



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
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SCOTT K. GOODWIN • Director

November 24, 2014

Marsha Jones Moutrie
Office of the Santa Monica City Attorney
City Hall
1685 Main Street
Santa Monica, CA 90401

RECEIVED
SANTA MONICA
CITY ATTORNEY'S OFFICE
2014 NOV 26 PM 3:57
SANTA MONICA, CA 90401

Re: Santa Monica City Attorney's Office Referral

Dear Ms. Moutrie:

My office has received your office's request for the Los Angeles County District Attorney's Office to prosecute a complaint against the Mayor of Santa Monica, Pam O' Connor, for violation of Article XXII, Section 2203 of the Santa Monica City Charter, due to a potential conflict of interest. After review of this matter, my office must respectfully decline this request for several reasons.

First, the basis of the claim of the Santa Monica City Attorney's Office's conflict of interest, that the City Attorney reports directly to the City Council, of which the Mayor is a member, would appear to result in the City Attorney's Office having to claim a conflict of interest with respect to any violation of this law. This would result in the Los Angeles County District Attorney's Office becoming the de facto enforcer of this local misdemeanor offense. Secondly, just as expressed in the City Attorney's memorandum dated May 8, 2001, to the Mayor and City Council, my office also has concerns regarding the constitutional validity of this provision of the City's Charter.

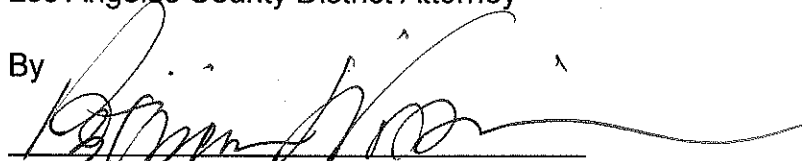
As an alternative, it is possible that the City could create a wall of silence between an individual city attorney and the remainder of the office so recusal of the entire office is not necessary. Finally, the City may wish to again seek a judicial ruling on the constitutional validity of the law, as the case may now be ripe for judicial review.

With this letter, I have enclosed all the materials that your office provided to my office with your request.

Yours truly,

JACKIE LACEY
Los Angeles County District Attorney

By

A handwritten signature in black ink, appearing to read 'Patricia Wilkinson', written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.

PATRICIA WILKINSON, Head Deputy
Public Integrity Division