



**CLAIM FOR MONEY OR DAMAGES
AGAINST THE COUNTY OF ORANGE**
(Pursuant to Govt. Code section 910 et seq.)

Received by _____ via:

- Mail
- Over the Counter
- Pony Mail
- Other ***** COB USE ONLY*****

Completed and signed forms must be mailed or delivered to: Clerk of the Board of Supervisors
(Unsigned claim forms cannot be processed) 333 W. Santa Ana Blvd., Suite 465
Santa Ana, CA 92701

CLAIMANT INFORMATION

1. Claimant's Name: Abraham Santos 2. Date of Birth: July 3, 1984
3. Claimant's Address: c/o Joel W. Baruch, Esq., 2020 Main Street, Suite 900, Irvine, Ca. 92614

Street (or P.O. Box)	City	State	Zip Code
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4. Phone Number: Home: _____ Work: (949) 864-9662 Other: (714) 305-3356
5. Name and address where correspondence should be sent (if different from above):
Same As Above

Name	Street (or P.O. Box)	City	State	Zip Code
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CLAIM INFORMATION

6. Exact date (including year) of the occurrence or transaction which gave rise to the claim asserted: See Attachment A
7. Exact location of the occurrence or transaction which gave rise to the claim asserted:
See Attachment A
8. Describe the circumstances of the occurrence or transaction which you claim caused the damage/injury/loss: See Attachment A
9. Jail Booking Number: N/A Police Agency/Report Number: N/A
10. Provide a description of the damage/injury/loss incurred so far as is known as of the time of this claim: See Attachment A
11. Name(s) of County employee(s) causing damage/injury/loss, if known: See Attachment A
12. License number of County vehicle (if applicable): N/A

13. Name, address and phone number of any and all witnesses known: See Attachment A

14. Any additional information that may assist us in evaluating your claim N/A

DAMAGES CLAIMED

15. a. If the amount claimed is less than \$10,000:

Amount claimed to present: \$ _____

Estimated amount of any prospective damage/injury/loss: \$ _____

TOTAL AMOUNT CLAIMED: \$ _____

b. If the amount claimed exceeds \$10,000, would the case be a limited civil case (\$25,000 or less)?

Yes No

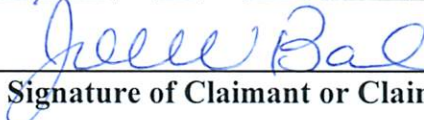
c. Basis of computation of the amount of damages (Please attach any estimates and/or receipts): Loss of income, physical and emotional distress, potential punitive damages

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment or fine, or by imprisonment in the state prison, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26TH day of MAY 2017 at IRVINE, CALIFORNIA


Signature of Claimant or Claimant's Representative

You Must Present Your Claim Within The Time Prescribed By Govt. Code Section 911.2

ATTACHMENT A— GOVERNMENT TORT CLAIM OF ABRAHAM SANTOS

A. Introductory Statement:

Abraham Santos is an investigator with the Orange County District Attorney's Office (hereafter OCDA). He has been employed with the OCDA since March, 2015. Previously, he was employed as a peace officer with the Los Angeles Police Department and with the Whittier Police Department. Investigator Santos has been the unwilling victim of false sexual harassment rumors and concocted disciplinary actions/ adverse employment actions by his supervisors at the Orange County District Attorney's Investigative Office. The OCDA now perceives Investigator Santos as a "whistleblower" and, in fact, has started the process of intentionally and falsely documenting his personnel file for the purpose of terminating his employment with the OCDA. Investigator Santos was also perceived by his superiors in the OCDA as a "partner" of fellow District Attorney Tom Conklin, who is filing his own separate government tort claim. Investigator Conklin, as is demonstrated by his separately-filed government tort claim, has been the subject of adverse employment actions as a result of his "whistleblowing" activities with respect to: (1) his investigation of former Cypress Police Department investigator Susan White, who was alleged to have committed perjury in the Stephenson Choi Kim capital case; and, (2) the more recent Daniel Gidanian case.

Investigator Santos did not participate in fellow Investigator Tom Conklin's investigation into the alleged perjury in the Stephenson Choi Kim case; however, he was Investigator Conklin's partner in the 2016-2017 time period when it was discovered that the highest levels of the OCDA office had conspired to coverup the results of Investigator Conklin's investigation to the effect that Susan White had both attempted to bury exculpatory evidence and then testified falsely about that exculpatory evidence at the Choi Kim trial.

Investigator Santos was actively working as Investigator Conklin's partner in connection with Daniel Gidanian case when it was assigned to both of them in or about November, 2016. Investigator Santos also was working on the Joe Felz case in the 2016-2017 time period.

Although their cases are somewhat different, nevertheless, this government tort claim should be read in conjunction with the separately-filed government tort claim of Orange County District Attorney Investigator Tom Conklin.

Page Two

A. The Joe Felz Case:

In the early morning hours of election night— November 9, 2016— Fullerton City Manager Joe Felz was inebriated and had crashed his vehicle into a citizen's tree in a residential neighborhood. The residence called the Fullerton Police Department to report the incident, advising the FPD person taking the call that the person who hit her tree was attempting to back up and leave the scene. When a Fullerton patrol officer arrived at the scene, Mr. Felz, slurring his words, told the officer "I'm a City Manager" and "call Danny Hughes". Danny Hughes was, at the time, the Chief of Police of the Fullerton Police Department, who was about to retire from law enforcement and work at Disneyland as the Assistant Director of Security. The Fullerton PD officer did call his chief. Chief Hughes then dispatched one of his sergeant, Jeff Corbett, to go to the scene of the accident and drive the City Manager home. City Manager Joe Felz was not arrested.

When dispatching Sergeant Corbett to the scene to drive the City Manager home, Chief Hughes was calling in a favor. Sometime before that incident, Sergeant Corbett, who supervised the narcotics unit at FPD, was found by a Fullerton PD officer having sexual relations in his police vehicle while on duty behind a local business. Sergeant Corbett was not arrested and, instead, contacted his fellow narcotic officers to let them know that, if asked, they should state that he (Corbett) was involved in a work-related surveillance. Chief Hughes covered up the misconduct by his sergeant and, when he needed him in the Joe Felz DUI/ attempted hit and run case, Sergeant Corbett repaid the favor to Chief Hughes.

Investigator Santos was assigned by the OCDA Investigation Office to investigate the Joe Felz incident. Based on the above facts, Investigator Santos discovered evidence which led him to conclude that Chief Hughes had criminally obstructed justice.

On January 4, 2017, Investigator Santos informed Assistant District Attorney Ebrahim Baytieh that he was concerned about the case because of the DUI, the destruction of city property, and the cover-up that seemed to have happened. ADA Baytieh's response was "I am friends with Chief Hughes and we are only going to be investigating the DUI and not anything else." When ADA Baytieh sensed resistance from Investigator Santos, he (Baytieh) threatened to take the investigation away from him.

On February 16, 2017, after Investigator Conklin had testified before the grand jury two days earlier, Supervisor Brad Tanner told Investigator Santos that the Felz case still would be his investigation— however, Tanner said he would be "second chairing" the investigation.

Page Three

On February 22, 2016, Supervisor Brad Tanner took the Felz case investigation away from Investigator Santos completely. It should be noted that February 22, 2017 was the same day on which Tanner cursed at Investigator Santos and threatened him “to stay out of Tom Conklin’s issues”. (See *infra*).

B. False Allegations Against Investigator Santos Regarding Sexual Harassment:

In or about August, 2016, false rumors in the OCDA office were launched that Investigator Santos was having an affair with one of his investigation assistants— Erika Trinidad. These rumors have persisted until the present day even though they have proven to be false. However, it is suspected that sworn and unsworn law enforcement employees in the OCDA office have viewed Investigator Santos in an unfavorable light because of these false rumors.

On or about November 10, 2016, Investigator Santos discovered that his then-supervisor, Stan Berry, was asking around about him. The allegations he discovered were: (1) he was not doing his job; (2) he was leaving work early; and, (3) that he was having an affair with an investigative assistant. Investigator Santos learned that these allegations, all false, had been generated by Supervising Investigator Roy Ellison, Erika Trinidad, and Naran Chanatasombute. The true facts were that it was Erika Trinidad and Naran Chantanasombute who were having the extramarital affair, not Investigator Santos. Nevertheless, Naran Chantanasombute, after listening to his lover (Erika Trinidad), went to Commander Kelly Core and complained that Investigator Santos was having an affair with another investigative assistant (Jane Doe I). Commander Core then went to Assistant Chief Lou Gutierrez about the claim, who then contacted Stan Berry to discuss it with Investigator Santos.

On or about November 17, 2016, Investigator Santos met with Supervisor Stan Berry again to address the false rumors. Berry said he would talk to Assistant Chief Lou Gutierrez.

On or about November 29, 2016, Investigator Santos met with Assistant Chief of the OCDA Investigator’s Office (Lou Gutierrez) and his direct supervisor (Stan Berry) about the rumors. Investigator Santos complained that he knew which persons started the false rumors and why they did it. He blamed Erika Trinidad and, Naran Chanatasombute, who was not her direct supervisor, for spreading the false rumors. He also told Gutierrez and Berry that he was actually the victim of sexual harassment, and that both Trinidad and Chantanasombute were the ones having the sexual affair. Investigator Santos also blamed the Chief of the department (Craig Hunter) for promoting the false rumors because Hunter was good friends with Chanatasombute.

Page Four

Rather than take a complaint of third party sexual harassment by bringing HR into the discussion, Investigator Santos was told by Assistant Chief Gutierrez “to let the incident blow over” and “you have a long career ahead of you.” Gutierrez also advised Investigator Santos that he needed to be careful in his dealings with Erika Trinidad “because of her intimate knowledge of the people on the Tenth Floor and the extramarital relationships they have with coworkers.” In other words, Assistant Chief Gutierrez refused to help Investigator Santos because he was frightened about the control that Investigative Assistant Erika Trinidad had with the office. Investigator Santos’ sexual harassment complaint was never appropriately addressed nor investigated by the OCDA office.

C. *The Daniel Gidanian Case:*

Daniel Gidanian is a dangerous person, a fact borne out by the commendable investigation of Investigator Tom Conklin and his partner, Abe Santos. The following is both a timeline and pertinent disclosures relating to that investigation:

- In the Daniel Gidanian case, Investigator Conklin was investigating the defendant who, in November-December 2016, was on trial for violating a restraining order to stay away from Harbor Court, stalking a female neighbor and slashing her tires seven separate times.
- As noted above, Investigators Santos and Conklin were assigned to investigate the Daniel Gidanian case in or about November, 2016. Gidanian was perceived as a threat to public safety. For example, in 2008, Gidanian stalked the Honorable Derek Johnson, Orange County Superior Court judge, with a gun. In November-December 2016, Gidanian was on trial for an alleged violation of a restraining order to stay away from Harbor Court and for stalking a female neighbor whose tires Gidanian had slashed. On December 13, 2016, Investigators Santos and Conklin served search warrants on Gidanian’s home that he shared with his parents. During the ensuing search, they discovered evidence that Gidanian was stalking over 30 different persons and, also, had conducted internet research on illegal activities. Most significantly, based on what they had found, both Santos and Conklin believed that Gidanian was planning a “Sandy Hook elementary-type” shooting and suicide. OC Deputy District Attorney Jeff Kirk, who was prosecuting Gidanian at the time, agreed with the analysis of both Santos and Conklin.

Page Five

- Investigators Santos and Conklin enlisted the aid of Orange County Sheriff's Deputy Finley to monitor any calls made by Gidanian while he was in custody. They soon learned that Gidanian had asked his mother to get him a gun and ammunition prior to being released on bail and being interviewed by probation officials. They also learned that Gidanian's release date was March 1, 2017. Based on those additional concerns, Investigator Santos and Conklin had written search warrants to serve on Gidanian's parents and their property.

- At the time the above was happening, Investigator Santos' direct supervisor for the Special Prosecutions Unit to which he was assigned was Stan Berry. However, towards the end of January, Stan Berry was replaced as Investigator Santos' and Conklin's direct supervisor by Brad Tanner. Also, in the beginning of February, 2017, Dina Mauger became the Commander of the Special Prosecutions Unit in the District Attorney's Investigator Office. It was a well-known fact that Dina Mauger "had it in" for Investigator Conklin prior to her becoming Commander of the Special Prosecutions Unit; and, further, that she considered Investigator Santos to be in the way of her campaign to end Investigator Conklin's career.

- On or about February 2, 2017, Investigators Conklin and Abe Santos asked their new direct supervisor (Brad Tanner) and DDA Jeff Kirk for another investigator to aid them with the Gidanian investigation. As noted, both Santos and Conklin were convinced that all of the evidence pointed to Gidanian being a clear and present danger to society. Supervisor Tanner initially agreed that another investigator should be appointed for the purpose of helping to interview the 30 or so victims who were being stalked by Gidanian, but indicated he had to brief new Commander Mauger on it first. Tanner suggested that he advise Mauger what was needed and why, and further suggested that Investigator Conklin meet up with her later that day to brief her on the particulars.

- Later that day—February 2, 2017—Tanner emailed Investigator Conklin about time cards and failed to mention any meeting with Commander Mauger. Investigator Conklin immediately emailed him back and asked about the meeting with Mauger on the Gidanian matter. Shortly after that, Tanner called Investigator Conklin on his cell phone and advised him: (1) "be careful what you wish for"; and, (2) "(Commander) Mauger took the Gidanian case away from you *due to your light duty status.*" Investigator Santos was also told by new supervisor Brad Tanner that Commander Mauger had taken the Gidanian case away from both of them because of Investigator Conklin's purported work restrictions. When Investigator Santos told Tanner

Page Six

that he (Santos) could continue with the Gidanian investigation, Tanner scolded him, saying words to the effect of “it’s not your place to tell me what to do and you as well as Conklin are off the Gidanian case”. Tanner further told Santos “I was given my walking orders from Commander Mauger”. Supervisor Tanner also told Conklin that both he and his partner, Abe Santos, had been removed from the Gidanian investigation and that it was re-assigned to Orange County District Attorney Investigator Fred Nichols. Tanner instructed Investigator Conklin to meet with Fred Nichols at the next day’s court appearance for Gidanian. While he was on the phone with Tanner, Investigator Conklin saw DDA Jeff Kirk and flagged him down to tell him he had just been removed as the investigator in the Gidanian case. DDA Kirk informed Investigator Conklin that “I already knew that” and that he had learned it from Assistant District Attorney Brahim Baytieh.

- Later that day— February 2, 2017— Investigator Conklin then contacted ADA Baytieh by phone. ADA Baytieh informed him that Commander Mauger had already called him and he was aware of the situation. ADA Baytieh repeated to Conklin what Mauger had told him— i.e. that “you (and Santos) were taken off the Gidanian case because of your heavy caseload and *your light duty status.*” Investigator Conklin complained that Mauger was retaliating against him, possibly because of his role in the Susan White investigation in the Choi Kim case and because of a prior disagreement he had with a good friend of Commander Mauger.. Investigator Conklin requested that he (ADA Baytieh) and Senior Assistant District Attorney Mike Lubinski speak to the head of the District Attorney’s Investigation Unit (Craig Hunter) about “this discriminatory behavior”. ADA Baytieh agreed to do this “next week”; however, ADA Baytieh never followed through with Investigator Conklin.

- On February 3, 2017, Investigators Santos and Conklin went to Gidanian’s hearing and met with newly-assigned investigator Fred Nichols as they were instructed to do by supervisor Brad Tanner the day before. Investigator Conklin told Nichols that he was shocked that Commander Mauger took the case away from he and Santos, especially since Gidanian was due to get out of jail soon and would be readying himself to commit a catastrophic crime to elementary school children. Investigator Nichols readily agreed with Investigators Santos and Conklin that “there is no way they can take the case away from you” and “we will have a problem in getting up to speed before it’s too late”. Investigator Nichols in fact asked for their continued help in investigating the Gidanian case. Thereafter, both Investigators Santos and Conklin worked overtime to help with contacting stalking victims and other essential investigation details.

Page Seven

- On February 5-6, 2017, Investigator Conklin drafted a summary of the Gidianian stalking case and added information that the case was taken away from he and Santos “for all the wrong reasons”. The summary also contained a list of potential victims of Gidianian for them to contact. The summary was emailed to senior ADA Lubinski and ADA Baytieh. ADA Baytieh advised Investigator Santos in an email that they should continue to investigate the Gidianian case because of concerns that Gidianian would soon be released from custody, and that newly assigned Investigators Nichols and Ayres could not get up to speed in time to avert what could be a disaster for Gidianian’s stalking victims. Investigators Santos personally told supervisor Tanner that he was going to continue with the Gidianian investigation because a “higher power” (ADA Baytieh) had allowed him to proceed despite Tanner’s and Mauger’s prior order to Investigators Santos and Conklin to shut down their Gidianian investigation. Tanner admitted to Investigator Santos that he should adhere to what ADA Baytieh instructed him to do; however, he changed his tact and started harping on Investigators Santos and Conklin about working overtime on the case without his prior approval. Investigators Santos and Conklin set supervisor Tanner straight right then by stating they were going to have to work overtime to complete the Gidianian investigation and to contact his purported stalking victims.

- On February 6, 2017, Investigators Santos and Conklin met with ADA Kirk and, together, they came up with a game plan regarding preventing Gidianian from acquiring guns and ammunition from his mother. The game plan was to write search warrants on the parents’ phones and home. When Supervisor Brad Tanner stopped by the cubicles of both Santos and Conklin, they notified him that they were still going to work on the case. Investigators Santos and Conklin also told Tanner that they had worked overtime on the case and were going to submit an overtime pay request. Both also told Tanner they would continue to work overtime on the Gidianian case. Both also made it clear that the mission statement of the OCDA was “to protect the public”, and that their removal from the case led to the public not being protected from the likes of Daniel Gidianian.

- Later that day— on February 6, 2017— Brad Tanner met with Commander Mauger and told her that Santos and Conklin were defying the order to hand over the Gidianian case to fellow investigators Nichols and Ayres. After the meeting, Tanner called Investigator Conklin and asked him for the summary that Conklin had prepared on February 5, 2017, which had been emailed to senior ADA Mike Lubinski and ADA Baytieh. Investigator Conklin refused to hand over the summary, indicating that “the summary is a complaint against both you (Tanner) and Mauger for retaliation and

Page Eight

discrimination”. Investigation Conklin and Santos then continued to work overtime on the Gidianian investigation. Ultimately, this overtime on the Gidianian investigation was approved.

- On February 9, 2017, the chief of the OCDA Investigator’s Office called Investigator Conklin and said that he and OCDA Human Resources Representative Madai Chavez wanted to meet with him the next day. Investigator Santos was not contacted about this planned meeting.

- On February 10, 2017, Investigator Conklin met with HR Representative Chavez alone. The meeting was purportedly about Conklin’s “light duty status”. The next day, Chavez convinced an Orange County physician to take Conklin off gun range restriction.

- On February 14, 2017, Investigator Conklin had a second meeting with HR Representative Chavez. This meeting was about Conklin’s “personnel complaint” against the retaliatory and discriminatory actions taken against him by both Commander Mauger and Supervisor Tanner. In this meeting, Investigator Conklin told Chavez (1) “about the corruptive practices” of the OCDA, including the OCDA’s handling and coverup of the Susan White perjury investigation in the Stephenson Choi Kim capital case; and, (2) that the Gidianian case was being taken away from him because of his plan to appear before the Orange County “Watchdog Agency” in the near future. HR Representative Chavez told Conklin that “I am 99% sure that the Gidianian case will not be taken away from you” and “if it were taken away from you, it would be discriminatory and unlawful.” Chavez claimed she would get approval from her boss to ensure that the Gidianian case would not be taken away from Investigators Conklin and Santos.

- Later that same day— on February 14, 2017— senior ADA Mike Lubinski called Investigator Conklin, saying “I heard the meeting with Chavez went great”. Lubinski also told Conklin words to the effect of “Tony (Rackauckas) was very appreciative that you kept it in house and did not bring your union representative to the meeting with her.” Lubinski also discussed Investigator Conklin’s upcoming reported meeting with the Orange County “Watchdog Agency”. Lubinski amplified that the HR department was concerned “it would look bad” if he went ahead with his plans to appear and testify before the agency. In a naked attempt to dissuade Investigator Conklin from testifying before the grand jury, Lubinski advised Conklin to cancel the appearance or reschedule it. Investigator Conklin informed Lubinski that not only would it be wrong to

Page Nine

cancel his grand jury appearance, but also that he had “other matters” (like the Susan White perjury investigation and the OCDA’s coverup of that investigation) to talk about before the grand jury.

- On February 15, 2016, Investigator Santos was called into an impromptu meeting by supervisor Brad Tanner— Tanner told Investigator Santos that the meeting could not wait until the next day. Ultimately, however, because the two could not get together on an appropriate meeting time, the meeting was put off until the next day.

- On February 16, 2017, Investigator Conklin appeared before the Orange County “Watchdog agency” and testified under oath. The fact that he appeared and testified before the agency was well known to his peers and managers in the OCDA office. These peers and managers were also well aware of the matters about which Investigator Conklin had testified, and that his testimony generally involved “corrupt practices, discrimination, and retaliation in the OCDA’s office”. The specifics of Investigator Conklin’s grand jury testimony cannot be divulged here; however, as noted, the highest levels of the OCDA office knew the reasons why Investigator Conklin was testifying.

- Also, on February 16, 2017, Investigator Santos received a telephone call from supervisor Tanner, telling him to come to his office. Among other things, supervisor Tanner told Investigator Santos in words to the effect of: (1) “I am disappointed in the way Tom (Conklin) has handled things and things are very weird”; (2) “you (Santos) need to request overtime before working on it and I need a weekly log as to the overtime you recently worked”; and, (3) “Tom’s (Conklin) issues are not your issues and you need to stay out of it”. Tanner also explained that Commander Mauger was brought in to operate the Special Prosecutions Unit because the Chief of the Investigative Division (Craig Hunter) wanted more oversight, and that the former supervisor whom Tanner replaced (Stan Berry) was not appropriately communicating with Chief Hunter. Tanner also told Investigator Santos that Commander Mauger “was brought in by Craig Hunter because Hunter wanted her in this position to get ADA Baytieh under control.” (Also see *supra* for an additional account of this meeting in connection with the Joe Felz case).

- On February 17, 2017, the head of the Orange County District Attorney Investigator’s Unit— Craig Hunter— and HR Representative Chavez had a meeting with Investigator Conklin. On this occasion, they retaliated against him by adding more physical restrictions to his “light duty” status, including assigning him to desk duty. They told him he could not go out into the field and/or serve subpoenas on any case (including, but not limited to, Gidianian). Further, they both told him that if he did go out into the

Page Ten

field for investigative work or to serve subpoenas, and he was injured, he would lose his coverage under the OCDA's office workers compensation plan—in other words, he would not receive benefits and coverage in case of an injury. Conklin was forced to sign a waiver of workers' compensation coverage.

- On February 21, 2017, Investigators Conklin and Santos were told that the Gidianian case was formally being taken away from them and assigned to a different investigation unit entirely. The meeting where at least Investigator Conklin was present included Supervisor Brad Tanner, Supervising Investigator Billy Hester, DDA Jeff Kirk, and investigators Fred Nichols and Rich Ayres who were taking over the Gidianian investigation. In that meeting, Tanner made several disparaging statements about Investigator Santos and his work habits. When Investigators Santos heard what was said about him in this meeting, he promptly emailed Brad Tanner and relayed his side of the story in writing.

- On February 22, 2017, Investigator Santos was ordered by Supervisor Brad Tanner to meet with him at 8:00 A.M. before he went to court on work business. At Tanner's office, Investigator Santos was cursed at and yelled at for writing an email telling his side of the story on the prior day. In a loud voice, Tanner accused Investigator Santos, saying that he had not disparaged him the prior day, and, most significantly, told him that he should not put things in writing— instead, “pick up the phone or come see me in person”. Tanner also told Investigator Santos words to the effect of “I am not out to get you, my issues are with Tom”.

- On February 23, 2017, Investigator Santos had a scheduled meeting with HR Representative Madai Chavez regarding third party sexual harassment and hostile work environment by Brad Tanner that he had been enduring. Assistant Chief of the OCDA Investigation Unit, Lou Gutierrez, called Santos into a private meeting just before the scheduled meeting with Chavez. Gutierrez told Santos “This is Tom's fight not yours. I already told Mauger and Tanner to get off your back.” Gutierrez clearly attempted to get Santos to desert his partner Conklin in the Gidianian matter and made several promises to him in return if he were to disassociate himself with Conklin— including “offering” Santos a premier assignment in the Special Investigations Unit. Gutierrez told Santos, “I am watching you and I will bring you up in this organization”. Gutierrez also warned Investigator Santos against speaking with and testifying in front of the Orange County “Watchdog Agency” (grand jury). Gutierrez made several statements that if Santos didn't bring certain things up then he wouldn't have to lie about them.

Page Eleven

- Also, on or about February 23, 2017, Investigator Santos met with HR Representative Madai Chavez to talk about the above-stated issues. Chavez told him words to the effect of “because of the sensitive nature of your complaint, I do not want to hear it and it is going to be handled by someone outside this office”. The person Chavez said would handle his complaint was Ed Monge, the director of the EEO Opportunity Access Office for the County of Orange.

- Later that same day— February 23, 2017— Investigator Conklin met with Ed Monge of the Orange County EEO Opportunity Access Office and filed a formal complaint of harassment, discrimination, and retaliation against Brad Tanner and Dina Mauger.

- Later that same day— February 23, 2017— As soon as Investigator Conklin arrived back to his office after filing the EEO complaint, Brad Tanner and HR Rep Chavez met with him and administered discipline in the form of a “write-up” for insubordination to be placed in Conklin’s police personnel file. The insubordination “write-up” was allegedly because Conklin had continued to work on the Gidanian file after being told not to do so. Investigator Conklin was not read his rights under the Public Safety Officers Procedural Bill of Rights. Investigator Santos did not get a “write up” for insubordination, even though he also had continued working on the Gidanian case along with Investigator Conklin.

- On February 27-28, 2017, Investigators Nichols and Ayres worked overtime on the Gidanian case, apparently with the approval of their superiors. It is noteworthy that Supervisor Brad Tanner had previously informed both Investigators Santos and Conklin that the Gidanian case was taken away from them because the OCDA would not pay them overtime to conduct the investigation.

- On March 1, 2017, Investigator Santos gave testimony before the Orange County “Watchdog Agency” (grand jury). About two hours later, OCDA Tony Rackauckas disseminated an anti-harassment policy and procedure to staff.

- On March 2, 2017, Investigator Santos met with Ed Monge of the EEO Opportunity Access Office. Investigator Santos went over his working log with Monge. Monge told him that “you have a case for sexual discrimination, age discrimination, and a hostile work environment.” Monge said he would conduct his own investigation. When he arrived back at his office, Investigator Santos was summoned by Supervisor Brad Tanner. Tanner asked Investigator Santos several times, “is there something you want to discuss with me?” Investigator Santos continued to tell him “no”. Before he left, Tanner

Page Twelve

told Investigator Santos that he was preparing his annual evaluation.

- On March 13, 2017, Investigator Santos received his annual evaluation from Supervisor Brad Tanner. Tanner also told him that, despite prior promises made to him, Investigator Santos would not be eligible to attend the OIS school. He said others were going to attend the school, but there was no spot left for Investigator Santos.

- On March 14, 2017, Investigator Santos sent an email to Supervisor Brad Tanner, asking him if he and Investigator Conklin could follow-up with a victim that they had already interviewed in the Gidianian case. Tanner made it clear again that he did not like the fact that Investigator Santos was creating a paper trail and said to call him. Once he telephoned Tanner, Investigator Santos was told that “I do not want Tom (Conklin) to participate in the Gidianian investigation”. He also told him to “fill in Nichols as to what is going on”. When Investigator Santos told him that it was DDA Kirk who asked him to contact the victim again, since Investigator Santos was due to testify on March 15, 2017.

- On March 15, 2017, Supervisor Brad Tanner sent Investigator Santos an email, asking about the status of the witness interview in the Gidianian case. Investigator Santos responded back that he had not yet heard from Investigator Nichols whom he had informed the day before “what was going on” per Tanner’s instructions.

- On March 16, 2017, Investigator Santos received an email from Brad Tanner, stating that all reports in the Gidianian case from both he and Investigator Conklin needed to first go to him (Tanner) prior to submitting those reports to the district attorney(s) on the case. This was the first time that Investigator Santos had ever been asked to this, and it certainly was not the office policy.

- On March 29, 2017, Investigators Santos and Conklin met with a victim in the Gidianian case. (She will be called as Jane Doe II because this is a public record). This was a new victim who had kept quiet about her plight for at least one month. Investigators Santos and Conklin also met with two additional victims in the Gidianian case and scheduled interviews with them as well.

- On March 30, 2017, there was a meeting about the Gidianian investigation between Investigators Conklin and Santos and Brad Tanner, Billy Hester, Fred Nichols, and ADA Jeff Kirk. Billy Hester accused Investigator Santos of sending an “uncalled for email”. Billy Hester, like Brad Turner, apparently does not like paper trails for some reason, since he also told Investigator Santos it would have been better if he telephoned Nichols. Investigator Santos replied, “victims have a right to know when they are being

Page Thirteen

stalked. Then, Billy Hester took a different tone and indicated that he thought the Gidianian case belonged to Santos and Conklin as investigators. Brad Tanner countered with, "It's Fred's case, not Tom's". Following this impasse, Hester and Tanner ended the meeting and said they would get back to Investigators Conklin and Santos as to who was going to manage the case going forward.

- On April 3, 2017, Investigator Santos received an email from Investigator Nichols, arguing that Jane Doe II was not really a victim. When Investigator Conklin responded back with his own email, Investigator Nichols changed his tune, told them to disregard the prior email, and "good luck with the case". Neither Investigator Santos or Conklin had received a reply from Tanner or Hester as to which team was going to investigate the Gidianian case going forward.

- On April 4, 2017, Investigators Conklin and Santos reached out to another stalking victim in the Gidianian case. Again, her name for purposes of this government tort claim is Jane Doe II. The victim said she had been the victim of very unusual happenstances, including knocks on her door at all times of the day and night. A full interview was scheduled for Jane Doe III in the next week. Also, on that day, DDA Kirk told both that Supervisor Brad Turner had asked if they were sending unsigned reports to Kirk. Turner apparently told Tanner that Investigators Santos and Conklin needed to follow the proper chain of command.

- Also, on April 4, 2017, Investigator Santos received a text from Supervisor Brad Tanner, ordering him to meet in the office. Investigator Santos told him that he had started early in the morning and was then off shift. Tanner said the conversation could not occur over the phone and demanded that Investigators Santos come to the office. Investigators Santos asked Tanner if he needed his "union rep". Tanner, sounding very angry, said "it's not disciplinary". Investigator Santos then went to the office where both Tanner and Billy Hester were waiting for him. Tanner then accused Investigator Santos of "lying", asking Hester to back him up in that claim. He also accused Investigator Santos of being "insubordinate" and "withholding evidence". Tanner claimed that DDA Kirk had given orders to interview additional victims and that Kirk then told him he did not if Investigator Conklin and Santos had interview anyone. Investigator Santos informed Tanner and Hester that he and Investigator Conklin had discussed the interviewing of specific victims. Investigator Santos had learned that an investigative assistant (rather than a licensed law enforcement investigator) had been interviewing a victim or two (against office policy). Investigator Santos also informed both of them that

Page Fourteen

Investigator Nichols was sending him inappropriate and unprofessional emails. Investigator Santos continually asked during the hour-and-a-half meeting if he was being disciplined and if he needed a “union rep”. Every time he asked, he was told “no”.

- On April 5, 2017, Investigator Santos received harassing and inappropriate email(s) from Investigator Nichols, which he viewed as a possible set-up.
- On April 10, 2017, both Investigators Conklin and Santos were transferred from the Special Prosecution Unit for purposes of punishment.
- On April 13, 2017, Investigator Santos received a text to report to the office. Once Investigator Santos arrived, Tanner started in on him, claiming that he stole money from the county by falsifying an overtime slip. When Investigator Santos asked to have an attorney present, Tanner asked even more questions designed to elicit what Tanner thought would be incriminating answers. When Investigator Santos told him he would not answer any questions without an attorney or “union rep” present, Tanner told him he was going to write him up for refusing to answer questions. Then, Tanner told him, “leave (my office)”. As Investigator Santos returned to his desk he was confronted by DDA Jess Rodriguez who stated that Brad called him and began to ask "wierd" question about Santos. DDA Rodriguez stated that Tanner began asking about overtime that Santos had worked several weeks prior and asked Rodriguez for the audio recording and any reports that Santos had submitted. Rodriguez stated to Santos to be careful around Tanner because it was pretty obvious that Tanner was on a witch-hunt.
- On April 14, 2017, Brad Tanner changed his overtime from 4 hours to 1.45 hours for work performed on the Gidianian case on April 4, 2017.
- On April 17, 2017, Investigator Santos filed a workers’ compensation claim with Orange County.
- On April 18, 2017, Brad Tanner texted Investigator Santos that he had reviewed his time card again and said his overtime was denied. On that date, Investigator Santos complained to HR Representative Madai Chavez about the pay reduction, and also told her that Tanner was harassing him and trying to intimidate him. He informed her that Tanner took away his overtime and that he had even contacted Investigator Santos’ union counsel for the purpose of trying to find something for which to punish him. HR Representative Chavez’ unlawful response was “he has the right to do that, you know”. Chavez also had no response when Investigator Santos asked her how he could be transferred out from underneath of Tanner’s supervision.

Page Fifteen

- On May 23, 2017, Investigator Santos was released to go back to work.

C. Adverse Employment Actions Addressed In This Claim:

Investigator Abraham Santos has suffered several adverse employment actions in the last six (6) months. The following adverse employment actions are noted, although these are not intended to be inclusive. Further investigation and discovery could lead to the discovery of additional adverse employment actions and the evidence necessary to support those actions.

1) There have been multiple violations of Investigator Santos' rights under the Public Safety Officers Procedural Bill of Rights, which are codified under *Government Code* §§3300-3313.

2) Investigator Santos is a victim of third party sexual harassment under the California Fair Employment and Housing Act, and has been retaliated against for reporting those violations. The California Fair Employment and Housing Act is codified at *Government Code* §§12900-12999.

3) Investigator Santos is a "whistleblower" who has been subjected to unlawful retaliation under California's law codified at *Labor Code* §1102.5, et seq., and its pertinent subdivisions.

4) The County of Orange has withheld wages, compensations, and benefits of Investigator Santos, which constitute violations under *Labor Code* §§201-203, 510, and 1194(a).

5) The Orange County District Attorney's Office is an organization within the County of Orange. In part, Investigator Santos sustained adverse employment actions, and is expected to experience such further and different actions in the future. The Orange County District Attorney's Office, already the focus of obstructing justice in connection with the so-called "informant scandal" that permeates law enforcement, has adhered to a policy of denying criminal defendants their rights under the Fifth and Sixth Amendments to the United States Constitution. As to Investigator Abraham Santos, the Orange County District Attorneys Office, acting through the highest levels of that office, violated Investigator Santos' rights under the First, Fifth, and Sixth Amendments of the United States Constitution. These are violations of federal law under 42 U.S.C. §1983, et seq.

Page Sixteen

- 6) Violations of the Bane Act codified at *Civil Code* §52.1.

D. Individuals Involved In Adverse Employment Actions:

The following individuals are alleged to have participated in violating Investigator Santos' rights and, therefore, would be potential witnesses. This list is not intended to be exclusive:

- 1) Orange County District Attorney Anthony Rackauckas.
- 2) Assistant District Attorney Ebrahim Baytieh.
- 3) Senior Assistant District Attorney Michael Lubinski.
- 4) Assistant District Attorney Dan Wagner.
- 5) Former Deputy District Attorney Cameron Talley.
- 6) Orange County District Attorney Investigator Dina Mauger.
- 7) Orange County District Attorney Investigator Billy Hester.
- 8) Orange County District Attorney Investigator Brad Tanner.
- 9) Orange County District Attorney Chief Investigator Craig Hunter.
- 10) Orange County District Attorney Assistant Chief Investigator Lou Gutierrez.
- 11) Orange County District Attorney Investigator Naran Chantanasombute.
- 12) Orange County District Attorney Investigative Assistant Erika Trinidad.
- 13) Orange County Human Resources Representative Madai Chavez.
- 14) Orange County EEO Representative Ed Monge.