

Office of the
City Clerk

Date: 1-22-13

Item No.: 1

December 13, 2012

Dvonne Pitruzzello
P.O. Box 2031
Riverside, CA 92516

Subject: Notice of Determination by Code of Ethics Adjudicating Body

Dear Ms. Pitruzzello:

As you are aware, the Code of Ethics Adjudicating Body met on December 13, 2012, in response to the complaint which you filed on October 26, 2012. After consideration of the evidence submitted by you as the complainant, and submitted by Councilmember Chris Mac Arthur, the adjudicatory body unanimously determined that Councilmember Mac Arthur did not violate the City's Code of Ethics and Conduct.

You are hereby notified that the decision of the Adjudicating Body may be appealed by either party by submitting such appeal in writing to the City Clerk, within seven (7) days of the Adjudicating Body's decision or no later than December 20, 2012. If no appeal is received within seven days, the matter is concluded.

Should you have any questions, please do not hesitate to contact me directly.

Very truly yours,


COLLEEN J. NICOL, MMC
City Clerk

c: Gregory P. Priamos, City Attorney

DEC 20 2012

*Appeal of Adjudicating Body's Decision
Ethics Complaint Filed Against Councilman Chris MacArthur*

City of Riverside
City Clerk's Office

In accordance with City of Riverside Resolution No. 22461 - Code of Ethics and Conduct for Elected Officials, the following shall serve as a formal appeal of the decision of the Adjudicating Body regarding the above referenced ethics complaint, filed on October 26, 2012, and heard on December 13, 2012.

It is appellant's contention that the decision of the Adjudicating Body was made in "clear error" as a result of misrepresentations and omissions on the part of the City Manager, the City Attorney and members of their respective staff.

During the hearing on December 13, 2012, Councilman MacArthur testified that he notified the City Manager of all three incidents described in appellant's original complaint. Thereafter, the City Manager advised the Adjudicating Body that the Legislative Field Representatives ("Aides") were within his control as City Manager and that he investigated all of the complaints when presented to him by Councilman MacArthur. However, the City Manager does not in any way participate in the hiring or dismissing of City Council Aides. In fact, a Human Resources Classification Specification does not even currently exist for this position. Yet, the Adjudicating Body is led to believe that the Aides are not within the control of the Councilperson that selected them - without a job posting ever being issued by the Human Resources Department, but rather are conveniently, for purposes of an ethics complaint against a particular Councilperson, now within the control of the City Manager.

Furthermore, concurrent with the filing of the above referenced complaint, appellant filed a complaint with the United States Department of Labor, Occupational Safety and Health Administration Division (OSHA), describing the incident of work place violence involving Councilman MacArthur's Aide, Chuck Condor. Interestingly enough, the City responded to OSHA in a letter dated October 30, 2012, stating that the alleged incident of workplace violence never occurred. If the alleged incident never occurred, why would Councilman MacArthur instruct the City Manager to investigate it? Are we to assume that the City made deliberate misrepresentations to a federal agency to avoid scrutiny?

On December 13, 2012 appellant advised OSHA of Councilman MacArthur's admission at the ethics hearing that the incident had indeed occurred. Thereafter, an OSHA representative advised appellant that an independent investigation into the complaint of work place violence was going to be made by OSHA.

In light of the misrepresentations and omissions made by the City Manager, City Attorney and their respective staff, to the Adjudicating Body, and the Adjudicating Body's inability to make an educated decision without accurate information, appellant respectfully requests that the City Council set aside the decision of the Adjudicating Body and permit this matter to be re-heard following the conclusion of

OSHA's investigation, so that OSHA's findings may be considered by the Adjudicating Body in making its determination.

Sincerely,

A handwritten signature in cursive script that reads "Dvonne M. Pitruzzello". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dvonne Pitruzzello

CODE OF ETHICS ADJUDICATING BODY MEETING
HELD DECEMBER 13, 2012

TRANSCRIPTION OF AUDIOTAPED PROCEEDINGS

Transcribed by: Michelle L. Archuletta

1 DECEMBER 13, 2012

3:00 P.M.

2 P R O C E E D I N G S

3 ***

4 CHAIRPERSON PERRY: December 13, 2012,
5 3:00 p.m., and I'm going to call the Code of Ethics
6 Adjudicating Body hearing to order, and I want to note
7 that all five members of the body and the one alternate
8 are present, and I want to thank everybody for attending
9 today and for participating.

10 What I'd like to do is call on the city
11 attorney to explain the procedures to be followed for
12 this hearing.

13 MR. PRIAMOS: Thank you, Mr. Chair. There will
14 be oral communications from the public. Each speaker is
15 limited to three minutes. Speaker cards must be
16 submitted to the city clerk in order to have an
17 opportunity to speak. The public comment must be
18 specifically directed at the complaint at issue or the
19 speaker will be asked to properly focus their comments
20 or they will be called out of order.

21 The Body is advised the public comment is not
22 evidence on the issue of whether or not a Code of Ethics
23 violation has occurred, and thus should not be
24 considered as such. At the conclusion of public
25 comment, the complainant will be given 15 minutes in

1 which to make a presentation and to add anything to the
2 written complaint previously submitted and contained
3 within your packet.

4 The party against whom the complaint has been
5 asserted will then be given an opportunity to respond
6 and make a statement or submit any evidence on their
7 behalf. Following the response and the submission of
8 any evidence, on his or her behalf, the hearing will be
9 closed and the body will discuss, deliberate, and vote
10 as to whether or not the evidence supports a finding of
11 a violation of the Code of Ethics.

12 The adjudicating body will make its
13 determination solely based upon the evidence submitted
14 to it by the complainant and the person against whom the
15 complaint has been made.

16 Mr. Chair.

17 CHAIRPERSON PERRY: Okay. We're going to go on
18 to Agenda item No. 1, Public comments for oral
19 communication. Individual audience participation is
20 limited to three minutes and it has to be directed at
21 the complaint at issue, which is the Code of Ethics
22 complaint filed by Dvonne Pitruzzello.

23 The first speaker will be Rebecca Ludwig.

24 MS. LUDWIG: Good afternoon. My name is
25 Rebecca Ludwig. And I wanted to just comment on a few

1 words regarding the Code of Ethics. As you probably all
2 know, there are some of us that do try and exercise our
3 right to go before the Board. If we see something that
4 is questionable, we try and hold them accountable, and
5 for some reason -- well, I know what the reason is, but
6 that's beside the point -- we do have what is called a
7 Code of Ethics.

8 There's also the California government code for
9 employees, and for the life of me, I think these things
10 are just there for show because when something of a
11 serious nature always happens, we're the ones that get
12 discredited simply because we're exercising our right to
13 hold people accountable for their actions because the
14 buck stops with them. It's nothing personal, but we do
15 have a right to exercise that.

16 And time after time after time, not only here,
17 but the Board of Supervisors as well, violate these Code
18 of Ethics, and I've seen it repeated again and again,
19 not only with Dvonne, but Vivian. I don't even bother
20 to put in a complaint because I know how it's going to
21 end up.

22 And I did put in a complaint just as a favor
23 because I mentioned that officer's name one time on
24 something that he had done that violated the code of
25 ethics, and it was really to just clear his name in the

1 file, even though he was rude and discourteous and
2 threatened me with action as far as a restraining order
3 to keep me from the library, which you all know I
4 exposed for having harmful materials in it.

5 Now, I thought I was doing a good thing. Most
6 of us think we're doing a good thing, and I think for
7 the most part we're pretty respectful. So when I see
8 that you have rules to help people, but it only seems to
9 benefit councilmen or anyone working for the City of
10 Riverside or the Board of Supervisors, I think it's
11 shameful, and I really wish you would take these things
12 more seriously. Just because they're councilmen, it
13 doesn't mean they're above the law. It doesn't mean
14 they're exempt from Code of Ethics. They are our
15 employees, I think. More so the County than the City,
16 but still they're there to represent constituents, and
17 we should not be violated. We shouldn't downplay it.
18 Thank you.

19 CHAIRPERSON PERRY: Thank you for your
20 comments. The next speaker will be Vivian Moreno.

21 MS. MORENO: Good afternoon. One afternoon
22 about 3:00 o'clock p.m., Chris, we were coming up here
23 to a meeting, and Chuck Conder was right out there and I
24 was with Raychele Sterling, and when we walked through
25 the door he called us stupid bitches, and we actually

1 brought this to your attention, and so I don't know what
2 was done about it.

3 CHAIRPERSON PERRY: Ms. Moreno, you're kind
4 of -- don't direct the comments at the councilmember.

5 MS. MORENO: Uh-huh.

6 CHAIRPERSON PERRY: If you can direct it
7 towards the body here.

8 MS. MORENO: Uh-huh.

9 CHAIRPERSON PERRY: And direct it towards the
10 complaint by Dvonne Pitruzzello, I'd appreciate it.

11 MS. MORENO: Oh, okay. I'm sorry. I didn't
12 know that. So, anyway, we brought the information to
13 Mr. Mac Arthur, and we didn't hear anything about it and
14 we just kind of let it go, and then not too long after
15 that we had heard that Mr. Conder was on administrative
16 leave, or on some kind of leave, and I don't know if
17 that was true or not, and I thought, oh, wow, maybe he
18 was on leave because of other things and Chris did
19 something about it.

20 And then we had heard the story that he had
21 wield a knife in front of another employee here at City
22 Hall, and so I'm a little confused as to I know what he
23 called us, but I just don't know -- right here in the
24 Code of Ethics it states, you know, very clearly about
25 what the ethics for the City of Riverside is, and it's

1 the highest ethical standard in conduct.

2 And I feel that Chris Mac Arthur, you know, we
3 notified him about the conduct of his aide, and I
4 basically think he really didn't do anything about our
5 issue, and then the other day when Chuck Conder was
6 flipping Dvonne off at city council, then I actually let
7 Chris Mac Arthur know again that Chuck Conder was
8 flipping her off at city council. So who is at fault?

9 Is it Chuck Conder's issue or is it Chris
10 Mac Arthur being Chuck Conder's boss? I don't know.
11 That's a decision you make here, and I don't know if
12 that's in the Code of Ethics, but there -- there are
13 real issues with this guy's behavior and how he performs
14 at city council, and the fact that we're just not even
15 focusing on this at all is shameful to us because,
16 regardless, that's -- you know, we're able to speak what
17 we want to speak in front of that podium at City Hall or
18 coming into this room for any public who is here and
19 we're able to express our concerns.

20 CHAIRPERSON PERRY: Thank you for your
21 comments.

22 MS. MORENO: Thank you.

23 CHAIRPERSON PERRY: Next speaker is Mary
24 Shelton.

25 MS. SHELTON: Well, I had an experience when

1 Mr. Conder was first hired and Mr. Mac Arthur was first
2 elected, and I was at city council one day, and if you
3 know Marjorie Von Pohle, who is an icon in this city,
4 her niece was driving her to the meetings, and she and
5 her niece were sitting behind Mr. Conder and two
6 military personnel from March Air Force Base that were
7 here for the air show, and I left to get some water and
8 she was smiling and happy, and I came back and she was
9 very, very upset.

10 And I said, "What's wrong?" And she goes,
11 "Well, That guy," and Mr. Conder had left, and the two
12 military guys were still there, he just saw -- when this
13 woman walked by, and it turned out to be Karen Wright,
14 he said to these two men, "There's the biggest bitch
15 around." And I said "Well, who?" Because I wasn't
16 sure. And then she pointed to Mr. Conder when he was
17 standing and talking to one of the city management
18 employees, and she says, "Him," and she didn't know who
19 he was, and I knew who he was, and then this other woman
20 says, "Well, that's Mr. Conder and he's Mr. MacArthur's
21 aide," and so she was so angry.

22 I mean, this is her first time really at a city
23 council meeting, not the best impression to get. She
24 wanted to go right up to the guy during the public
25 comment and she wanted to read Mr. Conder -- I mean,

1 Mr. Mac Arthur the riot act. And me I just said, well,
2 maybe that's not the best thing to start with. Maybe
3 you should go to Mr. Mac Arthur and address the issue
4 with him. And she wrote a letter to him, that's what
5 she told me she did, and then I believe that she never
6 heard from him again.

7 I'm assuming that Mr. Conder -- I mean,
8 Mr. Mac Arthur being a professional he would have
9 addressed it with his employee, and then we'd never have
10 to hear about those allegations again. Again, her
11 demeanor had quickly changed and she did not know who he
12 was, and that was the first I ever heard of it.

13 I know that the people who go and speak at city
14 council are called all kinds of names. I've been called
15 every name in the book and some of them might make a few
16 of you blush, but the way I look at it, like just to say
17 I know every different story you can use against a
18 woman, and I just -- it used to really hurt me at first
19 and I used to think that, yeah, the people should be
20 held accountable because people should be able to go
21 redress their government and not have to deal with these
22 type of things, but then the way I look at it now it's
23 like if this is the way they're going to act, if this is
24 the very best they can give of themselves and how they
25 present themselves to the public, then I just take it as

1 a sign that I'm doing something right.

2 I mean, that's very unfortunate that the more I
3 speak out on issues, the more abuse that I have gotten,
4 and I have had some experiences that would curl your
5 hair with the things that have happened to me, and I've
6 been lucky enough to have people contact me who are
7 concerned to know who some of these individuals are to
8 tell me who -- which individuals they believe it is, and
9 unfortunately there's no avenue to do anything about
10 that in the City, and so I just try to do the best I
11 can, continue to speak out, and, you know, that's just
12 part of it unfortunately, but I don't -- that doesn't
13 mean I find it acceptable either, and I hope it had been
14 dealt with.

15 CHAIRPERSON PERRY: Thank you for your
16 comments.

17 MS. SHELTON: Thank you.

18 CHAIRPERSON PERRY: Art Santore.

19 MR. SANTORE: Well, there's only one point that
20 I want to make, and that point is freedom of speech.
21 When we walk up in front of a podium it's freedom of
22 speech for whatever we say, and I can't deny any of you
23 people your freedom of speech either. When you talk to
24 me and you got an issue and it's from the heart, then
25 you speak it, regardless of whose toes you're stepping

1 on. As well as when the public comes up and sits in
2 front of that podium and talks and makes their speeches,
3 yeah, some of those are pretty callous too. At this
4 point in time, I'm here as Arthur Santore, a citizen of
5 Riverside and I'm not affiliated at this point, standing
6 here, with the City of Riverside for what I'm saying.
7 That's all I have to say.

8 CHAIRPERSON PERRY: Thank you. There are no
9 further speaker cards. What I want to do very quickly
10 is just make sure the Board here introduces ourselves,
11 so we're on the record as being here.

12 My name is Jim Perry. I am the chairman of the
13 Metropolitan Museum Board.

14 CHAIRPERSON TITUS: I'm Bernie Titus, I'm the
15 chair of the Riverside Public Utilities Board.

16 CHAIRPERSON PARDEE: My name is Cyndi Pardee,
17 and I am the chair of the Mayor's Commission on Aging.

18 CHAIRPERSON CURTIS: My name is Crista Curtis,
19 and I'm the chair of the Transportation Board.

20 CHAIRPERSON ALLEN: I'm Larry Allen, chair of
21 the Planning Commission.

22 CHAIRPERSON WADE: I'm Bob Wade, alternate, and
23 I'm the vice chair of the Planning Commission.

24 CHAIRPERSON PERRY: Thank you. Move on to
25 Agenda Item No. 2, Code of Ethics complaint by Dvonne

1 Pitruzzello. At this time, Dvonne Pitruzzello, you
2 have -- if you wish to add anything to the written
3 complaint submitted to the Body, you have 15 minutes.

4 MS. PITRUZZELLO: Dvonne Pitruzzello. I'm
5 pretty sure I just want to say that I think it's very
6 sad that I have to be here today. As a former employee
7 of the City, I left almost ten years ago, and this is
8 not the culture of the City. I knew that I could come
9 to work and be safe. I knew that if anything -- I knew
10 what the boundaries were. If I behaved a certain way, I
11 knew exactly what the repercussions were, and that
12 hasn't been the culture here for probably just about
13 2005 when Mr. Hudson came on.

14 We definitely have a fear in our employees, and
15 many good employees have been fired because they have
16 done the right thing, and many employees are afraid to
17 speak out about what's going on. I know we -- you have
18 to go through a chain of command, but what happens when
19 they do is they've been fired, and so for this to happen
20 and for this culture to continue, even though Mr. Hudson
21 is gone, I think it's time that it needs to change.

22 The second thing I want you to know is that I
23 don't have anything personal against Mr. Mac Arthur.
24 I've only really formally met him once and he seems like
25 a very nice man. This is nothing personal against him.

1 The next thing I'd like to point out is I was
2 under the impression that boards and commissions, people
3 changed, and the last time I came here three out of the
4 -- three out of the five are the same, so I don't know
5 if we have a shortage of people who can make it, or it's
6 that time of year, but it just seems a little bit
7 suspect that we would have the same people on the
8 hearing for the ethics panel.

9 MR. PRIAMOS: The members are selected by lot.

10 MS. PITRUZZELLO: So -- three out of five are
11 the same, wow.

12 So the next thing I want to talk about is that
13 we're here -- the reason I filed this is to bring up --
14 it's not that Mr. Mac Arthur did these acts, it's his
15 inaction that violates the Code of Ethics. In here it
16 says to create a government that is trusted by everyone.

17 When you have an employee in the public that
18 are being treated this way, that vulgarity, are slung at
19 them, and that -- and employees that are basically
20 having to be a part of workplace violence, that doesn't
21 create a government that is trusted by everyone. It
22 also doesn't create a government that's unbiased, fair,
23 and honest. And from what my understanding, the
24 knife-wielding incident, those employees we're told that
25 they were not allowed to talk about it. It became

1 unfounded. So how can that be unbiased and fair and
2 honest?

3 "To use public office for service to the public
4 good and not for personal or private gain." I don't
5 think continuing to keep a legislative aide who behaved
6 in this way is for the public gain, public good.

7 "Ensure that everyone is treated with respect
8 and in a just and fair manner." Well, obviously he's
9 not treating people with respect.

10 Again, it's Mr. MacArthur's inactions that
11 continue -- this behavior continues because no action is
12 taken against Mr. Conder, and therefore this behavior
13 has become part of the culture and it's condoned. Think
14 about, what are the employees thinking when somebody
15 like Mr. Conder isn't fired for some of his actions? I
16 personally know for a fact I would have been fired if I
17 did anything like that, and most employees here also
18 know that.

19 I mean, when I worked here, we were here to
20 serve the public. I don't know what's become of this
21 City since I left almost ten years ago.

22 AUDIENCE SPEAKER: (Inaudible).

23 MS. PITRUZZELLO: And then it says, "To ensure
24 that all public decisions are well informed,
25 independent, and in the best interest of the City of

1 Riverside." I hope that all of you were not told before
2 you came here to make sure you find a decision in favor
3 of someone, because to me that would not be -- that
4 would be biased.

5 The next thing I'd like to talk about is
6 workplace violence. I see that the knife-wielding
7 incident is workplace violence, and that's why I decided
8 to file an OSHA complaint. Because I take workplace
9 violence very, very seriously. We have seen too many
10 incidents in the news that people have reported
11 workplace violence and people have not taken action, and
12 then what happens? We have things like Colorado, and
13 again that young man from UCR here in our city. And
14 when things are overlooked and overlooked and
15 overlooked, who is responsible for those people who die?
16 This Board has a certain responsibility and maybe even
17 liability.

18 If you find that this is unfounded and
19 Mr. Conder does continue to be employed here with these
20 type of behaviors, what happens the next time he comes
21 in, and what happens when some people are hurt?

22 I work in an environment that is potentially
23 very -- could be very violent. I teach students who are
24 expelled and they've been to juvenile hall. So every
25 day I have to be very, very aware of any little incident

1 that can potentially lead to violence or some -- or
2 something larger, and so I just really, really can't
3 believe that this particular incident was not taken more
4 seriously.

5 When I filed the OSHA complaint, the response
6 back to me was that it never happened. I think that
7 that's just one more way to sweep this under the carpet.
8 I was also given a copy of all of the policies and
9 procedures by the City -- the City's policies and
10 procedures. If something such as this workplace
11 violence happens what are the consequences, and none of
12 those have been followed. Because if they were
13 followed, according to this City's policy, Mr. Conder
14 would not be here today.

15 Again, I think that you need to look at this
16 and kind of favorably for me because it's inaction.
17 It's not what Mr. Mac Arthur did, he didn't actually do
18 the action, but it's his inaction by not having
19 Mr. Mac Arthur (sic) fired. And you don't need somebody
20 like this at our City. We have enough problems here
21 without having this type of behavior and having this
22 type of culture in our city.

23 And I think that's all I have to say.

24 CHAIRPERSON PERRY: Do you have any other
25 information that you would like to provide?

1 MS. PITRUZZELLO: No, because I -- sadly to
2 say, I think I know how it's going to turn out.

3 CHAIRPERSON PERRY: I mean, just -- let me just
4 ask the board members here if you have any questions or
5 clarifications for her as it directly relates to the
6 complaint.

7 MR. ALLEN: I have something that directly
8 relates to some of her comments, if I might address
9 them. I don't see why I shouldn't be able to.

10 MR. PRIAMOS: This should be a point for
11 questions.

12 MR. ALLEN: Pardon me?

13 MR. PRIAMOS: This is a point for questions for
14 clarification. If you don't have any questions for
15 clarification, you probably want to reserve your
16 comments until you actually close the hearing and begin
17 your deliberation process.

18 CHAIRPERSON PERRY: Okay. Thank you very much.

19 MS. CURTIS: I think I might have a question.
20 Are any of the people that -- any of the witnesses to
21 any of these things. They were told they could not
22 speak about the incident.

23 MS. PITRUZZELLO: Dvonne Pitruzzello. So I
24 went ahead and -- the people where the knife-wielding
25 incident happened, the employees were told they were not

1 allowed to speak about the incident and there were taped
2 interviews, and they were not allowed to have the taped
3 interviews. And so when I respond in -- in the OSHA
4 letter, the City's response back to OSHA was the
5 incident never occurred. So I responded back to OSHA
6 and said, by the way, it did occur and here are the
7 employees' names and phone numbers. So OSHA has -- the
8 case has remained opened and they are investigating.

9 MS. CURTIS: So you never -- so you're bringing
10 the complaint but you never personally saw any of these
11 things. Is that ...

12 MS. PITRUZZELLO: I wasn't present when it
13 happened.

14 MS. CURTIS: Okay.

15 MR. ALLEN: It's germane. It's a good
16 question. Dvonne, you're bringing this action against
17 Chuck Conder?

18 MS. PITRUZZELLO: No.

19 MR. ALLEN: No.

20 MS. PITRUZZELLO: I'm bringing this action
21 against Chris Mac Arthur for his inaction. Him not
22 acting on the behavior of Mr. Conder. When I -- when I
23 was at City Hall, and he, you know, did this to me,
24 obviously nothing happened. Again, as an employee, I
25 know that I would have been reprimanded in all of these

1 actions, and I think that this is cumulative.

2 He has this action and this action and it seems
3 to be leading to more violent actions, and when
4 something happens, I don't want them to say, oh -- I
5 don't want the City to say, oh, you know, we weren't
6 aware of any type of behavior. You are all very aware
7 of his behavior. And something needs to be done about
8 this behavior.

9 CHAIRPERSON PERRY: And so just that I'm clear
10 what you're talking about people not being able to come
11 here and provide some type of testimony, does that come
12 from the individual --

13 MS. PITRUZZELLO: Yes.

14 CHAIRPERSON PERRY: -- employee or the City?

15 MS. PITRUZZELLO: From the individual -- the
16 individual employees said they were not allowed to speak
17 about the incident.

18 CHAIRPERSON PERRY: Okay. Okay.

19 MS. TITUS: Is that because it's an HR issue?

20 MS. PITRUZZELLO: They told me it was because
21 it was unfounded.

22 MS. TITUS: Okay.

23 MS. PITRUZZELLO: What process it went through,
24 because I know the aides have sort of changed before, so
25 I'm not sure if they are classified as employees now,

1 contract employees, and if they go through all of the
2 steps as an employee would when an action is taken
3 against them.

4 MS. TITUS: And are you absolutely certain that
5 there was no action taken against Mr. Conder?

6 MS. PITRUZZELLO: We don't know.

7 MS. TITUS: Okay.

8 MS. PITRUZZELLO: It could have been his
9 administrative leave, but again if action was taken
10 against him when this happened and he's still employed
11 here, that's what I have an issue with.

12 CHAIRPERSON PERRY: Okay. Thank you for your
13 time.

14 Councilmember Mac Arthur, now's the time for
15 you, if you wish to, respond, make a statement, and
16 submit any evidence.

17 COUNCILMEMBER MAC ARTHUR: Well, thank you very
18 much. I'd like to thank all of you, obviously, for all
19 of your service to the City at your various boards of
20 commissions. Certainly appreciate you coming out today
21 in inclement weather and probably very busy schedules.

22 As you probably know, each councilmember is
23 allowed what is called a legislative field
24 representative when we're elected to the city council,
25 and we make that selection. But at that point the

1 employment of that legislative field representative is
2 now put under the supervision of the city manager, and
3 the only three employees that we have that actually
4 report directly to the city council are the city
5 manager, the city attorney, and the city clerk.

6 As each of these three concerns were brought to
7 me in the complaint or brought to my attention, I
8 immediately spoke and forwarded them to the city manager
9 for review, and that really is the conclusion. I mean,
10 at that point I turned it over to him, and I believe the
11 city manager probably has some additional comments
12 about -- at that point, but that was my role at that
13 point.

14 CHAIRPERSON PERRY: Anything else that you
15 would like to add? Anybody on the adjudicating board
16 here that has a question for Mr. Mac Arthur as it
17 relates directly to the complaint?

18 MR. ALLEN: Just a clarification, Chris, if you
19 don't mind. So you heard these complaints, they were in
20 whatever form they were in, and you passed them onto ...

21 COUNCILMEMBER MAC ARTHUR: To the city manager.

22 MR. ALLEN: Okay.

23 MS. CURTIS: Were the complaints that you heard
24 from the people here, or were they from the people that
25 actually were involved?

1 COUNCILMEMBER MAC ARTHUR: Well, the first
2 complaint that was brought to my attention, that I also
3 referred to the city manager. That was over a year ago.
4 In the complaint it mentions government affairs. I
5 don't believe it was -- I've never been to a government
6 affairs meeting. I think it was at a public safety
7 meeting, and Ms. Sterling approached me and at that
8 point I presented it to the city manager after I heard
9 the -- that issue.

10 CHAIRPERSON PERRY: And is Mr. Barber here as a
11 witness for you, or are you here to provide testimony or
12 evidence?

13 MR. BARBER: I am. Thank you for the
14 opportunity to address the Ethics Committee. As the
15 councilmember mentioned, he referred all three of the
16 allegations in the complaint to my attention for
17 investigation. I just want to mention to you that under
18 the Riverside City Charter Sections 407 and 601,
19 Mr. Conder and all other city employees, except those
20 who are employed by the other two charter officers, are
21 my responsibility.

22 The City's Code of Ethics applies to the mayor,
23 council, and appointed board and commission members.
24 Employees like Mr. Conder, separate employee policies
25 and procedures exist that do not include the City's Code

1 of Ethics.

2 As I mentioned, this was referred to my
3 attention for investigation. These complaints have been
4 investigated, I have taken whatever action was
5 appropriate. The State constitution provides privacy
6 rights for public employees, and those rights preclude
7 me from discussing any confidential personnel matters.
8 That concludes my testimony.

9 CHAIRPERSON PERRY: Any questions for
10 Mr. Barber, again, as it directly relates to the
11 complaint?

12 MS. CURTIS: Just a clarification, Chuck Conder
13 doesn't really even work for Chris Mac Arthur, he works
14 for --

15 AUDIENCE SPEAKER: (Inaudible).

16 MR. BARBER: Chuck Conder receives work
17 assignments from the councilmember, but he is at will to
18 me.

19 CHAIRPERSON PERRY: Okay. At this point, I'm
20 going to close the hearing and ask the city attorney to
21 identify the issue to be deliberated by the body.

22 MR. PRIAMOS: The issue that's before you this
23 afternoon is whether or not the evidence that has been
24 presented supports a finding that Councilmember Mac
25 Arthur violated the Code of Ethics. Ms. Pitruzzello in

1 a written complaint specifically identified section 2,
2 subparagraph D, subsections 1, 4, and 5; although, she
3 did make reference to sections 2 and 3 as well. That's
4 under the Core Values Defined: No. 1, creating trust in
5 local government; No. 2, making unbiased, fair, and
6 honest decisions; No. 3, use of the office for service
7 of the public good and not for personal or private gain;
8 No. 4, treating everyone with respect in a just and fair
9 manner; and 5, creating a community that affirms the
10 value of diversity; and lastly, she mentioned in her
11 presentation, ensuring that all public decisions are
12 well informed, independent, and in the best interest of
13 the City of Riverside.

14 The burden of proof is on the complainant, and
15 the complainant must prove that a violation by a
16 preponderance of the evidence. This is the burden of
17 proof that's used in most civil jury trials in which the
18 jury is instructed to find for the party that, on the
19 whole, has the stronger evidence, however slight the
20 edge may be.

21 Please be reminded that the public comments
22 received today are not evidence, and may not be
23 considered in making your decision on this complaint.
24 At this point, it's time for you to deliberate, discuss,
25 and then determine whether or not a violation has

1 occurred.

2 CHAIRPERSON PERRY: Okay. I will open up for
3 discussion and deliberation.

4 MR. ALLEN: I'd like to kind of restate what
5 has occurred here or to my knowledge the best
6 understanding. Councilmember Mac Arthur reported to the
7 city manager who has -- who this employee -- at-will
8 employee; is that correct? Scott, he's an at-will
9 employee?

10 MR. BARBER: We can answer questions, right,
11 Greg?

12 MR. PRIAMOS: Sure.

13 MR. BARBER: This individual is on an
14 employment contract, so he is directly at will to the
15 city manager.

16 MR. ALLEN: Okay. Would you agree that our
17 councilmember did his due diligence by reporting this
18 matter to you?

19 MR. BARBER: I would.

20 MR. ALLEN: Okay. That's the way I understand
21 it. I don't see any evidence that shows that
22 Councilmember Mac Arthur didn't do what he was supposed
23 to do.

24 MS. CURTIS: I see no connection at all between
25 the two. I don't even understand. I mean, other than

1 the fact that there's some relationship there, but he
2 doesn't work for -- he works for the City, and we don't
3 even have any -- I'm guessing he's being dealt with
4 separately through an HR if that was appropriate or they
5 said there's not a finding. I don't see how -- I'm not
6 seeing a connection.

7 MS. TITUS: I agree.

8 MS. PARDEE: I do too.

9 CHAIRPERSON PERRY: The comments that I will
10 make is regardless of who a complaint is filed against,
11 there is a due process. There is due process that has
12 to take place. And as part of that, I think there has
13 to be facts, there has to be evidence that can directly
14 point to -- that can substantiate an allegation.

15 In this case we were to make a recommendation
16 to substantiate this complaint. It could active -- lead
17 ultimately to some form of punitive action, and I think
18 that's where due process falls into it, and I just don't
19 see enough evidence to substantiate this complaint.
20 Again, we haven't listened or talked to somebody who's
21 actually saw or heard this action, and it makes it
22 extremely difficult.

23 MS. MORENO: Excuse me.

24 (Multiple speakers at once.)

25 CHAIRPERSON PERRY: I'm sorry. I'm sorry. I'm

1 sorry. You're out of order. We gave you the courtesy.

2 We gave you the respect. We listened --

3 MS. MORENO: Why did you waste all of our
4 time?

5 (Multiple speakers at once.)

6 CHAIRPERSON PERRY: We gave you the courtesy.
7 We gave you the respect. We listened intently to you,
8 and now you are interrupting.

9 MS. MORENO: You know what, you didn't. You're
10 wasting everybody's time here.

11 CHAIRPERSON PERRY: I'll be glad to discuss it
12 with you afterwards, but right now this board is
13 deliberating and we need to finish with this.

14 MS. MORENO: This is ridiculous. This is why
15 we're in trouble.

16 CHAIRPERSON PERRY: Is there a motion? Anyone
17 want to make a motion?

18 MS. CURTIS: I move that Councilmember Mac
19 Arthur did not violate the Code of Ethics. There's no
20 cause of action.

21 CHAIRPERSON PERRY: Second by Mr. Allen. All
22 those in favor, raise their hand.

23 It passes unanimously, and at this point I will
24 adjourn this meeting.

25 Thank you for attending.

1 (End of transcription.)

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CERTIFICATE OF TRANSCRIBER

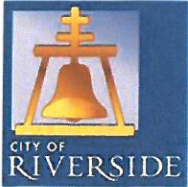
I, Michelle L. Archuletta, hereby certify that
the foregoing transcript is a record of the proceedings
transcribed to the best of my ability from a recording.

Michelle L. Archuletta



January 8, 2013

Michelle L. Archuletta



CITY OF RIVERSIDE
Code of Ethics and Conduct Complaint

RECEIVED

OCT 26 2012

City of Riverside
City Clerk's Office

A Public Document

Person filing complaint:

Name Dvonne Pitruzzello Email Devopitz@SBOGlobal.net
Address (optional if email provided) _____
Phone 951-241-9443

Official who committed alleged violation:

Name Chris MacArthur
Position Councilmember

Date(s) of alleged violation: 10/23/2012, Aug. 1, 2012, September 2012

If not filed within 180 days from when alleged violation occurred:

Date of discovery of alleged violation _____

Describe circumstances that led to discovery of alleged violation (may attach separate sheet or documents)

Specific section(s) of Code of Ethics and Conduct allegedly violated:

SEE ATTACHED

Description of event(s) (may attach separate sheet or documents):

SEE ATTACHED

In what way did the event(s) allegedly violate the Code of Ethics and Conduct cited above (may attach separate sheet or documents)?

SEE Attached

If complaint is related to a member of a City board, commission, or committee, shall the complaint first be referred to the Chair in an effort to achieve informal resolution?

Yes _____ No, forward directly to adjudicating body X

Alvino M. Petruzzello
Signature

10-26-2012
Date

PLEASE NOTE: Failure to complete all sections of this form may result in the filing being deemed incomplete and the complainant will be so notified. Incomplete filings will not be processed.

File completed form and attachments:

Office of the City Clerk
City of Riverside
3900 Main Street
Riverside, CA 92522
951-826-5557
cnicol@riversideca.gov

DESCRIPTION OF CODE OF ETHICS

VIOLATION BY COUNCILMAN CHRIS MAC ARTHUR

This Code of Ethics complaint is lodged against Councilman Chris Mac Arthur for his continued failure to remediate the disrespectful, demeaning, sexist and violent actions of his legislative aid, Chuck Condor, against members of the public and City employees, in violation of paragraph D, sub-sections 1, 4 and 5 of the City's Code of Ethics and Conduct for Elected Officials.

On August 1, 2012, during a regularly scheduled Government Affairs Committee meeting, Chuck Condor, did refer to several female speakers as "stupid bitches", following public comments they made contesting what they believed to be the illegal drawing of district lines to promote a political agenda which benefitted Condor. Condor's comment was heard by several members of the audience. Thereafter, a female speaker approached Councilman Mac Arthur and informed him of the unethical behavior of his legislative aid, Chuck Condor, and demanded that action be taken to ensure members of the public were not subjected to harassment by Condor. No action was taken by Mac Arthur.

It was recently brought to my attention that sometime in late August or September, Chuck Condor held a knife to the throat of Mark Earley, legislative aid to Councilman Rusty Bailey, and threatened him. Condor was briefly placed on administrative leave, but was permitted to return to work. It is my understanding that the police were not called, nor was a report taken, to avoid political embarrassment for both Mac Arthur and Bailey. Despite Condor's clearly volatile mental state and violent tendencies, Mac Arthur did nothing to warn or protect City employees or residents from possible harm at the hands of Condor.

On October 23, 2012, at a regularly scheduled City Council meeting, Chuck Condor did raise his middle finger in a vulgar gesture towards a female speaker who had just commented to City Council that she was concerned that the police were not called, nor was Condor arrested for his violent act against Earley. Again, no action was taken against Condor.