

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

CITY COUNCIL AGENDA
SPECIAL MEETING

Monday, December 16, 2024 – 5:30 PM

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5) will be made available for public inspection at the meeting. Such documents will also be available at the City Clerk's office, 3191 Katella Ave., Los Alamitos, CA 90720.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (562) 431-3538, ext. 220. Notification at least 42 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling the City Clerk's Office least 42 hours in advance

If you are unable to attend this meeting in person, you may submit comments on any agenda item or on any item not on the agenda by email to cityclerk@cityoflosalamitos.org with the subject line "COUNCIL PUBLIC COMMENT". Comments received by 3:00 p.m. the day of the meeting will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting. You may also view the meeting live on local cable channel 3.

If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Nefulda
Mayor Pro Tem Hasselbrink
Council Member Doby
Council Member Hibard
Council Member Murphy

3. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item on the Agenda. Remarks are to be limited to agenda items and not more than five minutes per speaker.

4. DISCUSSION ITEM

A. Consideration of a Formal Censure of Council Member Murphy (Administration)

The City Council met in closed session on December 12, 2024, to receive an investigation report concerning the claim that Council Member Murphy abused her authority by attempting to obtain financial information from TNT Fireworks regarding a Los Alamitos Community Foundation Fundraiser.

Recommendation: Adopt Resolution No. 2024-50, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CENSURE OF COUNCIL MEMBER TRISHA MURPHY".

5. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Windmera Quintanar, MMC, City Clerk
Dated: December 12, 2024

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: December 16, 2024

ITEM NUMBER: 4A

To: Mayor Jordan B. Nefulda & Members of the City Council

Presented By: Michael Daudt, City Attorney

Subject: Consideration of a Formal Censure of Council Member Murphy

SUMMARY

The City Council met in closed session on December 12, 2024, to receive an investigation report concerning the claim that Council Member Murphy abused her authority as a Council Member by attempting to obtain farcical information from TNT Fireworks regarding a Los Alamitos Community Foundation Fundraiser.

RECOMMENDATION

Adopt Resolution No. 2024-50, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CENSURE OF COUNCIL MEMBER TRISHA MURPHY".

BACKGROUND

The City Council met in Closed Session on December 12, 2024, to consider a formal censure of Council Member Murphy. Council Member Hibard and Council Member Murphy were absent. After discussing the investigation report, the City Council voted 3-0, to waive the attorney-client privilege attached to the December 10, 2024, Investigation Report prepared by Karen Kramer, Esq. of Kramer Workplace Investigation; and, set a Special meeting on Monday, December 16, 2024, at 5:30 p.m. to consider a formal censure of Council Member Murphy.

DISCUSSION

For Council's consideration this evening is adoption of Resolution No. 2024-50.

FISCAL IMPACT

None.

Attachment: 1. Resolution No. 2024-50 - Censure of Council Member Murphy
 2. Exhibit A - LACF Correspondence
 3. Exhibit B - TNT Correspondence
 4. Exhibit C - Investigative Report

RESOLUTION NO. 2024-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CENSURE OF COUNCIL MEMBER TRISHA MURPHY

WHEREAS, the City of Los Alamitos has adopted by City Council Resolution a City Council Handbook to provide guidance, procedures, and best practices to assist Council Members to carry out their duties and responsibilities effectively; and,

WHEREAS, the Handbook contains standards to determine when the City Council may censure a City Council Member, which are the Code of Conduct, the Governance Protocols, and the Code of Ethics; and,

WHEREAS, the Code of Conduct provides in pertinent and summary part that Council Members:

- “Be accountable and responsible for their actions and words, even when it is uncomfortable to do so. This includes apologizing when a Council Member’s behavior falls short of the Policy’s aspirational standards;”
- “Act in a manner that reflects the belief that Council Members, City Staff, and others who serve the City are on the same team in service to our community, even though we have different roles;”
- “Exercise self-control and avoid threats and personal attacks against anyone including Council Members, City Staff, Vendors, or the public;” and,

WHEREAS, the Governance Protocols provides in pertinent and summary part that Council Members:

- “Consider the short-, medium-, and long-term effects of decisions;”
- “Work through the City Manager on matters that involve another public agency or City Contractor;” and,

WHEREAS, the Code of Ethics, which Council Members are required to sign statements affirming that they have read and agree to the Code upon entering office, provides in pertinent and summary part that Council Members:

- “E3. Conduct of Council Members: The professional and personal conduct of Council Members must be above reproach and should avoid even the appearance of impropriety. Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character of other members of City Council, City Staff, or members of the public;”

- “E13. Interference. Council Members are responsible for the comments and actions that they take as individuals and as a body. These actions shall not infringe or interfere with the authority and responsibilities of the City’s appointed officers or staff;” and,

WHEREAS, attached hereto as Exhibit A, and incorporated by reference, is a true and correct copy of a letter the City was copied in on from TNT Fireworks Vice President Rick Poe to John Delavigne at Los Alamitos Community Foundation, wherein Mr. Poe indicates:

- On March 19, 2024, TNT’s Area Manager for Los Alamitos Rich LeGaspi received a phone call from someone identifying themselves as Los Alamitos Council Member Trisha Murphy;
- During the phone call, Council Member Murphy requested detailed financial information directly related to the Foundations fireworks fundraiser;
- Mr. LeGaspi explained the reasons for not being able to provide Council Member Murphy with confidential financial and proprietary information; and,

WHEREAS, attached hereto as Exhibit B, and incorporated by reference, is a true and correct copy of a May 20, 2024, letter to the City Council from the Los Alamitos Community Foundation President John Delavigne expressing deep concern and disapproval over Council Member Murphy’s attempts at obtaining sensitive financial information, inferring a lack of transparency and questions on how money is managed, and suggesting an overreach of her official capacities and responsibilities; the letter states it serves as a formal censure of Council Member Murphy’s actions; demands a cease of her activities; and considers her actions an overreach and misuse of power, as well as Mr. Delavigne threatening any and all legal remedies if necessary; and,

WHEREAS, the City retained outside investigator Karen Kramer to conduct an independent investigation into these allegations against Council Member Trisha Murphy; and,

WHEREAS, Ms. Kramer completed her investigation, and attached hereto as Exhibit C, and incorporated by reference, is a true and correct copy of her investigation report; and,

WHEREAS, in a limited scope, the City Council has waived the attorney-client privilege and work product privilege in part in attaching Ms. Kramer’s report to this Resolution; and,

WHEREAS, the Investigator found LeGaspi credible, including his perception that Murphy used her position as a Council Member to obtain records that she was not otherwise entitled to receive; the Investigator found it more likely than not that Murphy

used her position as a Council Member to get information she was not otherwise entitled to receive, implying to LeGaspi that as a Council Member, she was entitled to the information; the Investigator also noted that Churchill's complaint letter appears to indicate that as a Council Member Murphy was somehow entitled to that information, which witnesses credibly maintained is not accurate because the City and the Foundation are two separate entities; and the Investigator found Murphy's argument that she was entitled to the Foundation's financial records as a former Director "nonsensical;" and,

WHEREAS, the Investigator found it more likely than not that Murphy's request to LeGaspi inferred a lack of transparency and impropriety by the Foundation, and that Murphy's questions to LeGaspi about the financial arrangements between TNT and the Foundation created an inference that the Foundation's money management was questionable; and,

WHEREAS, the Investigator sustained both allegations that Murphy identified herself as a Council Member to LeGaspi in an attempt to obtain Foundation financial information and that her request to TNT for Foundation financial information inferred to LeGaspi that there was impropriety by the Foundation regarding the fireworks fundraiser.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. That the recitals set forth are true and correct and are incorporated herein as if set forth in full.

SECTION 2. That the City Council defines censure as a method of official City Council reprimand to a Council Member who has willfully and deliberately acted against specifically outlined items in the Code of Conduct, the Governance Protocols, or the Code of Ethics.

SECTION 3. That the City Council has taken into account all of the evidence presented to it, including the report produced by Karen Kramer.

SECTION 4. That Council Member Murphy's actions in abusing her power as a City Council Member and inferring impropriety on the part of the Los Alamitos Community Foundation violated City and City Council policy, and more specifically the Code of Conduct, the Governance Protocols, and the Code of Ethics. Such conduct is disrespectful to the Foundation, the vendor contacted, and the City Council, and contrary to the best personnel practices, and is counterproductive to efficient City Council operations.

SECTION 5. That Council Member Murphy acted individually, outside her legislative capacity and the direction of the majority voice of the City Council at a duly agendized meeting, using her City Council status to obtain information she otherwise was not entitled to, all while not utilizing the appropriate City structure of working through

the City Manager related to operations.

SECTION 6. The City Council hereby disapproves, condemns, and dissociates itself from the actions of Council Member Trisha Murphy, unilaterally acting outside of her legislative role and violating City and City Council policy.

SECTION 7. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of December 2024.

Jordan Nefulda, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a special meeting of the City Council held on the 16th day of December, 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, MMC, City Clerk



RECEIVED

APR 16 2024

City Clerk's Office
City of Los Alamitos

Los Alamitos Community Foundation
Attn: John Delavigne
10911 Oak Street
Los Alamitos, CA 90720

Dear Mr. Delavigne,

My name is Rick Poe, Vice President of TNT Fireworks, based in our Fullerton Office. The intent of this correspondence is a simple courtesy informing you of a recent inquiry we received regarding the Foundation's inaugural fireworks fundraiser in 2023.

On March 19, 2024, TNT's Area Manager for Los Alamitos, Rich LeGaspi, received a phone call from someone identifying themselves as Los Alamitos Councilmember, Trisha Murphy. During that phone call, Councilmember Murphy had requested some detailed financial information directly related to the Foundation's fireworks fundraiser. In response, Mr. LeGaspi asked if Councilmember Murphy was an Officer, or some authoritative member of the Los Alamitos Community Foundation. When she replied that she was not involved with the Foundation in any capacity, Mr. LeGaspi explained that TNT's policy prohibited him, or anyone at TNT, from disclosing any financial or proprietary information related to the Foundation with anyone outside that organization and advised her to contact the Foundation directly.

We have had no other communication with Councilmember Murphy. However, as a customer with TNT we felt compelled to notify you. While we at TNT respect the position of all government officials, including Councilmembers, we must adhere to our policy as a means to protect our customers.

We are grateful for the relationship TNT has built with The Los Alamitos Community Foundation in helping them raise much needed funds to provide first class programs within the City of Los Alamitos. We look forward to working with the Foundation in 2024. Certainly, we are available for any questions at your convenience.

Sincerely,

TNT FIREWORKS

Rick Poe

Vice President

Cc Los Alamitos City Council
Chet Simmons, City Manager, City of Los Alamitos
John Kelly, Vice President, TNT Fireworks
Rich LeGaspi, Area Manager, TNT Fireworks.



City of Los Alamitos
Los Alamitos City Council
3191 Katella Avenue
Los Alamitos, CA 90720

May 20, 2024

Dear Los Alamitos City Council,

I am writing on behalf of the Los Alamitos Community Foundation to formally express our deep concern and disapproval regarding recent actions that were perceived as abusing Councilmember Trisha Murphy's official powers regarding her dealings with TNT Fireworks and the Los Alamitos Community Foundation.

It has come to our attention that Councilmember Murphy made two attempts to acquire sensitive financial information regarding expenses incurred through our cooperative efforts with TNT Fireworks. She inferred a lack of transparency and questions on how money is managed within the foundation. These inquiries suggest an overreach of her official capacities and responsibilities. Such actions not only compromise the integrity of our operations but also violate the established norms and ethics expected from a member of the City Council.

The Los Alamitos Community Foundation values transparency and fully complies with legal and regulatory frameworks designed to foster trust and cooperation among community organizations and local government. However, unilaterally obtaining detailed financial disclosures without prior discussion or appropriate procedural adherence is neither appropriate nor acceptable.

This letter serves as a formal censure of Councilmember Murphy's actions, which we believe do not align with the values and standards expected of our city officials. We respectfully urge Councilmember Murphy to cease these inquiries and engage in a more constructive and officially sanctioned manner should legitimate concerns regarding any financial dealings exist.

Please be advised that we consider these actions to be an overreach and a misuse of power on behalf of the individuals representing the City. The Foundation will pursue any and all legal remedies available to protect our organization from unfair business practices, unwarranted attacks, or bullying of our vendors and business partners.

We trust that moving forward, Councilmembers will consider the implications of their actions on the relationships and cooperative agreements critical to the community development endeavors in Los Alamitos. The Foundation remains committed to transparent and principled collaboration and hopes to avoid such misunderstandings.

Thank you for your attention to this matter. We look forward to your cooperation and adherence to the irreproachable standards that guide our community's leadership.

Sincerely,

John Delavigne

John Delavigne
President, Los Alamitos Community Foundation

CONFIDENTIAL PERSONNEL INVESTIGATION REPORT

CITY OF LOS ALAMITOS – ALLEGATIONS AGAINST COUNCIL MEMBER TRISHA MURPHY

December 10, 2024

KRAMER WORKPLACE INVESTIGATIONS

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	SUMMARY OF FINDINGS.....	1
III.	METHODOLOGY OF THE INVESTIGATION.....	1
IV.	DESCRIPTION OF THE ALLEGATIONS – LETTER TO LOS ALAMITOS COMMUNITY FOUNDATION (EXHIBIT 1).....	3
V.	WITNESS INTERVIEWS	4
	A. Interview Of Tanya Doby	4
	B. Interview Of Jordan Nefulda	4
	C. Interview Of Shelley Hasselbrink	5
	D. Interview of Richard LeGaspi	7
VI.	COUNCIL MEMBER TRISHA MURPHY’S RESPONSE TO THE ALLEGATIONS	8
VII.	FINDINGS OF FACT.....	10
	A. Credibility Assessment	10
	B. Findings Of Fact	10
	1. Did Murphy identify herself as a Los Alamitos Council Member in an attempt to obtain financial information from TNT related to a Foundation fundraiser?.....	10
	2. Did Murphy infer a lack of transparency and question how money is managed within the Foundation?	12
VIII.	CONCLUSION	12

Pursuant to the request of the City of Los Alamitos ("City"), Karen Kramer of Kramer Workplace Investigations conducted a fact-finding investigation concerning allegations of misconduct made against Council Member Trisha Murphy.

I. INTRODUCTION

The City retained Kramer Workplace Investigations on or about July 11, 2024, to investigate the claim that Murphy abused her authority as a Council Member when she attempted to obtain financial information from TNT Fireworks ("TNT") regarding a Los Alamitos Community Foundation ("Foundation") fundraiser.

This report is a fact-finding document created through the methodology described herein. The report contains factual conclusions based upon the information made available during the course of the investigation. It does not draw any legal conclusions or assess whether any City policies or State laws were violated. Furthermore, while several hours were spent interviewing witnesses, this report does not purport to include every detail as described by the individuals involved. Rather, it assesses the important facts as they pertain to the allegations of misconduct made against Murphy.

II. SUMMARY OF FINDINGS

The allegations against Murphy are sustained. It is undisputed that on March 19, 2024, Murphy contacted TNT Area Manager Richard LeGaspi, identified herself as a Los Alamitos City Council Member, and asked LeGaspi to provide her with detailed financial information related to the Foundation's fireworks fundraiser because she is a Council Member. More likely than not, Murphy implied to LeGaspi that there was a concern with how the Foundation manages its money when she asked LeGaspi questions about the financial arrangement between the Foundation and TNT.

III. METHODOLOGY OF THE INVESTIGATION

The following persons were interviewed as part of this investigation:

1. Council Member Tanya Doby, on August 6, 2024;
2. Council Member Jordan Nefulda, on August 12, 2024;
3. Council Member Shelley Hasselbrink, on August 14, 2024;
4. Richard LeGaspi, Area Manager TNT Fireworks, on November 22, 2024 (via telephone); and
5. Council Member Trisha Murphy, on December 2, 2024, in the presence of her attorney, David Aleshire.

The following documents were reviewed and relied upon as part of this investigation:¹

1. Letter to Los Alamitos Community Foundation from TNT Fireworks Vice President Rick Poe (undated);
2. May 20, 2024 letter from John Delavigne, President, Los Alamitos Community Foundation, to Los Alamitos City Council;
3. July 8, 2024 letter from Carol Churchill to John Delavigne regarding "Reading of Letter from John Delavigne, Los Alamitos Community Foundation to Trisha Murphy, Council Member"; and
4. Council Member Trisha Murphy's handwritten and typewritten notes regarding "March 19, 2024 telephone conversation with Richard Legaspi [sic]."

¹ Copies of these documents are attached as exhibits to this report.

Attorney-Client Privileged Investigation Report

The Council Member witnesses were interviewed via Zoom, and their interviews were audio-recorded and memorialized by handwritten notes.² LeGaspi's interview was conducted via phone and was not audio-recorded, but it was memorialized by hand-written notes.³

The witnesses were told that they were expected to provide honest and forthright answers to the questions asked. They were also reminded of the City's policy against retaliation and told to not take any retaliatory action against anyone who participated in this investigation and to report any retaliation directed against them.

The undersigned did not interview all witnesses mentioned in the course of the investigation if, in the assessment of the undersigned, the witness did not have direct, relevant, or significant information related to the specific incidents within the scope of the investigation, or if the undersigned obtained the information from a different credible witness or source.

Council Member Emily Hibard was not interviewed as part of the investigation. Hibard was notified of the investigation on August 5, 2024. The undersigned sent her an email on August 6, 2024, and suggested a few dates for an interview to be conducted via video, but Hibard did not respond to this email. On September 4, 2024, the undersigned sent Hibard another email suggesting that her interview take place on September 10, 2024. Hibard responded to the email confirming the date and suggested time, and she wrote that she could meet via phone or at City Hall. The undersigned responded to Hibard, explaining that the interview would take place via Zoom because the undersigned is based in Northern California. Hibard did not respond to the email, but she accepted the Zoom invitation sent to her.

On September 10, 2024, Hibard "attended" her interview by calling in from her cell phone while she was driving. The undersigned and Hibard agreed to reschedule the interview so that she could attend via video, but Hibard did not initially respond to the undersigned's email with suggested dates, and after the undersigned followed up with Hibard on September 12, 2024, Hibard replied on September 13, 2024, stating, "Those dates are during my birthday week." In her September 13, 2024 email, Hibard asked the undersigned to send her the questions via email so that she could respond via email to "speed this up a bit."

The undersigned responded to Hibard on September 16, 2024, by asking her to provide some dates and times prior to September 26, 2024, when the undersigned was leaving for a two-week vacation, and advising Hibard that the process does not include sending questions in writing for a witness to respond in writing. Hibard did not respond to the undersigned's email, nor to the undersigned's subsequent emails sent on October 22, 2024, and a calendar invitation for an interview on October 30, 2024. In her email, the undersigned also wrote that if she did not receive a response to her email or Zoom invitation, she would assume that Hibard was not going to participate in the investigation. Hibard did not respond to either the email or the Zoom invitation, and therefore, was not interviewed as part of the investigation.⁴

There was significant delay in completing this investigation due to difficulties scheduling Murphy's interview. Murphy was notified that she was the subject of the investigation on September 17, 2024. On September 20, 2024, the undersigned sent Murphy an email suggesting they meet for her interview, via Zoom, on September 24, 2024. Murphy responded to this email on September 23, 2024, with a letter requesting certain information. Counsel for the City, Liebert Cassidy Whitmore, responded to Murphy's letter, notifying Murphy that she was not entitled to the information she requested. On September 30, 2024, Murphy sent the undersigned and Liebert Cassidy Whitmore a letter that appeared to be an effort on her part to expand the scope of the investigation into alleged misconduct by others. In this letter, she indicated that she was represented by an attorney for purposes of the investigation.

The undersigned returned to work after a two-week vacation on October 14, 2024, and sent Murphy an email on that day asking for her attorney's name and contact information. Murphy did not respond to this

² Copies of the recordings are available upon request.

³ LeGaspi's interview was not audio-recorded because it was not a scheduled interview.

⁴ The emails exchanged between Hibard and the undersigned are attached to this report as Exhibit 5.

email, so the undersigned sent her another email on October 22, 2024, reiterating her request for her attorney's name and contact information or asking her to confirm that she was not represented by an attorney and to commit to a date for her interview. The undersigned sent Murphy a Zoom invitation for an interview on October 29, 2024.

On October 23, 2024, Murphy notified the undersigned that her attorney was David Aleshire, so on October 24, 2024, the undersigned sent Aleshire an email confirming the interview scheduled for October 29, 2024. Aleshire did not respond to the undersigned's email, and the interview did not take place, so on November 4, 2024, the undersigned sent Aleshire another email, asking that he respond by the end of the day on November 6, 2024, to confirm Murphy's participation in the investigation. Aleshire responded to the undersigned on November 5, 2024, but did not agree to a date for Murphy's interview. In his email, Aleshire asked several questions regarding the undersigned's retention and relationship with Liebert Cassidy Whitmore. The undersigned responded to Aleshire's email on November 6, 2024, providing answers to the questions she was able to answer and confirming the scope of the investigation.

Aleshire did not respond to the undersigned's November 6, 2024 email until November 18, 2024, at which time he wrote that Murphy was willing to participate in the investigation and suggested the undersigned contact Murphy directly for an interview. On November 20, 2024, the undersigned sent Murphy an email explaining that it had been almost two months since she was initially contacted for an interview and that she intended to submit a report to the City the following week. The undersigned provided Murphy with two available dates for an interview, to which Murphy replied that she could not attend an interview on either date because Aleshire, who she described as "handling related aspects of this case," was out of the office until November 25, 2024. In her email, Murphy maintained that the "delays thus further were not of [her] making," and she requested that the undersigned document that Murphy's failure to participate in the investigation was "not the result of any unwillingness or lack of cooperation on [her] part."

In her November 20, 2024 email to the undersigned, Murphy proposed three possible dates for her interview, depending on the availability of Aleshire or an associate attorney. The undersigned responded to Murphy by suggesting two times on one of the dates she suggested and notifying her that the emails they exchanged would be attached as an exhibit to the report.⁵ On November 25, 2024, Murphy's interview was confirmed to take place on December 2, 2024.

IV. DESCRIPTION OF THE ALLEGATIONS – LETTER TO LOS ALAMITOS COMMUNITY FOUNDATION (EXHIBIT 1)⁶

In April 2024, TNT Vice President Rick Poe sent a letter to Foundation President John Delavigne, notifying the Foundation of an inquiry made regarding the Foundation's inaugural fireworks fundraiser, held in 2023. According to Poe's letter, on March 19, 2024, LeGaspi received a phone call from Murphy, who identified herself as a Los Alamitos Council Member.

Poe wrote in his letter that Murphy requested LeGaspi provide her with "detailed financial information directly related to the Foundation's fireworks fundraiser." Poe further wrote that LeGaspi asked Murphy if she was an officer with the Foundation, to which she replied that she was not involved with the Foundation in any capacity. According to Poe's letter, LeGaspi told Murphy that TNT's policy prevented anyone at TNT from disclosing financial or proprietary information related to the Foundation with anyone outside of the Foundation, and LeGaspi suggested to her that she contact the Foundation directly.

Poe's letter states that no one from TNT had further communication with Murphy, but TNT wanted the Foundation to know about Murphy's request. He wrote, "While we at TNT respect the position of all government officials, including Council Members, we must adhere to our policy as a means to protect our customers."

⁵ The emails exchanged between Murphy, Aleshire, and the undersigned are attached to this report as Exhibit 6.

⁶ This letter is not dated, but a stamp on the letter indicates the Foundation received it on April 16, 2024.

On May 20, 2024, Delavigne sent a letter to the Los Alamitos City Council expressing “deep concern and disapproval regarding recent actions that were perceived as abusing Council Member Trisha Murphy’s official powers regarding her dealings with TNT and the Los Alamitos Community Foundation.”⁷ In his letter, Delavigne wrote that Murphy made two attempts to acquire sensitive financial information regarding expenses incurred through the Foundation’s “cooperative efforts” with TNT, and that in doing so, she “inferred a lack of transparency and questions on how money is managed” by the Foundation. Delavigne further wrote, “This letter serves as a formal censure of Council Member Murphy’s actions, which we believe do not align with the values and standards expected of our city officials.”

V. WITNESS INTERVIEWS

A. Interview Of Tanya Doby

Doby has been a Council Member for five years. She opined that Murphy abused her power as a Council Member in several ways.⁸

Doby alleged that Murphy contacted TNT, the Foundation’s fireworks vendor. Doby noted that the City has “nothing to do with the fireworks.” She explained that Murphy was on the Foundation Board of Directors when the Foundation’s financial report was distributed to all of its Board members, but Murphy was removed from the Board after she held a Police Officers Association fundraising event but told the Police Chief that the event was an “appreciation event” for Police Department employees. Doby shared that Shelley Hasselbrink, the City’s Mayor Pro Tem, is the Foundation’s Secretary and Treasurer.

According to Doby, when Murphy contacted TNT, she told TNT that she needed documents supporting how much money the Foundation spent on fireworks. Doby advised that the TNT representative Murphy contacted was not comfortable giving her this information, so she (Murphy) said that she is a Council Member and that TNT needed to release the information to her. According to Doby, Murphy also sent an email to TNT requesting the information she wanted. Doby maintained that as a Council Member, Murphy should not meddle in the Foundation’s business.

Doby advised that TNT contacted the City Council to report that Murphy contacted TNT and that they were not comfortable releasing the information she requested. She stated that TNT asked for guidance from the City Council.

Doby opined that Murphy put the City’s and the Foundation’s relationship with TNT in jeopardy. She noted that TNT’s letter to the City Council copied the Foundation, who was “up in arms” about the City “getting involved in its business.”

Doby reported that all of the Council Members attended workplace violence prevention training. She stated that while she was at the training, she opined to herself that if Murphy and Hibard were City employees, they would have been fired for their harassment and hostility towards City staff and Council Members.⁹

B. Interview Of Jordan Nefulda

Nefulda has been a Council Member since December 2020. At the time of his interview, he was the Mayor and had been in this position since December 2023.

When asked if he has any concerns about a Council Member abusing their power, Nefulda responded, “Yes,” and stated that Murphy attempted to gain information from TNT regarding an accounting of fireworks for the Foundation. Nefulda explained that he joined the Board of Directors for the Foundation in 2024, so

⁷ Delavigne’s letter is attached to this report as Exhibit 2.

⁸ Only the incident involving TNT is included in this report because it is the only incident within the scope of this investigation.

⁹ Doby provided several examples of how Murphy and Hibard have been hostile towards City staff, but details regarding these incidents are not included because they are outside the scope of this investigation.

he was not on the Board when the 2023 fireworks fundraiser occurred. According to Nefulda, Murphy wanted to know how much money the foundation received from TNT, but instead of making her request to the Foundation's Board, she requested this information from TNT and used her position as a Council Member to demand this information.

Nefulda advised that he did not have any communication with Murphy about the TNT situation. He noted that all of the information he learned about the situation was from the letter TNT sent to the City Council and what was shared during the May 2024 and June 2024 closed sessions of the City Council.¹⁰

According to Nefulda, the Foundation Board of Directors discussed how to respond to TNT's letter, as the Directors were upset about Murphy "prying" into its financial records. Nefulda advised that he read the May 20, 2024 letter the Foundation's President sent to the City Council. He stated that even though he was a member of the Foundation Board at the time, he did not participate in preparation of the letter.

Nefulda assumed that the Foundation's financial records are public record. He shared that citizen Carol Churchill has the Foundation's financial records.¹¹ According to Nefulda, Churchill communicates with Murphy and Hibard, but Nefulda does not know the details of these communications.

C. Interview Of Shelley Hasselbrink

Hasselbrink has been a member of the City Council since 2014. At the time of her interview, she was the Mayor Pro Tem. Hasselbrink advised that she was also on the Board of Directors of the Foundation, which she founded.

Hasselbrink shared that she was aware of the allegation of abuse of power made against Murphy by the Foundation Board. Hasselbrink described the Foundation as a private nonprofit organization, separate from the City. She stated that the allegation of abuse of power involved Murphy contacting TNT, a Foundation vendor. According to Hasselbrink, Murphy contacted TNT directly asking for financial information regarding the Foundation's fireworks sales. She noted that prior to December 2023, Murphy was on the Foundation Board.

Hasselbrink advised that LeGaspi is her contact at TNT. According to Hasselbrink, LeGaspi told her that when Murphy contacted him for the Foundation's financial records, he asked Murphy if she had received the financials in her capacity as a Director, and Murphy told him that the information she received did not include the details she wanted and that she was not comfortable with one person handling all the money for the Foundation.¹² Hasselbrink advised that LeGaspi said that he asked Murphy if she was still on the Foundation's Board, and Murphy told him that she was not and that she was calling as a member of the Los Alamitos City Council. Hasselbrink shared that LeGaspi told her that Murphy calling him as a Council Member was a "huge red flag" to TNT because its client is the Foundation, not the City.

According to Hasselbrink, LeGaspi called her to tell her about his conversation with Murphy and that he advised Murphy to obtain whatever information she wanted from the Foundation directly. Hasselbrink reported that LeGaspi told her that a few days after his initial conversation with Murphy, she sent him an email asking him when she could expect the information she requested and what email address he used to send it to her. According to what LeGaspi told Hasselbrink, he did not respond to Murphy's email.

¹⁰ See Exhibit 2.

¹¹ Nefulda shared that after the Foundation censured Murphy, Churchill submitted a complaint to the Foundation's Board of Directors, accusing the Foundation of mismanagement of funds, and attached the Foundation's financial statements to the complaint. Churchill's complaint letter is attached to this report as Exhibit 3. Nefulda assumed that Churchill obtained the records from Murphy, who received these documents when she was a member of the Foundation Board.

¹² Hasselbrink shared that she was the Foundation's Treasurer at the time, so she assumed Murphy was referring to her when she mentioned "one person handling all the money."

Hasselbrink explained that after Poe sent a letter to the Foundation Board notifying the Board of Murphy's conduct, the Foundation Board met and voted to send a letter to the City to notify the City Council that one of its members abused her power as a Council Member by contacting TNT directly to obtain information about the Foundation.

Hasselbrink noted that Murphy did not have the authority to obtain the Foundation's financial records beyond what she was provided as a Director while she was a member of the Board. She explained that there are a lot of nonprofits operating within the City and that the City Council wants to make sure other nonprofits have not received similar requests from Murphy in her capacity as a Council Member. She maintained that the Foundation should be treated like any other nonprofit in the City because it is not managed by the City, even though it raises funds to supplement City programs.

Hasselbrink maintained that as a Council Member, Murphy does not have any authority over TNT or the Foundation. She reiterated that at the time Murphy requested information from TNT, she was no longer a member of the Foundation's Board. According to Hasselbrink, the Board accepted the financials she prepared in August 2023 in her capacity as the Foundation's Treasurer. She noted that Murphy received the same financial reports that other Foundation Board members received.

Hasselbrink explained that to the extent Murphy was concerned about Foundation money being handled by only one person, the Foundation's Treasurer presents the Foundation's financial reports and bank statements to the Foundation's Board every month. She noted that Murphy never questioned the financial reports or bank statements while she was a Director.

Hasselbrink reiterated that simply because she is a Council Member, Murphy does not have the authority to question how the Foundation spends its money. She assumed Murphy wanted TNT's records because these records would show the expenses TNT incurred on behalf of the Foundation when it sold fireworks as a fundraiser for the Foundation, including the insurance, space rental, and other expenses. According to Hasselbrink, she detailed these expenses in her reconciliations, and her reports showed that the Foundation made 50 percent of what TNT sold, minus expenses. She noted that cash sales were paid directly to the Foundation.

Hasselbrink explained that the Foundation purchased fireworks from TNT to sell as a fundraiser and that Foundation volunteers sold the fireworks at the booth the Foundation rented. She further explained that the booth rental space cost approximately \$5,000 and that the Foundation and TNT each paid 50 percent of that expense. According to Hasselbrink, TNT obtained the pyrotechnic insurance because it is easier for TNT to obtain that type of insurance than it is for the Foundation. She stated that TNT incurred the expenses and the Foundation reimbursed TNT.

Hasselbrink advised that in 2023, the Foundation sold \$150,000 worth of fireworks, so its profit was \$75,000, minus \$5,000 for two booth rentals (\$2,500 each), \$400 for iPad rentals, and \$1,100 for pyrotechnic insurance. She explained that there was \$32,000 profit in credit card sales and that the cash they received was deposited directly into the Foundation's bank account, so the total profit was \$32,000 plus whatever cash was received. Hasselbrink maintained that this information was included in the report she prepared and sent to the Foundation Board in August 2023, while Murphy was still on the Board.

Hasselbrink shared that Murphy never asked her for any additional information about the Foundation's financial records or the details she requested from TNT. She noted that she sits next to Murphy on the dais during Council meetings.

Hasselbrink reported that Murphy never responded or addressed the concerns TNT raised in its letter, aside from speaking through Churchill in the letter Churchill wrote saying that Murphy was never allowed to defend her actions.¹³ According to Hasselbrink, Council Members were advised not to contact vendors directly months earlier, after the City Council learned that Murphy called the City Attorney's law firm to request detailed invoices and that the firm did not provide them to her because she is not the firm's client.

¹³ See Exhibit 3.

Hasselbrink advised that approximately three weeks before her interview, Churchill, who is an attorney, reported the Foundation to the Attorney General, accusing the Foundation of misappropriation of funds, not publishing detailed minutes, and not providing financial reports upon request. She noted that there was never a request to the Foundation for its financial records, nor does the Foundation have any obligation to share its financial information because it is not associated with the City. She opined that Murphy and/or Hibard shared information with Churchill to create "havoc."

D. Interview of Richard LeGaspi

LeGaspi has worked for TNT for over 20 years. He advised that he had two in-person interactions with Murphy in 2023, at the fireworks stand in Los Alamitos. He also reported having one telephone conversation with her several months later, in early 2024.¹⁴

According to LeGaspi, when Murphy called him in early 2024, she asked him a lot of questions about the financial arrangement between TNT and the Foundation. He stated that he answered most of Murphy's questions, explaining to her that the Foundation made 50 percent of what was sold, minus expenses such as permits.

LeGaspi stated that Murphy asked to see the records of what was paid to the Foundation for the fundraiser and that he told her to request the information from the Foundation. He shared that Murphy told him that the Foundation would not provide her with the records she wanted because she had been removed from the Foundation's Board of Directors, and he told her that he would not share the records with her either.

According to LeGaspi, in response to him telling Murphy that he would not provide her with any Foundation records, she said, "Well, I'm a City Council Member, so I'm calling you as a Council Member to get the information I need," or words to this effect.¹⁵ LeGaspi stated that he knew Murphy was a Council Member prior to their telephone conversation, but when she mentioned her position during their call, he felt uncomfortable telling her that he was not going to give her what she wanted. However, he maintained that Murphy being a Council Member did not change anything with respect to him providing Foundation business records to her.

LeGaspi stated that Murphy was nice to him during the first part of their conversation, but then she "turned not nice" when he refused to give her the documents she wanted. He advised that the call ended shortly after he told Murphy that the information she requested was confidential between the Foundation and TNT and that he would speak to his boss about whether he could give her the documents she requested. LeGaspi estimated that his telephone call with Murphy lasted approximately 10 minutes.

According to LeGaspi, a couple of weeks after his telephone conversation with Murphy, she left him a message stating that she had not received the records she requested and asking when she would receive them. He stated that he did not respond to Murphy's message and that he has not had any communication with her since their telephone conversation.¹⁶

LeGaspi denied feeling threatened by Murphy but opined that she had a "do you know who I am" attitude, implying that as a City Council Member, she was entitled to whatever information she requested regarding the relationship between the Foundation and TNT.

LeGaspi advised that he was familiar with the letter Poe sent to the Foundation because he delivered the letter to the Foundation.¹⁷

¹⁴ LeGaspi did not have an independent recollection of the date of his telephone conversation with Murphy.

¹⁵ LeGaspi was not sure if Murphy used the word "want" or "need" when she made this statement.

¹⁶ LeGaspi thought that Murphy's message was a voicemail. He did not recall receiving any emails from Murphy.

¹⁷ See Exhibit 1.

VI. COUNCIL MEMBER TRISHA MURPHY'S RESPONSE TO THE ALLEGATIONS

Murphy has been a Council Member since October 2022, when she was appointed to the position after her predecessor passed away during his term. Murphy was on the Foundation's Board from March 2022 through December 2023. Prior to her role on the City Council, she was also a Commissioner for the Parks & Recreation Commission from 2018 until 2022.

Murphy advised that there is an MOU between the Foundation and the City, and stated that the City makes laws that impact the Foundation. She shared that the Foundation uses City Hall for meetings and the City provides insurance for the Foundation. According to Murphy, when the City Council "decided to sell fireworks," it impacted the Foundation because it sold fireworks for the City.

Murphy stated in March 2024, she had a telephone conversation with LeGaspi. Prior to speaking to LeGaspi, she had previously communicated with him while she was a volunteer at the Foundation's fireworks booth. She explained that in June 2023, she contacted LeGaspi for more inventory for the fireworks stand when inventory ran low. She noted that he also trained the fireworks stand volunteers on how to use the iPad for sales, and she saw him when he attended one of the Foundation's monthly meetings prior to the fireworks sale, though she did not speak to him at the meeting.

Murphy reported that while she volunteered at the fireworks stand, she observed other volunteers fail to input cash sales, which she opined is what triggered the low inventory. She noted that the inventory did not match the cash sales, so during the August 2023 Board meeting, she requested supporting documentation regarding the Foundation's financial records. According to Murphy, she did not receive the supporting documentation she requested. She stated that Hasselbrink told her that "they" were still reviewing things and there would be some changes made to the distribution of funds to the nonprofit, so she would receive the documents she requested at a later time.

Murphy noted that prior to the September 2023 Board meeting, Board members received a bank statement, but there was no supporting documentation provided. She explained that the bank statement did not provide a reconciliation of the expenses reflected on the statement. Murphy acknowledged that she did not make a subsequent request for supporting documentation from the Board after her initial request in August 2023.

Murphy shared that she contacted LeGaspi by telephone on March 19, 2024, to ask him for the documentation to reconcile the expenses incurred at the fireworks stand. Murphy explained that in approximately February or March 2024, she was reviewing documents on her desk and realized that she had not received the supporting documentation she requested. She acknowledged that she did not contact anyone at the Foundation for the supporting documentation at that time.

According to Murphy, when she spoke to LeGaspi, she told him that she was a former Director of the Foundation, and that she was "relieved of her duties" in December 2023. She stated that she explained to LeGaspi that she was a Director when the Foundation had its initial sale of fireworks in the City and that she observed some concerns while she was volunteering. Murphy advised that she told LeGaspi that volunteers did not input cash sales into the iPad, which led to the inventory being low. She also stated that she told LeGaspi that she received a financial statement, but it did not provide any supporting documentation detailing the revenue and expenses, such as receipts, so she was hoping TNT could provide her with the supporting documentation.

Murphy reported that during her telephone conversation with LeGaspi, he mentioned that his uncle was a former Council Member for the City and also shared that he [LeGaspi] had a nonprofit in the City. Murphy stated that after LeGaspi mentioned his uncle being a former Council Member, she told him that she was a Council Member for the City. She shared that she and LeGaspi talked and laughed about the challenges his uncle faced as a Council Member and "other joys about living in Los Alamitos."

Murphy reported that at the end of her conversation with LeGaspi, he confirmed with Murphy that she was a former Director and not a current Director. Murphy stated that she agreed with LeGaspi, but reminded him that what she observed occurred while she was a Director. According to Murphy, LeGaspi said he

would check with his supervisor to confirm whether he could provide any information to Murphy given her role as a former Director, but he would get back to her. She noted that he did not identify his supervisor by name.

Murphy advised that approximately two weeks after her conversation with LeGaspi, she left him a voicemail message to follow up regarding the documents she requested. She noted that LeGaspi did not respond to her message, and that shortly thereafter, she received a copy of the letter Poe sent to the City.¹⁸ Murphy denied sending LeGaspi an email about the documents she requested.

Murphy estimated that her conversation with LeGaspi lasted approximately 18 to 20 minutes. She stated that she was alone, walking her dog when she spoke to him. Murphy shared that she prepared notes after her conversation with LeGaspi.¹⁹ Murphy advised that the only person she communicated with about her conversation with LeGaspi was Hibard.

Murphy shared that LeGaspi never indicated to her that he was uncomfortable during their telephone conversation. She stated she did not know if he was uncomfortable because she “does not know his emotions.”

Murphy reported that Poe’s letter is not accurate because Poe wrote that Murphy contacted LeGaspi as a Council Member, which she maintained she did not do, but instead, she contacted LeGaspi as a former Director of the Foundation. Murphy stated that the letter was also inaccurate because Poe wrote that LeGaspi told her that he could not disclose the information based on a policy of the organization, which she maintained LeGaspi did not say to her.

Murphy opined that as a former Director of the Foundation, she was entitled to the financial information she requested because of what she observed while she was a Director volunteering at the fireworks stand.

Murphy acknowledged that between September 2023 and March 2024, she did not ask Hasselbrink, the Foundation’s Treasurer, for any documentation, and that the only request she made for the records she sought was her initial request between August and September 2023. Murphy further acknowledged that in response to her request, she received a bank statement, but she opined this documentation was insufficient to address her concerns.

Murphy denied saying to LeGaspi that as a City Council Member, she was entitled to the information regarding the Foundation that she requested. According to Murphy, she explained to LeGaspi that as a former Director, she was entitled to the information she requested. During her interview, she explained that she was “protecting herself” because of the financial discrepancies she observed while she was volunteering at the fireworks stand.

Murphy acknowledged that during her conversation with LeGaspi, the word “transparent” was mentioned because she is “all about transparency and accountability.” She stated that she told LeGaspi that she would like to have the Foundation’s financial documents to reconcile the expenses for the fireworks sale because the expenses seemed to outweigh the amount of money raised. Murphy shared that she told LeGaspi that she believed the Foundation was not being transparent with her because she was not provided any type of reconciliation of the expenses incurred as part of the fireworks sales. She denied mentioning anything to LeGaspi about how the Foundation manages its money.

Towards the end of her interview, Murphy reiterated that she did not tell LeGaspi that she was calling him as a Council Member and/or that as a Council Member, she was entitled to the information she requested. During her interview, Murphy did not have an explanation for why LeGaspi attributed comments to her that she maintained she did not make. She maintained that during her conversation with LeGaspi, she

¹⁸ See Exhibit 1.

¹⁹ Murphy provided the undersigned with her handwritten notes written after her conversation with LeGaspi on March 19, 2024, as well as typewritten notes that she prepared on November 11, 2024.

mentioned being a Council Member only after LeGaspi told her that his uncle was a Council Member for the City.

VII. FINDINGS OF FACT

The purpose of this report is to make findings of fact on the allegations of misconduct made against Murphy. This report does not express any opinion as to whether any of the actions described herein rise to the level of a violation of City policies or State law.

In conducting this investigation, the undersigned did not set out to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The City gave the undersigned the discretion to conduct this investigation without interference and did not attempt to influence the findings in this report. The factual findings were made by carefully analyzing the documentary and testimonial evidence gathered as part of the investigation.²⁰

A. Credibility Assessment

It is important to note that prior to making a determination regarding the facts as alleged, the credibility of each witness was considered. In evaluating a witness's credibility, many factors were considered, including possible bias or motivation to lie, the ability of a witness to recall information, the specificity of the information provided, whether the information provided was consistent with prior statements made by the witness and/or statements made by other witnesses, and the inherent plausibility of the information provided.

There is reason to question the reliability of the Council Member witnesses interviewed as part of this investigation. Specifically, Murphy's credibility is questionable due to her motivation to downplay her March 19, 2024 conduct to avoid public censure or disapproval by her colleagues on the City Council.

Similarly, the reliability of some of the information provided by Doby, Nefulda and Hasselbrink's is questionable due to their lack of firsthand knowledge of the interaction between Murphy and LeGaspi. For example, Hasselbrink and Doby reported that after Murphy called LeGaspi, she followed up with him via email, but LeGaspi and Murphy confirmed there was no such email and that Murphy followed up with LeGaspi via voicemail. Additionally, for the most part, the Council Members' accounts of what occurred between Murphy and LeGaspi are based on second- and/or third-hand accounts, as reported by LeGaspi to Hasselbrink and Poe's letter.²¹

Notably, there is no known motive for LeGaspi to falsely attribute conduct and/or statements to Murphy. He credibly maintained that when Murphy contacted him, she told him that she was asking him for Foundation business records as a Council Member. This statement was documented in a letter to the Foundation and is consistent with what LeGaspi reported to Hasselbrink and to the undersigned.

Based upon the foregoing, when analyzing the evidence presented to make the following findings, the undersigned gave greater weight to LeGaspi's perspective and statement as compared to Murphy's.

B. Findings Of Fact

1. Did Murphy identify herself as a Los Alamitos Council Member in an attempt to obtain financial information from TNT related to a Foundation fundraiser?

It is undisputed that Murphy contacted TNT to obtain Foundation financial records. Murphy admitted to making such a request of LeGaspi when she called him on March 19, 2024. LeGaspi corroborated what

²⁰ The facts are assessed using a preponderance of the evidence (more likely than not) standard of proof. What might be considered hearsay in a legal proceeding was considered and given appropriate weight in this investigation.

²¹ See Exhibit 1.

was stated in Poe's letter regarding the telephone conversation he had with Murphy.²² Additionally, in Churchill's July 8, 2024 letter to Delavigne and the Foundation Board of Directors, Churchill wrote, in pertinent part, "[Murphy] asked for and was denied financial records to verify the accuracy of cash on hand leading her to inquire of TNT, the vendor."²³

It is also undisputed that when speaking with LeGaspi to request Foundation financial records, Murphy identified herself as a Los Alamitos City Council Member. The factual dispute is whether Murphy used her position as a Council Member to try to obtain the financial records she wanted, and more specifically, whether she said to LeGaspi that she was calling him in her capacity as a Council Member to get the information she wanted, or used words to this effect.

LeGaspi credibly described the statements made by Murphy when they spoke on the phone in early 2024. He contemporaneously reported the conversation to his boss, Poe, who wrote a letter documenting what LeGaspi reported to him.²⁴ Regardless of the exact words used by Murphy, he perceived her as using her position as a Council Member to obtain records that she was not otherwise entitled to receive.

Even though Murphy maintained that she identified herself as a Council Member to LeGaspi only after he mentioned that his uncle was a former Council Member, LeGaspi credibly reported that Murphy said to him that she was calling him "as a Council Member." There is no known reason for LeGaspi to falsely report that during their telephone conversation, Murphy identified herself as a Council Member and said that she was calling him "as a Council Member" to obtain financial information regarding the Foundation.

Notably, Murphy's handwritten notes, which she reported she created shortly after her conversation with LeGaspi, make no mention of her identifying herself as a former Director or that she told LeGaspi she was a Council Member. Murphy advised that her typewritten notes were prepared on November 11, 2024 "from previously scribbled notes."²⁵ However, Murphy's typewritten notes contain many details about her conversation with LeGaspi not included in her "scribbled notes," such as how she identified herself when speaking to LeGaspi and that she shared with him that she was a Council Member after he told her that his uncle was a former Council Member.

On the one hand, the undersigned considered that Murphy prepared notes regarding her conversation with LeGaspi to bolster her credibility. On the other hand, after comparing her handwritten and typewritten notes and learning that the typewritten notes were prepared approximately eight months after her telephone conversation with LeGaspi, these notes were given little weight. The handwritten notes do not support what Murphy reported she said regarding her role on the City Council, while the typewritten notes were more likely than not prepared in anticipation of her interview for this investigation after she received Poe's letter describing LeGaspi's version of their conversation.

LeGaspi shared that Murphy told him that she was "not involved with the Foundation in any capacity," evidencing that she did not misrepresent her role as a former Board member but instead relied upon her role as a Council Member to try to obtain the information she sought. More likely than not, Murphy used her position as a Council Member to get information she was not otherwise entitled to receive, implying to LeGaspi that as a Council Member, she was entitled to the information.

Additionally, in Churchill's complaint letter, she wrote, "Mr. Delaveign [*sic*] and Mr. Gallagher's action at the council meeting was intended to create the impression that Ms. Murphy, *as a council member* [emphasis added], had done something wrong *in seeking accurate financial data* [emphasis in original] from the Foundation, a duty of each Board member."²⁶ Notably, Murphy was not a Board member at the time she contacted TNT to obtain Foundation financial data, but Churchill's letter appears to indicate that as a

²² See Exhibit 1.

²³ See Exhibit 3.

²⁴ See Exhibit 1.

²⁵ Murphy's notes are attached to this report as Exhibit 4.

²⁶ See Exhibit 3.

Council Member, Murphy was somehow entitled to that information, which Hasselbrink and others credibly maintained is not accurate because the City and the Foundation are two separate entities.

During her interview, Murphy repeatedly maintained that she was entitled to the Foundation's financial records that she requested LeGaspi provide to her as a former Director on the Foundation's Board. The reason she articulated for being entitled to this information as a former Director is that while she was a Director, she identified inconsistencies regarding the Foundation's expenses incurred for the fireworks sales. Murphy's reliance on her role as a former Director is nonsensical because being a former Director does not give her any special access to information that a member of the public would not otherwise be entitled.

2. Did Murphy infer a lack of transparency and question how money is managed within the Foundation?

More likely than not, Murphy's request to LeGaspi inferred a lack of transparency and impropriety by the Foundation. Her questions to LeGaspi about the financial arrangements between TNT and the Foundation created an inference that the Foundation's money management was questionable.

Murphy admitted during her interview that she told LeGaspi that she believed the Foundation was not being transparent with her because she was not provided any type of reconciliation of the expenses incurred as part of the fireworks sales. She denied mentioning anything to LeGaspi about how the Foundation manages its money. Although LeGaspi did not indicate during his interview that he inferred from Murphy's comments that the Foundation had questionable money management practices, it is reasonable for one to assume that because Murphy contacted LeGaspi and asked him questions about the Foundation's financial arrangement with TNT, in addition to her request to see documentation of what TNT paid to the Foundation for the fundraiser, she had concerns about the Foundation's management of its money.

VIII. CONCLUSION

Based upon the foregoing, the allegations that Murphy identified herself as a Council Member to LeGaspi in an attempt to obtain Foundation financial information and that her request to TNT for Foundation financial information inferred to LeGaspi that there was impropriety by the Foundation regarding the fireworks fundraiser are sustained.

If any further assistance is needed, please do not hesitate to ask.

Respectfully Submitted,



Karen Kramer
Kramer Workplace Investigations



RECEIVED

APR 16 2024

City Clerk's Office
City of Los Alamitos

Los Alamitos Community Foundation
Attn: John Delavigne
10911 Oak Street
Los Alamitos, CA 90720

Dear Mr. Delavigne,

My name is Rick Poe, Vice President of TNT Fireworks, based in our Fullerton Office. The intent of this correspondence is a simple courtesy informing you of a recent inquiry we received regarding the Foundation's inaugural fireworks fundraiser in 2023.

On March 19, 2024, TNT's Area Manager for Los Alamitos, Rich LeGaspi, received a phone call from someone identifying themselves as Los Alamitos Councilmember, Trisha Murphy. During that phone call, Councilmember Murphy had requested some detailed financial information directly related to the Foundation's fireworks fundraiser. In response, Mr. LeGaspi asked if Councilmember Murphy was an Officer, or some authoritative member of the Los Alamitos Community Foundation. When she replied that she was not involved with the Foundation in any capacity, Mr. LeGaspi explained that TNT's policy prohibited him, or anyone at TNT, from disclosing any financial or proprietary information related to the Foundation with anyone outside that organization and advised her to contact the Foundation directly.

We have had no other communication with Councilmember Murphy. However, as a customer with TNT we felt compelled to notify you. While we at TNT respect the position of all government officials, including Councilmembers, we must adhere to our policy as a means to protect our customers.

We are grateful for the relationship TNT has built with The Los Alamitos Community Foundation in helping them raise much needed funds to provide first class programs within the City of Los Alamitos. We look forward to working with the Foundation in 2024. Certainly, we are available for any questions at your convenience.

Sincerely,

TNT FIREWORKS

Rick Poe

Vice President

Cc Los Alamitos City Council
Chet Simmons, City Manager, City of Los Alamitos
John Kelly, Vice President, TNT Fireworks
Rich LeGaspi, Area Manager, TNT Fireworks.



City of Los Alamitos
Los Alamitos City Council
3191 Katella Avenue
Los Alamitos, CA 90720

May 20, 2024

Dear Los Alamitos City Council,

I am writing on behalf of the Los Alamitos Community Foundation to formally express our deep concern and disapproval regarding recent actions that were perceived as abusing Councilmember Trisha Murphy's official powers regarding her dealings with TNT Fireworks and the Los Alamitos Community Foundation.

It has come to our attention that Councilmember Murphy made two attempts to acquire sensitive financial information regarding expenses incurred through our cooperative efforts with TNT Fireworks. She inferred a lack of transparency and questions on how money is managed within the foundation. These inquiries suggest an overreach of her official capacities and responsibilities. Such actions not only compromise the integrity of our operations but also violate the established norms and ethics expected from a member of the City Council.

The Los Alamitos Community Foundation values transparency and fully complies with legal and regulatory frameworks designed to foster trust and cooperation among community organizations and local government. However, unilaterally obtaining detailed financial disclosures without prior discussion or appropriate procedural adherence is neither appropriate nor acceptable.

This letter serves as a formal censure of Councilmember Murphy's actions, which we believe do not align with the values and standards expected of our city officials. We respectfully urge Councilmember Murphy to cease these inquiries and engage in a more constructive and officially sanctioned manner should legitimate concerns regarding any financial dealings exist.

Please be advised that we consider these actions to be an overreach and a misuse of power on behalf of the individuals representing the City. The Foundation will pursue any and all legal remedies available to protect our organization from unfair business practices, unwarranted attacks, or bullying of our vendors and business partners.

We trust that moving forward, Councilmembers will consider the implications of their actions on the relationships and cooperative agreements critical to the community development endeavors in Los Alamitos. The Foundation remains committed to transparent and principled collaboration and hopes to avoid such misunderstandings.

Thank you for your attention to this matter. We look forward to your cooperation and adherence to the irreproachable standards that guide our community's leadership.

Sincerely,

John Delavigne

John Delavigne
President, Los Alamitos Community Foundation

Cc: Los Alamitos City Council, Chet Simmons, City Manager, Michael Daudt, City Attorney

Carol A Churchill
3092 Blume Drive
Los Alamitos, CA. 90720

July 8, 2024

John Delavigne, President - District 5
Los Alamitos Community Foundation
10911 Oak Street
Los Alamitos, CA 90720

**Regarding: Reading of Letter from John Delavigne,
Los Alamitos Community Foundation
to Trisha Murphy, Council Member**

City Council Meeting on May 14, 2024

Mr. Delavigne and Members of the Board:

I am responding to the letter read into the City Council record on May 14, 2024, by Mr. Dan Gallagher, a member of the Board of the Los Alamitos Community Foundation (LACF), attacking Council Member Trisha Murphy and threatening her with a lawsuit.

Board Minutes show that the Board considered a letter written in April 2024 by TBT Fireworks, the company that partnered with Los Alamitos Community Foundation to sell Safe & Sane Fireworks in July 2023.

The Board Minutes reflect that the Board members did NOT discuss or vote to authorize the President to prepare and transmit to the City Council a threat of litigation and censorship in response to the TNT letter.

It is also no coincidence that the Minutes of the Board meetings reflect that the TNT letter **was dated April 2024, and** the Board met in **May 2024** to discuss TNT's letter; BUT, Ms. Murphy was NOT provided with a written copy of the Board's letter either before or after the **May 2024 Council meeting**.

It is clear that Mr. Delavigne and Mr. Gallagher intended to attack Ms. Murphy's character in public, thus holding her up to public contempt and ridicule and denying her the opportunity to defend her actions. This conduct appears to be an attempt to avoid scrutiny of the financial transactions of the organization.

To refresh the Board's memory, in 2023, Trisha Murphy, a council member, was appointed as member of the Board of LACF, and she participated in the fireworks fundraiser as a volunteer observer so **she has personal knowledge of the facts, including the mishandling of cash sales of fireworks leading to inconsistencies between the inventory and bank records. She asked for and was denied financial records to verify the accuracy of cash on hand leading her to inquire of TNT, the vendor.**

The letter read at the Council meeting stressed that the **LACF was "transparent" in its financial reporting.** That statement is contradicted by the following facts:

1. The **990EZ 2022 Short Form Return of Organization Exempt from Income Tax** prepared by Shelly Hasselbrink as Treasurer **under states the Foundation's Net Assets by \$20,000.** A copy of the IRS tax return is attached.

This error is obvious, and is the result of the failure of the Treasurer **and Board** to reconcile bank deposits with the income tax return.

2. The failure of the Board's Treasurer to file **2021, 2022 and 2023 Annual Treasurer's Report (FORM CT_TR_1)** with the **California Department of Justice** on time. See the attached Letter dated January 20, 2024 from the California Department of Justice, informing the Foundation that the required **2021 Financial Report** was not received by the **State Charity Registry.** The Annual Treasurer's reports for **2022 and 2023 are not listed on the Department of Justice website** as required by law.

3. A review of the Board's Minutes published on the City of Los Alamitos' website reflect that the Treasurer does NOT provide written financial reports or bank records for public review as part of the Minutes. The Minutes are non-sensical in descriptions of financial transactions which contributes to the lack of transparency of financial matters.

The Foundation's Minutes provide no Income/Expense reports; no bank records to verify the cash on hand and accuracy of cash deposits; no accounting for the "donations" of the value of services and supplies provided by the City Staff as "in kind" contributions such as: the use of public facilities for the private benefit of the Foundation; the value of city

staff's salaries & benefits contributed by taxpayers as detailed in the MOU; the value of legal services provided by the City attorney; E&O insurance premiums paid on the behalf of the Foundation by the City of Los Alamitos; the use and consumption of the supplies belonging to the City of Los Alamitos, and an accurate report of the transfer of "donations" from the City to the Foundation.

Suffice it to say, the lack of financial transparency and accuracy is staggering, and primarily the failure of the Board to comply with State law, and supervise the Treasurer, follow the Bylaws, and comply with State non-for-profit laws.

The **Memorandum of Understanding** between the Foundation and the City clearly states that the **City is not part of the Foundation**. The MOU requires **that the Foundation to keep accurate records** of costs incurred under this Agreement. The MOU requires that records to be available to City upon request at reasonable times. The MOU likewise requires the FOUNDATION to keep the records for not less than two (2) years. The "City" signed the MOU on behalf of **the community it seeks to support through financial contributions to the Foundation.** Council members serve on the Foundation Board to **verify that "taxpayer money" transferred from the City to the Foundation is not being misappropriated or improperly used for non-charitable purposes.**

A copy of the **California Attorney General's "Guide for Charities"** is enclosed so that each Board member can educate themselves about their fiduciary duties, conflicts of interests, and their obligations for transparency and accuracy in financial reporting, **and their financial liability for failure to do so.**

Since Ms. Murphy is not a member of your Board, **your Board has no authority to issue a public "censure"**.

Mr. Delaveign and Mr. Gallager's action at the council meeting was intended to create the impression that Ms. Murphy, as a council member, had done something wrong in seeking accurate financial data from the Foundation, a duty of each member of the Board.

A copy of the Complaint I filed with the California Department of Justice regarding the lack of accurate financial reporting is enclosed.

Carol A Churchill


Enclosures -
Complaint to the California Attorney General
Short Form 990 EZ
January 10 2024 Department of Justice Letter
2023 Fireworks Fundraiser Reconciliation
Board Minutes
California Attorney General's Guide for Charities

Copy:
Event - News Enterprise

Shelley Hasselbrink, Treasurer and Council Representative
Jordon Nefulda - Council Representative
Dan Gallagher - District 1
Susie Schemer - District 2
Cory Lakin - District 3
Debbie Kent - District 4
Malena Madrid - Business Representative (Epson America):
Tamra Smalewitz - Business Representative (Southland Credit Union)

March 19, 2024 telephone call with Richard Legaspi

I contacted TNT Fireworks and spoke with Richard Legaspi, the Area Manager for Los Alamitos. I introduced myself as Trisha Murphy, identifying my former role as a Director of the Los Alamitos Community Foundation. Mr. Legaspi then inquired, "Former? So you're not currently a Director?" to which I clarified, "No, I was removed from my position in December 2023. However, during my tenure as a Director, I observed certain concerning issues at the Foundation's fireworks booths."

Mr. Legaspi requested more specifics, and I explained that during my volunteer shift in June 2023, I observed that some volunteers were not entering cash sales into the iPads provided by TNT. This practice led to inaccurate inventory records and created an inability to verify the total cash received from customers. As a result, neither I nor the other volunteers were fully aware of the cash totals, as we were only instructed to contact Shelly Hasselbrink, the Foundation's Treasurer, when the cash box needed emptying.

In response, Mr. Legaspi suggested that I should have received a financial statement detailing revenue and expenses from the two fireworks stands, which the Foundation's Treasurer was responsible for. I acknowledged that the Foundation's Directors did receive a statement; however, it lacked supporting documentation necessary to substantiate the reported figures. I explained that my purpose in contacting TNT was to obtain this financial information to verify the data presented to the Foundation's Directors.

Additionally, I noted that the Foundation's financial information was not readily available to Directors, and I had raised my concerns about these practices with the City Manager, Chet Simmons, in September 2023. When Mr. Legaspi asked what had come of this report, I replied that no action was taken and that I had set the matter aside over the holidays until recently.

At this point, Mr. Legaspi shared some personal history, discussing his connections to the city, including that his nonprofit organization operated there and that his uncle had served as a Los Alamitos council member. I then shared that I, too, am currently a Council member, and we briefly discussed the joys and challenges of this role.

Mr. Legaspi concluded by stating that he would need to confirm whether he could provide the requested information, given that I was no longer a Director of the Foundation. He assured me that he would follow up after consulting his team.

After over two weeks without further communication, I followed up with a call and left a voicemail, as Mr. Legaspi was unavailable. I did not receive a response from him, but I later received a letter from Vice President Rick Poe of TNT, which was delivered to the City Clerk's Office of Los Alamitos on April 16, 2024 (see attached).

From: [Trisha Murphy](#)
To: [Karen Kramer](#); daleshire@awattorneys.com
Subject: March 19, 2024 Telephone Conversation Scribble Notes with Richard Legaspi
Date: Monday, December 2, 2024 6:58:51 PM

Good evening Ms. Kramer,

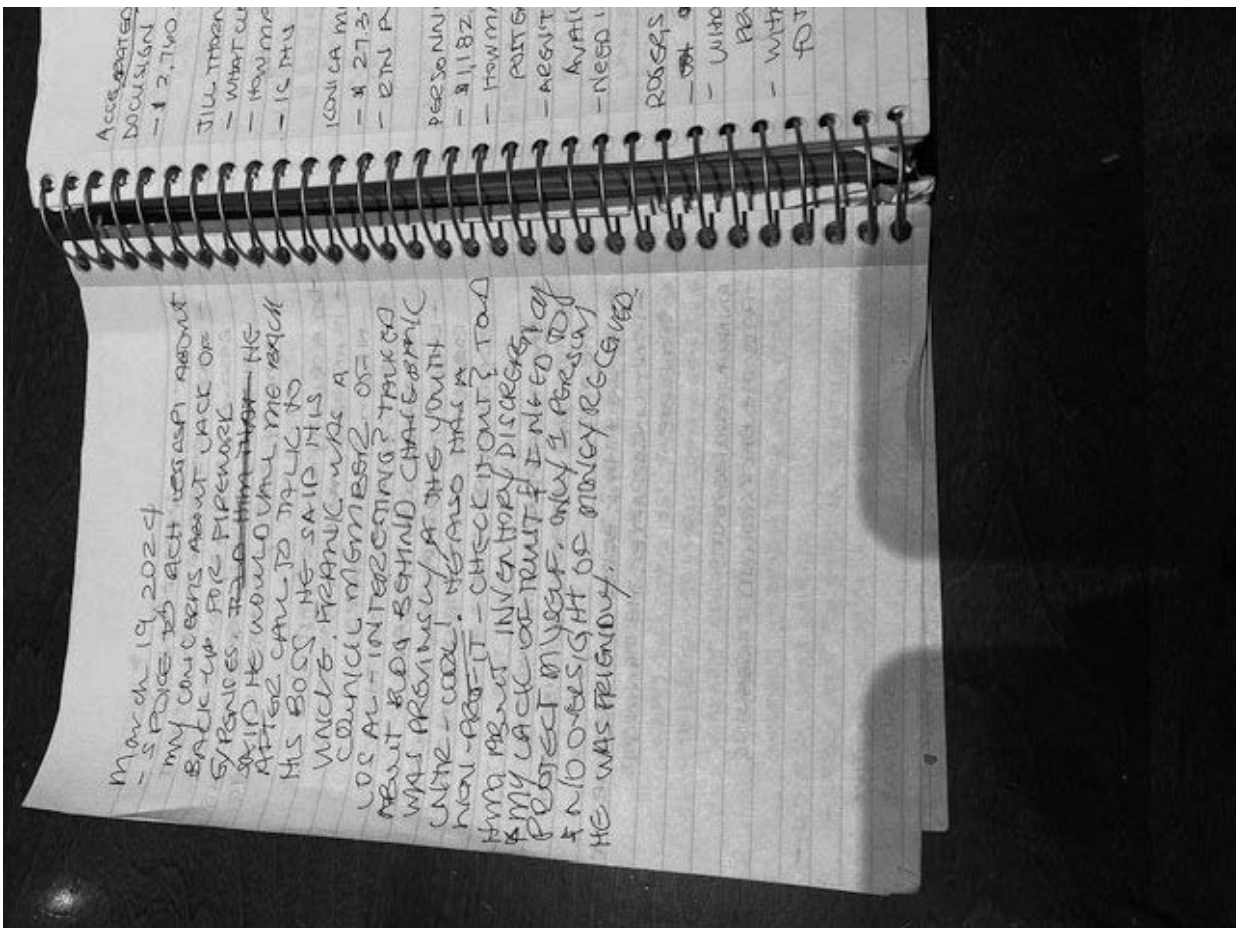
Attached is a copy of the scribbled notes from my March 19, 2024, conversation with Mr. Richard Legaspi, as requested.

Please let me know if you need anything else.

Thanks!

Regards,

Trisha Murphy



From: [Karen Kramer](#)
To: [Emily Hibard](#)
Cc: [Chet Simmons](#)
Subject: RE: Notice to Councilmembers
Date: Wednesday, September 4, 2024 5:30:00 PM
Attachments: [image001.png](#)

I apologize, I neglected to respond to your question about the length of the interview. I think your estimation is correct – 30-45 minutes.

Karen

From: Karen Kramer
Sent: Wednesday, September 4, 2024 5:30 PM
To: Emily Hibard <EHibard@cityoflosalamitos.org>
Cc: Chet Simmons <CSimmons@cityoflosalamitos.org>
Subject: RE: Notice to Councilmembers

Good evening, and thank you for getting back to me today.

I am based in Northern California, so as I mentioned in my earlier email, the interview will take place virtually (via Zoom). I'll send you a Zoom invite shortly with a link for the interview.

Thank you,
Karen

From: Emily Hibard <EHibard@cityoflosalamitos.org>
Sent: Wednesday, September 4, 2024 5:15 PM
To: Karen Kramer <karen@kramerlaw.net>
Cc: Chet Simmons <CSimmons@cityoflosalamitos.org>; Emily Hibard <EHibard@cityoflosalamitos.org>
Subject: Re: Notice to Councilmembers

Hi Karen,
Thanks for following up. That date/time works for me. I can do a phone call or meet you at City Hall.

About how long do you think you'll need? 30-45 minutes?

Thanks again,

Emily Hibard, MPA
Los Alamitos City Council Member - District 5
Email: ehibard@cityoflosalamitos.org

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720



From: Karen Kramer <karen@kramerlaw.net>
Sent: Wednesday, September 4, 2024 10:30 AM
To: Emily Hibard <EHibard@cityoflosalamitos.org>
Cc: Chet Simmons <CSimmons@cityoflosalamitos.org>
Subject: RE: Notice to Councilmembers

Good morning,

I didn't hear back from you regarding your interview, so I'm circling back to see if we can find a date/time that works for an interview, to be conducted via Zoom. Are you available for an interview on Tuesday September 10 at 5:00? Once we agree on a date/time, I'll send you a Zoom invite with a link for the interview.

Thank you,
Karen

From: Karen Kramer
Sent: Tuesday, August 6, 2024 8:43 AM
To: Emily Hibard <EHibard@cityoflosalamitos.org>
Cc: Chet Simmons <CSimmons@cityoflosalamitos.org>
Subject: RE: Notice to Councilmembers

Good morning Emily,

The interview will take place via Zoom. What is your availability for an interview tomorrow (Wednesday August 7) after 1:00, or on Monday August 12 between 10:30 and 2:00?

Thank you,
Karen

From: Emily Hibard <EHibard@cityoflosalamitos.org>
Sent: Tuesday, August 6, 2024 6:30 AM
To: Chet Simmons <CSimmons@cityoflosalamitos.org>
Cc: Karen Kramer <karen@kramerlaw.net>; Emily Hibard <EHibard@cityoflosalamitos.org>
Subject: Re: Notice to Councilmembers

Hi Chet,
Thanks for your email.

Hi Karen,
Nice to meet you. Feel free to call me anytime. My cell is 562-444-6751.

Thank you,

Emily Hibard, MPA
Los Alamitos City Council Member - District 5
Email: ehibard@cityoflosalamitos.org

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720



From: Chet Simmons <CSimmons@cityoflosalamitos.org>
Sent: Monday, August 5, 2024 4:01 PM
To: Emily Hibard <EHibard@cityoflosalamitos.org>
Cc: Karen Kramer <karen@kramerlaw.net>
Subject: Notice to Councilmembers

Good Afternoon Council Member Hibard,

The City has retained Attorney Investigator Karen Kramer of Kramer Workplace Investigations to conduct an independent fact-finding investigation into the allegations made against Councilmember Trisha Murphy. Ms. Kramer advised that she would like to interview you as part of her investigation. Please work with Ms. Kramer, who is copied on this email, to schedule a mutually agreeable date and time for your interview.

Chet Simmons
City Manager
City of Los Alamitos



From: [Karen Kramer](#)
To: [Emily Hibard](#)
Cc: [Shelline K. Bennett](#)
Subject: RE: Emily Hibard interview
Date: Tuesday, October 22, 2024 2:09:00 PM
Attachments: [image001.png](#)

Hello Councilmember Hibard,

It's been over one month since I requested you provide me with your availability for an interview. I am following up with you because I have not received a response. If you are inclined to participate in the investigation, I am currently holding 4:00 on Wednesday October 30th for your interview, so please reserve the date/time on your calendar. I will send you a Zoom invite shortly. Please be advised that the interview will be conducted via video and you should plan to attend using a device that has both a camera and a microphone.

If I do not receive a response to this email or the Zoom invite that I send by 5:00 on Thursday October 24th, I will assume that you are not going to meet with me as part of the investigation and will conclude my investigation without your participation.

Thank you,
Karen

From: Karen Kramer
Sent: Monday, September 16, 2024 7:54 AM
To: Emily Hibard <EHibard@cityoflosalamitos.org>
Subject: RE: Emily Hibard interview

Good morning,

I am on vacation September 26th – October 10th, and am hoping we can find a date/time that will work before then. My investigation process does not include sending questions in writing for a witness to respond in writing. Please advise when you are available for a video interview before September 26th and I will do what I can do work around your schedule.

Thank you,
Karen

From: Emily Hibard <EHibard@cityoflosalamitos.org>

Sent: Friday, September 13, 2024 9:10 AM

To: Karen Kramer <karen@kramerlaw.net>; Emily Hibard <EHibard@cityoflosalamitos.org>

Subject: Re: Emily Hibard interview

Hi Karen,

Those dates are during my birthday week

Could you email me your questions? I could respond via email and help speed this up a bit.

Thank you,

Emily Hibard, MPA

Los Alamitos City Council Member - District 5

Email: ehibard@cityoflosalamitos.org

City of Los Alamitos

3191 Katella Avenue

Los Alamitos, CA 90720



From: Karen Kramer <karen@kramerlaw.net>

Sent: Tuesday, September 10, 2024 5:09 PM

To: Emily Hibard <EHibard@cityoflosalamitos.org>

Subject: RE: Emily Hibard interview

Hi Emily,

A couple of options for a video interview:

Monday September 23 at 8:30, or after 10:30

Tuesday September 24 12:00-1:30, 5:00

Thank you,
Karen

-----Original Appointment-----

From: Emily Hibard <EHibard@cityoflosalamitos.org>

Sent: Wednesday, September 4, 2024 10:25 PM

To: Karen Kramer

Subject: Accepted: Emily Hibard interview

When: Tuesday, September 10, 2024 5:00 PM-5:45 PM (UTC-08:00) Pacific Time (US & Canada).

Where: <https://us02web.zoom.us/j/2473469298?omn=89668082206>

From: [Karen Kramer](#)
To: [Chet Simmons](#); [Trisha Murphy](#)
Subject: RE: Investigation interview
Date: Friday, September 20, 2024 4:16:00 PM
Attachments: image001.png

Hello Councilmember Murphy,

As Chet mentioned, I have been retained by the City to conduct an independent fact-finding investigation into allegations of misconduct made against you. I am ready to schedule your interview as part of the investigation.

Are you available to “meet” with me via Zoom on Tuesday September 24 at 3:30 p.m. or later? Once we agree on a date/time, I’ll send you a Zoom invite with a link for the interview.

As an FYI, I audio-record my interviews. You may audio-record the interview, if you choose to do so.

Thank you,
Karen

From: Chet Simmons <CSimmons@cityoflosalamitos.org>
Sent: Tuesday, September 17, 2024 11:32 AM
To: Trisha Murphy <TMurphy@cityoflosalamitos.org>
Cc: Karen Kramer <karen@kramerlaw.net>
Subject: Investigation interview

Good Moring Councilmember Murphy:

As directed by the City Council, the City has retained Attorney Investigator Karen Kramer of Kramer Workplace Investigations to conduct an independent fact-finding investigation into allegations of misuse of power made against you related to TNT Fireworks and Los Alamitos Community Foundation. Please work with Ms. Kramer, who is copied on this email, to schedule a mutually agreeable date and time for your interview.

Chet Simmons
City Manager

City of Los Alamitos



From: [Trisha Murphy](#)
To: [Karen Kramer](#)
Subject: Re: Investigation Interview
Date: Monday, September 23, 2024 3:45:50 PM
Attachments: TRISHA MURPHY.pdf
image.png

Good afternoon Ms. Kramer,

Thank you for bringing that to my attention. It looks like the attachment didn't go through. I'm attaching the letter now. Please let me know if you receive it this time.

Trisha Murphy
Los Alamitos City Council Member - District 2
Email: tmurphy@cityoflosalamitos.org

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

On Sep 23, 2024, at 1:10 PM, Karen Kramer <karen@kramerlaw.net> wrote:

Hello Councilmember Murphy,

There is no letter attached to your email.

Thank you,
Karen

From: Trisha Murphy <TMurphy@cityoflosalamitos.org>
Sent: Monday, September 23, 2024 11:00 AM
To: Karen Kramer <karen@kramerlaw.net>
Subject: Investigation Interview

Good morning Ms. Kramer,

Please see the attached letter for your reference.

Thank you.

Trisha Murphy

Los Alamitos City Council Member - District 2

Email: tmurphy@cityoflosalamitos.org

City of Los Alamitos

3191 Katella Avenue

Los Alamitos, CA 90720

TRISHA MURPHY
COUNCIL MEMBER
CITY OF LOS ALAMITOS

September 22, 2024

**HAND DELIVERED
CONFIDENTIAL**

Mr. Chester "Chet" Simmons
City Manager
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Employment of Karen Kramer

Dear Mr. Simmons,

I am in receipt of your email dated September 17, 2024, wherein you state the following:

"As directed by the City Council, the City has retained... Karen Kramer to conduct an independent fact-finding investigation into allegations of misuse of power made against you related to TNT Fireworks and Los Alamitos Community Foundation..."

In light of this communication, I respectfully request the following documentation, pursuant to my right to obtain full information prior to proceeding with any interview or further participation in this matter:

1. **A copy of the written retainer agreement** between the City of Los Alamitos and Karen Kramer regarding her engagement for the investigation.
2. **A detailed written description of the "scope of services"** authorized by the City Council in connection with Ms. Kramer's fact-finding investigation.
3. **The identity of the individual(s), entity or organization** who made the allegations of misuse of official power.
4. **A specific description of the "power"** alleged to have been misused, including a copy of the relevant procedure manual, municipal code, city charter provision, and/or California Code section that supports the allegations of misconduct.
5. **Clarification as to whether you or the City** has previously employed Ms. Kramer, either in an individual or official capacity, prior to the date of this letter.

Please provide all of the requested documentation in writing within ten (10) days of the date of this letter. I will be unable to schedule the interview or proceed further until I have received and reviewed this information. Additionally, I request that all further communication regarding this matter be directed to my personal residence.

Sincerely,



Trisha Murphy,
Council Member, City of Los Alamitos

Cc: Karen Kramer, Esq.
(karen@kramerlaw.net)

Carol A Churchill
3092 Blume Drive
Los Alamitos, CA. 90720

July 8, 2024

John Delavigne, President - District 5
Los Alamitos Community Foundation
10911 Oak Street
Los Alamitos, CA 90720

**Regarding: Reading of Letter from John Delavigne,
Los Alamitos Community Foundation
to Trisha Murphy, Council Member**

City Council Meeting on May 14, 2024

Mr. Delavigne and Members of the Board:

I am responding to the letter read into the City Council record on May 14, 2024, by Mr. Dan Gallagher, a member of the Board of the Los Alamitos Community Foundation (LACF), attacking Council Member Trisha Murphy and threatening her with a lawsuit.

Board Minutes show that the Board considered a letter written in April 2024 by TBT Fireworks, the company that partnered with Los Alamitos Community Foundation to sell Safe & Sane Fireworks in July 2023.

The Board Minutes reflect that the Board members did NOT discuss or vote to authorize the President to prepare and transmit to the City Council a threat of litigation and censorship in response to the TNT letter.

It is also no coincidence that the Minutes of the Board meetings reflect that the TNT letter **was dated April 2024, and** the Board met in **May 2024** to discuss TNT's letter; BUT, Ms. Murphy was NOT provided with a written copy of the Board's letter either before or after the **May 2024 Council meeting**.

It is clear that Mr. Delavigne and Mr. Gallagher intended to attack Ms. Murphy's character in public, thus holding her up to public contempt and ridicule and denying her the opportunity to defend her actions. This conduct appears to be an attempt to avoid scrutiny of the financial transactions of the organization.

To refresh the Board's memory, in 2023, Trisha Murphy, a council member, was appointed as member of the Board of LACF, and she participated in the fireworks fundraiser as a volunteer observer so **she has personal knowledge of the facts, including the mishandling of cash sales of fireworks leading to inconsistencies between the inventory and bank records. She asked for and was denied financial records to verify the accuracy of cash on hand leading her to inquire of TNT, the vendor.**

The letter read at the Council meeting stressed that the **LACF was "transparent" in its financial reporting.** That statement is contradicted by the following facts:

1. The **990EZ 2022 Short Form Return of Organization Exempt from Income Tax** prepared by Shelly Hasselbrink as Treasurer **under states the Foundation's Net Assets by \$20,000.** A copy of the IRS tax return is attached.

This error is obvious, and is the result of the failure of the Treasurer **and Board** to reconcile bank deposits with the income tax return.

2. The failure of the Board's Treasurer to file **2021, 2022 and 2023 Annual Treasurer's Report (FORM CT_TR_1)** with the **California Department of Justice** on time. See the attached Letter dated January 20, 2024 from the California Department of Justice, informing the Foundation that the required **2021 Financial Report** was not received by the **State Charity Registry.** The Annual Treasurer's reports for **2022 and 2023 are not listed on the Department of Justice website** as required by law.

3. A review of the Board's Minutes published on the City of Los Alamitos' website reflect that the Treasurer does NOT provide written financial reports or bank records for public review as part of the Minutes. The Minutes are non-sensical in descriptions of financial transactions which contributes to the lack of transparency of financial matters.

The Foundation's Minutes provide no Income/Expense reports; no bank records to verify the cash on hand and accuracy of cash deposits; no accounting for the "donations" of the value of services and supplies provided by the City Staff as "in kind" contributions such as: the use of public facilities for the private benefit of the Foundation; the value of city

staff's salaries & benefits contributed by taxpayers as detailed in the MOU; the value of legal services provided by the City attorney; E&O insurance premiums paid on the behalf of the Foundation by the City of Los Alamitos; the use and consumption of the supplies belonging to the City of Los Alamitos, and an accurate report of the transfer of "donations" from the City to the Foundation.

Suffice it to say, the lack of financial transparency and accuracy is staggering, and primarily the failure of the Board to comply with State law, and supervise the Treasurer, follow the Bylaws, and comply with State non-profit laws.

The **Memorandum of Understanding** between the Foundation and the City clearly states that the **City is not part of the Foundation**. The MOU requires **that the Foundation to keep accurate records** of costs incurred under this Agreement. The MOU requires that records to be available to City upon request at reasonable times. The MOU likewise requires the FOUNDATION to keep the records for not less than two (2) years. The "City" signed the MOU on behalf of the community it seeks to support through financial contributions to the Foundation. Council members serve on the Foundation Board to **verify that "taxpayer money" transferred from the City to the Foundation is not being misappropriated or improperly used for non-charitable purposes.**

A copy of the **California Attorney General's "Guide for Charities"** is enclosed so that each Board member can educate themselves about their fiduciary duties, conflicts of interests, and their obligations for transparency and accuracy in financial reporting, **and their financial liability for failure to do so.**

Since Ms. Murphy is not a member of your Board, **your Board has no authority to issue a public "censure".**

Mr. Delaveign and Mr. Gallagher's action at the council meeting was intended to create the impression that Ms. Murphy, as a council member, had done something wrong in seeking accurate financial data from the Foundation, a duty of each member of the Board.

A copy of the Complaint I filed with the California Department of Justice regarding the lack of accurate financial reporting is enclosed.

Carol A Churchill

Enclosures -
Complaint to the California Attorney General
Short Form 990 EZ
January 10 2024 Department of Justice Letter
2023 Fireworks Fundraiser Reconciliation
Board Minutes
California Attorney General's Guide for Charities

Copy:
Event - News Enterprise

Shelley Hasselbrink, Treasurer and Council Representative
Jordon Nefulda - Council Representative
Dan Gallagher - District 1
Susie Schemer - District 2
Cory Lakin - District 3
Debbie Kent - District 4
Malena Madrid - Business Representative (Epson America):
Tamra Smalewitz - Business Representative (Southland Credit Union)

From: [Karen Kramer](#)
To: [Dave Aleshire](#)
Cc: [Shelline K. Bennett](#); [Karen R. Becker](#); [Trisha Murphy](#); [Carol A. Churchill \(churchillca@earthlink.com\)](#)
Subject: RE: Investigation Interview
Date: Tuesday, November 5, 2024 8:08:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning Dave,

Your email does not address my request to meet with Councilmember Murphy. I am assuming you will let me know by the end of the day tomorrow (Wednesday) if Councilmember Murphy is going to participate in the investigation in which she is accused of misconduct/misuse of power.

Thank you,
Karen

From: Dave Aleshire <daleshire@awattorneys.com>
Sent: Monday, November 4, 2024 5:22 PM
To: Karen Kramer <karen@kramerlaw.net>
Cc: Shelline K. Bennett <sbennett@lcwlegal.com>; Karen R. Becker <kbecker@awattorneys.com>; Trisha Murphy <trishm0710@gmail.com>; Carol A. Churchill (churchillca@earthlink.com) <churchillca@earthlink.com>
Subject: RE: Investigation Interview

Karen—Sorry to have missed your email and I did intend to contact you last week but time got away from me. Thanks for your follow up.

I became aware of Councilmember Murphy and her issues with the Community Foundation through a long time attorney friend, Carol Churchill, who is a former Signal Hill councilmember and community activist who helped bring reforms to Signal Hill. Because of my work in Bell dealing with community corruption, from time to time I get contacted by people who are concerned if the same issues are confronting their communities. This may be such a case.

I got involved in Bell in 2011 after the LA Times published a story about excessive City Manager compensation in the \$800K range, and the public response of the Mayor and Council was that he deserved it for all he was doing. Subsequent investigation showed that the councilmembers were apathetic and under the control of the City Manager. As more was revealed, it turned out that the councilmembers were excessively compensated for serving on various do-nothing commissions, and audits did not follow audit standards—we actually recovered \$5M against the audit firm and city attorney

From: Karen Kramer <karen@kramerlaw.net>
Sent: Monday, November 4, 2024 8:37 AM
To: Dave Aleshire <daleshire@awattorneys.com>
Cc: Shelline K. Bennett <sbennett@lcwlegal.com>
Subject: RE: Investigation Interview

*** EXTERNAL SENDER ***

Good morning Mr. Aleshire,

I am following up to the email I sent to you on October 24th. I did not receive a response and am contacting you to give your client, Tricia Murphy, one last opportunity to participate in the investigation. Please respond to this email by 5:00 on Wednesday November 6, 2024, to let me know if you'd like to schedule a mutually agreeable date/time for the interview or if she is not going to participate.

Thank you,
Karen

From: Karen Kramer
Sent: Thursday, October 24, 2024 5:48 AM
To: daleshire@awattorneys.com
Cc: Shelline K. Bennett <sbennett@lcwlegal.com>
Subject: FW: Investigation Interview

Good morning Mr. Aleshire,

As you know, I have been retained by the City of Los Alamitos to conduct an independent fact-finding investigation into allegations of misconduct made against your client, Councilmember Trisha Murphy. I have made several attempts to schedule Councilmember's interview, and have now tentatively scheduled the interview for Tuesday October 29 at 4:00. Are you and your client available at that date/time for the interview, to be held via video (Zoom)? I already sent Councilmember Murphy the Zoom invite, but will forward it to you upon confirmation of your availability.

I look forward to hearing from you.

Karen

From: Trisha Murphy <TMurphy@cityoflosalamitos.org>
Sent: Wednesday, October 23, 2024 11:22 AM
To: Karen Kramer <karen@kramerlaw.net>
Cc: sbennett@lcwlegal.com; daleshire@awattorneys.com
Subject: Re: Investigation Interview

Good morning Ms. Kramer,

Thank you for your follow-up email. Please contact Dave Aleshire of Aleshire & Wynder, LLP, in respect to this matter. His contact details are as follows:

Dave Aleshire
Equity Partner
Aleshire & Wynder, LLP
Email:

Please direct any further communication regarding this investigation, including the confirmation of availability for the proposed interview on October 29 at 4:00 PM, to Mr. Aleshire. He will handle all arrangements moving forward.

Thank you for your attention to this matter.

Trisha Murphy
Los Alamitos City Council Member - District 2
Email: tmurphy@cityoflosalamitos.org

City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720



My City ♥ My Los Al

On Oct 22, 2024, at 2:03 PM, Karen Kramer <karen@kramerlaw.net> wrote:

Hello Councilmember Murphy,

I am following up to the email I sent to you last week because I did not receive a response. I still need your attorney's name and contact information to arrange for your interview as part of the investigation the City retained me to conduct. Attorney Shelline Bennett advised that me that she does not know your attorney's name or contact info.

The City has directed me to complete my investigation quickly. If I don't receive a response from you, including the name and contact information for your attorney, by the end of the day on Thursday October 23 OR an email from you confirming that you are not represented by an attorney for purposes of this investigation, I will conclude the investigation without your input.

If you are inclined to participate in the investigation, I am currently holding 4:00 on Tuesday October 29 for your interview, so please reserve the date/time on your calendar. I will send you a Zoom invite shortly.

Thank you,
Karen

From: Karen Kramer
Sent: Monday, October 14, 2024 8:51 AM
To: Trisha Murphy <TMurphy@cityoflosalamitos.org>
Cc: sbennett@lcwlegal.com
Subject: RE: Investigation Interview

Good morning Ms. Murphy,

In your memo to me and Ms. Bennett, you indicate that you are represented by an attorney for purposes of this investigation. Please provide me with the name and contact information of your attorney so that I can communicate with them directly. Ethical rules prohibit me from communicating directly with represented parties outside

the presence of or without written permission from your attorney.

I look forward to hearing from you.

Karen

From: Trisha Murphy <TMurphy@cityoflosalamitos.org>
Sent: Monday, September 30, 2024 10:14 AM
To: sbennett@lcwlegal.com; Karen Kramer <karen@kramerlaw.net>
Subject: Investigation Interview

Good morning Ms. Bennett,

Please find the attached documents for your review.

Thank you!

Trisha Murphy

Los Alamitos City Council Member - District 2

Cell: 310-308-4979

Email: tmurphy@cityoflosalamitos.org

City of Los Alamitos

3191 Katella Avenue

Los Alamitos, CA 90720

Business: 562-431-3538

Website: www.cityoflosalamitos.org



TRISHA MURPHY
COUNCIL MEMBER
CITY OF LOS ALAMITOS

September 22, 2024

HAND DELIVERED
CONFIDENTIAL

Mr. Chester "Chet" Simmons
City Manager
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Employment of Karen Kramer

Dear Mr. Simmons,

I am in receipt of your email dated September 17, 2024, wherein you state the following:

"As directed by the City Council, the City has retained...Karen Kramer to conduct an independent fact-finding investigation into allegations of misuse of power made against you related to TNT Fireworks and Los Alamitos Community Foundation..."

In light of this communication, I respectfully request the following documentation, pursuant to my right to obtain full information prior to proceeding with any interview or further participation in this matter:

1. **A copy of the written retainer agreement** between the City of Los Alamitos and Karen Kramer regarding her engagement for the investigation.
2. **A detailed written description of the "scope of services"** authorized by the City Council in connection with Ms. Kramer's fact-finding investigation.
3. **The identity of the individual(s), entity or organization** who made the allegations of misuse of official power.
4. **A specific description of the "power"** alleged to have been misused, including a copy of the relevant procedure manual, municipal code, city charter provision, and/or California Code section that supports the allegations of misconduct.
5. **Clarification as to whether you or the City** has previously employed Ms. Kramer, either in an individual or official capacity, prior to the date of this letter.

Please provide all of the requested documentation in writing within ten (10) days of the date of this letter. I will be unable to schedule the interview or proceed further until I have received and reviewed this information. Additionally, I request that all further communication regarding this matter be directed to my personal residence.

Sincerely,



Trisha Murphy,
Council Member, City of Los Alamitos

Cc: Karen Kramer, Esq.
(karen@kramerlaw.net)

From: [Trisha Murphy](#)
To: [Karen Kramer](#)
Cc: [Dave Aleshire](#); [Carol A. Churchill \(churchillca@earthlink.com\)](#)
Subject: Re: Investigation Interview
Date: Wednesday, November 20, 2024 11:16:21 PM
Attachments: [image001.png](#)

Good evening Ms. Kramer,

Thank you for your email and for emphasizing the urgency of this matter following two months of outreach. While I appreciate your efforts to schedule my participation, I must inform you that my attorney, Mr. Aleshire, who has been handling related aspects of this case, is currently out of the office and will return next Monday, November 25th. Naturally, I will need to consult with him to coordinate his availability—or that of his associate—to accompany me to the interview.

Your assumption that non-participation would result from my failure to respond by 9:00 a.m. tomorrow seems a bit premature, given that the delays thus far were not of my making. While I recognize your preferred timeline, I trust you understand that ensuring appropriate representation is a reasonable and necessary part of this process. Should your report proceed without my input due to this brief delay, I trust it will accurately and clearly document that the circumstances were not the result of any unwillingness or lack of cooperation on my part. Furthermore, I trust that the principles of thoroughness, completeness, and accuracy will take precedence over any undue haste in the finalization of your findings.

The following dates are my available options for a meeting, subject to coordination with Mr. Aleshire—or his associate—as well as your schedule:

- Wednesday, November 27, 2024
- Monday, December 2, 2024
- Tuesday, December 3, 2024

Please let me know which date works best for you so that appropriate arrangements can be made.

Thank you!

Council member Trisha Murphy

On Wed, Nov 20, 2024 at 2:20 PM Karen Kramer <karen@kramerlaw.net> wrote:

Thank you Dave.

Councilmember Murphy,

It is my intention to submit my report to the City next week. Therefore, I'd like to meet with you this week so there is no further delay (it has been almost two months since I initially contacted you to schedule your interview). Please confirm your availability to meet with me at 1:30 tomorrow, Thursday November 21st. Alternatively, I am available at 4:00 on Friday November 22nd.

Please let me know by 9:00 tomorrow morning (Thursday November 21st) which date/time works best for you. If I don't hear from you before then, I'll assume that you are not going to participate in the investigation and will submit my report without your participation.

Thank you,

Karen

From: Dave Aleshire <daleshire@awattorneys.com>

Sent: Monday, November 18, 2024 4:59 PM

To: Karen Kramer <karen@kramerlaw.net>

Cc: Carol A. Churchill (churchillca@earthlink.com) <churchillca@earthlink.com>; Trisha Murphy <trishm0710@gmail.com>

Subject: FW: Investigation Interview

Hi Karen—

I have conveyed to Councilmember Murphy that you are not authorized to look into the allegations I presented to you and which we feel should be a part of the investigation to explore the validity of the concerns over the financing.

Notwithstanding the restrictions on the investigation scope, Councilmember Murphy is willing to go forward with the interview because she believes that certain parties are not giving the complete story of what was said or done—she did not go beyond her scope as a councilmember. She trusts that you will correctly state her explanation, and that she will be provided a copy of your report.

Accordingly you may contact her re scheduling an interview. I think she will be represented in the interview.

Thanks,

Dave

From: Karen Kramer <karen@kramerlaw.net>
Sent: Wednesday, November 6, 2024 8:59 PM
To: Dave Aleshire <daleshire@awattorneys.com>
Cc: Shelline K. Bennett <sbennett@lcwlegal.com>; Karen R. Becker <kbecker@awattorneys.com>; Trisha Murphy <trishm0710@gmail.com>
Subject: RE: Investigation Interview

*** EXTERNAL SENDER ***

Good evening Dave,

Please see the answers to your questions below. The scope of this investigation is currently limited to the allegation that Councilmember Murphy misused her power as a Councilmember. Any further questions about the scope should be directed to LCW.

Please advise when you and Councilmember Murphy are available for an interview, to be conducted via video (Zoom).

Thank you,
Karen

From: Dave Aleshire <daleshire@awattorneys.com>
Sent: Tuesday, November 5, 2024 5:34 PM
To: Karen Kramer <karen@kramerlaw.net>
Cc: Shelline K. Bennett <sbennett@lcwlegal.com>; Karen R. Becker <kbecker@awattorneys.com>; Trisha Murphy <trishm0710@gmail.com>; Carol A. Churchill <churchillca@earthlink.com>
Subject: Investigation Interview
Importance: High

This email was inadvertently sent before I actually finished it. The following is the complete email:

Karen—Sorry to have missed your email and I did intend to contact you last week but time got away from me. Thanks for your follow up.

I became aware of Councilmember Murphy and her issues with the Community Foundation through a long time attorney friend, Carol Churchill, who is a former Signal Hill councilmember and community activist who helped bring reforms to Signal Hill. Because of my work in Bell dealing with community corruption, from time to time I get contacted by people who are concerned if the same issues are confronting their communities. This may be such a case.

I got involved in Bell in 2011 after the LA Times published a story about excessive City Manager compensation in the \$800K range, and the public response of the Mayor and Council was that he deserved it for all he was doing. Subsequent investigation showed that the councilmembers were apathetic and under the control of the City Manager. As more was revealed, it turned out that the councilmembers were excessively compensated for serving on various do-nothing commissions, and audits did not follow audit standards—we actually recovered \$5M against the audit firm and city attorney for their failures to stop the abusive practices. We represented the community groups for no charge in a recall that removed all the incumbent councilmembers and worked with the District Attorney on a criminal case convicting both the City Manager and the Assistant City Manager of various crimes. For this work we received the Municipal Attorney of the Year award in 2014.

Of course I am not suggesting similar corruption is rampant in Los Alamitos—but councilmembers not making inquiries about what is happening in the City, or having their inquiries hindered by the City Manager is what led to the issues in Bell. Where transparency is limited, suspicion should arise.

Based upon my discussion with Councilmember Murphy, it seems to me that there are legitimate questions to be investigated, and I'd think if your client wants to get to the truth of these issues, we should be able to work this out amicably. However, I do have a few questions:

1 What is your firm's relationship with Liebert Cassidy? This is a very legitimate public employment firm and we use them for investigations in the City of Richmond where I'm City Attorney. I have not known them to be involved in any questionable matters. Are you a subcontractor with them or what is the basis of your involvement with Los Alamitos? I don't have a relationship with LCW, although I have worked with several LCW attorneys on investigations for their clients. I am not a subcontractor with LCW and was retained directly by the City to conduct the investigation into Councilmember Murphy's alleged misconduct.

2 Do you or Liebert have a contract with the City to perform this investigation? Councilmember Murphy, at my urging, asked for a copy of the contract so she could see the scope but I'm told it will not be provided to her. Again, knowing Liebert, I can't believe they would refuse to give a public official such an important document to understand the basis of the investigation. I'm sure there is an error here. Kramer Workplace Investigations has an agreement with the City to conduct the investigation. I do not know what arrangement exists between LCW and the City.

3 As I understand it, Councilmember Murphy is basically charged with raising questions as to the financing of the Community Foundation. This is an organization to which the City provides funding. There is an MOU which requires the Foundation to keep records and make them available to the City on request. Councilmembers serve on the Board to verify that "taxpayer money" is not being misappropriated or improperly used. Any proper investigation would have to look at Councilmember Murphy's allegations. Are you accepting the premise that where the City has a duty to monitor a community foundation to which it gives money, the City Manager or certain Councilmembers can determine that a councilmember can be precluded from looking at information they don't want her to see? City Manager Rizzo in Bell got away precisely with such rules for a long while before the light of public disclosure was shined on his and the Council's practices, and it all came crashing down. I am deferring to LCW regarding this question, as I am not advising the City regarding what information is provided to Councilmember Murphy.

4 As I said, I trust that Los Alamitos is not approaching the Bell scenario—but I have to say that I understand that the City Clerk has now had her independence threatened and been brought under the City Manager. As a City Attorney for over 40 years in multiple cities, the independence of the City Clerk is a key aspect of a well-functioning City where all persons are given access to records irrespective of whose

interests are served by the disclosure. Revitalizing the independence of the City Clerk office in Bell was critical to the restoration of civic trust in the City.

5 I'm also attaching a July 8, 2024 memo from Carol Churchill which delves into a number of charges related to the matters which should be investigated, as well as a letter from Councilmember Murphy dated September 22, 2024 asking specific questions. These questions must be answered.

So in closing, Councilmember Murphy is happy to have an investigation provided there is agreement on the scope of the investigation. We are not looking for any particular slant or bias, only that all relevant materials are looked at, including the items that caused her concern initially. If the intent of the investigation is only to discover the truth of the matter, none of this should present any problems, but if the intent is to use City money for political purposes, then there will be objections.

I'll be very happy to discuss these subjects with you at your convenience.

Dave



David J. Aleshire | Founding Partner

Tel: (949) 223-1170 | Dir: (949) 250-5409 | daleshire@awattorneys.com

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