



**CLAIM AGAINST THE COUNTY OF SAN DIEGO**  
(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)

SEP 21 PM 4:30  
Time Stamp

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U.S. Mail   
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Over the Counter




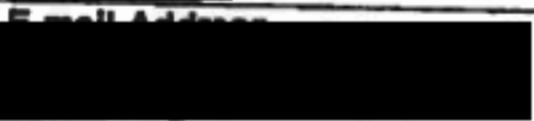
File No: \_\_\_\_\_

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph and number. Completed claims must be mailed or delivered to:

County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101- Phone (619) 531-4899

**TO THE HONORABLE BOARD OF SUPERVISORS – THE COUNTY OF SAN DIEGO, CALIFORNIA**

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

Claimant Information		
Last Name <b>Vaughan</b>	First Name <b>Glynnis</b>	Middle Name -----
	City <b>San Diego, CA</b>	Zip 
Home Phone (Include area code) -----	Work Phone (Include area code) 	Email Address 
Birth Date <b>On file with County H.R. Department</b>	Driver's License Number <b>On file with County H.R. Department</b>	
Name, telephone and post office address to which claimant desires notices to be sent, if other than above: <b>c/o Lynne R. Lasry, Sandler, Lasry, Laube, Byer &amp; Valdez LLP</b>		
Claim Information		
Date of Occurrence or Event from which the claim arises: <b>12/1/14 through 5/11/15</b>	Time of Occurrence or Event from which the claim arises: <b>(attached)</b>	
Location, including address (if none, nearest cross street) and city: <b>County Administration Bldg., 1600 Pacific Highway, San Diego, CA 92101 and elsewhere</b>		
Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary): <b>Please see attached claim and exhibits, incorporated herein.</b>		
State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury: <b>Please see attached claim and exhibits, incorporated herein.</b>		

<p><b>Give a description of the property damage or loss, as is known at the time of the claim:</b> Please see attached claim and exhibits, incorporated herein.</p>		
<p><b>Give a description of the injury, as is known at the time of the claim:</b> Please see attached claim and exhibits, incorporated herein.</p>		
<p><b>Social Security Number (required for Federal reporting requirements):</b> On file with County H.R.</p>		
<p><b>Name and address of any other person injured:</b> This claim is on behalf of Ms. Vaughan only.</p>		
<p><b>Name and address of the owner of any damaged property:</b> N/A</p>		
<b>Damages Claimed</b>		
Amount claimed as of this date:	\$ <u>475,000.00</u>	
Estimated amount of future costs:	\$ <u>unknown</u>	
Total amount claimed:	\$ <u>(attached)</u>	
<p><b>Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc):</b> Please see attached claim and exhibits, incorporated herein.</p>		
<b>Damaged Vehicle (if applicable)</b>		
<b>Make:</b> N/A.	<b>Model:</b> N/A	<b>Year:</b> N/A
<b>License Plate Number:</b> N/A	<b>Mileage:</b> N/A	
<b>Insurance Company:</b> N/A	<b>Policy Number:</b> N/A	
<b>Additional Information</b>		
<p><b>Names and Address of witnesses, hospitals, doctors, etc:</b> A. Please see attached claim and exhibits, incorporated herein.</p>		
<p>B. Please see attached claim and exhibits, incorporated herein.</p>		
<p>C. Please see attached claim and exhibits, incorporated herein.</p>		
<p><b>Any additional information that might be helpful in considering this claim:</b> Please see attached claim and exhibits, incorporated herein.</p>		

➤ **WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 21st day of May, 2015 at San Diego, California

  
 Claimant's Signature

Attachment to Claim Against the County of San Diego

Claimant: Glynnis Vaughan

Time of Occurrence or Event from which the claim arises: Various and continuing

Damages Claimed:

Amount claimed as of this date: \$475,000

Estimated amount of future costs: \$ unknown at this time

Total amount claimed: not less than \$475,000

May 21, 2015

**VIA MESSENGER**

Claims Division  
County of San Diego  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Re: Glynnis Vaughan  
Constructive Discharge; Retaliation; Misrepresentation

To Whom It May Concern:

This claim is filed on behalf of Glynnis Vaughan, San Diego County Supervisor Dave Roberts' former Chief of Staff. Ms. Vaughan began employment with the County of San Diego on December 1, 2014 and, after she was acting in accordance with County Rules and State law, she was constructively discharged from the County on April 14, 2015 when the County Board of Supervisors (including Supervisor Dave Roberts) failed to approve a settlement package acceptable to the Office of the County Counsel and the Chief Administrative Officer for the County of San Diego.

Ms. Vaughan came to the County of San Diego highly recommended for the Chief of Staff position after having worked as the appointed San Diego District Director for former Governor Gray Davis; as a constituent liaison and scheduler for the Honorable Lynn Schenk; as a registered lobbyist in Washington DC; and as a Public Affairs Manager for the King County Government in Washington State. She has a Bachelor's Degree in Communications from UCSD and a Master's

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Degree in Political Management from George Washington University. In short, Ms. Vaughan was a seasoned professional and the ideal candidate for the position.

Prior to starting her County employment, Ms. Vaughan went through an extensive vetting process (described later in this claim). As part of the interview for the Chief of Staff position, she presented Supervisor Dave Roberts with a 45-day plan and a proposed 6 month outlook. Once employment began, however, it became immediately obvious that a majority of the staff were inexperienced and unfamiliar with rules and regulations that govern public officials and had not received adequate ethics training; was not aware of the distinction between County work/political work/personal work on County time; and had consternation about the nature of the relationship between Supervisor Dave Roberts and a young male staffer, including what appeared to be obvious favoritism, gifts and improper use of County resources and public funds. In short, it appeared to Ms. Vaughan the staff seemed to do whatever it was Supervisor Dave Roberts wanted them to do, whether or not the Supervisor's requests were a proper use of County resources, in an effort to stay in the Supervisor's good graces.

In her role as supervisor of County staff, Ms. Vaughan had a legal and ethical duty to bring concerns and complaints about the misuse of public funds, misuse of staff, conflicts of interest, hostile work environment, etc., to the attention of the County Department of Human Resources and to County Counsel. She did. In every instance Ms. Vaughan was told by these County administrators that she had done the right thing, and was doing the right thing to attempt to get Supervisor Dave Roberts' office into compliance. Ms. Vaughan's efforts, however, were routinely undermined by Supervisor Dave Roberts to an extent even she did not know until she saw documentary proof in March 2015 of efforts by the Supervisor to end run her instructions.

When efforts to directly curb the improper conduct of Supervisor Dave Roberts were unsuccessful, Ms. Vaughan provided information and documentation to the Office of County Counsel, the Department of Human Resources, and to the Chief Administrative Officer. Examples follow:

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## INFORMATION REPORTED TO THE COUNTY OF SAN DIEGO PRIOR TO MARCH 13, 2015

### 1. The Porter Administrative Claim

To the degree Ms. Vaughan either has firsthand-knowledge of the allegations made by Ms. Porter in her May 13, 2015 Claim Against the County of San Diego, or to the degree Ms. Vaughan was present when Diane Porter reported them to officials of the County of San Diego, Ms. Vaughan incorporates those assertions which occurred prior to March 13, 2015 [when Ms. Vaughan went on Administrative Leave with pay]

[Ms. Vaughan provides additional context to some of the issues raised by Ms. Porter in attached Exhibit 1A.]

In addition to those items raised by Diane Porter in her Administrative Claim, Ms. Vaughan includes the following:

### 2. Supervisor Dave Roberts' Misuse of County Resources and other Irregularities

#### A. Unauthorized Agreement With Arizona Consultant

On January 25, 2015, Supervisor Dave Roberts forwarded an email of the same date to Ms. Vaughan from a person who had alleged that his consulting firm (an Arizona Limited Liability Company) had been providing services to the County of San Diego (through Supervisor Dave Roberts) for a period of approximately 2 years.

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The purpose of the consultant's January 25, 2015 email to Supervisor Dave Roberts was an attempt by the Arizona consultant to be paid by the County of San Diego for many months of past services rendered.

Per the January 25, 2015 email, the consultant reminded Supervisor Dave Roberts that the consultant had met with Supervisor Dave Roberts' former Chief of Staff (John Weil), and/or other staff members of Supervisor Dave Roberts, every month [from the inception of the relationship.] The consultant added: "I have copies of all our notes, emails and correspondence from every monthly meeting if you would like them? I really was looking forward to continuing the relationship, and John indicated it needed to end. Can you help please?"

On January 25, 2015, Supervisor Dave Roberts responded to the consultant, in pertinent part: "***I don't know anything about this discussion.***" (Emphasis added) He told the consultant that Ms. Vaughan, his new Chief of Staff, would get back to the consultant. He added: "Hopefully the ***confusion*** can be resolved soon. **Dave**" (Emphasis added)

[Ms. Vaughan was later advised by another member of Supervisor Dave Robert's staff that the principal of the Arizona consultant firm and Supervisor Dave Roberts had known one another before Dave Roberts had become a Supervisor.]

On February 11, 2015, a Policy Advisor for Supervisor Dave Roberts wrote to the consultant, in pertinent part:

"Sorry for the ***confusion*** with the ***agreement*** about our meetings and services rendered. ***Dave had been under the impression that this was taken care of under John Weil's tenure.*** We have a new Chief of Staff, Glynnis Vaughan, ***who has had no involvement in the matter.***

I am emailing to let you know ***we understand that this issue must be dealt with.*** Glynnis will be in charge of ***reaching an agreement....***" (Emphasis added)

Thereafter, in March 2015, the consultant provided Ms. Vaughan with a copy of a contract between the County of San Diego and the (Arizona) company (albeit

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unsigned). The contract, dated April 22, 2013, was for the period June 1, 2013 through May 30, 2014, automatically renewed June 1, 2014. Fees to be charged for the services to be rendered were spelled out in the contract. The billing contact for the County of San Diego was a staff member from Supervisor Dave Roberts' office. The project description was for "Advisory Board Development; Strategic Business Consulting" and its purpose was to include "the complete development of an Advisory Board of Directors for the San Diego County Fire Authority," among other services.

The consultant told Ms. Vaughan that Supervisor Dave Roberts had initially set up this arrangement. Staff also confirmed to Ms. Vaughan that the Supervisor had personally attended earlier meetings with the consultant. The consultant provided Ms. Vaughan with copies of many meeting notes, representative work product, and several communications between the consultant and staff from Supervisor Dave Roberts' office. The range of notes was demonstrably more than a 12-month period.

Some of the services rendered included review of internal San Diego County communications between Supervisor Dave Roberts and others who work for the County of San Diego; other services included review of communications between Supervisor Dave Roberts' staff and San Diego City Council staff (e.g., staff for San Diego City Council Member Marti Emerald); and, services included the drafting of questions and responses for Supervisor Dave Roberts to pose to the Director of San Diego County's Health and Human Services Agency, Nick Macchione.

In March 2015, the consultant told Ms. Vaughan that in October 2014, he was told by Supervisor Dave Roberts' then-Chief of Staff (John Weil) that the County of San Diego did not have the money to pay what was then owed to the consultant. (\$28,900.00) In addition, the consultant said he was told there was only \$2,100 available to Supervisor Dave Roberts from his "Chairman's Account,"<sup>1</sup> also an

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<sup>1</sup> Ms. Vaughan is informed and believes that the Chairman's Account is funded by outside organizations so that each Supervisor has a fund to pay for special items. While originally created to help offset costs to a current Chair of the County of San Diego Board of Supervisors in order to plan and host the annual State of the County event in



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insufficient amount. Accordingly, the consultant was asked to accept a lesser sum, and eventually Supervisor Dave Roberts' office and the consultant agreed to a flat sum of \$19,000.

After there was agreement on the flat sum, it was then suggested by Supervisor Dave Roberts' office that the consultant apply for a San Diego County grant to pay the \$19,000 and, further, that the Supervisor's office would ensure the grant application would be approved. The consultant was told Supervisor Dave Roberts' then-staff would assist with drafting the grant request. The consultant looked into the grant process and determined that the grant application would require the consultant to misrepresent the nature of the arrangement. He shared this concern with Supervisor Dave Roberts' staff, and did not apply for the suggested grant. The consultant remained unpaid.

On March 6, 2015, as part of Ms. Vaughan's efforts to learn what happened, another now former staff member told Ms. Vaughan that Supervisor Dave Roberts had set up a meeting with the consultant 2 years prior in order to develop a national EMS model. This now former staff member confirmed that the contract copy provided by the consultant to Ms. Vaughan set forth what had been originally discussed. This now former staff member further recalled, among other things, that during a discussion regarding the outstanding receivable, there was an argument about the value of the services provided and the amount by which the receivable should be reduced. This former staffer also confirmed that the (Arizona) consultant was told by Supervisor Dave Roberts' office to apply for a San Diego County Neighborhood Reinvestment Program (NRP) grant in order to get paid, but the consultant never did.

At the time of Ms. Vaughan's investigation into the issues raised by the Arizona consultant, Ms. Vaughan understood County of San Diego County Board policy B-072 related to the County's Neighborhood Reinvestment Program. She further

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January of each year, the funds have been used for other "activities" of interest to a particular Supervisor and the use of these funds do not require Board approval. Each Supervisor can access his/her "Chairman's" account regardless of whether he or she holds the Chair position. The Supervisors actively fundraise to replenish this account, and Supervisor Dave Roberts' office was no exception.

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understood that the consultant did not qualify for reimbursement of San Diego County funds for its services under the NRP grant policy for a variety of reasons, the least of which was the requirement that the NRP applicant hold a legally tax exempt and/or not for profit status or be a public agency located or functioning within the County of San Diego. And although the consultant told Ms. Vaughan that he and his company had been “representing the Supervisor,” it was also her understanding that the proffered consulting contract was never properly authorized by the County of San Diego.<sup>2</sup>

After evaluating what she had learned, Ms. Vaughan determined that despite the services rendered to and for the benefit of Supervisor Dave Roberts, and irrespective of the promises previously made by Supervisor Dave Roberts and his former Chief of Staff John Weil and other office staff, the County of San Diego could not compensate the consultant in the manner requested.

In addition, pursuant to County of San Diego regulations and policies, including the *San Diego County Code of Ethics*, [and before meeting with the consultant], in early March 2015, Ms. Vaughan met with *the* County Counsel and reported the information she had learned to date, including informing County Counsel of her intention to meet with the consultant to hear his claim. County Counsel’s focus was on whether there was a signed contract.

Because Ms. Vaughan’s conversations with the consultant and with County Counsel on this topic were in early March, and because Ms. Vaughan was on Administrative Leave with pay thereafter, Ms. Vaughan does not know whether subsequent arrangements were made by the Supervisor’s office or by the County of San Diego to pay the consultant for services rendered and accounts past due, or whether the County of San Diego will maintain the position that if there is no signed contract it is not going to pay the consultant for the services clearly rendered to Supervisor Dave Roberts and his staff starting in the Spring of 2013.

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<sup>2</sup> At the time, Ms. Vaughan had recently worked with County Counsel to successfully secure services for another consultant and was familiar with the County procurement process.

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### **B. The “Body Man”**

Before Ms. Vaughan started working for the County of San Diego, Supervisor Dave Roberts sent her an email identifying the employees on his staff, their main duties and their salaries. While most staff members’ titles were within the expected range, one young male staff member was described by Supervisor Dave Roberts as having the role of “Body man—worth his weight in gold.”<sup>3</sup> The salary for this County position was \$47,008.00.

Ms. Vaughan started her position as Chief of Staff on December 1, 2014. She soon learned that the young man had started as an unpaid intern until he graduated from college earlier that year (2014); thereafter this male staffer was elevated to Supervisor Dave Roberts’ driver/chauffer. By January 1, 2015 it was evident to Ms. Vaughan that the young male serving the role as “body man” did not appear to have any other significant job duties.

In December 2014, at the beginning of Ms. Vaughan’s employment with the County of San Diego, the young man serving as Supervisor Dave Robert’s driver informed Ms. Vaughan that there were times he had to drive the County car to the Supervisor’s home in Solana Beach early enough in the morning to drop the Supervisor’s children at school before he and the Supervisor moved on with their day. Ms. Vaughan immediately advised this young man that using the County car to transport the Supervisor’s children was improper and a potential liability to the County; that he was to stop doing it; and, that she would bring it up with Supervisor Dave Roberts. She did so, and Ms. Vaughan is informed and believes

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<sup>3</sup> Generally, in U.S. political jargon, a **body man** is a personal assistant to a politician or political candidate. A body man accompanies the politician or candidate virtually everywhere, providing companionship, and any other necessary assistance. No member of any other San Diego County Supervisor’s staff held a position that was described in this fashion and while it is not uncommon for someone such as the President of the United States to have a person serving in such a role, it was not usual for a San Diego County Supervisor to have a “body man.”

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that County Counsel also discussed this misuse of the County car with the Supervisor.

In addition, Ms. Vaughan concluded that if the young male driver was being paid by the County, he should be doing something other than simply accompanying the Supervisor. She assigned him the task of creating and keeping a log book for the Supervisor's assigned County car in order to track its use and mileage driven. The purpose was to document the car's use as required by the County. In addition, he was responsible to ensure the car kept to the maintenance schedule and was filled with gas. Other, substantive tasks assigned by Ms. Vaughan were generally not completed.

In January 2015, Supervisor Dave Roberts promoted his Body Man to the position of "Executive Assistant." On January 23, 2015, the Supervisor's now Executive Assistant asked for a raise. Ms. Vaughan did not authorize it.

The amount of time this young male staffer spent with the Supervisor became a serious point of contention in the office. For example, when the male staffer was told by Ms. Vaughan that he could not share a hotel room with the Supervisor when they traveled, Supervisor Dave Roberts would nevertheless orchestrate the desired arrangement through another of his staffers behind Ms. Vaughan's back. Other staff members complained that they could not do their job and/or get access to the Supervisor because the young male staffer was "always there."

Supervisor Dave Robert's preference for the young male staffer was obvious. The Supervisor would schedule him to drive the Supervisor using the County car both in town and out of town, to County functions and to non-County functions, to political and/or non-County events (e.g. various Lion's Club meetings); to take him to the airport and to pick him up from the airport; to attend plays, dinners, ribbon cuttings, etc. The Supervisor even chose this young male staffer to accompany him to a multi-day trip to Washington DC, and to other out of town locations. (See scheduling examples at Ex. 2) [In addition to having a driver paid for (through his annual salary) by the County of San Diego, the Supervisor also received a monthly

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automobile allowance of \$1,000 from the County of San Diego (annualized at \$12,000).]

When others in Supervisor Dave Roberts' office complained about the relationship between Supervisor Dave Roberts and this young man, or if Ms. Vaughan attempted to put a stop to the conduct and to focus on improving staff morale, Ms. Vaughan was either rebuffed by Supervisor Dave Roberts and this young male staffer, or otherwise undermined.

After Ms. Vaughan was constructively discharged from the County, and the issues with the young male staffer received public attention, she is informed and believes that this young male staffer's title was changed to "Community Representative."

### **3. Supervisor Dave Roberts' Gender Favoritism**

#### **A. The Chief of Staff Position (Ms. Vaughan has been replaced by a male at the same rate of pay with fewer requisite credentials)**

During the Fall of 2014, Ms. Vaughan was approached, and recommended by others, for the County-advertised Chief of Staff position for Supervisor Dave Roberts. She had recently returned to San Diego during July 2014, her qualifications for the position were stellar, and she was exceptionally well-qualified.

Ms. Vaughan obtained her Bachelor's Degree in Communications from UC San Diego and a Master's Degree from the George Washington University in Political Management. In addition, among other relevant experience, Ms. Vaughan served for 5 years as the appointed San Diego District Director for California Governor Gray Davis; began her career in public service in 1993 as a constituent liaison to the Honorable Lynn Schenk in San Diego and served as her scheduler in Washington DC; worked as a registered lobbyist for 3 years for a firm in Washington DC; and as a Public Affairs Manager for the King County Government in Washington State for almost a decade.

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Ms. Vaughan also worked for other organizations as a political consultant, and she was a media advisor for The U.S. President's Summit for America's Future Campaign led by then-General Colin Powell. The posted position as Chief of Staff for Supervisor Dave Robert's office was well within Ms. Vaughan's demonstrated skill level, and she represented the desired "ideal candidate." (See Ex. 3)

The salary range posted by the County during the Fall of 2014 (and still posted) for the Supervisor's Chief of Staff position was \$84,219.20-\$159,494.40. (See Ex. 3) According to the job posting, only those candidates with backgrounds "best meeting the needs of the County" were invited and scheduled for an interview. The "Special Notes" section of the posted position included the following: "Candidates must have a reputation for honesty and trustworthiness."

The retiring male Chief of Staff for Supervisor Dave Robert's which caused the 2014 vacancy had been compensated by the County at the highest reported level: \$159,494.40. Ms. Vaughan's salary, however, was offered to her at the lower amount of \$151,000. When she questioned whether she would have parity with her predecessor she was told that she needed more time in the position and with the County.

On April 14, 2015, Ms. Vaughan was constructively discharged from her position as Chief of Staff. Between approximately March 19, 2015 though approximately April 14, 2015 (while the County informed Ms. Vaughan that it was investigating the claims and concerns raised against Supervisor Dave Roberts), Ms. Vaughan is informed and believes that the young *woman* who had been put in the position of *acting* Chief of Staff was told by Supervisor Dave Roberts something to the effect that she could move into Ms. Vaughan's position as *the* Chief of Staff and get a substantial raise, but only if she would tell people in the Human Resources Department that the concerns and allegations raised by Ms. Vaughan and Diane Porter during 2015, and particularly during March and April 2015, were untrue.

Ms. Vaughan is also informed and believes that this young *female*, who was at the time *acting* Chief of Staff while Ms. Vaughan was on paid administrative leave,

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refused the “promotion conditions” imposed by Supervisor Dave Roberts and thereafter resigned...not only from Supervisor Dave Robert’s office, but from all County employment. Ms. Vaughan believes that this young female reported Supervisor Dave Roberts’ conditions for advancement to County Counsel, the CAO and to the County Director of Human Resources.

Shortly after April 14, 2015, the day of Ms. Vaughan’s constructive discharge, Ms. Vaughan learned that Supervisor Dave Roberts next elevated one of his male staff members to the Chief of Staff position. Because Ms. Vaughan had hired this same man to be a land use policy advisor in January 2015 (who started working in Supervisor Dave Roberts’ office **and** the County of San Diego on or about January 26, 2015, less than 3 months before he was promoted to Chief of Staff), she was aware of his background and experience. Moreover when this same male applied for both the Chief of Staff position and the land use position in November 2014, within days Supervisor forwarded this man’s application to Ms. Vaughan (and before she was hired by the County of San Diego), and asked her to consider him for the land use position (vacated by a female staffer the fall of 2014). Ms. Vaughan did as requested.

The current, male Chief of Staff for Supervisor Dave Roberts graduated from college in 2010, and has a background and experience which objectively demonstrates significantly less experience than what Ms. Vaughan brought to the Chief of Staff position.

Per recent County disclosures under the Public Records Act, as well as recent news reports, Ms. Vaughan has learned that this new male Chief of Staff received a raise in his January 2015 salary from \$76,000 to \$151,008, an immediate increase in County pay of more than \$75,000. This promotion and salary increase brought this male former land use policy advisor up to a bit *more than* the level of pay of Ms. Vaughan even though she had more than 18 years of relevant public service, in high level positions, for federal, state and local governments.

Unlike the currently promoted male Chief of Staff for Supervisor Dave Roberts, Ms. Vaughan applied for a County position that was publically posted, and was

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extensively and fully vetted by County employees before any offer of County employment was extended to her. Unlike the current male Chief of Staff for Supervisor Dave Roberts, part of Ms. Vaughan's hiring process required her to interview with a County Evaluation Board Committee, including the former Chief Administrative Officer for the County of San Diego (Walt Ekard), the current Chief Administrative Officer for the County of San Diego (Helen Robbins-Meyer), and Sal Giametta, the current Chief of Staff for Supervisor Ron Roberts.

On October 28, 2014, at the time Ms. Vaughan interviewed with Supervisor Dave Roberts, Supervisor Dave Roberts pointed to a large binder and told Ms. Vaughan that the binder represented all of the people who wanted to work for him. Supervisor Dave Roberts asked Ms. Vaughan to explain, given the competition, why he should hire her and not one of the others who had applied. Because Ms. Vaughan had never met the Supervisor before and did not have a prior relationship with any member of his County staff, nor had she been involved in his campaign, she responded that he would have to rely on her credentials and on those who knew of her experience and suitability for the Chief of Staff position.

In addition, prior to receiving any offer letter from the County, and as part of his personal vetting process, Supervisor Dave Roberts requested that Ms. Vaughan (at her own expense) drive from San Diego to Anaheim, California and staff him for various meetings on two different days at the November 2014 California State Associations of Counties Conference. While in Anaheim, Supervisor Dave Roberts also strategically vetted her with some of the people in attendance, and had her meet with key leaders from San Diego County and other leaders attending the Conference. Supervisor Dave Roberts introduced her to some people as his new Chief of Staff and to others as his "friend."

Later, in San Diego, Supervisor Dave Roberts continued his personal vetting process by requiring Ms. Vaughan to meet with top labor and Democratic organizations to affirm her qualifications and to seek their approval of her potential hire. These San Diego "tryout" meetings were also attended by a staff member from Supervisor Dave Roberts' office. Prior to her hire, Ms. Vaughan also



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provided Supervisor Dave Roberts a 45-day plan and a proposed six month outlook, which plan and outlook she tried to implement starting in January 2015. By promoting the male land use advisor to the current Chief of Staff position, Ms. Vaughan is informed and believes that Supervisor Dave Roberts and the County of San Diego circumvented the previously posted County review and scrutiny process she was required to pass.

In addition, the current male Chief of Staff was not required to perform at the same level as she was in order to get the position, nor was he vetted publically to third parties as she was, nor did he have the background or educational experience she had. Regardless, this male staffer was elevated by Supervisor Dave Roberts to the position of Chief of Staff, after working for the County of San Diego for less than 3 months, and he received a \$75,000 increase to his \$76,000 land use salary, bringing his pay level to a new total of \$151,008.00.

## **B. Body Man**

See section 2. B. above, also incorporated here.

### **4. County of San Diego's Failure to Protect Its County Employee From Discrimination, Retaliation, or False Promises, or to Protect Its Employee's Position as a Whistleblower**

As set forth elsewhere in this Claim, shortly after Ms. Vaughan became an employee of the County of San Diego, it became clear to her that there were serious issues in Supervisor Dave Roberts' office. She promptly tried to remedy them, at the same time keeping the Chief Administrative Officer for the County of San Diego and County Counsel regularly informed. She learned during this process that, apparently, several of the more troubling issues were recurring as Supervisor Dave Roberts would simply attempt to end-run, undermine, or repackage things he had been previously told he could not do.

Had Ms. Vaughan been aware of the concerns which existed prior to being offered the Chief of Staff position, and which were already known to others in the County

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administration, she would have pursued a lucrative offer in the private sector prior to agreeing to become a County employee. Further, had she known prior to accepting employment with the County that the County of San Diego took the position it had no power to control the conduct of an elected official receiving a County of San Diego paycheck, or that it had no power to protect a County employee from misconduct by a member of the Board of Supervisors, she would not have accepted the Chief of Staff position with Supervisor Dave Roberts.

As a result of the items set forth elsewhere in this claim, and adding to them, in the late morning of Friday, March 6, 2015, Diane Porter came to Ms. Vaughan to report yet another incident where the young male staffer, favored by Supervisor Dave Roberts, had failed to complete an assignment as instructed by staff.

Because Diane Porter was concerned, Ms. Vaughan said she would attempt to fix the problem. Because the conversation was devolving into expressed concerns about the nature of the relationship between the young male staffer and Supervisor Dave Roberts, Ms. Vaughan suggested that they address the concerns directly with Supervisor Dave Roberts, including the negative effect the favored relationship was having on staff morale.

Ms. Vaughan and Diane Porter entered Supervisor Dave Roberts' office in an attempt to have a private discussion with him. Supervisor Dave Roberts would have nothing of the sort, and immediately invited the young male staffer to participate in the conversation. The Supervisor instructed Ms. Vaughan to describe staff concerns to the young male staff member who, along with Supervisor Dave Roberts, was a source of office disruption.

Ms. Vaughan began to describe the fact that the young male staffer was not functioning as a contributing member of the staff, rather his function was to basically spend time with the Supervisor and to drive the Supervisor around at the expense of other County work that needed his attention. As the conversation between Ms. Vaughan, Diane Porter and the young male staffer deteriorated, Supervisor Dave Roberts interrupted and told the two women, among other things: "[X] is perfect, he does nothing wrong....he knows how to treat me...I don't need

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you [Glynnis] or any of the staff except [X]. I don't care if the nine (9) other staff quit. [X] and I can do the job together and I don't need any of you." At this point, Ms. Vaughan stopped the "meeting."

Thereafter, Ms. Vaughan attempted to meet with the young male staffer to directly explain the concerns to him, which were in addition to the other concerns previously raised to him and Supervisor Dave Roberts by Ms. Vaughan (and others) concerning their behavior.

After Ms. Vaughan completed her conversation with the young male staffer, Diane Porter told Ms. Vaughan that she could not continue this way and wanted to quit her job. Ms. Vaughan was concerned about Diane Porter's obvious emotional distress and decided the circumstances should be reported in person to the Director of the County's Human Resources Department. Ms. Vaughan spoke with the assistant to the H.R. Director and they arranged for a meeting, to include Diane Porter, for Thursday, March 12, 2015. For the remainder of that Friday, Diane Porter continued to tell Ms. Vaughan that she felt under so much (negative) pressure from the Supervisor she wanted to quit her job. Diane Porter was visibly distraught. As for the Supervisor, he went on with his schedule which included an event later in the day with the young male staffer.<sup>4</sup>

On Monday, March 9, 2015, Diane Porter reiterated that she needed to leave County employment, that Supervisor Dave Roberts was attempting to get her to recant her complaints, and that she was worried if she did not, the Supervisor was going to fire her. Diane Porter also told Ms. Vaughan that Supervisor Dave Roberts had a bet that Ms. Vaughan would not return to work after what he had said the previous Friday.

Later that Monday, Ms. Vaughan had a scheduled meeting with Supervisor Dave Roberts and non-County individuals. The Supervisor essentially ignored her, and

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<sup>4</sup> This was particularly noted by the County Chief Administrative Officer on March 10, 2015 because the CAO was in a meeting with senior leadership on Friday, March 6, 2015 (organized by Supervisor Dave Roberts), when the young male staffer interrupted it to remind Supervisor Dave Roberts it was time to leave.

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did not engage her in any substantive conversation. He also ignored her efforts to steer the conversation towards projects the Supervisor had previously claimed were important to both him and to the others in attendance. Later that afternoon, at a staff meeting, Supervisor Dave Roberts said he needed someone to “staff” him at a play the next evening.

During the morning of Tuesday, March 10, 2015, Supervisor Dave Roberts and Diane Porter begin texting each other and corresponding through Facebook. Given concerns about the continuing conduct in the office, and the apparent exertion of pressure by the Supervisor on Diane Porter, Ms. Vaughan rescheduled the Human Resources meeting to take place that day. Thereafter, Ms. Vaughan and Diane Porter met with the Director of the County Human Resources Department to discuss not only the “Friday incident,” but past incidents of inappropriate behavior and misuse of County resources and County employees.

Diane Porter detailed the preferential treatment of the young male staffer, including his lack of office work responsibility; the trips and hotel rooms shared with the Supervisor; the use of staff time for non-County work; personal payments (“gifts”) by Supervisor Dave Roberts for at least the young male staff member; misuse of County resources; the conflicts of interest; the use of County staff time for the Supervisor’s political purposes; the efforts by Supervisor Dave Roberts to end run and deceive Ms. Vaughan to accomplish some of these unlawful events; the “spoon feeding” incident; the repeated conversations about the young male staffer potentially renting a room at Supervisor Dave Roberts’ house and/or getting an apartment close to the Supervisors’ home; etc. Diane Porter also provided documentation to support her claims.

At the conclusion of the Human Resources meeting, the Human Resources Director advised Ms. Vaughan that she needed to speak with the Chief Administrative Officer and would get back to Ms. Vaughan.

Around 4:00pm on March 11, 2014, Ms. Vaughan was summoned to a meeting at the office of the County’s Chief Administrative Officer (CAO). Present were the CAO, the County Counsel, a Senior Deputy County Counsel, and the Director of

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the County's Human Resources Department. During this meeting Ms. Vaughan learned that several of the concerns raised by Diane Porter had been raised by at least one other female staff member to the Human Resources Department prior to Ms. Vaughan's employment. While the people in attendance acknowledged these prior complaints, Ms. Vaughan did not have the impression that anyone from the County had conducted a serious investigation about them. Ms. Vaughan was asked to describe, and did describe, her mounting concerns about Supervisor Dave Roberts' conduct and the risk to the County (and others) if it continued. In addition, during this meeting, Supervisor Dave Roberts' inclination to retaliate against anyone who challenged what he wanted to do was discussed. This was acknowledged by the County Counsel, including the acknowledgment that Supervisor Dave Roberts could make a working environment "unpleasant."

At the conclusion of the meeting with top County Management that evening, Ms. Vaughan asked if she should tell Supervisor Dave Roberts about the meeting. She was unequivocally told that she should not, and that she was advised to return to work on Wednesday and to perform her job duties normally. After the meeting, as instructed, Ms. Vaughan did not disclose the meeting to Supervisor Dave Roberts, but she was nevertheless distraught and very concerned. When she returned to her office, Diane Porter was leaving to staff the Supervisor at the play that evening. Ms. Vaughan again told Diane Porter she did not have to go.

On Wednesday, March 11, 2015, a Senior Deputy County Counsel called Ms. Vaughan for a follow-up meeting with Diane Porter. Since Diane Porter had been told that someone from Human Resources would be getting back to her (not someone from the legal department), Ms. Vaughan asked the Deputy County Counsel to also have someone from the County's Human Resources Department at the meeting. When Ms. Vaughan told Diane Porter of the request for a second meeting, Ms. Porter responded that she had nothing more to say. It was clear that Supervisor Dave Roberts had talked with Diane Porter the evening before and had shut her down. As the day continued, however, Diane Porter agreed to meet with a Senior Deputy County Counsel and the Director of the Human Resources Department. The meeting lasted more than an hour. Ms. Vaughan was not

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present, but later Diane Porter told Ms. Vaughan that she told the County employees “everything again.”

Around 3:30pm that same day, another now former member of Supervisor Dave Roberts’ staff sent a text message to Ms. Vaughan to report that Supervisor Dave Roberts and the CAO were traveling together in the CAO’s car. About an hour later, Ms. Vaughan was asked to come to the CAO’s conference room. After Supervisor Dave Roberts left for the day, she did so. Also present in the room were the CAO, the Director of Human Resources, and County Counsel. Ms. Vaughan asked the CAO whether Supervisor Dave Roberts knew about the meetings with Human Resources. The CAO, with permission from County Counsel, said that he did. Ms. Vaughan asked how she was supposed to “normally” do her job, if her boss knew that she had reported him for wrongdoing to the CAO, the Director of HR, and County Counsel. She further asked who the people in the room were representing, who they were protecting.

Ms. Vaughan was told by one of the Deputy County Counsel’s present during this meeting that based on what had been learned, if Supervisor Dave Roberts had been a County Director and not an elected official, he would have been terminated immediately as a County employee. Ms. Vaughan was also told, however, that because Supervisor Dave Roberts was an elected employee they ultimately had no control over his behavior. When County Counsel indicated an intent to sit down (again) with Supervisor Dave Roberts to tell him to stop his improper conduct (again), Ms. Vaughan asked what was going to be done to protect her and her position. When asked if she trusted Supervisor Dave Roberts, Ms. Vaughan unequivocally told them at this point she did not.

It was suggested by one of the Deputy County Counsel present at the meeting that Ms. Vaughan use sick leave and take a few days away from the office. Upon hearing this, Ms. Vaughan became even more distraught. She told them she felt like she was being victimized, that they had agreed she had done nothing wrong, yet she was hearing that the County could do nothing to protect her. In response, Ms. Vaughan was advised that it was in her best interest to proceed as though

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nothing had happened until top County Management could determine the next steps.

On Thursday, March 12, 2015, Ms. Vaughan returned to her position and provided requested documentation to County officials to support and substantiate the claims which she had presented. She then went to meet with County Counsel to ask him what options she had. She told him that she needed to get out of the County employment, away from the Supervisor. She explained that her working conditions were now intolerable. County Counsel confirmed that Ms. Vaughan was a victim in the process, had done the right thing, and that her whistleblowing had been recognized and taken seriously. County Counsel said now that he understood she was willing to separate from Supervisor Dave Robert's office, he would talk to "his people" and get back to her.

Later that afternoon, during a meeting with her staff, Ms. Vaughan saw events had been added to Supervisor Dave Robert's schedule that she had previously disapproved. She had again been undermined by Supervisor Dave Roberts.

At approximately 4:30pm, Ms. Vaughan met with the Director of the County's Human Resources Department and a Senior Deputy County Counsel. Ms. Vaughan was told they would be willing to find another position for her in the County. Ms. Vaughan explained that out of the approximately 17,000 County positions, there were only 5 positions like hers in the County (Chief of Staff to a County Supervisor). Moreover, there were no other available jobs in the County which fit her qualifications at the same pay level. They agreed her job was unique.

Then Ms. Vaughan was handed a copy of the severance language from the Human Resources manual and told that the Board of Supervisors was required to approve any settlement package up to 6 months (or more). Ms. Vaughan was asked to tell them whether she would accept a 6 month package so that they could get it on the Agenda for the Board of Supervisors meeting the following Tuesday, March 17, 2015. It was clear that if Ms. Vaughan accepted this 6 month separation package, there would be no further need to carry on an investigation of the various claims

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made against Supervisor Dave Roberts. It was also clear that by accepting a 6 month separation package, the entire issue would remain internal.

Ms. Vaughan was told that to effect the 6 month settlement, the Board of Supervisors could be told that there had been an irreconcilable difference in her management style with Supervisor Dave Roberts. Ms. Vaughan understood that Supervisor Dave Roberts would be advised to go along with this explanation.

From the original meeting with the Director of Human Resources for the County on March 10, 2015, 48 hours later, Ms. Vaughan was given less than 24 hours to decide whether she wanted County Management to find another position in the County or accept a 6 month settlement. She was overwhelmed by what she was hearing, responding that she could not believe the way this was being handled by the County, and that she could not make a decision by the following day. The Deputy County Counsel present at the meeting then recommended to Ms. Vaughan that she obtain outside legal counsel, and reiterated that the County could resolve the matter quickly if she were to agree to a maximum 6 month separation package. The meeting was over, and Ms. Vaughan left with a copy of the County Separation Policy handed to her. (See Ex. 5)

The next morning, on March 13, 2014, realizing the work environment in Supervisors Dave Roberts' office was now intolerable, and that it was impossible for her to return as Chief of Staff, Ms. Vaughan was under so much stress that she called in sick. The Director of Human Resources later contacted Ms. Vaughan and offered to meet off site to discuss the situation further, but Ms. Vaughan was in the process of attempting to contact and retain counsel as recommended by the County, and had no additional meetings with County representatives.

On March 30, 2015, the County of San Diego through the Director of Human Resources, sent a letter to Ms. Vaughan confirming that she had been placed on Administrative Leave with pay effective March 13, 2015 through 5pm, April 7, 2015. (See Ex. 6) The purpose of the leave with pay was to permit the County of San Diego to conduct an investigation of the matters brought to the County by Ms. Vaughan and Diane Porter (and, perhaps, others). The end date of April 7, 2015



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was designed to coordinate with the Board of Supervisors' meeting where consideration of the proposed Settlement Agreement between the County of San Diego and Ms. Vaughan would occur.

On April 7, 2015, the agenda item related to Ms. Vaughan's proposed settlement with the County of San Diego was continued to April 8, 2015. On April 7, 2015 at 10:27am, the Director of Human Resources extended Ms. Vaughan's Administrative Leave (with pay) to April 8, 2015 at 5pm. (See Ex. 7) The end date of April 8, 2015 was designed to coordinate with the Board of Supervisors' meeting where consideration of the proposed Settlement Agreement between the County of San Diego and Ms. Vaughan would occur.

On April 8, 2015, the county Board of Supervisors continued the consideration of Ms. Vaughan's proposed Settlement Agreement with the County to April 14, 2015. Thereafter, on April 8, 2015 at 12:23pm, the Director of Human Resources extended Ms. Vaughan's Administrative Leave (with pay) to April 14, 2015 at 5pm. (See Ex. 8) The end date of April 14, 2015 was designed to coordinate with the Board of Supervisors' meeting where consideration of the proposed Settlement Agreement between the County of San Diego and Ms. Vaughan would occur.

On April 14, 2015, Ms. Vaughan learned that the County Board of Supervisors did not approve Ms. Vaughan's proposed Settlement Agreement, nor did it propose any alternative. Thereafter, at 3:14pm on April 14, 2015 (and after a month of County personnel attempts to separate Ms. Vaughan from Supervisor Dave Robert's office's as a result of the information received), the County Director of Human Resources sent an email to Ms. Vaughan advising that her leave was going to expire at 5pm that day, and that Ms. Vaughan was expected to return to her position of Chief of Staff for Supervisor [Dave] Roberts the next morning. (See Ex. 9) This expectation on the part of the County of San Diego, including the instruction to return to her position the following day, put Ms. Vaughan in an untenable situation, one that no objectively reasonable person could be expected to tolerate. Constructively discharged, and even further distraught by the way she had been treated by her employer, Ms. Vaughan notified the County she could not return to her position. (See Ex. 10)

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On Saturday April 18, 2015, Ms. Vaughan (and likely others) received an anonymous email attaching a separate email exchange of same date between a member of the Encinitas City Council, former County Supervisor Pam Slater-Price, and current Supervisor Dave Roberts. The Encinitas Council Member was seeking Ms. Slater-Price's view on a Union Tribune article about Ms. Vaughan's resignation from the Chief of Staff position.

Ms. Slater-Price suggested, albeit falsely, that Ms. Vaughan had attempted to use the press to force a severance package from the County, but failed. Supervisor Dave Roberts fostered that false notion by not correcting the error of Ms. Slater-Price's assumption or her misperception of the timing of events, and contextually furthered that false notion by suggesting to the others in the email chain that the vote of the closed session of the County Board of Supervisors was a unanimous 5-0 vote against [the separation agreement]. (See Ex. 11)

The receipt of the anonymous email on Saturday May 18, 2015 was distressing to Ms. Vaughan for several reasons: it was sent to her personal email account; someone understood the significance of Supervisor Dave Roberts' high level, back door efforts to damage Ms. Vaughan; the effort to smear Ms. Vaughan was in force and in writing; Supervisor Dave Roberts, in his position as a County employee, was revealing votes of a closed session of the County Board of Supervisors related to her Settlement Agreement...which revelation was either a lie in context or demonstrated a gross conflict of interest given his claimed vote on the very matter which concerned his own misconduct; and it previewed what would become a politicization of legal issues, leaving Ms. Vaughan at the sidelines to fend for her legal rights and to defend her personal and professional reputation.

On May 11, 2015, four of the five County Board of Supervisors took the unusual step of issuing a press release confirming that on April 18, 2015, Supervisor Dave Roberts had violated the Brown Act by disclosing the vote of a County Board of Supervisors' closed session. These same 4 Supervisors also decided to partially release the reason for the vote, disclaiming that it was a vote on [Ms. Vaughan's] Settlement Agreement, rather asserting the vote was an effort to say that the

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County Supervisors agreed that if there was to be any payment to Ms. Vaughan, it would not come from the County, but would have to come directly from Supervisor Dave Roberts as a result of his conduct while in County office. (See Ex. 12)

In other words, the Supervisors of the County of San Diego had decided to wash their collective hands as it relates to Dave Roberts' conduct vis a vis Ms. Vaughan, and publically demonstrated that they would refuse to protect a County employee who had been reassured by the CAO, the Human Resources Department and County Counsel that she had properly and ethically performed her job, pursuant to the rules and procedures of the County of San Diego and the law of California.

Further, on May 11, 2015, the Supervisors of the County of San Diego demonstrated that even though Ms. Vaughan had been a paid County of San Diego employee, and even though Supervisor Dave Roberts was also paid by the County of San Diego (and was Ms. Vaughan's direct supervisor), they would refuse to provide Ms. Vaughan whistleblower protection, protection from discrimination, protection from retaliation, or protection from fraudulent representations, and that they would force her to incur the additional expense of retaining a lawyer to protect her legal position.

### CONCLUSION

Given what has transpired since Ms. Vaughan's Constructive Discharge on April 14, 2015, including the efforts by Supervisor Dave Roberts to deny the concerns raised to the County of San Diego during the course of her County employment as well as the actions by the County Board of Supervisors, Ms. Vaughan feels she has no choice but to make a Claim against the County of San Diego in order to protect her personal and professional reputation.

Although the actions of the County Board of Supervisors on May 11, 2015 indicate a predisposition to neither listen to nor even consider a formal claim from Ms. Vaughan, it is hoped that upon reflection that the Board of Supervisors will consider that a refusal of due process will cause further damage and distress to Ms.

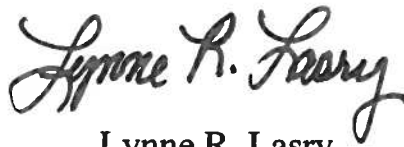
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Vaughan and others; will cause the County to incur even more time and expense (at the feet of the taxpayers); will chill the desire of any County employee to come forward to report questionable and/or unlawful activity; and has forced, and will force, Ms. Vaughan to either forego her claim and be deemed not credible in the public eye, or to make her concerns public as a jurisdictional pre-requisite to being able to assert her legal rights in the future.

It was always Ms. Vaughan's intention and desire to resolve this matter quietly with the County of San Diego. The County, through its Board of Supervisors, wouldn't have it. Regardless, it is time to resolve this now before further expense and damage is incurred.

You are welcome to contact me to discuss this Claim.

Sincerely,



Lynne R. Lasry

:lrl  
Exhibits 1, 1A-12