



COUNTY COUNSEL

COUNTY OF HUMBOLDT

825 FIFTH STREET

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Via Electronic Mail

November 16, 2020

Day-Wilson Law
Attn. Cyndy Day-Wilson
628 H Street
Eureka, CA 95501

Re: Letter of November 13, 2020

Dear Ms. Day-Wilson,

I have received your letter regarding representation of the County's Auditor-Controller. As a preliminary note, the inquiry described in the investigation notice falls within the mandate of supervision of the conduct of county officers and handling of public funds detailed in Government Code §25303. As I conveyed to Ms. Paz Dominguez, the County is engaging in an independent fact-finding, not an adversarial proceeding.

I do not believe that the Office of County Counsel has a conflict regarding the investigation; the office represents the County as a whole and does not provide individual representation to employees or elected officials in investigations. My understanding is that the Auditor-Controller would like you appointed as her counsel during the fact-finding investigation. I am not aware of prior decisions supporting this request; however, I realize this is a complex area. I am happy to review any authority or further discussion you can provide on the potential conflict issues in this situation and please let me know if my understanding of the request is incorrect.

Notwithstanding, I understand that your client is making a request pursuant to Gov. Code §31000.6. The determination as to whether outside representation for the Auditor Controller is proper must be first presented to the Board of Supervisors. Accordingly, I can coordinate bringing your client's request before the Board for action; the soonest this could occur is a special meeting on November 23. Until the request of the Auditor-Controller is acted upon by the Board (or court if necessary), no interviews will be scheduled with Ms. Paz-Dominguez. Please let me know your thoughts on this schedule.

Sincerely,

Jefferson Billingsley
County Counsel