November 2002 Spitzer quit the Orange County Board of Supervisors a month before his term would end, and by doing so changed the eligibility deadlines and disqualified Tom Coad from running for supervisor. Coad’s wife, Cynthia, was Chair of the Board and disagreed with Spitzer on issues including the El Toro Marine Base development plan. Cynthia Coad refused to support a special election to fill Spitzer’s seat, saying “My abstention will serve to point out how hypocritical some people and politicians can be.” [Los Angeles Times, 12/4/02]

Spitzer’s Fellow Board Member Accused Him of Leaking Confidential Legal Information

Silva Called Spitzer A ‘Hyper-Ambitious Leak Machine,’ And ‘Not A Conservative’ In Response to Spitzer’s Unendorsement of Silva’s Re-Election. In 1998, Spitzer and fellow Republican board member Jim Silva had a falling out, in which Spitzer unendorsed Silva’s re-election bid and Silva called Spitzer a “hyper-ambitious leak machine” and “not a conservative.” The source of the conflict was a provision in the County Executive Officer’s contract that would have given the board more power, but was opposed by Executive Officer Jan Mittermeier. She ultimately would leave the position in June 2000. [Orange County Register, 10/20/98; Orange County Archives, 6/28/00]
Silva Accused Spitzer Of Leaking Confidential Legal Matters From Board Sessions In 1998, But Did Not Cite An Example. In a November 1998 board meeting, Jim Silva accused Spitzer of revealing confidential legal matters discussed during closed board sessions, adding "I’m not sure I want to attend any closed sessions because of the leaks." Silva did not cite an example of Spitzer leaking information, instead arguing he circumvented board policy regarding labor contract negotiations with county trial attorneys. [Orange County Register, 11/18/98]

Silva Introduced An Anti-Leak Law In 1999 After Confidential Memo Related To El Toro Airport Proposal Leaked; ‘Fingers Pointed At Spitzer.’ In May 1999 Supervisor Silva introduced a law that would have charged county supervisors and staffers who leak confidential information to the media with a misdemeanor and up to six months of jail time. This followed the leak of a confidential memo related to the El Toro Airport proposal, which Spitzer had advocated be released to the public. According to the Orange County Register, “fingers pointed at Spitzer,” but he denied leaking the document. The law was withdrawn a month later without coming to a vote in the face of opposition from board members and concerns about legality. [Orange County Register, 5/23/99; Orange County Register, 6/9/99]

Spitzer Accused of Impersonating Tony Rackauckas On Robocalls

2016: District Attorney Tony Rackauckas Accused Then-Supervisor Spitzer Of Impersonating Him On Robocalls. According to The Orange County Register in 2016, District Attorney Tony Rackauckas accused then-Supervisor Spitzer of impersonating him by claiming he was affiliated with the District Attorney’s office, despite not having worked there since 2010. The message of the robocall in question went as follows:

"Hello, this is County Supervisor Todd Spitzer […] I have always played by the rules. As an assistant District Attorney, I know that many politicians do not."

Spitzer denied wrongdoing and said his self-identification was “unequivocally” clear from the first sentence. [The Orange County Register, 6/1/16]

Spitzer Claimed He Was Improperly Fired From Job At DA’s Office In 2010. According to Voice of OC in August 2010, Spitzer claimed he was “improperly” fired from the Orange County District Attorney’s Office over a routine phone call to the Public Guardian’s Office to check into the status of a case. Spitzer made a call on behalf of a Huntington Beach resident who had asked him to investigate allegations of domestic violence and elder abuse at the Public Guardian’s Office. Reportedly,

That call alone was apparently enough for Rackauckas to fire a man who just months ago he was touting as his possible successor. ‘He [Rackauckas] told me I mishandled the situation with the public guardian,’ Spitzer said. ‘I was told this was the only reason I was let go.’ […] But John Williams, the elected head of the Public Guardian’s Office, apparently sent Rackauckas a notification — confirmed through a statement received by the Orange County Register on Saturday — saying that Spitzer had improperly contacted his staff. District Attorney’s Office officials would not offer any insight on the decision, with Rackauckas spokeswoman Susan Kang Schroeder saying only that ‘we are legally prohibited from commenting on the separation of Todd Spitzer’s employment status due to confidentiality laws.’

[Voice of OC, 8/29/10]
Orange County Board of Supervisors Budget

Orange County Board of Supervisors Budget Highlights

2012 To 2018

• From 2012 To 2018, during Spitzer’s second tenure, the Orange County Board of Supervisors’ budget expenses increased by over 25%. Total appropriations for District 3, Spitzer’s district, rose by 45.55%. Personnel expenditures for salaries and benefits for the district also increased by 51.43% during Spitzer’s 2012-2018 tenure.
  – The Orange County Register reported in 2016 that the Board of Supervisors received “full-time pay for part-time work,” with taxpayers paying more than $5 million a year in office budgets.

• Spitzer voted to use $6.2 billion in property tax revenue to “bolster funding to law enforcement” in 2017.

• Spitzer voted to cut the proposed budgets of law-enforcement and financial oversight offices in 2018.

• Spitzer’s total pay and benefits increased by $44,830 between 2013 and 2018.

• In March 2015, Spitzer voted to spend $365,000 on “expanding [the] ranks of political aides” at the Board of Supervisors.

• Spitzer voted for a budget that gave “extra money” to the sheriff’s department in 2016.

• In 2015, Spitzer “backed off” from criticizing jail phones, namely the cost of inmate phone calls at the county’s jails,
  – Spitzer received the maximum possible contribution to his re-election campaign from jail phone company Global Tel-Link Corporation in 2014.
  – In 2018, Global Tel Link came under fire for recording over 1,000 attorney-client phone calls in potential violation of state and federal law.
  – A lobbying firm representing Global Tel Link gave $5,000 to a PAC supporting Spitzer in 2018.

• In 2017, Spitzer’s ex-chief of staff George Cardenas alleged that “Spitzer had him change the bid rating for developers who refused to donate to him.”

1998 to 2003
- From fiscal years 1998 to 2003, during Spitzer’s tenure as 3rd District Supervisor, expenditures rose by 35.6%, or $164,266, despite no increase in the number of staff.
- During the same period, expenditures by the Orange County Board of Supervisors rose 27.39%, or over $1 million.

**Orange County Board of Supervisors Budget Expenses Increased By Over 25% During Spitzer’s Tenure From 2012 To 2018**

**During Spitzer’s Tenure On The Orange County Board of Supervisors From 2012-2018, Total Expenses Increased By 25.65%, Or $906,720,000.** According to budget records provided by the Orange County Auditor-Controller, during Spitzer’s tenure on the Orange County Board of Supervisors from 2012 to 2018, total expenditures rose by 25.65%, or $906,720,000, from FY2012 to FY2019, the last budget Spitzer oversaw during his term.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Expenses</th>
<th>Year to Year Change</th>
<th>Change %</th>
<th>Office</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2013</td>
<td>$3,577,385,000</td>
<td>$43,087,000</td>
<td>1.22%</td>
<td>Orange County Supervisor</td>
<td>OC Comprehensive Annual Financial Report FY 2012-2013</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$3,516,728,000</td>
<td>-$60,657,000</td>
<td>-1.70%</td>
<td>Orange County Supervisor</td>
<td>OC Comprehensive Annual Financial Report FY 2013-2014</td>
</tr>
<tr>
<td>2014-2015</td>
<td>$3,582,823,000</td>
<td>$66,095,000</td>
<td>1.88%</td>
<td>Orange County Supervisor</td>
<td>OC Comprehensive Annual Financial Report FY 2014-2015</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$3,829,810,000</td>
<td>$246,987,000</td>
<td>6.89%</td>
<td>Orange County Supervisor</td>
<td>OC Comprehensive Annual Financial Report FY 2015-2016</td>
</tr>
<tr>
<td>2016-2017</td>
<td>$3,866,190,000</td>
<td>$36,380,000</td>
<td>0.95%</td>
<td>Orange County Supervisor</td>
<td>OC Comprehensive Annual Financial Report FY 2016-2017</td>
</tr>
</tbody>
</table>
During Spitzer’s Tenure On The Orange County Board of Supervisors From 2012-2018, Total Appropriations For District 3 Increased By 45.55%, Or $409,480. According to budget records provided by the Orange County Auditor-Controller, during Spitzer’s tenure on the Orange County Board of Supervisors from 2012 to 2018, total appropriations for District 3 – Spitzer’s district – rose by 45.55%, or $409,480 from FY2012 to FY2019, the last budget Spitzer oversaw during his term.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>District 3 Expenditures</th>
<th>Year to Year Change</th>
<th>Change %</th>
<th>Office</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-2012</td>
<td>$898,803</td>
<td></td>
<td></td>
<td>Not in office</td>
<td>OC Annual Budget</td>
</tr>
<tr>
<td>2012-2013</td>
<td>$898,803</td>
<td>$0</td>
<td>0.00%</td>
<td>Orange County Supervisor</td>
<td>OC Annual Budget FY 2012-13</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$894,587</td>
<td>-$4,216</td>
<td>-0.47%</td>
<td>Orange County Supervisor</td>
<td>OC Fiscal Year 2013-2014 Annual Budget</td>
</tr>
<tr>
<td>2014-2015</td>
<td>$955,000</td>
<td>$60,413</td>
<td>6.75%</td>
<td>Orange County Supervisor</td>
<td>FY 2014-15 Annual Budget</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$983,650</td>
<td>$28,650</td>
<td>3.00%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2015-16 Annual Budget</td>
</tr>
<tr>
<td>2016-2017</td>
<td>$1,183,818</td>
<td>$200,168</td>
<td>20.35%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2016-17 Annual Budget</td>
</tr>
<tr>
<td>2017-2018</td>
<td>$1,195,656</td>
<td>$11,838</td>
<td>1.00%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2017-18 Annual Budget</td>
</tr>
</tbody>
</table>
During Spitzer’s Tenure On The Orange County Board of Supervisors From 2012-2018, Orange County Added 1,033 More FTE Positions. According to budget records provided by the Orange County Auditor-Controller, during Spitzer’s tenure on the Orange County Board of Supervisors from 2012 to 2018, Orange County added 1,033 more FTE positions going from 17,321 in FY2012 to 18,354 FTE positions in FY2019, the last budget Spitzer oversaw during his term.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Orange County FTE Positions</th>
<th>Year to Year Change</th>
<th>Change %</th>
<th>Office</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-2012</td>
<td>17,321.00</td>
<td>Not in office</td>
<td></td>
<td></td>
<td>OC Annual Budget</td>
</tr>
<tr>
<td>2012-2013</td>
<td>17,257.00</td>
<td>-64.00</td>
<td>-0.37%</td>
<td>Orange County Supervisor</td>
<td>OC Annual Budget FY 2012-13</td>
</tr>
<tr>
<td>2013-2014</td>
<td>17,628.00</td>
<td>371.00</td>
<td>2.15%</td>
<td>Orange County Supervisor</td>
<td>OC Fiscal Year 2013-2014 Annual Budget</td>
</tr>
<tr>
<td>2014-2015</td>
<td>18,053.00</td>
<td>425.00</td>
<td>2.41%</td>
<td>Orange County Supervisor</td>
<td>FY 2014-15 Annual Budget</td>
</tr>
<tr>
<td>2015-2016</td>
<td>18,148.00</td>
<td>95.00</td>
<td>0.53%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2015-16 Annual Budget</td>
</tr>
<tr>
<td>2016-2017</td>
<td>18,290.00</td>
<td>142.00</td>
<td>0.78%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2016-17 Annual Budget</td>
</tr>
<tr>
<td>2017-2018</td>
<td>18,286.00</td>
<td>-4.00</td>
<td>-0.02%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2017-18 Annual Budget</td>
</tr>
<tr>
<td>2018-2019</td>
<td>18,354.00</td>
<td>68.00</td>
<td>0.37%</td>
<td>Orange County Supervisor</td>
<td>OC FY 2018-19 Annual Budget</td>
</tr>
<tr>
<td>Change 2011-2019</td>
<td>1,033.00</td>
<td></td>
<td>5.96%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

District 3 Personnel Expenditures Increased By 51.43%, Or $439,164 During Spitzer's 2012-2018 Tenure On Orange County Board of Supervisors. According to budget records provided by the Orange
County Auditor-Controller, Spitzer’s personnel expenditures for salaries and benefits for Orange County Board of Supervisors District 3 increased 51.43% during Spitzer’s 2012-2018 tenure, from $853,768 in 2011, the year before he was elected to join the board, to $1,292,932 in 2018, an increase of $439,164. The district’s Full Time Equivalent (FTE) positions increased by three positions during the same time period. The average expenditure per FTE position, therefore, increased by 9.52% during Spitzer’s tenure, from $121,967 in 2011 to $129,293 in 2018, an increase of $11,245 in expenditures per FTE:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>District 3 Personnel Expenditures</th>
<th>District 3 FTE Positions</th>
<th>Average Expenditure Per FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-2012</td>
<td>$853,768</td>
<td>7</td>
<td>$121,967</td>
</tr>
<tr>
<td>2012-2013</td>
<td>$852,198</td>
<td>-1,570 / -0.18%</td>
<td>$121,743 / -0.18%</td>
</tr>
<tr>
<td>2013-2014</td>
<td>$823,983</td>
<td>-28,215 / -3.31%</td>
<td>$102,998 / 14.28%</td>
</tr>
<tr>
<td>2014-2015</td>
<td>$905,000</td>
<td>8</td>
<td>$113,125 / 9.83%</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$983,650</td>
<td>8</td>
<td>$122,956 / 8.69%</td>
</tr>
<tr>
<td>2016-2017</td>
<td>$1,169,630</td>
<td>8</td>
<td>$116,963 / 18.90%</td>
</tr>
<tr>
<td>2017-2018</td>
<td>$1,180,487</td>
<td>8</td>
<td>$118,048 / 0.92%</td>
</tr>
<tr>
<td>2018-2019</td>
<td>$1,292,932</td>
<td>10</td>
<td>$129,293 / 9.52%</td>
</tr>
<tr>
<td>Change 2011-2018</td>
<td>$439,164</td>
<td>3 / 51.43%</td>
<td>$7,326 / 42.85%</td>
</tr>
</tbody>
</table>

Change / 42.85% 6.00%
Spitzer Voted To Increase Law Enforcement Budget In 2017

Spitzer Voted To Increase Law Enforcement Budget In 2017. According to the Orange County Register in June 2017, Spitzer and the Orange County Board of Supervisors unanimously approved a $6.2 billion budget that used the growth in property tax revenue to “bolster funding to law enforcement.” Reportedly,

The Orange County Sheriff’s Department is the largest recipient of that new general purpose revenue and will receive $27 million from it. That money largely will go toward replacing equipment and maintaining current service levels, while giving deputies a pay bump they won in their union’s most recent contract negotiations. The sheriff’s department also will add four new deputy positions to patrol the county’s unincorporated areas, four crime lab analysts to test DNA in criminal cases, and six forensic scientists to address a backlog in testing sexual assault evidence.

[Orange County Register, 6/27/17; Orange County Board of Supervisors Meeting Minutes, 6/27/17]

Spitzer Voted To Cut The Proposed Budgets Of Law Enforcement And Financial Oversight Offices

2018: Spitzer Voted To Cut The Proposed Budgets Of Law-Enforcement And Financial Oversight Offices. According to the Orange County Register in June 2018, Spitzer and the Orange County Board of Supervisors voted to “cut the proposed budgets of law-enforcement and financial oversight offices” and faced “criticism that it was curtailing public transparency.” Reportedly,

instead of allowing that office to hire two investigators to track jail issues and deputy misbehavior, as its recently hired executive director had proposed, the board provided the office with no investigators and just one additional employee — a secretary. They also limited the scope of the watchdog’s work during the next six months to issues surrounding homelessness, a time frame that covers the period leading up to the November election. The decision came as federal and state investigators are looking at whether county deputies and prosecutors misused jailhouse informants to illegally gain confessions. It came a day after an Orange County Grand Jury report found that nearly half of the 34 deaths at the Orange County jail over the past three years could have been avoided. And it came on the one-year anniversary of an American Civil Liberties Union report that alleged unhealthy and violent conditions in the county jail system — findings that Sheriff Sandra Hutchens has called inaccurate.

[Orange County Register, 6/26/18; Orange County Board of Supervisors, Meeting Minutes, 6/26/18]

In 2016, Spitzer Voted For Budget That Increased Spending For Sheriff’s Department To Buy Patrol Vehicles

2016: Spitzer Voted For Budget That Increased Spending For Sheriff’s Department. According to City News Service in June 2016, the Orange County Board of Supervisors unanimously adopted a $6.07 billion budget that gave “extra money” to the sheriff to “cover four additional patrol deputies for the new
Rancho Mission Viejo development in an unincorporated area of Mission Viejo.” [City News Service, 6/28/16]

**Spitzer ‘Took Credit For Proposing’ Additional Staff For County Sheriff**

Spitzer ‘Took Credit For Proposing’ Additional Staff At For County Sheriff. According to the Orange County Register in March 2014, Spitzer “took credit for proposing the additional staff” for the Sheriff’s Department that was unanimously approved by the Orange County Board of Supervisors to process new applications for concealed weapon permits. Reportedly,

The new manpower will help speed up applications that have hit the Sheriff’s Department since Feb. 19, when Sheriff Sandra Hutchens said she would relax permit guidelines. But the resources - 15 people at a cost the sheriff pegs at $1.5 million

[Orange County Register, 3/6/14]

**Spitzer’s Compensation Increased By Nearly $45K in Five Years**

Spitzer’s Total Pay And Benefits Increased By $44,830 Over Five Years. According to Transparent California, Spitzer’s annual total pay and benefits as a member of the Orange County Board of Supervisors increased by $44,830.40 from $195,841.34 in 2013 to $240,671.74 in 2018. Spitzer’s annual regular pay rose from $134,229.14 in 2013 to $162,849.15 in 2018, an increase of 21.32%.

<table>
<thead>
<tr>
<th>Year</th>
<th>Regular pay</th>
<th>Other Pay</th>
<th>Total Pay</th>
<th>Benefits</th>
<th>Total Pay &amp; Benefits</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>$134,229.14</td>
<td>$4,578.28</td>
<td>$138,807</td>
<td>$57,033.92</td>
<td>$195,841.34</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
<tr>
<td>2014</td>
<td>$147,167.89</td>
<td>$6,447.13</td>
<td>$153,615</td>
<td>$64,360.32</td>
<td>$217,975.34</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
<tr>
<td>2015</td>
<td>$152,225.80</td>
<td>$9,198.97</td>
<td>$161,425</td>
<td>$67,294.29</td>
<td>$228,719.06</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
<tr>
<td>2016</td>
<td>$155,103.36</td>
<td>$6,945.39</td>
<td>$162,049</td>
<td>$69,660.03</td>
<td>$231,708.78</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
<tr>
<td>2017</td>
<td>$156,507.90</td>
<td>$8,919.07</td>
<td>$165,427</td>
<td>$68,154.10</td>
<td>$233,581.07</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
<tr>
<td>2018</td>
<td>$162,849.15</td>
<td>$7,105.04</td>
<td>$169,954.19</td>
<td>$70,717.55</td>
<td>$240,671.74</td>
<td>Member, Orange County Board Of Supervisors</td>
</tr>
</tbody>
</table>
Spitzer Defended Raising Salaries Of County Employees In Agreement That Was Expected To Cost County $193 Million. According to the Orange County Register in December 2015, Spitzer, as chairman of the Board of Supervisors, defended an agreement with county employees that provided a “big salary increase” that was expected to cost the county $27 million through the 2015-16 fiscal year, $71 million in 2016-17 and $95 million in 2017-18. [Orange County Register, 12/21/15]

Spitzer Voted To Raise Pay For Top County Executives. According to the Voice of OC in February 2016, Spitzer and three other members of the Orange County Supervisors voted to approve a 2.75 percent increase to the salary range for executive employees, “pushing top executive salaries at the county to over $250,000.” Reportedly,

Supervisors voted 4-1, with Andrew Do voting no, to authorize the salary increase for executive management, executive aides and executive assistants, effective in their next pay period following the vote. Executive management would be eligible for a maximum hourly rate of $121.35 and or $252,408 annual salary if they have outstanding performance. That compares with the maximum compensation in 2008 of $118.10 an hour or $245,648 annually. Executive aides and assistants will be eligible for a maximum hourly rate of $62.26 or $129,500.80 annually. In 2008, the maximum compensation was $60.59 an hour or $126,027.60 annually.

[Voice of OC, 2/24/16]

Spitzer Voted In Favor Of Spending $365,000 On ‘Expanding Ranks of Political Aides.’ According to Voice of OC in March 2015, Spitzer voted in favor of spending $365,000 on “expanding [the] ranks of political aides” at the Board of Supervisors. Spitzer joined Supervisors Andrew Do and Michelle Steele in expanding the slots and creating four new political aide positions for the auditor-controller and assessor. Reportedly,

Those kinds of slots have garnered attention for years, given numerous scandals with supervisors placing their aides into county bureaucratic jobs, often without formal recruitments. In addition, there has been much concern expressed about county managers’ inability to supervise political workers inside departments.

[Voice of OC, 3/23/15]

Orange County Register: Board of Supervisors Received ‘Full-Time Pay For Part-Time Work.’ In a September 2016 column, the Orange County Register reported that members of the Board of Supervisors received “full-time pay for part-time work.” Reportedly,

Orange County taxpayers pay out more than $5 million each year in office budgets for these politicians and their staffers – to basically campaign all day long. It’s a sweet pay and benefits package, with nearly $150,000 in salary plus taxpayer-funded pensions, 401(k) plans and Cadillac health plans. There’s also the hot rod allowance – $750 a month for a car lease. Some even get another free car on top of that if they serve on a regional agency like the Southern California Air Quality Management District.
The column described the part-time elected members of the Board of Supervisors as enjoying a “taxpayer-funded life in the fast lane.” It continued:

And what do taxpayers get? This year, county supervisors adopted a city council-type (i.e., part-time) meeting schedule, significantly reducing their monthly meetings by just about half. Half the meetings – full-time pay.

[Orange County Register, 9/15/16]

Orange County Register: Members of Board of Supervisors ‘Increasingly Politicize Their Offices.’
In a September 2016 column, the Orange County Register reported that members of the Board of Supervisors “increasingly politicize their offices” and instead of addressing regional issues like homelessness, air and water quality, or social services, “They just campaign.” Reportedly,

Orange County supervisors increasingly politicize their offices, continually tapping basic federal and state pass-through tax dollars for their own campaign fundraising uses. More and more, county supervisors’ campaign coffers align with county vendor lists. Watching this play out over the last decade, as I have as a reporter from the front of the dais for both the Register and Voice of OC, I can tell you there is a strong argument that county supervisors shouldn’t be involved in contract procurement. It only leads to politicization and corruption.

[Orange County Register, 9/15/16]

Spitzer Went Soft On Jail Phone Vendor Recording Inmate Phone Calls After Financial Contributions

Voice of OC: Spitzer ‘Backed Off Criticism of Jail Phones After Contributions From Vendor’ In 2014. According to the Voice of OC in November 2015, as an Orange County Supervisor, Spitzer “backed off [his] criticism of jail phones after contributions from vendor” in 2014. While Spitzer initially criticized the cost of inmate phone calls at the county’s jails, which was $4 per phone call plus other fees, “even if the call is just one or two minutes long,” he later abandoned his complaints about the phones. Reportedly,

But fast-forward a few months to November 2014, when a new jail phones contract went before supervisors, and the supervisors’ concern seemed to have melted away. The contract called for the exact same prices – $4 per call plus fees – yet there was not a peep of opposition from Nelson or Spitzer, who voted for it. Worth at least $4.3 million per year in revenue to the county, the contract was approved on a 4-1 vote, with then-Supervisor Janet Nguyen the sole opposition. Nguyen’s vote meant that Spitzer and Nelson would have had a majority if they wanted to turn down the contract until the call prices were lowered.

So what changed their minds? One possible factor is that on June 30, 2014, just days after Spitzer raised his concerns, the jail phone company, Global Tel-Link Corporation, contributed $1,900, the maximum possible, to his reelection campaign.

[Voice of OC, 11/17/15]

PAC Supporting Spitzer Received $5,000 From Lobbying Firm Representing County’s Jail Phone Vendor In 2018. According to The Appeal in October 2018, while Spitzer “blasted” Global Tel Link, the
jail phone contractor for the Orange County Sheriff’s Department in California, for recording over 1,000 attorney-client phone calls, his campaign refused to call on a PAC supporting his candidacy to return a $5,000 contribution from GTL’s lobbying firm. Attorney-client phone calls are “supposed to be private to ensure that defendants have full access to the legal counsel guaranteed to them by the Sixth Amendment,” and in California, “secretly listening in on these calls is a felony, yet over a dozen sheriff’s department employees reportedly did so.” Public defenders in Orange County accused the company and the sheriff’s department of knowing about the recordings and engaging in a “cover-up.” Reportedly,

In the wake of the scandal, Todd Spitzer, an Orange County supervisor and candidate for District Attorney, called on the county to rescind its contract with Global Tel Link (GTL). ‘Spitzer Calls for Termination of Jail Phone Vendor after Eavesdropping Occurs,’ his press release was titled. ‘Spitzer Doesn’t Buy “Human Error” Excuse,’ it proclaimed. But roughly a month later, a PAC supporting Spitzer’s candidacy received a $5,000 donation from Townsend Public Affairs Inc., a lobbying firm that represents GTL. […]

John Thomas, a chief strategist for Spitzer, vehemently denied that the contribution to the PAC could pose any conflict of interest and declined to publicly call on the PAC to return the money.

[The Appeal, 10/16/18]

**Spitzer’s Office Seemed To ‘Leave Open’ The Door For Extending Contract With Jail Phone Vendor At Center Of Attorney-Client Call Recording Scandal.** According to The Appeal in October 2018, prior to the Orange County’s Board of Supervisors meeting to discuss its contract with Global Tel Link, the jail phone contractor for the Orange County Sheriff’s Department that was under fire for recording over 1,000 attorney-client phone calls in potential violation of state and federal law, Spitzer’s office put forward agenda items on the issue that “seem to leave open the possibility of the company staying on.” One anonymous Orange County supervisor questioned the “discrepancies between Spitzer’s public rhetoric” and the agenda items, saying “It is odd that he was adamant about terminating the contract at first, yet now he’s put language with wiggle room to renegotiate.” When asked why Spitzer appeared to have backed off on his call for contract termination since his original press release, which was titled “Spitzer Calls for Termination of Jail Phone Vendor after Eavesdropping Occurs,” Spitzer strategist John Thomas said the press release was only “calling for a deeper look at the situation.” [The Appeal, 10/16/18]

**Spitzer Was Absent For Orange County Board of Supervisors Meeting Discussing Future Of Contract With Global Tel Link.** According to the Baltimore Sun in November 2018, Spitzer was absent for the meeting of the Orange County Board of Supervisors discussing the future of the county’s contract with Global Tel Link, the vendor at the “center of [the] scandal over jailhouse recordings.” The board voted 3 to 1 to extend Global Tel Link’s contract for one year and delegated authority to the Orange County Sheriff’s Department to further extend it by six months, if necessary, while transitioning to a new contractor. [Baltimore Sun, 11/7/18]

**Spitzer Received Campaign Contributions From County and Orange County Transportation Authority Contractors.** According to the Voice of OC in February 2016, when seeking re-election as an Orange County Supervisor, Spitzer “raised money from county and OCTA contractors, such as AECOM, LAZ Parking, Integrated Healthcare Holdings, Intratek Computing, and Butier Engineering.” [Voice of OC, 2/9/16]
- **Integrated Healthcare Holdings Faced Class Action Lawsuit For Violating California Labor Laws.** According to TopClassActionLawsuits.com, as a result of a $14.5 million class action lawsuit filed against Integrated Healthcare Holdings in 2013, California employees who worked 12-hour shifts at hospitals or medical centers owned by the company were eligible to claim cash payments over “alleged wage and hour violations.” Reportedly,

The wage and hour settlement resolves two class action lawsuits alleging that Integrated Healthcare Holdings and these four Southern California hospitals violated overtime pay requirements, meal and rest period rules, and other wage and hour laws with respect to employees who worked in 12-hour shift positions and who were paid using the ‘California Differential’ system. ‘Defendant’s pay plan essentially created and perpetuated an artificially lower rate of pay for the first eight hours of any workday and then compensated Class Members at an overtime rate based on the artificial lower rate and, if necessary, applied the California Differential to equalize the amount Plaintiffs received,’ the consolidated class action lawsuit alleges.


- **Whistleblower Accused Intratek Computer President of Bribing Department of Veterans Affairs.** According to Business Management Daily, in a federal lawsuit filed in Texas in 2018, a whistleblower accused Intratek Computer, a California-based company that provided information technology services to various federal agencies, of firing him after he allegedly witness the company president “bribe” Department of Veterans Affairs officials with “lavish dinners, happy hours and trips” in order to obtain contracts. [Business Management Daily, 1/23/19]

**Spitzer’s Ex-Chief Of Staff Alleged Spitzer Made Him Change Bid Ratings for Developers Who Refused To Contribute To His Campaign.** According to the Orange County Register in July 2017, Spitzer’s ex-chief of staff George Cardenas alleged that “Spitzer had him change the bid rating for developers who refused to donate to him.” Reportedly,

However, during a follow-up interview, Cardenas changed his statement to say that Spitzer just had him double-check the bid ratings and only had him change the ratings when they were not computed correctly, Conklin wrote. Cardenas said in an interview Wednesday evening that he never accused Spitzer of ordering bid ratings to be changed and investigators misunderstood his initial comments. The report also said investigators could not corroborate several other claims, including pay-to-play allegations to extort political contributions from developers and the use of campaign funds to buy groceries and take county staffers out for dinners. Those claims were made by Cardenas and another of Spitzer’s ex-chiefs of staff, Mike Johnson, according to the report.

[Orange County Register, 7/12/17]

**Supervisor Spitzer’s Office Expenditures Increased 35.6% From 1998-2003**

**During Spitzer’s Tenure As 3rd District Supervisor From FY 98-03, Expenditures In His Office Increased By 35.6%, Or $164,266.** According to information provided by the Orange County Budget Archives, Spitzer’s personal office expenditures rose by 35.6% from FY 98-03 or $164,266, despite no increase in the number of staff.
**Fiscal Year** | **Total Expenditures** | **Year to Year Change** | **Change %** | **Number of Staff**
---|---|---|---|---
2002-2003 | $625,914.00 | $66,994.00 | 11.99 | 7
2001-2002 | $558,920.00 | $23,354.00 | 4.36 | 7
2000-2001 | $535,566.00 | $54,983.00 | 11.44 | 7
1999-2000 | $480,583.00 | $18,935.00 | 4.1 | 7
1998-1999 | $461,648.00 | N/A | N/A | 7
1997-1998 | N/A | N/A | N/A | 7
**Change 98-03** | **$164,266.00** | **35.58**

[Orange County Budget Archives, Fiscal Year 03-04; Fiscal Year 01-02; Fiscal Year 00-01]

**During Spitzer's Tenure As Supervisor From 1999-2003, Board Expenditures Rose 27.39%, Or Over $1 Million.** According to information provided by the Orange County Budget Archives, expenditures by the Orange County Board of Supervisors rose 27.39%:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Expenditures</th>
<th>Year To Year Change</th>
<th>Change %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2003</td>
<td>$4,908,000.00</td>
<td>$205,000.00</td>
<td>4.36</td>
</tr>
<tr>
<td>2001-2002</td>
<td>$4,703,000.00</td>
<td>$191,000.00</td>
<td>4.23</td>
</tr>
<tr>
<td>2000-2001</td>
<td>$4,512,000.00</td>
<td>$659,300.00</td>
<td>17.11</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$3,852,700.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Change 00-03</strong></td>
<td><strong>$1,055,300.00</strong></td>
<td><strong>27.39</strong></td>
<td></td>
</tr>
</tbody>
</table>

[Orange County Budget Archives, Fiscal Year 03-04; Fiscal Year 01-02; Fiscal Year 00-01]

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California State Budget Highlights

- During Spitzer’s tenure on the California Assembly from 2002 to 2008, the California State Legislature’s expenditures increased nearly 30%, by over $23 million.
  - During the same period, the California State Legislature’s expenditures towards youth and adult corrections increased by nearly 85%.
- The total liabilities of the state of California increased by $8,580,307, nearly 30%, during Spitzer’s tenure in the Assembly from 2002 to 2008.
- Spitzer’s salary increased by $17,208, or 17.38%, during his tenure in the Assembly from 2002 to 2008. In 2006, Spitzer reportedly “quietly” accepted pay increases, despite initially rejecting them.

Total Expenditures Increased Nearly 30% During Spitzer’s Tenure

**During Spitzer’s Tenure, the California State Legislature’s Expenditures Increased Nearly 30%**. According to the California Annual Spending Plans made available by the Legislative Analyst’s Office, the total expenditures made by the state of California increased from $78,806 million to $102,258 million, an increase of $23,452 million (29.78%) during Spitzer’s tenure in the Assembly from 2002 to 2008.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Expenditures (in millions)</th>
<th>Year to Year Change</th>
<th>Change %</th>
<th>Office</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2003</td>
<td>$78,806</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2003-2004</td>
<td>$62,769</td>
<td>-$16,037</td>
<td>-20.35%</td>
<td>CA Assembly</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2004-2005</td>
<td>$79,074</td>
<td>$16,305</td>
<td>25.98%</td>
<td>CA Assembly</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2005-2006</td>
<td>$85,738</td>
<td>$6,664</td>
<td>8.43%</td>
<td>CA Assembly</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2006-2007</td>
<td>$97,902</td>
<td>$12,164</td>
<td>14.19%</td>
<td>CA Assembly</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2007-2008</td>
<td>$102,258</td>
<td>$4,356</td>
<td>4.45%</td>
<td>CA Assembly</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>Total Change 2002 - 2008</td>
<td>$23,452</td>
<td></td>
<td>29.78%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Youth and Adult Corrections Spending Increased Nearly 85% During Spitzer’s Tenure

During Spitzer’s Tenure, Expenditures Toward Youth and Adult Corrections Increased by Nearly 85%. According to the California Annual Spending Plans made available by the Legislative Analyst’s Office, the expenditures made toward youth and adult corrections increased from $5,274 million to $9,739 million, an increase of $4,465 million (84.66%) during Spitzer’s tenure in the Assembly from 2002 to 2008.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total Expenditures (in millions)</th>
<th>Year to Year Change</th>
<th>Change %</th>
<th>Office</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2003</td>
<td>$5,274</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>Proposed budget</td>
</tr>
<tr>
<td>2003-2004</td>
<td>$5,639</td>
<td>$365</td>
<td>6.92%</td>
<td>CA</td>
<td>Assembly</td>
</tr>
<tr>
<td>2004-2005</td>
<td>$5,732</td>
<td>$93</td>
<td>1.65%</td>
<td>CA</td>
<td>Assembly</td>
</tr>
<tr>
<td>2005-2006</td>
<td>$7,014</td>
<td>$1,282</td>
<td>22.37%</td>
<td>CA</td>
<td>Assembly</td>
</tr>
<tr>
<td>2006-2007</td>
<td>$8,081</td>
<td>$1,067</td>
<td>15.21%</td>
<td>CA</td>
<td>Assembly</td>
</tr>
<tr>
<td>2007-2008</td>
<td>$9,739</td>
<td>$1,658</td>
<td>20.52%</td>
<td>CA</td>
<td>Assembly</td>
</tr>
<tr>
<td>Total Change</td>
<td></td>
<td>$4,465</td>
<td>84.66%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002 - 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Liabilities Increased Nearly 30% During Spitzer’s Tenure

During Spitzer’s Tenure, the Total Liabilities of the State of California Increased Nearly 30%. According to the Comprehensive Annual Financial Reports for the State of California, the total liabilities of the state of California increased from $30,774,186 thousand to $39,354,493 thousand, an increase of $8,580,307 (27.88%), during Spitzer’s tenure in the Assembly from 2002 to 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Liabilities (in thousands)</th>
<th>Year to Year Change</th>
<th>Change %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$30,774,186</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>
Spitzer’s Salary Increased 18% During His Tenure

From 2002 to 2008, Spitzer’s Salary Increased by Nearly 18%. According to the California Citizens Compensation Commission, Spitzer’s salary increased from $99,000 to $116,208, an increase of $17,208 (17.38%) during his tenure in the Assembly from 2002 to 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th>Salary</th>
<th>Year to Year Change</th>
<th>Change %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$99,000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2003</td>
<td>$99,000</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td>2004</td>
<td>$99,000</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td>2005</td>
<td>$110,880</td>
<td>$11,880</td>
<td>12.00%</td>
</tr>
<tr>
<td>2006</td>
<td>$113,098</td>
<td>$2,218</td>
<td>2.00%</td>
</tr>
<tr>
<td>2007</td>
<td>$116,208</td>
<td>$3,110</td>
<td>2.75%</td>
</tr>
<tr>
<td>2008</td>
<td>$116,208</td>
<td>$0</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>Total Change 2002 - 2008</td>
<td>$17,208</td>
<td>17.38%</td>
</tr>
</tbody>
</table>


2006: Spitzer ‘Quietly’ Accepted A 12 Percent Pay Increase After Initially Rejecting It. The Sacramento Bee reported in November 2006 that Spitzer was among lawmakers who “quietly” accepted pay increases; Spitzer reportedly requested a 12 percent pay increase after initially rejecting it. [The Sacramento Bee, 11/26/06]

Spitzer’s Staff Salary Budget Increased By Over $50,000 From 2002 to 2008

From 2002 to 2008, Spitzer’s Assembly Staff Salary Budget Increased Over $50,000, Or 28.4%. During Spitzer’s time as a State Assemblyman, his staff budget increased over $50,000, or 28.4%, with a
dramatic raise of $69,000 from FY 07-08 alone. The other items included on the table also saw raises, although not as sharply. Travel & Per Diem refers to Spitzer’s renumeration for travel from Orange County to Sacramento, and Staff Travel refers to the same thing for his staff. District Office Expenditures include rent, maintenance, and utilities on his Orange County office.

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Salary</th>
<th>Travel &amp; Per Diem (In State)</th>
<th>Staff Travel</th>
<th>District Office Expenditures</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$131,838.10</td>
<td>$10,937.16</td>
<td>$4,810.60</td>
<td>$25,800.12</td>
<td>$307,527.30</td>
</tr>
<tr>
<td>2004</td>
<td>$122,425.69</td>
<td>$9,991.40</td>
<td>$6,060.59</td>
<td>$26,578.43</td>
<td>$316,578.23</td>
</tr>
<tr>
<td>2005</td>
<td>$132,371.73</td>
<td>$9,090.70</td>
<td>$3,024.85</td>
<td>$28,426.87</td>
<td>$305,180.62</td>
</tr>
<tr>
<td>2006</td>
<td>$159,767.71</td>
<td>$12,146.56</td>
<td>$3,681.44</td>
<td>$28,462.97</td>
<td>$328,341.51</td>
</tr>
<tr>
<td>2007</td>
<td>$115,594.46</td>
<td>$13,308.26</td>
<td>$2,978.64</td>
<td>$30,004.15</td>
<td>$288,990.29</td>
</tr>
<tr>
<td>2008</td>
<td>$184,045.67</td>
<td>$12,798.10</td>
<td>$3,292.38</td>
<td>$32,918.81</td>
<td>$327,056.72</td>
</tr>
</tbody>
</table>

[California Legislature Assembly Journal, FY 03, 11/30/04; FY 04, 11/30/05; FY 05, 11/30/06; FY 06, 11/30/07; FY 07, 11/30/08; FY 08, 11/30/09]
Misuse of Taxpayer Funds

Misuse of Taxpayer Funds Highlights

• In 2018, then-Supervisor Spitzer’s office spent $189,000 on controversial mailers during his bid for District Attorney, and was criticized for misusing taxpayer money “for political gain.”

• In 2003, Spitzer spent tax dollars on mailers criticized as useless, serving “no purpose – other than PR for the legislator.”

Spitzer Spent $189K In Tax Dollars On Controversial Mailers

2018: Spitzer Spent $189,000 On Controversial Mailers, And Was Criticized For Using Tax Dollars For Political Gain. The Chico Enterprise-Record reported in November 2018 that then-Supervisor Spitzer’s office spent $189,000 on mailers during his bid for District Attorney; sending no mailers in prior years, Spitzer elicited criticism for misusing taxpayer money “for political gain.” While the mailers offered “a way for public officials to campaign with taxpayer funds,” they were legal. [Chico Enterprise-Record, 11/30/18]

2003: Spitzer Spent Tax Dollars On Mailers To Constituents, Criticized As Useless And Just ‘PR.’ The Orange County Register reported in May 2003 that Spitzer mailed constituents mailers criticized as useless, serving “no purpose – other than PR for the legislator.” One mailer reportedly provided “helpful hints” like “turn down the thermostat, run full loads of laundry and take shorter showers” to cut back on “unnecessary energy use” and “keep your hard-earned money in your pocket.” [The Orange County Register, 5/7/03]

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Voter History and Party Affiliation

Voter History and Party Affiliation Highlights

- In 2012, Spitzer joined Tea Party Patriots activists at a gathering calling for the removal of President Obama.

Spitzer is Affiliated With The Tea Party

**Spitzer ‘Emceed’ A Tea Party Patriots Gathering In 2012, Calling For The Removal Of President Obama.** The Orange County Register reported in April 2012 that Spitzer joined Tea Party Patriots activists calling for the removal of President Obama, and that Spitzer “emceed the two-hour gathering.” [The Orange County Register, 4/20/12]

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Campaign Finance

Campaign Finance Highlights

- Between 2019 and 2020, Spitzer’s District Attorney campaign received $22,000 in contributions from law enforcement organizations, such as the Association of Orange County Deputy Sheriff’s and the Huntington Beach Police Officers Association.
  - In 2021, Spitzer allegedly failed to add the names of Orange County sheriff’s deputies and investigators with histories of misconduct to the Brady notification list, used to determine their credibility as witnesses.
  - Spitzer received $2,100 from the Association Of Orange County Deputy Sheriff’s in 2019. In 2003, representatives of the Association of Orange County Deputy Sheriff’s dismissed allegations that deputies beat prisoners after a three-day hunger strike by 100 inmates in Orange County Jail.
  - Spitzer received $2,100 from the Huntington Beach Police Officers Association in 2019. In 2017, the Huntington Beach Police Officers Association called for the resignation of Police Chief Robert Handy after he supported police accountability measures, body cameras, and community-policing policies.
- Spitzer’ campaign received a total of $6,300 from development and housing interests in 2020.
- Spitzer took $1,000 from Steve Baric, a Republican attorney who defended campaign money launderers, fraudulent politicians, and who argued for Republicans in a redistricting lawsuit.
- Spitzer’s District Attorney campaign received money from companies after awarding them contracts.
  - In 2017, Spitzer received a total of $1,700 from Hewlett Packard Company and an employee, after awarding Hewlett Packard Company a nearly $500,000 contract in 2015.
  - From 2018 to 2020, Spitzer received a total of $8,100 in campaign contributions from three individual employees of Ben’s Asphalt, after awarding the company a $720,000 contract in 2015.
- Spitzer introduced a bill regarding child care services liability insurance in 2005 after receiving $1,000 in campaign contributions from a lobbyist representing insurance interests.
- Spitzer received $2,100 from the Lincoln Club of Orange State PAC in 2019, an organization that was reportedly “the powerful rightwing group behind Citizens United and [California’s] anti-union legislation.”
- Since 2008, Spitzer reportedly used $340,000 in campaign donations to his Central Committee accounts to pay for travel, groceries, restaurant meals, hotels, and more—including a trip to Maui with his wife.
• Spitzer’s campaign treasurer, Lysa Ray, admitted to eight counts of money laundering and false campaign statements in 2016. Ray was the treasurer in 2014 for Newport Beach City Council Members who failed to properly disclose campaign money.

• Spitzer’s campaign paid Jones Day Law Firm, a firm that helped acquit a corrupt sheriff and get pro-bono clients evicted, almost $19,000 for professional services.

• In 1996, Spitzer allegedly violated county ordinances and funneled $90,000 to fund his county supervisor campaign through “personal loans” that were not actually from Spitzer.

Financial Summary as of December 31, 2020

Spitzer’s District Attorney Campaign Received $161,415 In 2020 As Of December 31, 2020. According to the Orange County Registrar of Voters, as of December 31, 2020, Spitzer’s campaign received a total of $161,415 in 2020. [Orange County Registrar of Voters, 2/1/21]

Spitzer’s District Attorney Campaign Had $219,854.31 Cash On Hand As Of December 31, 2020. According to the Orange County Registrar of Voters, as of December 31, 2020, Spitzer’s campaign had $219,854.31 cash on hand. [Orange County Registrar of Voters, 2/1/21]

Spitzer’s District Attorney Campaign Spent $90,298.19 In 2020 As Of December 31, 2020. According to the Orange County Registrar of Voters, as of December 31, 2020, Spitzer’s campaign spent a total of $90,298.19 in 2020. [Orange County Registrar of Voters, 2/1/21]

Spitzer’s District Attorney Campaign Had No Outstanding Debts As Of December 31, 2020. According to the Orange County Registrar of Voters, as of December 31, 2020, Spitzer’s campaign had no outstanding debts. [Orange County Registrar of Voters, 2/1/21]

Questionable Donors

Spitzer, as Assemblymember, Intervened in County Permitting So Businesses of His Largest Donor Could Operate Without Permits

2001: Spitzer Took $3,000 From The Attorney Of Businesses Who He Fought to Be Allowed to Operate Without Permits. The Los Angeles Times reported that in 2001, during the 71st State Assembly district race, Spitzer took $3,000 from Stephen Sheldon, an attorney for wedding and motocross track ventures operating in Orange County’s canyons without permits. Reportedly, Spitzer advocated for the motocross track to stay open after its temporary use permit expired. Spitzer also voted against requiring permits for the wedding site. Sheldon was Spitzer’s largest single contributor in 2001. [Los Angeles Times, 4/15/02]

Spitzer Took $22K From Law Enforcement Organizations

Between 2019 And 2020, Spitzer’s District Attorney Campaign Received $22,000 From Law Enforcement Organizations. According to filings with the Orange County Registrar of Voters, between 2019 and 2020 Spitzer’s campaign received a total of $22,000 in contributions from law enforcement interest groups:

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Contribution Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2003: 100 Prisoners Led A Three-Day Hunger Strike In Protest Of Beatings By Deputies; The Association of Orange County Deputy Sheriffs’s Represented Deputies Under Investigation For Excessive Force At The Time. According to The Orange County Register in August 2003, alleged beatings at Orange County Jail by deputies led to a three-day hunger strike by 100 inmates; the president of the Association of Orange County Deputy Sheriff’s, the body representing “any deputy under investigation by the department for an excessive-force complaint,” reportedly said “he had heard nothing about dozens of beatings at the jail.” Assistant Orange County Sheriff George Jaramillo dismissed the allegations as “science fiction.” According to a civil rights attorney monitoring the jail:

Inmates of the Orange County Jail awake at night to the screams of other inmates being beaten […] Vestiges of the ‘psycho crew’ of racist jail guards, once focused on beating African-American inmates, are now randomly beating inmates.

[The Orange County Register, 8/1/03]

2017: Huntington Beach Police Officers Association Called For The Resignation Of Police Chief Robert Handy, Who Supported Police Accountability, Body Cameras, And Community-Policing Initiatives. The Orange County Register reported in August 2017 that the Huntington Beach Police Officers Association called for Police Chief Robert Handy to resign, accusing him creating a hostile work environment; Handy made “unpopular decisions” to hold officers accountable, “overcame union opposition to outfitting officers with body cameras,” and was a “proponent of a number of community-policing initiatives.” [The Orange County Register, 8/24/17]
• **1993: Huntington Beach Police Officers Association Filed A Lawsuit Challenging A Policy Requiring Narcotics Investigators To Disclose Personal Finances.** The Los Angeles Times reported in 1993 that the Huntington Beach Police Officers Association filed a lawsuit challenging a Huntington Beach Police Department policy requiring narcotics investigators to disclose their personal finances. The policy aimed to “guard against graft and corruption among narcotics officers, who frequently encounter large quantities of drugs and money.” [Los Angeles Times, 7/13/93]

• **2001: Huntington Beach City Officials Sued Huntington Beach Police Officers Association For Failure To Clean Up The Soil At A Shooting Practice Site, Contaminated With Lead From Bullet Shells And Slugs.** According to The Orange County Register in 2001, city officials in Huntington Beach sued the Huntington Beach Police Officers Association for their failure to clean up a shooting practice site, “after years of littering it with bullet shells and slugs,” and after contaminating the soil with lead more seriously “than previously thought.” [The Orange County Register, 12/20/01]

**Spitzer Shielded Law Enforcement Campaign Donors from Punishment**

2019: **Spitzer Received $2,100 in Campaign Contributions from the Association Of Orange County Deputy Sheriffs.** According to filings with the Orange County Registrar of Voters, Todd Spitzer for District Attorney 2022 received $2,100 in campaign contributions from the Association Of Orange County Deputy Sheriff’s in November 2019. [Orange County Registrar of Voters, 11/26/19]

2021: **Scott Sanders Accused Spitzer of Failing ‘To Add Sheriff’s Deputies And Investigators Who Lied In Police Reports To A List That Keeps Track Of Law Enforcement Officers With Histories Of Misconduct.’** In March 2021, according to the Los Angeles Times, Assistant Public Defender Scott Sanders said that Spitzer “failed to add sheriff’s deputies and investigators who lied in police reports to a list that keeps track of law enforcement officers with histories of misconduct” on multiple occasions. Reportedly:

> Sanders says in the motion filed last week that the District Attorney’s office hasn’t honored its Brady notification list, which is a record that District Attorney’s offices are supposed to update with the names of law enforcement personnel who have records of dishonesty, criminality and other issues that could affect their credibility as a witness. The U.S. Supreme Court ruling on Brady vs. Maryland requires that prosecutors notify defense attorneys when one of the officers on the list is a witness in a case. Sanders’ motion delves into an evidence mishandling scandal, where Orange County sheriff’s deputies were found to have booked evidence late or failed to book evidence at all but subsequently lied about it in reports. Sanders claims that Spitzer hasn’t added the names of law enforcement personnel involved in the scandal.

Reportedly, Sanders claimed that Spitzer would likely “scramble now and probably quickly add hundreds of people to their Brady List — but only because they got caught.” Reportedly, audits found that evidence had been booked late more than 1,400 times, which is why Sanders “said it isn’t reasonable that only 16 deputies are on the District Attorney’s Brady list.” [Los Angeles Times, 3/19/21]

**Spitzer Accepted $2,200 From A Lawyer Who Defended Saudi Royals Accused Of Sex Crimes**
2021: Spitzer Accepted $2,200 From The Attorney For A Saudi Royal Accused Of Sexual Assault. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $2,200 from Alan Jackson on May 13, 2021, a lawyer at Werksman Jackson Hathaway & Quinn. According to an October 2015 Daily Mail report, Jackson served as a defense attorney for Prince Majed Al-Saud of Saudi Arabia after “three female staff members [sued him] over allegations of sexual assault.” The staff members reportedly alleged that after a night of “heavy drinking [and] cocaine use,” Prince Majed “violently” grabbed the first woman’s hand 10 times and shouted ‘I like you!’ before insisting that she remain beside him at all times.” He then reportedly “threatened her, saying: ‘Tomorrow I will have a party with you and you will do everything I want or I will kill you.’” The next day, he reportedly “attempted to urinate on the trio but was dragged away by an assistant before he could do so.” [Orange County Registrar of Voters, 8/2/21; Daily Mail, 10/26/15]

• Jackson Represented Another Saudi Royal Accused Of ‘Torture, Assault And Kidnapping.’
  According to an October 2015 Daily Mail report, Jackson claimed on his website that he “defended the 23-year-old son of a Saudi sheikh who was facing claims of torture, assault and kidnapping.” Jackson reportedly claimed that “he ensured the charges were thrown out before they were heard in court.” [Daily Mail, 10/26/15]

Spitzer Accepted $2,100 From A Former California Assemblymember Who Allegedly Funded Her Campaign With Funds From A Fraudulent Business

2021: Spitzer Accepted $2,100 From Diane Harkey, A Former Assemblymember Accused Of Using Her Husband’s Fraudulent Real Estate Cash To Fund Her Campaigns. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received a $2,100 contribution from Diane Harkey on May 28, 2021. According to a March 2009 Orange County Register report, the 53 real estate investors who sued Harkey’s husband “over accusations of fraud” in his real estate lending business also alleged that her husband “fraudulently transferred investors’ funds … to his wife Diane Harkey for her use in advancing her political career.” Reportedly, the Orange County Register found that while Diane Harkey “attempted to distance herself from that business, Point Center Financial,” public records “listed her as both an officer and an employee of the company.” [Orange County Registrar of Voters, 8/2/21; Orange County Register, 3/17/19]

• Harkey Gave Her Own Campaigns Over $1.25 Million And Listed Her Employer As Her Husband’s Fraudulent Firm On Multiple Campaign Finance Disclosure Forms. According to a March 2009 Orange County Register report, since the beginning of Diane Harkey’s political career in 2004, she reportedly “pumped $1.25 million in personal contributions into her political races.” In some of the $875,000 of contributions she made to other campaigns, she listed her employer as Point Center Financial. [Orange County Register, 3/17/19]

• An Audit Of The California Board of Equalization Found That Harkey ‘Misused Staff Members’ During Her Time On The Board. According to an April 2017 Sacramento Bee report, after leaving the California Assembly, Harkey joined the Board of Equalization, where a “Department of Finance audit found that [she…] misused staff members.” [Sacramento Bee, 4/2/17]

Spitzer Accepted $2,200 From A Law Firm That Protected A Police Officer Accused Of Conspiring In A Murder

2021: Spitzer Accepted A $2,200 From California Law Firm That Sued A District Attorney’s Office For Prosecuting A Police Officer. According to filings with the Orange County Registrar of Voters,
Spitzer’s campaign received $2,200 from The Brewer Law Firm on May 28, 2021. According to an April 2018 Modesto Bee article, the Brewer Law Firm employs Randall Strauss, who “filed a claim against Stanislaus County and the city of Modesto seeking damages for what he calls the malicious prosecution by the District Attorney’s Office” of Eduardo Quintanar Jr., a police officer accused of conspiring in the death of Korey Kauffman. Reportedly, Daljit Atwal shot and killed Kauffman after Kauffman “was caught trying to steal irrigation pipes” from a prominent local defense attorney. Prosecutors then charged Quintanar after he “gave Atwal advice about how to avoid having a tracking device put on his car” several months after the shooting. [Orange County Registrar of Voters, 8/2/21; Modesto Bee, 4/23/18]

**Spitzer Took $2.1K From The Lincoln Club Of Orange**

2019: Spitzer’s District Attorney Campaign Received $2,100 From The Lincoln Club Of Orange State PAC. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received a total of $2,100 from the Lincoln Club of Orange State PAC in 2019. [Orange County Registrar of Voters, 1/31/20]

- The Exiled: The Lincoln Club Of Orange County Was The ‘Powerful Group Behind Citizens United’ And California’s Anti-Union Legislation. According to a 2012 profile in The Exiled, the Lincoln Club of Orange County was “the powerful rightwing group behind Citizens United and [California’s] anti-union legislation.” The Exiled wrote:

  > Since the days of Richard Nixon, the Lincoln Club has been the Matrix-like ideological birthing chamber of California Republicanism, whose grandees and arbiters once guided Ronald Reagan, Pete Wilson, George Deukmejian and Arnold Schwarzenegger when their political careers were in their larval stages. That same Lincoln Club gave us the 2010 Citizens United Supreme Court victory— which paved the way for Super PACs and unlimited, anonymous corporate donations—and, over the past year, had been instrumental in pushing Proposition 32 onto the California ballot. (The measure would permanently gut the clout of California’s unions by prohibiting automatic payroll deductions from being used for political purposes.)

  [The Exiled, 10/31/12]

**Spitzer Took $6.3K From Development And Housing Interests**

2020: Spitzer’s Campaign Received A Total Of $4,200 From Leadership At R.D. Olson Development. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $2,100 from Robert Olson, President of R.D. Olson Development, and $2,100 from Christine Som, office manager at R.D. Olson Development, in 2020. [Orange County Registrar of Voters, 2/1/21]

2020: Spitzer’s District Attorney Campaign Received $2,100 From The California Apartment Association PAC. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $2,100 from the California Apartment Association PAC on December 31, 2020. [Orange County Registrar of Voters, 2/1/21]

- 2021: The California Apartment Association Opposed Efforts To Prevent Evictions Under The Ellis Act. The San Francisco Chronicle reported in April 2021 that the California Apartment Association opposed legislation “that would severely curtail” when property owners could invoke the Ellis Act; the act gave them “a path to exit the rental market by evicting tenants if they plan to move themselves or family members in, sell the units or demolish the building.” Advocates were reportedly
concerned that the negative impacts of the coronavirus pandemic on the rental market would pressure property owners to “offload their units to corporate interests that will take them off the market.” [San Francisco Chronicle, 4/2/21]

Spitzer Took $1K From Steve Baric, Republican Attorney Defending Campaign Money Launderers And Fraudulent Politicians

2020: **Spitzer’s District Attorney Campaign Received $1,000 From Steve Baric.** According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $1,000 from Steve Baric on November 23, 2020. [Orange County Registrar of Voters, 2/1/21]

2011: **Steve Baric Was Vice Chairman of The California Republican Party.** According to The Orange County Register in 2011, Baric was vice chairman of the California Republican Party. [The Orange County Register, 12/14/11]

**Attorney Steve Baric Represented Former State Senator Tony Strickland And His Treasurer Lysa Ray, Charged With Laundering Campaign Money.** Ventura County Star reported in 2016 that Baric was the attorney representing Former State Senator Tony Strickland and his treasurer Lysa Ray, both charged with laundering campaign money during Strickland’s 2010 run for California state controller. [Ventura County Star, 5/11/16]

**Baric Represented A Former Santa Ana Councilman Who Pled Guilty To Felony Election Fraud.** According to Voice of OC in 2019, Baric was the attorney representing former Santa Ana Councilman Roman Reyna– who pled guilt to felony election fraud and a misdemeanor for filing false candidacy paperwork. Furthermore, Reyna’s council run was reportedly “supported by $320,000 in money from undisclosed sources” and the California Fair Political Practices Commission had an ongoing investigation as to whether this “dark money” violated campaign finance laws. [Voice of OC, 9/13/19]

**Baric Represented Newport Beach Council Members Who Admitted To Improper Disclosure Of Campaign Money.** Voice of OC reported in 2020 that Baric was the attorney representing Newport Beach City Council members Kevin Muldoon, Duffy Duffield, Diane Dixon, and former Councilman Scott Peotter, who admitted to improperly disclosing campaign money that helped them get elected in 2014. Baric also represented their campaign consultant, Dave Ellis. Barric claimed “there were no efforts to hide spending or fundraising,” and that the candidates followed the rules of a slate committee, and the California Fair Political Practices Commission deemed “the set up should’ve been filed pursuant to the independent expenditure rules.” [Voice of OC, 3/10/20]

2011: **Baric Argued For Republicans In A Redistricting Lawsuit.** The Orange County Register reported in December 2011 that Baric represented GOP plaintiffs challenging “newly drawn” district lines for Congress and the state Senate. The new districting would reportedly “help Democrats gain the two-thirds majority required in the Senate to hike tax without Republican support.” An independent, bipartisan Citizen Redistricting Commission drew the district lines, and voters approved them. Attorneys for the Republican plaintiffs argued they were “suing for Latinos and blacks in Los Angeles County to get better representation.” Ultimately, the state Supreme Court “threw out” the Republican lawsuits. [The Orange County Register, 12/14/11]

**Spitzer Took $1K From Insurance Lobbyist In 2005**

2005: **Kelly & Kelly Insurance Services, Inc. Contributed $1,000 To Friends Of Todd Spitzer.** According to the California Secretary of State, in 2005 Friends of Todd Spitzer received $1,000 from Kelly
& Kelly Insurance Services, Inc. According to her LinkedIn, Deirdre Kelly worked for Kelly & Kelly Insurance Services, Inc. since 1998. The firm “specializes in group employee benefits.” [California Secretary of State, Accessed 4/7/21; Kelly LinkedIn, Accessed 4/7/21]

2005: Deirdre Kelly Lobbied Spitzer on Three Separate Occasions Regarding AB122, a Bill Introduced By Spitzer to Require Child Care Services to Disclose More Information Regarding Liability Insurance. According to lobbying disclosure filings from the California Secretary of State, Deirdre Kelly, the owner and CFO of Kelly & Kelly Insurance Services, Inc., lobbied Spitzer on three separate occasions in 2005 regarding Assembly Bill 122. Spitzer introduced AB122 to the California State Assembly in January 2005 to expand the requirements of child care services to provide the State Department of Social Services an affidavit, “under perjury or penalty,” disclosing either that the family day care home provider carries liability insurance or a bond, or has informed each parent of the children receiving care at the home that the home does not carry liability insurance or a bond.

In April 2005, AB122 passed in the Assembly Human Services Committee with a 7-0 vote, but died in January 2006 “pursuant to Art. IV, Sec. 10(c) of the Constitution.” Kelly, as an individual, did not provide any campaign contributions to Spitzer. However, according to the California Secretary of State, Friends of Todd Spitzer received $1,000 in 2005 from Kelly & Kelly Insurance Services, Inc., the company where Kelly currently serves as the Business Development Manager. According to her LinkedIn profile, the firm “specializes in group employee benefits.” [California Secretary of State, Accessed 4/7/21; Accessed 4/7/21; California State Legislature, AB122, 1/13/05; LinkedIn, Accessed 4/7/21]

Spitzer Received $2,200 from Former Costa Mesa Mayor Righeimer

Spitzer Received $2,200 from Former Costa Mesa City Mayor and City Councilmember James Righeimer. According to campaign finance filings with the Orange County Registrar of Voters, Spitzer received $2,200 from former Costa Mesa Mayor and Councilmember James Righeimer. [Orange County Registrar of Voters, 8/2/21]

Righeimer Was Part of a 1996 Republican Recall Election Scam

1996: Righeimer Testified to a Republican Effort to Place a ‘Spoiler’ in a California Recall Election. According to the Orange County Registrar, Righeimer testified in 1996 to a Republican effort to place a “spoiler candidate” on the ballot. The article cited Righeimer as a “Republican activist” and reported he testified to a scheme initiated by a right-wing Super PAC to register another Democrat on the ballot to improve the Republican candidate’s chances in a recall election. The PAC reportedly pressured Righeimer to help place a spoiler candidate, which Righeimer did not do. However, he testified to calling the Republican candidate, Scott Baugh – who faced indictment for the scheme – of the “amazing” phone call he had with one of the PAC’s consultants. [Orange County Registrar, 3/28/96]

• Righeimer Assured the Decoy Candidate Her Legal Bills Would Be Paid. In an article about the the 1995 decoy candidate scandal, Righeimer told the decoy candidate that Republicans recruited, Laurie Campbell, that her legal bills would be paid. Campbell testified to grand jurors that Righeimer “assured her that her legal bills would be paid.” Righeimer testified afterwards that he “did not recall” offering her legal assistance, but did remember talking to Assemblyman Scott Baugh and Rep. Dana Rohrabacher about raising money for her. A GOP operative who pleaded guilty in the case also told grand jurors that he, Righeimer, and other GOP operatives “attended brainstorming sessions” about splitting the Democratic vote in the recall election. [Los Angeles Times, 3/28/96]
Righeimer Defended Former Boss Rep. Rohrabacher’s Attendance at January 6 Insurrection

1997: LA Times Called Righeimer a ‘Key Advisor’ to Rep. Dana Rohrabacher. In a 1997 article, the Los Angeles Times called Righeimer a “key advisor” to Republican Rep. Dana Rohrabacher. In another article, the LA Times named Righeimer as the chairman of Rohrabacher’s reelection campaign. Rohrabacher was infamous for various scandals and positions on issues. [Los Angeles Times, 6/18/97; Los Angeles Times, 3/28/96]

- The Guardian: ‘Crazy Dana’ Once Fought with the Mujahideen and Arm-Wrestled Vladimir Putin. According to the Guardian, Rohrabacher once “signed up for a week to fight alongside the Mujahideen in Afghanistan” and once arm-wrestled Vladimir Putin. After losing his 15-term seat in Congress in 2018, the Guardian wrote of him,

  He’s notorious for making an ill-advised link between “dinosaur flatulence” and global warming; for his open disdain of homosexuals and undocumented immigrants; for welcoming a notorious Holocaust denier to Washington; and for thinking that the Oklahoma City bombing – widely regarded as a conspiracy of homegrown far-right radicals – was an Islamist plot cooked up by Middle Eastern radicals in the Philippines.

  [The Guardian, 11/11/18]

- Rohrabacher Attended the January 6 Insurrection. According to the Seacoastonline, Rohrabacher confirmed to reporters that he was present at the Capitol during the January 6 attack. Rohrabacher told reporters, “I marched to protest, and I thought the election was fraudulent and it should be investigated, and I wanted to express that and be supportive of that demand.” He reportedly spoke at multiple “stop the steal” rallies and spread debunked election fraud conspiracies.[Seacoastonline, 6/15/21]

- Righeimer Defended Rohrabacher’s Presence at the Capitol on January 6. According to the Orange County Register, Righeimer defended his former boss Dana Rohrabacher’s presence at the Capitol on January 6. He told reported that “I could see Dana being at a rally. I could never see Dana breaking the law.” He also called his former boss a “bit of a rebel.” [The Orange County Register, 6/14/21]

Spitzer Accepted $2,200 from an Right-Wing Activist Who Distributed Undercover Planned Parenthood Videos Praised by Hate Group

Spitzer Accepted $2,200 from Attorney Mark Bucher. According to the Orange County Registrar of Voters, Spitzer accepted $2,200 from attorney Mark Bucher. [Orange County Registrar of Voters, 8/2/21]

Bucher Helped Defund the Orange County Planned Parenthood Using Videos Recorded by Undercover Students. According to United Families International, Bucher helped distribute videos recorded by undercover students of the Orange County Planned Parenthood and fought to strip them of public funding on the basis of the videos. [United Families International, 3/16/19]

- United Families International Praised Bucher for Anti-Planned Parenthood Activism. United Families International praised Bucher for his anti-choice activism and his efforts to strip Planned Parenthood of their funding. [United Families International, 3/16/19]
• The Southern Poverty Law Center Listed United Families International As an Anti-LGBTQ Hate Group. According to the Southern Poverty Law Center, the organization listed United Families International as a hate group. [Southern Poverty Law Center, 3/13/19]

Bucher Led a Conservative Effort to Sue the State of California Over Hate-Crimes Protections for Trans and Non-Gender Conforming Individuals. According to the Los Angeles Times, Bucher helped lead a conservative effort to sue the State of California over changes to hate-crimes laws extending protections to trans and other gender expressing people. He, and other conservatives, argued the new definition of gender in the law “immorally allowed people to define their gender.” [Los Angeles Times, 10/12/04]


Spitzer Received $11,000 from the King Family, Whose Centaurus Financial Planning Faced $1.7M in Fines for Fiduciary Breaches

Spitzer Received Five $2,200 Contributions from the King Family. According to the Orange County Registrar of Voters, Spitzer received five $2,200 contributions from the King family, each of whom listed their employment through Centaurus Financial Planning, LLC. [Orange County Registrar of Voters, 8/2/21]

• Members of the King Family Held Partial Ownership in Centaurus Financial Planning. According to FINRA, several members of the King Family held partial ownership in Centaurus Financial Planning, including James King who donated $2,200 to Spitzer. [FINRA, Accessed 8/2/21]

• Centaurus Faced $1.7 Million in Fines and Restitution from Regulatory Bodies, Including the SEC. In a BrokerCheck report, FINRA detailed 16 "regulatory events" for Centaurus Financial Planning. The regulatory events included sanctions and fines by regulatory bodies. Between each of the regulatory events, regulatory bodies mandated that Centaurus pay $1,715,000 in fines and restitution to customers. In the largest case, the SEC sought cease-and-desist proceedings and an injunction against Centaurus Financial Planning for breaching its fiduciary duties to customers and accepting third-party payments for customers’ investments. [FINRA, Accessed 8/2/21]

Spitzer Received $4,400 from Henry and Susan Samueli; Henry Samueli Pleaded Guilty to Lying to the SEC

Spitzer Received Two $2,200 Contributions from Henry Samueli and Susan Samueli. According to the Orange County Registrar of Voters, Spitzer received two $2,200 contributions from Henry and Susan Samueli. [Orange County Registrar of Voters, 8/2/21]

• Billionaire Henry Samueli Pleaded Guilty to Lying to the Securities and Exchanges Commission in 2008. According to The Orange County Register, Samueli pleaded guilty to lying to the Securities and Exchanges Commission in 2008. Prosecutors charged Samueli after his company, Broadcom, backdated $2.2 billion in stock options to inflate their value. Samueli’s plea deal included five years probation, a $250,000 fine, and a $12.25 million payment to the U.S. Treasury. [The Orange County Register, 9/6/08]
• **A Judge Denied the Plea Deal and Dismissed the Case Against Samueli.** According to the Los Angeles Times, a judge denied the plea deal Samueli entered and dismissed the case against Samueli. He reportedly rejected the plea deal because it did not include any jail time and said that justice is not for sale, referencing the multi-million dollar payment to the U.S. Treasury. After a year, the judge dismissed the charges against Samueli because the SEC was “ambiguous and evasive” in their complaint against Samueli. [Los Angeles Times, 12/10/09]

Spitzer Accepted $2,200 from Burrtec Waste Industries, Which Violated Multiple Local Regulations

Spitzer Received $2,200 from Burrtec Waste Industries. According to the Orange County Registrar of Voters, Spitzer received $2,200 from Burrtec Waste Industries. [Orange County Registrar of Voters, 8/2/21]

• **Burrtec Violated Local Ordinances By Soliciting Customers Before New City Contracts Came into Effect.** According to Waste News, Burrtec violated Riverside, California local regulations when it solicited customers before a new contract with the city came into effect. [Waste News, 4/16/01]

• **California Fined Burrtec $307,200 for Emissions Violations.** According to a release from the California Air Resources Board, California fined Burrtec $307,200 for emissions violations in 2005 and 2006. The settlement also required Burrtec to submit to more inspections to ensure compliance with state and local law. [California Air Resources Board, Accessed 8/2/21]

Spitzer Accepted Donations from Hewlett Packard After Awarding Company with a Half-a-Million Dollar Contract

Spitzer Accepted $1,700 from Hewlett Packard and its Employee in 2017. According to filings from the Orange County Registrar’s Office, Todd Spitzer for District Attorney 2018 accepted $1,600 from Hewlett Packard Company, a multinational information technology company, and $100 from an individual sales representative at Hewlett Packard in July 2017. [Orange County Registrar of Voters, 7/12/17]

Spitzer Awarded Hewlett Packard Company a Nearly $500K Contract In 2015. According to a June 2015 board meeting agenda from the Orange County Board of Supervisors, Spitzer, as Chairman of the Board, and his fellow board members awarded Hewlett Packard Company a $434,708.69 contract from July 2015 to June 2016 “for maintenance of network equipment.” [Orange County Board of Supervisors, 6/23/15]

Spitzer Accepted Campaign Donations From Ben’s Asphalt and Its Employees After Awarding the Company a Contract

Spitzer Accepted $8,100 From Ben’s Asphalt and its Employees From 2018 to 2020. According to filings from the Orange County Registrar’s Office, Spitzer for District Attorney 2022 received a total of $8,100 in campaign contributions from three individual employees of Ben’s Asphalt, Incorporated, the largest asphalt maintenance and parking lot management company in Southern California, according to the company’s website. Spitzer received the donations from the employees, including the CEO and CFO of Ben’s Asphalt, from June 2019 to December 2020. [Orange County Registrar of Voters, 12/4/20; 2/11/20; 6/21/19; 9/26/18; Ben’s Asphalt, Inc., Accessed 4/14/21]

Spitzer Awarded Ben’s Asphalt a $720K Contract With the State of California in 2015. According to a June 2015 board meeting agenda from the Orange County Board of Supervisors, Spitzer, as Chairman of the Board, and his fellow board members awarded Ben’s Asphalt a $720,000 contract for “asphalt
concrete pavement maintenance services” from July 2015 to June 2016, “renewable for four additional years.” [Orange County Board of Supervisors, 6/23/15]

**Spitzer Declared ‘Disneyland Day’ in Orange County After Receiving Campaign Donation from Walt Disney Company**

After Receiving $1,800 From the Walt Disney Company in 2012, Spitzer and the Orange County Board of Supervisors Declared ‘Disneyland Day’ in Orange County. According to filings from the Orange County Registrar’s Office, Spitzer for District Attorney 2016 accepted $1,800 in campaign contributions from The Walt Disney Company in August 2012. Three years later, Spitzer, in his role as Chairman of the Board, and the members of the Orange County Board of Supervisors proclaimed July 17 as “Disneyland Day” in Orange County to honor the resort as “a critical part of Orange County’s economic engine.” [Orange County Registrar of Voters, 8/31/12; Orange County Board of Supervisors, 7/17/15]

**Spitzer Accepted $4,400 From Real Estate Developers Accused Of Defrauding Investors**

Spitzer Accepted $4,400 From The Principal And President Of Shopoff Realty. In May 2021, Spitzer accepted $4,400 from Cindy and William Shopoff, the principal and president of Shopoff Realty, respectively. Both Cindy and William maxed out their contributions, each giving $2,200. [Orange County Campaign Finance Filings, 8/2/21]

The Financial Industry Regulatory Authority Accused Shopoff Realty Principals Of Fraud; Accusations Dismissed After Five Year Investigation. According to the Orange County Register, in May 2020, after a five year investigation, the Financial Industry Regulatory Authority (FINRA) dismissed allegations of fraud against Shopoff Realty principals. FINRA had accused principals of “misleading family, friends, and other investors who put up cash to help finance their operation and real estate purchases.” The complaint against Shopoff alleged that William and Cindy Shopoff of “fraudulently selling $12.5 million in promissory notes” and failing “to tell investors their money would pay William Shopoff’s personal expenses.” However, a three-member FINRA panel found “evidence insufficient to sustain the charge that respondents engaged in the extensive years-long securities fraud described in the complaint.” [Orange County Register, 5/22/20]

**Other Questionable Contributions**

2017: Spitzer’s District Attorney Campaign Accepted $1,000 From McKesson Corporation, a Pharmaceutical Company That Faced a $150 Million Settlement for Violating the Controlled Substances Act. According to filings with the Orange County Registrar of Voters, Todd Spitzer for District Attorney 2022 accepted $1,000 in July 2017 from the McKesson Corporation, one of the largest pharmaceutical drug distributors in the U.S., just months after the company agreed to pay “a record” $150 million civil penalty for violation the Controlled Substances Act. According to a January 2017 report from the U.S. Department of Justice, McKesson corporation, for the second time since 2008, “failed to design and implement an effective system to detect and report ‘suspicious orders’ for controlled substances distributed to its independent and small chain pharmacy customers.” The report states that McKesson sold “an increasing amount of oxycodone and hydrocodone pills, frequently misused products that are part of the current opioid epidemic.” [Orange County Registrar of Voters, 7/12/17; U.S. Department of Justice, 1/17/17]

2019: Spitzer’s District Attorney Campaign Received $2,100 From The Orange County Attorney’s Association PAC. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign
received $2,100 from the Orange County Attorney’s Association PAC on November 26, 2019. [Orange County Registrar of Voters, 1/31/20]

2020: Spitzer’s District Attorney Campaign Received $2,100 From The Orange County Professional Firefighters Association. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $2,100 from the Orange County Professional Firefighters Association on May 6, 2020. [Orange County Registrar of Voters, 7/31/20]

2020: Spitzer’s District Attorney Campaign Received $1,000 From Take Back California, An Organization ‘Channeling’ Donald Trump. According to filings with the Orange County Registrar of Voters, Spitzer’s campaign received $1,000 from Take Back California; the committee was reportedly started by Republican Travis Allis who wanted to “channel President Trump,” support Trump’s immigration policies, and oppose a gas tax increase for road repairs. [Orange County Registrar of Voters, 2/1/21; KPBS, 6/4/18]

**Questionable Disbursements**

**Spitzer Paid Pandemic Profiteer John Thomas More Than $1 Million In Consulting Fees Despite Pledge To Prosecute PPE Price Gouging**

**Spitzer Spent $340K from Central Committee Accounts, Including on Maui Vacation with His Wife**

Since 2008, Spitzer Used Campaign Donations To Pay For $340,000 In Travel, Groceries, Restaurant Meals, Hotels, And More. According to The Orange County Register in 2015, over the course of seven years Spitzer spent a total of $340,000 in campaign donations to pay for “travel, groceries, restaurant meals, hotels, office and retail store purchases, a security system and donations to politicians, causes and civic groups.” The spending, although “unusual” was not illegal according to experts, “so long as everything Spitzer bought was connected to his role with the Orange County Republican Party’s governing Central Committee.” Spitzer defended his spending, saying: “I run Todd Spitzer, the elected official, like a business […] I use my time and meals in particular to conduct business, discuss policy and seek solutions.” The Orange County Register reported that while donors were restricted in what they could give to supervisors races, restrictions did not apply to the Central Committee account. Furthermore, anything Spitzer did not spend from his supervisor campaign could be legally be transferred to another campaign, such as a District Attorney campaign. [The Orange County Register, 11/15/15]

- **Spitzer Was The Only Politician Who Ever Spent More Than $12,500 From A Central Committee Account Annually.** The Orange County Register reported that Spitzer was the sole politician who ever spent greater than $12,500 from a Central Committee account in a year, and that he was the only politician who “spent heavily during a nonelection year.” Furthermore, Spitzer’s spending was “more than that of all other committee members combined,” and over the past two years, "eclipsed his spending out of his supervisor 2016 campaign." [The Orange County Register, 11/15/15]

- **Spitzer Used Donor Funds For A $9,000 Vacation To Maui With His Wife.** The Orange County Register reported in November 2015 that seven years prior, when Spitzer and his wife vacationed in Maui, “political donors paid for the nearly $9,000 trip through a fundraising account rarely used in California politics.” Spitzer declined requests to discuss the purpose of the Maui trip or the spending
The trip reportedly included a stay at Fairmont Kea Lani in Wailea, “Hawaii’s only all-suite and villa luxury oceanfront resort.” [The Orange County Register, 11/15/15]

2020: Spitzer’s District Attorney Campaign Contributed $1,000 To Spitzer For Central Committee 2020. According to campaign finance filings with the Orange County Registrar of Voters, in 2019 and 2020 Spitzer’s District Attorney campaign contributed a total of $1,000 to Spitzer For Central Committee 2020. [Orange County Registrar of Voters, 7/31/19; 7/31/20]

Spitzer Gave Over $24K To Jim Lacy’s Taxifornia And Save Proposition 13


• Op-Ed: The Effort To ‘Save Proposition 13’ Fought Against Exempting Commercial Property From Limitations On Property Tax Rates. According to an editorial in The Ceres Courier in 2020, the effort to “save Proposition 13” opposed an initiative to modify Prop 13, which limited property tax rates, to “exempt commercial property from protections of Prop 13.” [The Ceres Courier, Editorial, 1/15/20]

Spitzer Paid Admitted Money Launderer Lysa Ray Over $5K

Lysa Ray Was Spitzer’s Campaign Treasurer As Of February 1, 2021. According to campaign finance filings with the Orange County Registrar of Voters as of February 1, 2021, Lysa Ray was treasurer for Spitzer’s campaign. [Orange County Registrar of Voters, 2/1/21]

• 2019: And 2020, Spitzer’s Campaign Paid Lysa Ray A Total Of $5,400 For Her Services. According to campaign finance filings with the Orange County Registrar of Voters, Spitzer’s campaign paid Lysa Ray Campaign Services a total of $5,400 in 2019 and 2020. [Orange County Registrar of Voters, 2/1/21; 7/31/20; 1/31/20; 7/31/19]

2016: Lysa Ray Admitted To Eight Counts Of Money Laundering And False Campaign Statements. According to Voice of OC, in 2016 Lysa Ray admitted to eight counts of money laundering and false campaign statements while working for Tony Strickland’s 2010 campaign for state controller. Reportedly, Ray and Strickland’s chief of the staff at the time, Chris Wangsaporn, “declined to cooperate with the state investigation into the laundering and blew off interviews they were subpoenaed to appear.” As part of a plea deal for Ray and Strickland’s campaign:

Ray and the campaign admitted they violated state law when they “purposefully or negligently caused, or aided and abetted, three persons to make four earmarked, over-the-limit contributions totaling $65,000” and “filed false campaign statements” that concealed the violations by falsely reporting the money as coming from county parties that were serving as intermediaries.

Wangsaporn “kept Strickland informed of plans to run about $37,000 of the donations from an oil and gas businessman through the Ventura County Republican Party to Strickland’s campaign.” Ray, Strickland, and his campaign ultimately agreed to a $40,000 fine. [Voice of OC, 10/5/20]
2014: Ray Was The Treasurer For Newport Beach City Council Candidates Who Failed To Properly Disclose Campaign Money. Voice of OC reported in 2020 that Ray, several Newport Beach City Council Members who ran on a slate together in 2014, and campaign consultant Dave Ellis failed “to properly disclose campaign money that helped them get elected.” The council members, Ray, and Ellis agreed to a $27,000 fine. [Voice of OC, 3/10/20]

Spitzer Paid Jones Day Law Firm, Which Got Pro Bono Clients Evicted But Acquitted A Corrupt Sheriff, Over $18K

2020: Spitzer's District Attorney Campaign Paid Jones Day $18,861.75 For Professional Services. According to filings with the Orange County Registrar of Voters, in 2020 Spitzer's campaign paid Jones Day $18,861.75 for professional services. [Orange County Registrar of Voters, 7/31/20]

2019: Jones Day ‘Dropped’ Pro Bono Clients During A Dispute With Their Landlord, Resulting In Their Eviction. According to Bloomberg Law in July 2019, two Orange County mobile home owners sued Jones Day law firm representing them pro bono in their landlord's suit to evict them; the firm "dropped" the clients when they wanted to fight, and not settle, the case, resulting in eviction. The clients alleged that due to this "stain of eviction" they were “permanently homeless.” Jones Day reportedly told the clients they would "lose at trial so they should accept 'right away the onerous settlement terms proposed' by their landlord." The clients were left to “navigate through the complicated settlement agreement by themselves,” and lost their home because they were “unable to timely meet the burdensome settlement terms.” The clients alleged Jones Day did not “want to spend ‘client-billable attorney time on the “pro bono” case.’” [Bloomberg Law, 7/30/19]

2009: Jones Day Helped Acquit A Sheriff On Five Counts Of Conspiracy, Mail Fraud, And Witness Tampering Pro Bono. The Los Angeles Times reported in January 2009 that Jones Day “blue-chip law firm” represented Sheriff Michael S. Carona pro bono; the court acquitted Corona on five counts of conspiracy, mail fraud and witness tampering, for which Carona could have faced 85 years incarceration. Carona also allegedly committed “64 overt acts to enrich himself starting in 1998,” however, only a “handful” of those acts were prosecuted due to the statute of limitations. On secretly recorded tapes, Carona “bragged that he was the ‘most lethal’ politician in Orange County and spoke of ‘untraceable’ cash.” Carona called his attorneys from Jones Day “part of the miracle God gave me.” [Los Angeles Times, 1/17/09]

2019: Jones Day Law Firm Represented South Orange County Cities In A Class Action Against Their Treatment Of The Homeless. According to Jones Day’s website in 2019, the firm represented the cities of San Clemente, Aliso Viejo, and San Juan Capistrano, and Orange County, defendants in Housing is a Human Right Orange County, et al. v. The County of Orange, et al., a class action lawsuit brought against the cities for their treatment of the homeless. Lawyers representing homeless plaintiffs and homeless advocacy groups alleged that “homeless clients have no choice but to violate anti-camping and anti-loitering laws since there is nowhere for them to sleep indoors.” Plaintiffs listed Orange County in their claim due to the sheriff’s department role in enforcing the law throughout much of the county’s south. The plaintiff’s complaint pointed to San Clemente, which contracted with a shelter in Santa Ana, claiming that “dumping” individuals into different cities created travel challenges for those needing shelter, and created “impossible” challenges for those with disabilities. The Santa Ana shelter was also not near any other shelter, so “a person who shows up and is told that the Courtyard is full has no choice but to sleep outside because it is too late to find transportation and get to other shelters.” Jones Day “obtained dismissal (without prejudice) of the federal and state claims against all three cities.” Jones Day also won the dismissal of the federal district judge assigned to case, arguing impartiality due to prior lawsuits.
involved in homelessness; LAist reported U.S. District Judge David Carter “repeatedly warned south OC cities last year to find shelter space or face litigation.” [Jones Day, Accessed 4/4/21; LAist, 2/28/19; U.S. District Court for the Central District of California- Southern Division, Case #8:19-cv-00388, 2/27/19]

**Other Questionable Disbursements**

**2008: Spitzer Defended His Use Of Campaign Money To Buy A Wedding Gift For An Aide.** The San Francisco Chronicle reported in February 2008 that because of a legal loophole, legislators could spend donations without justifying expenses; the article listed Spitzer, who spent $139 in contributor money to buy one of his campaign aides a wedding gift. Reportedly:

> Assemblyman Spitzer said his job demands that he exchange gifts sometimes with supporters and staffers - just like any business executive. He defended his use of campaign money to buy a wedding gift for a campaign aide, saying their relationship was professional not social.

[San Francisco Chronicle, 2/11/08]

**Spitzer Allegedly Funneled $90K To Fund His Own County Supervisor Race**

**1996: Assemblyman Mickey Conroy Accused Spitzer Of Violating County Ordinances In The County Supervisor Race, Funneling $90,000 Through ‘Personal Loans’ Not Actually From Spitzer.** In 1996, The Orange County Register reported that Assemblyman Mickey Conroy filed a complaint with the District Attorney’s office, claiming Spitzer violated county ordinances in the runoff for county supervisor by “flooding $ 90,000 to his campaign through personal loans that Conroy said couldn’t have come from Spitzer.” While Spitzer said the money came from personal savings, Spitzer “claimed no reportable financial interests on campaign forms he filed when he became a candidate,” and Conroy did not believe the $90,000 were “[Spitzer’s] own funds, as required by law.” Furthermore, Spitzer had an arrangement with his campaign consultant, Harvey Englander of The Kamber Group in Los Angeles, to pay Englander’s “Englander’s out-of-pocket expenses and a percentage on campaign advertising he produces during the race, plus an $ 18,000 bonus if Spitzer wins the election.” However, county law required “any amount loaned or billed without being repaid after 30 days is considered a contribution and falls under a $ 1,000 limit.” [The Orange County Register, 10/5/96]

**Contributions Made by Candidate**


- **In July 2014, Spitzer Contributed $1,000 To The Republican Party Of Orange County.** According to data from the Federal Election Commission, Spitzer contributed $1,000 to the Republican Party of Orange County on July 3, 2014. [Federal Election Commission, Accessed 4/4/21]

- **In July 2012, Spitzer Contributed $1,000 To The Republican Party Of Orange County.** According to data from the Federal Election Commission, Spitzer contributed $1,000 to the


2017: Todd Spitzer Law Office Contributed $500 To Andrew Do For Supervisor 2020. According to the Orange County Registrar of Voters, in 2017 Todd Spitzer Law Office contributed $500 to Andrew Do for Supervisor 2020 on April 25, 2017. [Orange County Registrar of Voters, 7/31/17]

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Lobbying

Lobbying Highlights

• Spitzer lobbied the California State Legislature in 2016 regarding a bill to expand membership of the air quality management board.

• Spitzer introduced a bill regarding child care services liability insurance in 2005 after receiving $1,000 in campaign contributions from a lobbyist representing insurance interests.

• Spitzer introduced a bill in 2006 requiring child care centers to provide parents with information about sex the offender registry after being lobbied by the Child Care Law Center.

• In 2007, the California Perinatal Treatment Network lobbied Spitzer regarding prison reform for female offenders.

• Spitzer is not a registered lobbyist with the U.S. House of Representatives or Senate, the California Secretary of State, or the Orange County Ethics Commission.

Spitzer Lobbied to Expand California Air Quality Management Board in 2016

2016: Spitzer’s 2016 Campaign Lobbied the California State Legislature Regarding SB 1387, a Bill to Expand Membership of the Air Quality Management Board. According to lobbying disclosure filings from the California Secretary of State, Todd Spitzer for Supervisor 2016 employed Di Mare, Brown, Hicks & Kessler, LLC to lobby the California State Legislature in 2016 regarding SB 1387, a bill that would establish the South Coast Air Quality Management Board “vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members.” The bill requires appointees to the board to reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.

The bill also creates a process for the California Air Resources Board to approve, disapprove, or revise “a local air district’s market-based incentive program.” According to the Senate Bill Analysis, several environmental organizations, including the Clean Power Campaign and the American Lung Association in California, supported the bill. However, business and corporate interests opposed the bill, including the California Building Industry Association, the California Chamber of Commerce, and the California Association of Realtors. The bill failed in the Assembly with a 30-36 vote in August 2016. [California Secretary of State, 10/30/16; 9/30/16; California State Legislature, SB-1387, 2/19/16]

Individuals Lobbying Spitzer

Insurance Lobby Lobbied Spitzer on Child Care Services Liability Insurance in 2005
2005: Deirdre Kelly Lobbied Spitzer on Three Separate Occasions Regarding AB122, a Bill Introduced By Spitzer to Require Child Care Services to Disclose More Information Regarding Liability Insurance. According to lobbying disclosure filings from the California Secretary of State, Deirdre Kelly, the Owner and CFO of Kelly & Kelly Insurance Services, Inc., lobbied Spitzer on three separate occasions in 2005 regarding Assembly Bill 122. Spitzer introduced AB122 to the California State Assembly in January 2005 to expand the requirements of child care services to provide the State Department of Social Services an affidavit, “under perjury or penalty,” disclosing either that the family day care home provider carries liability insurance or a bond, or has informed each parent of the children receiving care at the home that the home does not carry liability insurance or a bond.

In April 2005, AB122 passed in the Assembly Human Services Committee with a 7-0 vote, but died in January 2006 “pursuant to Art. IV, Sec. 10(c) of the Constitution.” Kelly, as an individual, did not provide any campaign contributions to Spitzer. However, according to the California Secretary of State, Friends of Todd Spitzer received $1,000 in 2005 from Kelly & Kelly Insurance Services, Inc., the company where Kelly currently serves as the Business Development Manager. According to her LinkedIn profile, the firm “specializes in group employee benefits.” [California Secretary of State, Accessed 4/7/21; California State Legislature, AB122, 1/13/05; LinkedIn, Accessed 4/7/21]

2005: Kelly & Kelly Insurance Services, Inc. Contributed $1,000 To Friends Of Todd Spitzer. According to the California Secretary of State, in 2005 Friends of Todd Spitzer received $1,000 from Kelly & Kelly Insurance Services, Inc. according to her LinkedIn, Deirdre Kelly worked for Kelly & Kelly Insurance Services, Inc. since 1998. The firm “specializes in group employee benefits.” [California Secretary of State, Accessed 4/7/21; Kelly LinkedIn, Accessed 4/7/21]

California Perinatal Treatment Network Lobbied Spitzer on Prison Reform for Female Offenders in 2007

2007: Lynne Appel of the California Perinatal Treatment Network Lobbied Spitzer Regarding Prison Reform for Female Offenders. According to lobbying disclosure filings from the California Secretary of State, Lynne Appel, co-chair of the California Perinatal Treatment Network, lobbied Spitzer regarding prison reform for female offenders in January 2007. Reportedly, Appel did not provide any campaign contributions to Spitzer. [California Secretary of State, 1/27/07]

No Lobbyist Registrations Found


Spitzer Is Not A Registered Lobbyist With The California Secretary of State. The California Secretary of State website does not list Todd Spitzer as a lobbyist from 1999-2021, all the data available. [California Secretary of State, Accessed 3/23/21]

Spitzer Is Not A Registered Lobbyist With The Orange County Ethics Commission. The Orange County Ethics Commission does not list Todd Spitzer as a current lobbyist as of March 21. [Orange County Ethics, 3/23/21]
Personal Finance

Personal Finance Highlights

• From 2012 to 2014 Spitzer reported up to $102,000 in income from Nicholas Holdings LLC as Legal Affairs Director for Marsy’s Law, a victim protection initiative.

• From 2012 to 2018, Spitzer reported reported $10,000 to $100,000 in annual income from Centaurus Financial Inc. as a consultant attorney for social media, except during Fiscal Year 2015 for which reports were unavailable.

• From 2012 to 2018, Spitzer reported $10,000 to $100,000 in annual income from Strategic Realty Trust as a board member, except during Fiscal Year 2015 for which reports were unavailable.

• From 2016 to 2018, Spitzer reported yearly holdings worth $10,000 to $100,000 each in four real estate investment trusts.

• In 2017 and 2018, Spitzer reported holdings in Apple, Chevron, Verizon, and Microsoft—companies with ties to environmental damages, breach of contract, illegal dealings, gender bias, systematic discrimination, insider trading charges, and more.
  – In 2018, Apple’s CEO admitted that the company slowed down older iPhone with aging batteries. Subsequently, Apple was fined $113 million in 2020 for throttling older iPhones. In 2016, Apple reportedly paid $14.5 billion in back taxes after making an illegal deal in Ireland.
  – Chevron demanded that victims “devastated by the company’s toxic waste” in the Amazon pay $32 million for court costs. In 2016, the company was one of eight companies named for “inaction on addressing climate change.”
  – In 2013, the NSA revealed that it collected information on all telephone calls in the Verizon system; a court order forbade Verizon from disclosing the information gathering to the public.
  – Female employees at Microsoft filed a class action lawsuit in 2017 regarding the company’s alleged discriminatory policies around promotion and compensation of women. In 2015, another class action lawsuit had been filed against Microsoft for gender-based discrimination. The US Department of Labor subsequently issued a notice to Microsoft. A former Microsoft financial manager also paid nearly $380,000 in 2016 to settle insider trading charges brought by the Securities Exchange Commission.

Taxpayer-Funded Salary

Spouse’s Public Salary
Jamie Morris Spitzer Has Received at Least $1.46 Million in Taxpayer-Funded Salary and Benefits.

According to Transparent California, Jamie Morris Spitzer has received a total of $1.46 Million in salary and benefits in her capacity as a worker’s compensation judge from 2011 to 2019:

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<tr>
<td>2019</td>
<td>$105,823.20</td>
<td>Not provided</td>
<td>$105,823.20</td>
</tr>
</tbody>
</table>

[Transparent California, Accessed 11/10/21]

Earned Income

Spitzer Received Up To $102K From Nicholas Holdings LLC For Legal Work On Marsy’s Law

Spitzer Reported Up To $102K In Income From Nicholas Holdings LLC From 2012-2014 As ‘Legal Affairs Director - Marsy’s Law,’ Which Protects Victims In Court Proceedings. In 2012, Spitzer reported $10,000 to $100,000 in income from Nicholas Holdings LLC, whose business activity was described as “family office re: management of personal assets.” Spitzer’s position was listed as “Legal Affairs Director - Marsy’s Law,” in reference to a law providing legal protections to victims in court cases. He continued to report between $500 to $1,000 in 2013 and 2014, for a total of $11,000 to $102,000 from 2012 to 2014. [California Fair Political Practices Commission, 2/6/13; 3/31/14; 4/30/14]

Spitzer Received Up To $700K From Centaurus Financial Inc. For Social Media Consulting

Spitzer Reported Up To $700K In Total Income From Centaurus Financial Inc. From 2012 to 2018 As Social Media Consultant. In each year from 2012 to 2018, Spitzer reported $10,000 to $100,000 in income from Centaurus Financial Inc. as a consultant attorney for social media, except Fiscal Year 2015 which was unavailable. Over the seven year period, Spitzer reported compensation totaling $70,000 to $700,000. [California Fair Political Practices Commission, 2/6/13; 3/31/14; 4/30/14; 3/14/17; 2/22/18; 2/5/19]

Spitzer Received Up To $700K From Strategic Realty Trust For Board Compensation
Spitzer Reported Up to $700k In Total Income From Strategic Realty Trust c/o Glenborough From 2012 to 2018 As Board Compensation. In each year from 2012 to 2018, Spitzer reported $10,000 to $100,000 in income from Strategic Realty Trust c/o Glenborough as compensation for board members, except Fiscal Year 2015 which was unavailable. Over the seven year period, Spitzer reported compensation totaling $70,000 to $700,000. [California Fair Political Practices Commission, 2/6/13; 3/31/14; 4/30/14; 3/14/17; 2/22/18; 2/5/19]

Spitzer’s Invested Thousands In Real Estate Trusts, Apple, Chevron, Microsoft, And Other Questionable Companies

Spitzer Reported Holdings Each Worth $10k to $100k In Four Real Estate Investment Trusts From 2016 to 2018. Spitzer reported holdings worth $10,000 to $100,000 each in four real estate investment trusts from 2016 to 2018: CPA 18 Global (16-18), Hines Global (16-18), WP Carey (16, 17), and Carter Validus (16-18). [California Fair Political Practices Commission, 3/14/17; 2/22/18; 2/5/19]

In 2017 And 2018, Spitzer Reported Holdings Worth $10k to $100k In Apple Stock. Spitzer reported having between $10,000 to $100,000 in Apple stock in 2017 and 2018. [California Fair Political Practices Commission, 2/22/18; 2/5/19]

- **Apple CEO Issued Apology For Secretly Slowing Down Older iPhones.** In January 2018, Washington Post reported Apple CEO Tim Cook issued an apology for “not being clear that the company slows down phones with aging batteries.” This statement came amid at least 8 other lawsuits in California, New York, New Jersey, and Israel. Those suits allege that Apple “owes its customers money for not previously disclosing the slowdowns.” [The Washington Post, 12/28/17]

- **Apple Was Fined $113 Million In 2020 For Throttling Old iPhones.** Apple was fined $113 million in a lawsuit brought by the states of Arizona, Arkansas, and Indiana in November 2020. Apple had previously settled a class-action lawsuit in California for $500 million in March of 2020, although it evaded admitting fault in that case. [The Washington Post, 11/18/20]

- **Apple Sued In Class Action Suit For ‘Misrepresentations And Breach Of Contract’ With AppleCare.** In April 2017, Class Action Reporter reported that several California residents filed a class action lawsuit against Apple when they attempted to replace devices but found that they “were not and can never be equivalent to new”, when AppleCare+ states that replacement devices or parts will be new or work like new. The Judge partially dismissed the motion. [Class Action Reporter, 3/17/17]

- **Apple Required To Pay $14.5 Billion In Back Taxes After Making Illegal Deal.** The Guardian reported in August 2016 that Apple made an illegal deal with Ireland to reduce the yearly tax rate to 1% in 2003, then reduced again to 0.005% in 2004, staying at that level until 2014. According to The Guardian, the usual corporate tax rate in Ireland is 12.5%. The Guardian reported the European competition commissioner said, “Member states cannot give tax benefits to selected companies – this is illegal under EU state aid rules.” [The Guardian, 8/30/16]

- **Apple Accused Of ‘Deliberately Trying To Muddy The Waters’ In High Stakes Legal Battle After San Bernardino Shooting.** In early 2016, the Los Angeles Times reported that after Syed Rizwan Farook attacked a gathering of public employees in San Bernardino, CA, killing 14 and leaving many more wounded, the FBI requested that Apple aid in unlocking Farook’s phone in order
to answer some outstanding questions about the attack. However, Apple denied the request. According to the Los Angeles Times:

The case has become the main battleground in a broader dispute among elected officials, law enforcement authorities and technology executives wrestling with how far companies must go in aiding criminal investigations. At the heart of the debate is a vexing question of whether a meaningful balance can be struck between the needs of law enforcement to access information stored on increasingly protected smartphones during criminal investigations and customers’ demands that companies safeguard their privacy.

When the US Magistrate residing over the case issued an order that Apple write a new software that would bypass a security feature in order for the FBI to access the contents of the phone, Apple responded by asking the magistrate to reverse herself in a court filing and launching a public relations offensive that presented the company as a stalwart defender of customers’ privacy against government incursion.

Apple claimed that the federal authorities were “intent” on using the courts to “establish authority to compel companies like Apple to write code at their behest.” When Apple claimed that the Magistrate’s order essentially built a “back door into all iPhone that could be abused by hackers,” prosecutors responded saying, “the order applies to a single device and is based on the specific facts before this court.” According to the New York Times, the Obama administration argued that “no single corporation - even one as successful as Apple - should be allowed to flout the rule of law by refusing to help the FBI unlock the iPhone.” [Los Angeles Times, 3/11/16; The New York Times, 3/11/16]

2016: 2017, And 2018, Spitzer Reported Holdings Worth $10k to $100k In Chevron Stock. Spitzer reported holdings worth $10,000 to $100,000 in Chevron stock in 2017 and 2018. [California Fair Political Practices Commission, 3/14/17; 2/22/18; 2/5/19]

- Chevron Demanded Victims Of Pollution In Amazon Pay $32 Million For Court Costs. In April 2018, CSR Wire reported Chevron demanded Ecuadorians “devastated by the company’s toxic waste” to pay as much as $32 million for court costs. Farmer Hugo Camacho said,

  For Chevron and an American judge to now demand that the very people who suffer from the company’s pollution should pay court costs is insulting and arrogant. Communities should not do business with Chevron because it respects neither the environment nor people.

  [CSR Wire, 4/3/18]

- Chevron Attorney Acknowledged Climate Change, Said Major Oil Companies Were Not Responsible. In March 2018, the Verge reported that Chevron’s attorney acknowledged climate change in a court hearing, but said major oil companies were not to blame. He referred to the Intergovernmental Panel on Climate Change report, and confirmed a consensus on climate change. However, the Verge reported Chevron’s attorney attempted to “sow doubt about where oil companies fit into the blame game.” According to the Verge,
Even his attempt at implying that his client was not at fault was framed within the substance of the IPCC report; he said that the report never said ‘extraction or production’ of oil was the cause of carbon dioxide emissions, but rather the ‘economic activity’ that burned fossil fuels.

[The Verge, 3/22/18]

- **Chevron One Of Eight Companies Named For ‘Inaction On Addressing Climate Change.’** In October 2016, the Washington Examiner reported that Chevron was one of eight companies named for “inaction on addressing climate change.” According to the Examiner:

  Union of Concerned Scientists, an environmental activist group, on Thursday issued a comprehensive report detailing eight fossil fuel companies’ inaction on addressing climate change. It says none of the companies, including Exxon Mobil, ‘has made a clean break’ from supporting ‘disinformation on climate science and policy.’ The companies reviewed by the group of activist scientists include Arch Coal, BP, Chevron, ConocoPhillips, CONSOL Energy, Exxon Mobil, Peabody Energy and Royal Dutch Shell. ‘Across the board, these eight companies continue to disparage the science and undermine the urgency of action – either directly or through the trade associations and industry groups they support,’ Kathy Mulvey, the lead author of the report.

[The Washington Examiner 10/6/16]

- **New York City Mayor Divested From And Sued Chevron In 2018.** In January 2018, the Waycross Journal-Herald reported that New York City Mayor Bill de Blasio:

  announced that the city would both divest its pension plans from fossil fuels and also start a lawsuit against Exxon, Shell, BP, Chevron, and ConocoPhillips, the world’s five largest oil companies.

  The Waycross Journal-Herald reported that the New York City suit follows many other suits that had been filed across the country against large energy companies:

  The most recent attempt to target Big Oil companies with lawsuits alleging responsibility for climate change impacts was first discussed in a now infamous 2012 meeting in La Jolla, Calif. The meeting laid out a strategy to link big oil companies to global warming through a series of lawsuits modeled after those that took down Big Tobacco.

[Waycross Journal-Herald 1/13/18]

2016: 2017, And 2018, Spitzer Reported Holdings Worth $10k to $100k In Verizon Stock. Spitzer reported holdings worth $10,000 to $100,000 in Verizon stock in 2017 and 2018. [California Fair Political Practices Commission, 2/22/18; 2/5/19]

- **The NSA Was Revealed In 2013 To Be Collecting The Telephone Records of Millions of US Customers Of Verizon.** In reporting from The Guardian in June 2013 the NSA was revealed to be collecting information on all telephone calls in the Verizon system, both within the U.S. and between the U.S. and other countries, under the auspices of a secret court order. The court order forbid Verizon from disclosing the information gathering to the public. [The Guardian, 4/6/21]
2016: 2017, And 2018, Spitzer Reported Holdings Worth $10k to $100k In Microsoft Stock. Spitzer reported holdings worth $10,000 to $100,000 in Microsoft stock in 2017 and 2018. [California Fair Political Practices Commission, 2/22/18; 2/5/19]

• Female Microsoft Employees Filed Class-action Lawsuit For ‘Systematic’ Discrimination Of Women. In November 2017, female employees of Microsoft filed a class action lawsuit regarding Microsoft’s alleged discriminatory policies around promotion and compensation of women, according to the Plaintiff’s law firm Outten & Golden LLP. From the firm:

The class action complaint alleges that Microsoft has engaged in systemic and pervasive discrimination against female employees in technical and engineering roles with respect to performance evaluations, pay, promotions, and other terms and conditions of employment. The unchecked gender bias that pervades Microsoft's corporate culture has resulted in female technical professionals receiving less compensation than similar men, the promotion of men over equally or more qualified women, and less favorable performance evaluation of female technical professionals compared to male peers.


• Former Microsoft Director Charged With Two Felony Prostitution Charges. In late 2016, the Puget Sound Business Journal reported that Sumit Virmani, former Director of Worldwide Health for Microsoft was charged with two felony counts of promoting prostitution for his connection to an “exclusive group of sex buyers” known as “The League.” According to the Puget Sound Business Journal:

‘These were incredibly prolific sex buyers who were very influential in the sex-buying community in terms of generating demand,’ said Valiant Richey, senior deputy King County prosecutor. ‘In the same way that Yelp is helpful if you want to find a restaurant, these boards are very helpful for buyers who want to patronize people in prostitution.’ Richey said the majority of the meetings with prostitutes were set up or took place during the work day.

[Puget Sound Business Journal, 10/28/16]

• Women Accuse Microsoft Of Gender Bias In Hiring And Payment Practices. In August 2016, The Seattle Times reported that the US Department of Labor issued a notice to Microsoft for alleged gender-based discrimination within the company. The notice stemmed from a class action lawsuit filed in 2015 against the company for gender-based discrimination. The Seattle Times reported:

The women in the case say they were passed up for promotions and pay raises in favor of less-qualified men, and contend Microsoft’s controversial former performance-review system unfairly held back female employees.

[Seattle Times, 8/4/16]

• Microsoft Chief Executive Made Sexist Remarks At Celebration Of Women In Computing Conference. In October 2014, the Los Angeles Times reported Chief Executive of Microsoft, Satya Nadella, while speaking to a group of women at a women-in-tech conference, said professional women can get raises by avoiding asking for one. According to the Times:
'It's not really about asking for the raise,' he told Harvey Mudd College President Maria Klawe, who interviewed him onstage Thursday at the Grace Hopper Celebration of Women in Computing conference in Phoenix, 'but knowing and having faith that the system will give you the right raises as you go along.' Not asking for a raise is a kind of 'superpower,' he said, that enables women to please their bosses, which will result in good karma and, eventually, a fatter paycheck. No. Seriously. 'That's good karma,' he said, referring to NOT asking for more money. 'It'll come back because somebody's gonna know that's the kind of person that I want to trust, that's the kind of person that I really want to give more responsibility to.'

[Los Angeles Times, 10/11/14]

• **Former Microsoft Financial Manager Agreed To Pay Nearly $380,000 To Settle Insider Trading Charges.** The Seattle Times reported Former Microsoft financial manager John Hardy III was accused by the Securities Exchange Commission of using information on the company’s acquisition of Nokia and year end earnings to buy and sell stocks. Hardy agreed to pay nearly $380,000 to settle the charges. According to The Seattle Times:

  Regulators say Hardy sold Microsoft shares after learning from internal materials the company’s 2013 annual report would miss Wall Street projections. Later in the year, Hardy allegedly profited more than $175,000 when he purchased Nokia shares after learning about Microsoft’s acquisition plans through his work.

[The Seattle Times, 3/23/2016]

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Strategic Realty Trust, Inc.

Strategic Realty Trust, Inc. Highlights

- Spitzer serves as the Chairman of the Board and Independent Director of Strategic Realty Trust, Inc., a San Mateo, California-based real estate investment and management business with a revenue of nearly $4 million.
- Spitzer received a $50,000 annual salary from Strategic Realty Trust from 2015 to 2020.
- Strategic Realty Trust faced a class action lawsuit in October 2013, in which plaintiffs alleged the company violated several sections of the Securities Act.
- During Spitzer’s board tenure, Strategic Realty Trust’s total assets declined more than 50%.
- During Spitzer’s board tenure, Strategic Realty Trust’s Total Liabilities declined more than 70%.

Spitzer Is the Board Chairman and Co-Chair of the Audit Committee of Strategic Realty Trust

Spitzer Served as the Board Chairman and Independent Director of Strategic Realty Trust, Inc., a Real Estate Investment and Management Business Established in 2009. According to a January 2014 report from Yahoo News and filings from the Securities and Exchange Commission, Spitzer served as the Chairman of the Board and Independent Director of Strategic Realty Trust, Inc., a San Mateo, California-based real estate investment and management business with a revenue of nearly $4 million, where Spitzer has served since 2014. SEC records filed in 2021 indicated that Spitzer also served on the company’s Audit Committee. Filings from the California Secretary of State indicate that Strategic Realty Trust, Inc. registered as a corporation in March 2009. [California Secretary of State, 3/6/09; 10/16/13; 3/4/21; YahooNews, 1/23/14; U.S. Securities and Exchange Commission, 4/2/21]

- TNP Strategic Retail Changed Its Name to Strategic Realty Trust in 2013. According to filings from the California Secretary of State, TNP Strategic Retail Trust changed its name in October 2013 to Strategic Realty Trust. [California Secretary of State, 10/16/13]


Strategic Realty Faced A $32K State Tax Lien In 2019

Spitzer’s Business Strategic Realty Received A $32K State Tax Lien In 2019. According to records from the Orange County Clerk-Recorder, from 2012 to 2014, Spitzer’s business Strategic Realty accumulated $32,418.02 in unpaid state taxes. In April 2019, the Orange County Clerk-Recorder issued a
lien for that amount. Tax records for Strategic Realty did not indicate that the lien was paid off as of April 2021. [Orange County Clerk-Recorder, 4/1/19]

Strategic Realty Ordered to Pay Over $6.25 Million in 2013 Securities Act Suit

Strategic Realty Trust Faced a Class Action Lawsuit in 2013 For Liability and Negligence Claims Under the Securities Act. According to filings from the U.S. District Court for the Northern District of California, Strategic Realty Trust faced a class action lawsuit in October 2013, in which plaintiffs allege the company violated several sections of the Securities Act. The complaint reported that Strategic Realty Trust sold 9 million shares of its stock to investors for $10 per share, “pursuant or traceable to the Offering Materials that contained material misstatements and omissions of fact,” causing plaintiffs — who purchased shares from Strategic Realty Trust — to suffer damages. Reportedly, a separate company, Thompson National Properties, LLC and its owner Anthony Thompson, formed Strategic Realty Trust in 2009 “to invest in a portfolio of income-producing real-estate related assets” and also took responsibility over the selling of Strategic Realty Trust’s shares. The complaint alleged that Strategic Realty Trust, who depended greatly upon the financial capabilities of Thompson National Properties (TNP), failed to “disclose the severity of TNP’s rapidly deteriorating financial condition” to investors at the time of the Initial Public Offering, providing what plaintiffs alleged was “misleading” information regarding the shares. Reportedly, Strategic Realty Trust severed its ties to TNP and Anthony Thompson and terminated its IPO in 2013 after TNP was found to be paying fees to itself that had not yet been earned; had defaulted on certain of its corporate debt obligations; that it had sustained significant corporate losses; and that its negative net worth had grow to over $40 million.

According to the complaint, plaintiffs — estimated to be thousands of individuals who invested in Strategic Realty Trust — sought relief under the Securities Act “for the enormous damages that they have suffered as a result of the allegations described herein.” In October 2015, a U.S. District Judge granted the plaintiffs’ request for a $5 million settlement and also provided plaintiffs with $1.25 million for attorney fees and nearly $5,000 for litigation expenses. [U.S. District Court, Northern District of California, 10/23/13; 10/15/15]

Strategic Realty Trust Appointed Spitzer, Supporter of Ousted Thompson, to the Board as a Condition of Ending the Proxy Fight

As a Condition to Cease the ‘Proxy Fight’ With TNP, Board of Strategic Realty Trust Agreed to Appoint Spitzer, Supporter of Ousted Anthony Thompson, to the Company’s Board in 2014. Investment News reported in July 2014 that after Strategic Realty Trust severed ties with TNP and Anthony Thompson, the Board of Directors of Strategic Realty Trust “agreed to appoint a Thompson supporter, Todd Spitzer, to the board” as part of the “agreement to cease the proxy fight” between the two companies. According to a the U.S. Securities and Exchange Commission, Strategic Realty Trust released a statement in 2014 announcing the end of the “proxy fight,” in which they designated part of Spitzer’s role as Chairman and Co-Chair of the Audit Committee to include providing “the oversight that shareholders expect.” One month after Spitzer joined the board, according to Investment News, the Financial Industry Regulatory Authority Inc barred Thompston “from the securities industry” after
allegations that he “deceived and defrauded investors” through TNP. [Investment News, 7/21/14; U.S. Securities and Exchange Commission, Accessed 4/2/21; Investment News, 9/21/14]

Strategic Realty Faced $25K Slip and Fall Case in 2018

2018: Strategic Realty Trust Faced a $25K Lawsuit in a Tort Suit After an Individual Sustained Injuries on Its Property. According to filings from the Court of Common Pleas of Portage County, Ohio, Karin Hess-Hopkins filed a $25,000 lawsuit against Strategic Realty Trust in October 2018 after she fell due to broken curbing on Ohio property owned by the corporation, sustaining several physical injuries that required medical attention. Hess-Hopkins alleged that Strategic Realty Trust had previously been informed of the “disrepair of the curbing” yet “knowingly, willfully and wantonly neglected to repair it.” The case remains open in Portage County Court of Common Pleas. [Portage County Court of Common Pleas, 10/18/21]

Total Assets Dropped More than 50% During Spitzer’s Tenure

During Spitzer’s Tenure, Strategic Realty Trust’s Total Assets Declined More Than 50%. According to the company’s annual reports filed with the U.S. Securities and Exchange Commission, Strategic Realty Trust’s total assets have decreased from $211,992 to $95,990, a decrease of $116,002 (54.72%), during Spitzer’s tenure as Chairman of the Board from 2014 to 2020.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Assets</th>
<th>Year to Year Change</th>
<th>Change %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$211,992</td>
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<td>n/a</td>
</tr>
<tr>
<td>2015</td>
<td>$167,443</td>
<td>-$44,549</td>
<td>-21.01%</td>
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<td>2016</td>
<td>$137,955</td>
<td>-$29,488</td>
<td>-17.61%</td>
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<td>2017</td>
<td>$134,650</td>
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</tr>
<tr>
<td>2018</td>
<td>$122,592</td>
<td>-$12,058</td>
<td>-8.96%</td>
</tr>
<tr>
<td>2019</td>
<td>$100,310</td>
<td>-$22,282</td>
<td>-18.18%</td>
</tr>
<tr>
<td>2020</td>
<td>$95,990</td>
<td>-$4,320</td>
<td>-4.31%</td>
</tr>
<tr>
<td>Total Change 2014-2020</td>
<td>$116,002</td>
<td>-54.72%</td>
<td></td>
</tr>
</tbody>
</table>


Total Liabilities Dropped More Than 70% During Spitzer’s Tenure

During Spitzer’s Tenure, Strategic Realty Trust’s Total Liabilities Declined More Than 70%. According to the company’s annual reports filed with the U.S. Securities and Exchange Commission, Strategic Realty Trust’s total liabilities have decreased from $130,917 to $38,445, a decrease of $92,472 (70.63%), during Spitzer’s tenure as Chairman of the Board from 2014 to 2020.
<table>
<thead>
<tr>
<th>Year</th>
<th>Total Liabilities</th>
<th>Year to Year Change</th>
<th>Change %</th>
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</thead>
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<td>Total Change 2014-2020</td>
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<td>-70.63%</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>$130,917</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2019</td>
<td>$35,354</td>
<td>-$19,537</td>
<td>-35.59%</td>
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<tr>
<td>2020</td>
<td>$38,445</td>
<td>$3,091</td>
<td>8.74%</td>
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<tr>
<td>2018</td>
<td>$54,891</td>
<td>-$8,736</td>
<td>-13.73%</td>
</tr>
<tr>
<td>2017</td>
<td>$63,627</td>
<td>-$1,575</td>
<td>-2.42%</td>
</tr>
<tr>
<td>2016</td>
<td>$65,202</td>
<td>-$25,127</td>
<td>-27.82%</td>
</tr>
<tr>
<td>2015</td>
<td>$90,329</td>
<td>-$40,588</td>
<td>-30.98%</td>
</tr>
</tbody>
</table>

Background

• Name: Todd Spitzer
• Date of Birth: 11/26/1960
• Family:
  – Spouse: Jamie Morris Spitzer
  – Children: Justin T. Spitzer, Lauren Fleming (nee Spitzer)
• Current Address: 7420 E Morninglory Way 309, Orange, CA 92869-6555
• Political Experience:
  – Brea Olinda School Board Trustee (1992-1996)
  – Orange County Board of Supervisors (1997-2002; 2012-2018)
  – California State Assembly (2003-2008)
• Professional Experience:
  – California State Senate Fellow
  – Orange County Deputy District Attorney (1990-1996)
  – Los Angeles Police Department Volunteer Reserve Police Officer (1990-2000)
  – Orange County Assistant District Attorney (2008-2010)
  – Law Offices of Todd Spitzer
  – Orange County District Attorney (2019-present)
• Education:
  – B.A. University of California, Los Angeles (1982)
  – M.A. in Public Policy, University of California, Berkeley (1989)
  – J.D., University of California, Hastings School of Law (1989)

Education

1982: Spitzer Received A Bachelor’s Degree In English From The University Of California, Los Angeles. According to his LinkedIn, Spitzer attended the University of California, Los Angeles from 1978 to 1982, receiving a B.A. in English, cum laude. [Spitzer LinkedIn, Accessed 3/23/21]
1989: Spitzer Attained A Law Degree From The University Of California, Hastings College Of The Law. According to his LinkedIn, Spitzer attended University of California, Hastings College of the Law from 1985 to 1989, earning a J.D. degree in 1989. Spitzer listed that he was a member of the Communications Law Journal. [Spitzer LinkedIn, Accessed 3/23/21]

1989: Spitzer Received A Masters In Public Policy From The Goldman Graduate School Of Public Policy At The University Of California, Berkeley. According to his LinkedIn, from 1986 to 1989, Spitzer attended the Goldman Graduate School of Public Policy at the University of California, Berkeley, where he earned a Masters in Public Policy. [Spitzer LinkedIn, Accessed 3/23/21]


From 2015 To 2019, Spitzer Received ‘Advanced Public Sector Executive Management And Policy Analysis’ Education At The John F. Kennedy School Of Government At Harvard University. According to Spitzer’s LinkedIn, from 2015 to 2019, he received “Advanced Public Sector Executive Management and Policy Analysis” education at the John F. Kennedy School Of Government at Harvard University. [Spitzer LinkedIn, Accessed 3/23/21]

Professional History

Since 2019, Spitzer Served As District Attorney For Orange County. According to his LinkedIn, Spitzer has been District Attorney for Orange County, California since January, 2019. [Spitzer LinkedIn, Accessed 3/23/21]

• Spitzer Claims To Have Handled ‘Thousands Of Cases Including Sexual Assault, Gangs, Attempted Homicide, Drunk Driving Involving Death, Animal Cruelty, Robbery, Car Jacking And Domestic Violence.’ According to his campaign website, Spitzer wrote:

  Spitzer served for nearly ten years as an Orange County Deputy District Attorney and Assistant District Attorney handling cases at nearly every level. He has real hands on experience handling thousands of cases including sexual assault, gangs, attempted homicide, drunk driving involving death, animal cruelty, robbery, car jacking and domestic violence bringing nearly 100 jury trials to verdict.

  [Todd Spitzer for Orange County District Attorney via WebArchive, Accessed 3/31/21]

Since 2013, Spitzer Has Served As Chairman Of The Finance And Administration Committee For The Orange County Transportation Authority. According to his LinkedIn, since 2013 Spitzer has served as chairman of the Finance and Administration Committee for the Orange County Transportation Authority. [Spitzer LinkedIn, Accessed 3/23/21]

Since 2013, Spitzer Has Been Director At Transportation Corridor Agencies. According to his LinkedIn, Spitzer has been director at Transportation Corridor Agencies since 2013. Spitzer is a “Voting member of both the Foothill and San Joaquin Hills Transportation Corridor Agencies” and oversees “toll
policy, toll lane management, construction and ridership in order to address mobility issues of two
agencies with a combined budget of $291 million annually.” [Spitzer LinkedIn, Accessed 3/23/21]

**Since 2011, Spitzer Has Served As Social Media Advisor For Broker Dealers.** According to his LinkedIn, Spitzer has been a social media advisor to broker dealers regulated by Financial Industry Regulatory Authority (FINRA) and Securities and Exchange Commission (SEC) regulations since 2011. Spitzer “teaches seminars throughout the country about how to buy and sell a broker practice and how to plan out a seven year path to successfully transition one’s practice to a new owner/partner.” [Spitzer LinkedIn, Accessed 3/23/21]

**From 2010 To 2014, Spitzer Was Director Of Legal Affairs At Marsy’s Law For All.** According to his LinkedIn, Spitzer was director of legal affairs at Marsy’s Law For All. Spitzer wrote that as “California state-wide campaign manager for Proposition 9 (2008) Marsy’s Law,” he developed “curriculum to teach law enforcement, victims’ groups and the community about victims’ constitutional and enforceable rights in the criminal justice process.” [Spitzer LinkedIn, Accessed 3/23/21]

**Since 1990, Spitzer Has Been Attorney At Law At Spitzer Law Office.** According to his LinkedIn, Spitzer has been an attorney at law at Spitzer Law Office since 1990. [Spitzer LinkedIn, Accessed 3/23/21]

- **Spitzer Specializes In Victims Rights, Regulatory Issues, Real Estate Acquisition, And Mediation.** According to his LinkedIn, Spitzer “specializes in Crime Victims Rights and the criminal justice system,” “advises business on legal matters relating to regulatory issues impacting operations,” “has expertise in navigating business matters involving government oversight and regulatory authority,” “assists in real estate acquisition, restructuring and sales,” and is “an excellent mediator and often assists resolve conflict between competing entities.” [Spitzer LinkedIn, Accessed 3/23/21]

- **Since 2002, Spitzer Has Been A Marsy’s Law Expert.** According to his LinkedIn, Spitzer has also been a Marsy’s Law Expert since 2002, representing “victims of crime in restitution and parole hearings and any matter relating to the criminal justice system.” According to Spitzer’s LinkedIn, Marcy’s Law is a victims’ rights protection measure which Spitzer co-authored as Prop. 9. [Spitzer LinkedIn, Accessed 3/23/21]

**State Bar Status**

**Spitzer Is An Active Member of the California State Bar, No History of Discipline.** According to The State Bar of California, Spitzer received his admission to the bar in December 1989 and has remained an active member since. Reportedly, he has no history of disciplinary action taken against him. [The State Bar of California, Accessed 3/30/21]

**Political History**

**Spitzer Is Up For Reelection In 2022.** According to Voice of OC, Spitzer is up for reelection as Orange County District Attorney in 2022. [Voice of OC, 3/17/21]

**In July 2017, Spitzer Announced Candidacy for Orange County District Attorney.** According to KPCC in July 2017, then-Orange County Supervisor Todd Spitzer announced his plans to run in the June 2018 election to replace Orange County District Attorney Tony Rackauckas. [KPCC, 7/10/17]
Since 2013, Spitzer Served As County Supervisor For The Third District On The Orange County Board Of Supervisors. According to his LinkedIn, Spitzer has been county supervisor for the third district on the Orange County Board of Supervisors since 2013. [Spitzer LinkedIn, Accessed 3/23/21]

From 2008 To 2010, Spitzer Was Assistant District Attorney To The Orange County District Attorney. According to his LinkedIn, Spitzer was assistant District Attorney to the Orange County District Attorney from 2008 to 2010. [Spitzer LinkedIn, Accessed 3/23/21]

From 2002 To 2008, Spitzer Served On The California State Assembly, Representing The 71st Assembly District. According to his LinkedIn, Spitzer served on the California State Assembly from 2002 to 2008, representing the 71st Assembly District. [Spitzer LinkedIn, Accessed 3/23/21]

From 1996 To 2002, Spitzer Served As Third District Supervisor On The Orange County Board Of Supervisors. According to Spitzer’s LinkedIn, from 1996 to 2002, he served as third district supervisor on the Orange County Board of Supervisors. Spitzer wrote he was “Elected as a relatively unknown candidate in a field of eight against a well financed and well known State Assemblymember.” [Spitzer LinkedIn, Accessed 3/23/21]

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Online and Social Media Summary

News and YouTube Hits

A YouTube Channel Mocking Spitzer Posted A Video In 2018 Of Orange County Board Of Supervisors Members Criticizing Spitzer. In April 2018, a YouTube channel mocking Spitzer posted a video of Orange County Board of Supervisors members criticizing Spitzer. They criticized Spitzer for going to events in their districts and "flaming the crowd." Spitzer reportedly attended events in other members' districts, angering them and leading to a contentious Board of Supervisors meeting. [YouTube, 4/23/18]

A Supervisor On The Orange County Board Of Supervisors Accused Spitzer Of Being 'Fake.' In March 2018, a YouTube channel mocking Spitzer posted a video of a Supervisor on the Orange County Board of Supervisors calling Spitzer "fake" during a Board of Supervisors meeting. Spitzer made angry comments about fixing a homeless crisis in Orange County and said he spoke to judge and told him, "you know Your Honor, with all due respect, we are gonna put people into the beds." The Supervisor called out Spitzer and said, "I'm just fascinated that we were just standing in front of said judge and you didn't make any of those comments to him. This is fake and all this feigned offense is ridiculous. You just made this stuff up." [YouTube, 3/24/18]

Websites

- Todd Spitzer for District Attorney, https://www.toddspitzer.com/

Facebook

- Todd Spitzer, https://www.facebook.com/toddspitzeroc
- @ToddSpitzerforOC, https://www.facebook.com/ToddSpitzerforOC/
- @OCDAToddSpitzer, http://www.facebook.com/OCDAToddSpitzer/
- @SupervisorToddSpitzer, https://www.facebook.com/SupervisorToddSpitzer/

LinkedIn

- Todd Spitzer, https://www.linkedin.com/in/toddspitzer/

Twitter
• @toddspitzeroc, https://twitter.com/toddspitzeroc
• @toddspitzeroc, https://twitter.com/toddspitzeroc
• @OCDAToddSpitzer, https://twitter.com/OCDAToddSpitzer
• @SupvToddSpitzer, https://twitter.com/supvtoddspitzer

**Instagram**

• @todd.spitzer, https://www.instagram.com/todd.spitzer/
• @todd.spitzer, https://www.instagram.com/todd.spitzer/
• @ocdatoddspitzer, https://www.instagram.com/ocdatoddspitzer/

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