



CITY OF EL MONTE

OFFICE OF THE CITY ATTORNEY

June 23, 2008

Jennifer McLain
Staff Reporter
San Gabriel Valley Tribune
1210 North Azusa Canyon Road
West Covina, California 91790

Re: Public Records Request

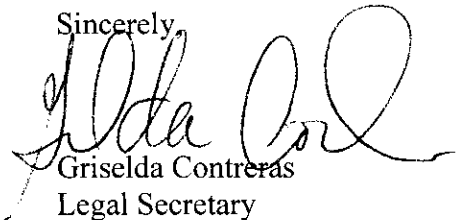
Dear Ms. McLain:

As required under California Government Code Section 6253(c), this letter is in response to your written records request pursuant to the California Public Records Act (California Govt. Code Section 6250 et seq.) which was received by the City Clerk's Office on June 16, 2008. Your request was for a copy of the report investigating the alleged actions of Mayor Ernie Gutierrez at a sister city event.

Attached is a copy of the document in the City's possession which is responsive to your request.

Should you have any questions or need any additional information, please do not hesitate to contact our office.

Sincerely,


Griselda Contreras
Legal Secretary



CITY OF EL MONTE

City Manager's Office

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EL MONTE, CALIFORNIA 91731-3293
(626) 580-2001 • FAX (626) 453-3612

James W. Mussenden
City Manager

Dante Hall
Assistant City Manager

Matthew D. Weintraub
Administrative Services Officer

Date: June 10, 2008
To: Mayor and El Monte City Council
From: James W. Mussenden, City Manager *JWM*
Subject: Administrative Summary – Sister City Dinner/Dance May 3, 2008

You requested an administrative summary of the evaluation of Hank August's allegations that the Mayor's behavior at the Sister City Visitation Dinner Dance was inappropriate. This summary specifically focuses on the charges that Hank August made at the City Council Meeting of May 6, 2008, that the Mayor's conduct at the Sister City Dinner Dance was unprofessional and insulting to El Monte residents and to the delegations from Tuxtla-Gutierrez and Zamora.

The following is the *administrative* summary derived from interviews with 9 of the 10 commissioners who attended the event, and from an interview with the Mayor regarding the allegations as stated above.

Mayor's Conduct - Language

Hank August's accusation at the City Council meeting of May 6, 2008, that the Mayor used offensive and foul language was not verified firsthand by 7 of the 9 Commissioners present at the Dinner Dance. One of the 9 Commissioners stated directly that she *did* overhear the Mayor twice use foul language (in Spanish) in referring to the visiting city and our city when the Mayor was talking with an emissary from Tuxtla about acquiring a graffiti removal machine. This occurred in front of the Grace Black Auditorium along Tyler, when the Commissioner had gone outside to get some fresh air, and heard the Mayor speak in Spanish about graffiti removal equipment ("...you can't keep your "pinche" city clean?"). Additionally she stated that she heard the Mayor say that *he* can get anything *he* wants donated to the new Sister City, as *he* runs *this* "pinche" city (f@%*ing city).

Another Commissioner stated that she heard the Mayor inappropriately use the Spanish colloquial term, "cosa" (thing) when the Mayor was describing a lovely gift (plaque) from Tuxtla presented to him. She thought this was especially odd and inappropriate as the speech, in Spanish, was a public acceptance statement made on behalf of the entire City Council, and the Spanish term used belittled the value of the gift. This Commissioner was surprised at the use of the term, as the Mayor speaks Spanish respectably.

Mayor's Behavior - Dancing

Hank August stated at the May 6th Council meeting that the Mayor was dancing inappropriately with a dance partner (not his wife), and felt that his behavior was unbecoming of a city official at a city function with foreign dignitaries present. Mr. August stated that the Mayor placed his hands on inappropriate places of his dance partner's rear end, and that this was embarrassing to those in attendance and was more the kind of behavior typical of a teenager in love.

Mayor's Behavior – Drinking

Hank August's perception was that the Mayor had too much to drink during the Dinner/Dance, and that he (the Mayor) had arrived from a previous event having had too much to drink there. Mr. August relied on his 30+ years experience working as an El Monte Police Officer, along with the "fact" that the Mayor had "slurred speech" in drawing this conclusion. There was no mention of other, typically "drunk" behavior. None of the other interviewed Commissioners noted slurred speech or a stumbling gait, but one other Commissioner felt that the Mayor's uncharacteristic behavior indicated he was somewhat intoxicated.

Mayor's Behavior – General

Hank August's allegation that the Mayor acted inappropriately also delved into the Mayor's selection of a dinner date for the evening, when it is broadly known that the Mayor is a married man. Additionally Mr. August thought it inappropriate for the Mayor to introduce his date as his "girlfriend" at this public function. This allegation was supported by one Commissioner, who speaks Spanish and overheard him introduce his female friend as his "girlfriend". No other commissioners witnessed this introduction firsthand.

Mayor's Interview

The Mayor affirmed that none of his actions were inappropriate, and in-fact he was so well received that one of the visitors (Zamora Mayor's wife) asked that he would be the "Padrino", or Godfather to her soon-to-be-born child. Additionally the Mayor stated that Hank August was nowhere near him during the entire dinner event, and hence couldn't overhear statements or observe any behavior. The Mayor also indicated that the one Commissioner who stated she had overheard comments was too busy assisting and running the dinner that she couldn't have overheard any statements. The Mayor specifically denies having used the foul language as stated, and he denied having danced inappropriately for the occasion and party atmosphere.

Conclusion

There does not appear to be sufficient materials presented to hire an independent outside investigator to re-evaluate the matter. I would further recommend not spending additional staff time on this matter. The Mayor may wish to meet with the Sister City Commission to air any concerns and to allay any fears that these issues could recur.