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VIA EMAIL

JUNE 15, 2020

Board of Supervisors
County of Humboldt
825 5th Street
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RE: *Claim Against County of Humboldt – Rory Kalin*
BOS Agenda – June 16, 2020
Closed Session Item L.1
Public Comment

Dear Board of Supervisors:

Please accept this statement on behalf of my client, Rory Kalin, for public comment on the Closed Session Item L.1. and have it read into the record:

Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(2) & (e)(3)
to discuss a claim filed by R. Kalin.¹

Mr. Kalin filed his claim on March 4, 2020 after the County of Humboldt violated Mr. Kalin's rights as an employee of the County of Humboldt including, but not limited to, the ADA, FMLA, County ordinances, the County MOU, discrimination and harassment laws based on his protected categories, and retaliation. In addition, the actions of the Public Defender and Assistant Public Defender in order to cover up the behavior of a local Superior Court Judge and their own failures to follow County policy and the law have also interfered with Mr. Kalin's rights as a County of Humboldt employee. As a result of the actions taken by County personnel, Mr. Kalin has suffered damages, including intentional and negligent infliction of emotional distress which will evolve into a federal lawsuit if this claim is not resolved to Mr. Kalin's satisfaction.

¹ As a side note: It appears that this item has been listed in compliance with the Brown Act in contrast to past BOS agendas which have hid claims under "Anticipated Litigation."

Mr. Kalin has been cooperative with the investigation since he was first contacted by the County in mid-March. At the County's request to complete the investigation as soon as possible, Mr. Kalin met with the investigator on March 26, 2020 for his interview. As is customary with investigations, the interview was recorded by the investigator. It was more than troubling when I was contacted some weeks later after the interview that the investigator had recorded over Mr. Kalin's four and a half hour interview thus deleting all of the evidence that Mr. Kalin had provided. While Mr. Kalin and I were provided a rough draft of the summary of the interview to review before it was finalized, the report was missing key facts and had many errors. These deficiencies were pointed out to the investigator but, my client and I have little faith that they were corrected.

Equally troubling is the fact that the County's outside counsel did not know that the recording had been deleted when I was contacted by them for the first time last Thursday.

In addition, the investigator apparently "misplaced" key documents that were provided during and subsequent to the interview as there were repeated and continual requests for the same documents from the investigator. There was also confusion over the timing of certain events despite written information that was provided to the investigator.

These facts alone should lead you to question the integrity of the investigation.

I also note that the Closed Session Agenda for tomorrow lists Item L. 2.:

Pursuant to Government Code section 54957, to consider a Public Employee Performance Evaluation for the position of the Public Defender.

Given that the item involves allegations by one employee against another, I question why the matter was not listed as such in compliance with Government Code Section 54957.

Please let me know if you or your counsel have any questions with regard to Mr. Kalin's claim. We will be happy to answer them.

Sincerely,



Cindy Day-Wilson

cc: Client
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