

1 Lenore L. Albert, Esq. SBN 210876
2 LAW OFFICES OF LENORE ALBERT
3 7755 Center Avenue, Suite #1100
4 Huntington Beach, CA 92647
5 Telephone (714) 372-2264
6 Facsimile (419) 831-3376
7 Email: lenalbert@interactivecounsel.com

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County of Orange
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8 Attorney for Plaintiff, CHRISTINE RICHTERS, an individual

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE**

CHRISTINE RICHTERS, an individual;

CASE NO. 30-2018-00978891-CU-DF-CJC

Plaintiffs,

Assigned to: Judge Theodore Howard

vs.

Action Filed:

TODD SPITZER, an individual; and DOES 1
through 100, inclusive,

VERIFIED COMPLAINT

Defendants.

[Demand for Jury Trial]

1. Defamation
2. False Light
3. Tortious Interference with a Prospective Economic Advantage

Plaintiff CHRISTINE RICHTERS (referred to as "Plaintiff" or "Plaintiffs"), by and through her attorney, brings this action against Defendants, TODD SPITZER; and DOES 1 through 100, and each of them so captioned, (collectively referred to as "TODD SPITZER" or "Defendants") and alleges the following on information and belief, except as to those allegations which pertain to the Plaintiffs and are within their personal knowledge:

JURISDICTION

1. This action is related to the state action of *Richters v County of Orange* (TODD SPITZER) Orange County Superior Court Case No. 00910955 settled on or about September 5, 2017.

PARTIES

2. Plaintiff CHRISTINE RICHTERS, who at all times mentioned herein relevant to this complaint, was a resident of Orange County, California.
3. Defendant TODD SPITZER who at all times mentioned herein relevant to this complaint was a resident of Orange County, California and elected as one of the County's Board of Supervisors.

- 1 4. Plaintiff does not know the true name and capacity of the Defendants DOES 1 through 100,
2 inclusive, and as such names said Defendants by such fictitious names. Plaintiff will amend the
3 complaint to state the true name and capacity of the DOE Defendant(s) when such information
4 is ascertained.
- 5 5. Plaintiff is informed and believes and alleges thereon that each Defendant is responsible in
6 some manner for the occurrences alleged in this complaint, and that Plaintiff's damages were
7 proximately caused by the Defendants.
- 8 6. Plaintiff is further informed and believes and alleges thereon that each Defendant was the agent,
9 servant, representative, and/or employee of their Co-Defendants, and in doing the things
10 hereinafter alleged were acting in the scope of their authority as agents, servants,
11 representatives, and/or employees, and with the permission and consent of their Co-Defendants.
- 12 7. Additionally, Plaintiff is informed and believes and alleges thereon that each Defendant
13 assisted, aided and abetted, adopted, ratified, approved, or condoned the actions of every other
14 Defendant and that each corporate Defendant, if any, was acting as the alter ego of the other in
the acts alleged herein.

15 **FACTUAL ALLEGATIONS**

- 16 8. Plaintiff, Christine Richters was employed by Orange County Board of Supervisor, Defendant
17 TODD SPITZER as his executive assistant and thereafter promoted as policy advisor of
18 Animal Control and to the Office on Aging.
- 19 9. Plaintiff filed a wage and hour action against the County of Orange and TODD SPITZER on or
20 about March 24, 2017, OCSC No. 30-2017-00910955-CU-WT-CJC.
- 21 10. On March 27, 2017 Todd Spitzer issued a written press release that said:
- 22 a. It is documented that in order for Ms. Richters to perform her job
23 responsibilities, it was necessary for her to be current with her job skills.
24 Spitzer's office offered Richters the opportunity to stay as an employee as
25 long as she learned basic computer skills to which she refused. Despite
26 being counseled numerous times by the Chief of Staff and Supervisor
27 Spitzer to learn basic computer skills that would equip her with the
28 necessary skills to do her job, she refused to do so. (Exhibit A)
11. On or about September 05, 2017, the parties settled where Defendants agreed to pay
\$150,000.00 before or on October 17, 2017. (Exhibit B)
12. The Board of Supervisors approved the settlement, including TODD SPITZER.

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- 1 13. Defendant TODD SPITZER issued a written press release on September 26, 2017 that said:
- 2 a. The County has decided to settle with Ms. Christine Richters due to a
- 3 technical issue surrounding overtime exemptions and at-will employment.
- 4 Adequate guidelines, including an exemption agreement, was not provided
- 5 to Ms. Richters or the Chief of Staff during her employment and therefore
- 6 the County resolved to settle her claim for additional compensation for
- 7 unreported hours. Ms. Richters has agreed to dismiss **all other spurious**
- 8 **allegations against the County and Supervisor Todd Spitzer.**
- 9 [emphasis added] (Exhibit C)
- 10 14. Others understood this to mean that Plaintiff did not have computer skills to do her job and
- 11 said statements were republished in various print and oral media concerning TODD
- 12 SPITZER'S race for District Attorney.
- 13 15. Thereafter, TODD SPITZER adopted statements made by reporters and/or told other third
- 14 parties that (1) the lawsuit was over Plaintiff's incompetence in her profession instead of a
- 15 wage and hour dispute. He also told others that (2) Plaintiff just showed up expecting a
- 16 paycheck for work; (3) that Plaintiff had been counseled numerous times by the chief of staff;
- 17 and (4) that Plaintiff refused to take computer classes and implied she was not able to complete
- 18 basic work tasks on computers.
- 19 16. All four of these statements were false. Plaintiff worked long hours creating the agenda,
- 20 handled all public emails for TODD SPITZER, dealt with the constituents on a daily basis at
- 21 the office, attended the board meetings and outside events and participated in various
- 22 committees. Plaintiff was never counseled or written up by the chief of staff who was George
- 23 Cardenas. Moreover, Plaintiff had taken several computer classes and was never directed to
- 24 take computer class. In fact, Plaintiff proactively asked the Board of Supervisors to allow her
- 25 to take further computer classes, and one was provisionally granted which TODD SPITZER
- 26 then denied right before Plaintiff was terminated on or about October 13, 2016.
- 27 17. After the settlement, TODD SPITZER has been broadcasting orally that Plaintiff's termination
- 28 was due to her failure to take computer classes, etc.
18. These statements were false. Spitzer knew the statements were false when he said them.
- Alternatively, TODD SPITZER had no reason to believe the statements were true on the
- grounds he only showed up at the office for Board Meetings and on Fridays since he had a
- weekday ski pass for Big Bear.

- 1 19. As a result of Spitzer's statements, Plaintiff is informed and believes that she is being
2 prevented from being hired. Plaintiff is no longer receiving call backs on interviews. She has
3 received only three interviews since that time. Prior to the settlement Plaintiff received more
4 call backs on interviews and landed a part-time job. Now she is not even being offered a part
5 time job, much less a full-time job with benefits.
- 6 20. As a further result of Spitzer's statements, it has caused Plaintiff shame, mortification,
7 humiliation, anxiety, paranoia, loss of sleep and general emotional distress.
- 8 21. On February 19, 2018, Christine Richters demanded a retraction in writing, but Defendants
9 TODD SPITZER and Does 1 through 100 have failed and refused to withdraw and defamatory
10 statements.

11 **FIRST CAUSE OF ACTION**

12 **DEFAMATION**

13 **(Against Defendant TODD SPITZER and DOES 1 -100)**

- 14 22. Plaintiff incorporates paragraphs 1 through 21 and the Exemplary Damages allegations as
15 though fully incorporated herein.
- 16 23. On September 26, 2017 TODD SPITZER put out a press release admitting the
17 \$150,000.00 settlement he entered into with Plaintiff was over unpaid overtime wages she
18 alleged she was not paid. (Exhibit C)
- 19 24. Does 1 through 100 aided and abetted TODD SPITZER in defaming Plaintiff.
- 20 25. The very next day, on or about September 27, 2017 TODD SPITZER told the reporters at
21 the Patch that Plaintiff was fired because she could not learn basic computer skills:
22 a. Spitzer, who is running for district attorney, said Richters was fired
because she could not learn basic computer skills, a claim Richters'
attorney, Devon Lyon, said was "nonsensical."
- 23 26. TODD SPITZER then went on the air with Rick Reif on a PBS show called Inside the OC
24 which aired November 21, 2017 and said:
25 TODD SPITZER: but that one particular employee, it's unfortunate. I gave
26 her a great opportunity, she worked for me for a while, but she got a new
27 supervisor, I didn't supervise her directly. She got a new supervisor and that
28 person revealed to me that she wasn't doing her job. And so, she was let go.
- RICK REIF: Yeah, you know, I do remember you making the comment, that
she failed to learn even the most fundamental computer skills.

1 TODD SPITZER: Yeah, I found out ---

2 RICK REIF: But, that made me think, why did you hire somebody that didn't
3 have fundamental computer skills?

4 TODD SPITZER: Well, because in the beginning she was just answering the
5 phones and everything else. She was a front office person, a receptionist. But
6 over time as she was supposed to take on more and more responsibility; she
7 was being supervised by the chief of staff at that time who realized that she
8 wasn't carrying her load. And they recommended that she take classes and the
like, and she refused to do any of that. So, the recommendation from the chief
of staff was she needed to be let go. I met with her, tried to get her to make
those improvements, and she wasn't interested.

9 27. This statement was first published in print media by TODD SPITZER on March 28, 2017.

10 (Exhibit A)

11 28. Although nothing ever surfaced during litigation with Plaintiff to support his assertion, he
12 stuck with this false story after settlement, knowing it was false by telling the press Plaintiff's
13 allegations were "spurious."

14 29. For example, prior to the wage and hour settlement, on or about March 28, 2017 a story
15 surfaced in My News LA (mynewsla.com) that said TODD SPITZER broke his silence on the
16 lawsuit Christine Richters had filed:

- 17 a. According to a statement Spitzer's office issued on his behalf at the end of
18 the business day Tuesday, his former employee, Christine Richters,
"refused" to learn "basic" computer skills needed to do her job.
- 19 b. "Despite being counseled numerous times by the chief of staff and
20 Supervisor Spitzer to learn basic computer skills that would equip her with
21 the necessary skills to do her job, she refused to do so," according to the
statement.

22 30. Months after the settlement agreement TODD SPITZER kept repeating these falsehoods. For
23 example, on February 15, 2018 the OC Register ran an article on TODD SPITZER where the
24 same defamatory statements were republished:

- 25 a. Then there was the wrongful termination lawsuit by a former employee who
26 last year alleged that Spitzer forced office aides to work day and night
27 without paying overtime. She also accused Spitzer of running his office with
28 fear and aggression. Spitzer countered that he fired the employee because,
after working for him for more than two years, she refused to learn how to
use computer equipment.

1 b. In the end, the county paid the former worker \$150,000. (Exhibit D)

2 31. Others understood that these statements were about Plaintiff because she was the only
3 employee to sue him and obtain a \$150,000.00 settlement from him.

4 32. Due to the facts and circumstances known to the [listener(s)/reader(s)] of the statement(s), they
5 tended to injure Plaintiff in her occupation or to expose her to hatred, contempt, ridicule, or
6 shame, and to discourage others from associating or dealing with her.

7 33. TODD SPITZER failed to use reasonable care to determine the truth or falsity of the
8 statement(s).

9 34. These statements were false. On March 3, 2014 Plaintiff received her certificate from New
10 Horizons Computer Learning Centers for mastering a computer class in Microsoft Word 2010.
11 On March 28, 2014 Plaintiff received her certificate from New Horizons Computer Learning
12 Centers for mastering a computer class in Outlook 2010. (Exhibit E)

13 35. Furthermore, the chief of staff, George Cardenas never wrote Plaintiff up for failure to take
14 computer classes.

15 36. On February 19, 2018 Plaintiff demanded in writing that TODD SPITZER retract these
16 statements.

17 37. Defendant TODD SPITZER has failed and refused to retract or correct the statements made to
18 the media. The statements are still out there, widely disbursed in the public due to Todd
19 Spitzer's false press release, his adoption of statements made by reporters about computer
20 skills, and his failure to retract his statements in his interviews thereafter.

21 38. As a result, Plaintiff suffered harm to her property, business, profession or occupation
22 including money spent as a result of the statements. Plaintiff is informed and believes and
23 alleges thereon that she cannot get a full-time job with benefits as a result of these statements.
24 She also suffered public humiliation, reputation damage, shame, and emotional distress
25 including mental suffering, anxiety and humiliation.

26 39. The statements made by TODD SPITZER and republished by various media outlets were a
27 substantial factor in Plaintiff's harm.

28 40. In making the statement(s), TODD SPITZER acted with hatred or ill will toward her, showing
 TODD SPITZER's willingness to vex, annoy, or injure her.

- 1 41. Plaintiff is informed and believes and alleges thereon TODD SPITZER is intentionally
2 defaming her in order to make him appear electable as District Attorney, entitling her to
3 punitive damages.
- 4 42. Alternatively, TODD SPITZER had no reasonable grounds for believing the truth of the
5 statement(s) he made.
- 6 43. Plaintiff is entitled to injunctive relief.
- 7 44. Plaintiff is also entitled to recover her costs of suit, including a reasonable attorney's fees, if
8 not by contract, then under CCP 1021.5.
- 9 45. The aforementioned conduct of Defendant(s) was an intentional misrepresentation, deceit, or
10 concealment of a material fact known to the Defendant(s) with the intention on the part of the
11 Defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing
12 injury and was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in
13 conscious disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive
14 damages.

14 **SECOND CAUSE OF ACTION**

15 **FALSE LIGHT**

16 **(Against Defendants TODD SPITZER and Does 1 through 50)**

- 17 46. Plaintiff incorporates paragraphs 1 through 41 and the Exemplary Damages allegations as
18 though fully incorporated herein.
- 19 47. TODD SPITZER publicized information or material that showed Plaintiff in a false light. For
20 example, part of his story made it appear that Plaintiff was never under his direct supervision.
21 However, TODD SPITZER normally only showed up at the office for Board Meetings and on
22 Fridays when he had a weekday ski pass for Big Bear where he has a house. Additionally, he
23 made it appear that she he no employable skills. However, she did have some employable
24 skills as alleged above. He also made it appear she was fired for lack of her office skills and
25 laziness, saying that he does not tolerate employees who just come to work for a paycheck, but
26 she was trying to transfer out of his office when he terminated her. Furthermore, she sued him
27 because she alleged he made her work overtime and refused to pay for the overtime she
28 worked.
48. Does 1 through 50 aided and abetted TODD SPITZER in publicizing information about
Plaintiff to put her in a false light to others.

- 1 49. Defendant TODD SPITZER publicized the information either by communicating it to the
2 public at large or to so many people that the information or material was substantially certain
3 to become public knowledge.
- 4 50. The false light created by the publication would be highly offensive to a reasonable person in
5 Plaintiff's position.
- 6 51. TODD SPITZER knew the publication would create a false impression about Plaintiff or acted
7 with reckless disregard for the truth; or TODD SPITZER was negligent in determining the
8 truth of the information or whether a false impression would be created by its publication.
- 9 52. As a direct and proximate result of the false light, Plaintiff was harmed.
- 10 53. Plaintiff sustained harm to her property, business, profession, or occupation, including money
11 spent as a result of the statement(s); and TODD SPITZER's conduct was a substantial factor in
12 causing Plaintiff's harm.
- 13 54. Plaintiff is entitled to injunctive relief.
- 14 55. Plaintiff is also entitled to recover her costs of suit, including a reasonable attorney's fees, if
15 not by contract, then under CCP 1021.5.
- 16 56. The aforementioned conduct of Defendant(s) was an intentional misrepresentation, deceit, or
17 concealment of a material fact known to the Defendant(s) with the intention on the part of the
18 Defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing
19 injury and was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in
20 conscious disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive
21 damages.

22 **THIRD CAUSE OF ACTION**

23 **TORTIOUS INTERFERENCE WITH A PROSPECTIVE ECONOMIC ADVANTAGE**

24 **(Against TODD SPITZER and Does 1 through 50)**

- 25 57. Plaintiff incorporates in this cause of action all of the allegations in paragraphs 1 through 41;
26 47 through 53 and the Exemplary Damages allegations of this Complaint as though set forth in
27 full herein.
- 28 58. Plaintiff and County of Orange had been in an employment relationship that probably would
have resulted into an economic advantage to Plaintiff.

- 1 59. Just prior to Plaintiff being terminated, TODD SPITZER knew Plaintiff was trying to transfer
2 to another department. Likewise, when Defendant entered into the settlement agreement with
3 Plaintiff on or about September 5, 2017 after Plaintiff was terminated, Defendant knew that
4 Plaintiff had been employed by the County of Orange and had planned on seeking re-
5 employment in another position with the County of Orange outside the Board of Supervisors.
- 6 60. Plaintiff is informed and believes and alleges thereon that TODD SPITZER offered, gave,
7 received or solicited, directly or indirectly, something of value to influence improperly the
8 actions of another party resulting in Plaintiff being blocked from being hired via 'black lists'
9 including but not limited to falsifying a test score showing she purportedly failed the test for
10 eligibility technician (ET) with the County of Orange.
- 11 61. Does 1 through 50 aided and abetted TODD SPITZER in his tortious interference.
- 12 62. Plaintiff is informed and believes and alleges thereon that TODD SPITZER has used other
13 county employees to intimidate others in order to get results he wants.
- 14 63. By engaging in this conduct, Defendant intended to disrupt this relationship or knew that
15 disruptions of this relationship between Plaintiff and the County of Orange was certain to
16 occur.
- 17 64. The relationship was disrupted.
- 18 65. Plaintiff was harmed because she was never rehired back into the County of Orange.
- 19 66. Defendant, TODD SPITZER, was a substantial factor in causing that harm.
- 20 67. Plaintiff is entitled to injunctive relief.
- 21 68. Plaintiff is also entitled to recover her costs of suit, including a reasonable attorney's fees, if
22 not by contract, then under CCP 1021.5.

23 **EXEMPLARY DAMAGES**

- 24 69. Defendant's conduct was reprehensible.
- 25 70. TODD SPITZER while working at the ORANGE COUNTY BOARD OF SUPERVISORS
26 and running for election for ORANGE COUNTY DISTRICT ATTORNEY acted with the
27 intent to cause injury to Plaintiff as evidenced by repeatedly stating she did not have any
28 computer skills knowing she was terminated from his employment.
71. TODD SPITZER's conduct was despicable and was one with a willful and knowing disregard
of the rights or safety of another. Telling others that Plaintiff lacked computer skills put
Plaintiff at a great disadvantage when applying for employment.

- 1 72. TODD SPITZER, and Does 1 through 100 acted with "Oppression" in that they used their
2 administrative position to freeze out Plaintiff from gaining future employment with benefits
3 without any legal authority to do so. Defendant's conduct was despicable and subjected Ms.
4 Richters to cruel and unjust hardship in knowing disregard of her rights.
- 5 73. TODD SPITZER'S conduct is so vile, base, or contemptible that it would be looked down on
6 and despised by reasonable people.
- 7 74. Defendant TODD SPITZER and Does 1 through 100 intentionally misrepresented or
8 concealed a material fact and did so intending to harm Plaintiff.
- 9 75. The malice, oppression, or fraud was conduct of one or more officers, directors, or managing
10 agents of the Orange County of Board of Supervisors, who acted on behalf of the Orange
11 County of Board of Supervisors.
- 12 76. Alternatively, the conduct constituting malice, oppression, or fraud was authorized by one or
13 more officers, directors, or managing agents of Orange County Board of Supervisors.
- 14 77. Alternatively, one or more officers, directors, or managing agents of Orange County Board of
15 Supervisors knew of the conduct constituting malice, oppression, or fraud and adopted or
16 approved that conduct after it occurred.
- 17 78. The conduct must be stopped. Employees must be allowed to freely secure and maintain
18 employment without worrying that the Orange County Board of Supervisors like TODD
19 SPITZER is going to come after them, using other county employees from Human Resources
20 to the O.C. Sheriff Department without due process of law.
- 21 79. Plaintiff had an unblemished employment record, with no write ups or bad annual employment
22 reviews in her file. She was given yearly raises; promoted to Policy Advisor; and received a
23 \$500.00 cash bonus from TODD SPITZER every December.
- 24 80. Plaintiff files this complaint with regret, being forced to file and expose what has been going
25 on because the Defendant's outrageous and extreme conduct has become too great to keep
26 behind closed doors.

27 **PRAYER FOR RELIEF**

28 **WHEREFORE, Plaintiffs pray for judgment** against Defendants, and each of them, as follows:

First Cause of Action

1. For a preliminary injunction ordering Defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with Defendants, to refrain from asserting Plaintiff lacks computer skills or the like pending the final outcome of this litigation.
2. For a permanent injunction ordering Todd Spitzer to take down and delete any defamatory content he has placed on the internet about Plaintiff and to retract his statements made in his press release;
3. For actual damages;
4. For general damages;
5. For a permanent injunction permanently enjoining and restraining Defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with Defendants from similar conduct in the future;
6. Costs;
7. Attorney fees;
8. Punitive damages; and
9. Any further relief the court would deem appropriate and just.

Second Cause of Action

1. To preliminarily and permanently enjoin Defendants from publishing statements putting Plaintiff in a false light; ordering Todd Spitzer to take down/delete any content he has placed on the internet putting Plaintiff in a false light; and to retract his statements made in his press release;
2. General Damages;
3. Special Damages;
4. Costs;
5. Punitive Damages; and
6. Any further relief the court would deem appropriate and just.

Third Cause of Action

1. For a preliminary injunction ordering Defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with Defendants, to refrain from the unconstitutional conduct as alleged in this complaint in violation of a member's Equal Protection under the law; Due Process Rights and Fundamental rights.

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- 2. For a preliminary injunction restraining Defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with Defendants, from tortiously interfering in Plaintiff's attempt to obtain gainful employment;
- 3. For a permanent injunction permanently enjoining and restraining Defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with Defendants from similar conduct in the future;
- 4. For actual damages;
- 5. For general damages;
- 6. Punitive damages;
- 7. Costs;
- 8. Attorney fees; and
- 9. Any further relief the court would deem appropriate and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to those issues that are not equitable in nature.

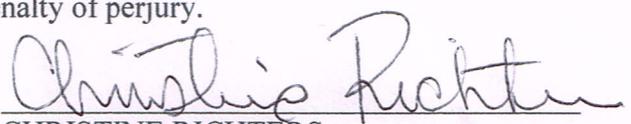
Dated: March 2, 2018

LAW OFFICES OF LENORE ALBERT
 By: s/Lenore L. Albert
 LENORE L. ALBERT, ESQ.
 For Plaintiff, Christine Richters

VERIFICATION

I, Christine Richters, am the Plaintiff in this action and do hereby assert the truth or my belief in the truth of those matters so alleged under penalty of perjury.

Dated: March 2, 2018


 CHRISTINE RICHTERS



TODD SPITZER

SUPERVISOR, THIRD DISTRICT
ORANGE COUNTY BOARD OF SUPERVISORS

ORANGE COUNTY HALL OF ADMINISTRATION
333 W. SANTA ANA BLVD., SANTA ANA, CALIFORNIA 92701
PHONE (714) 834-3330 FAX (714) 834-2786
Todd.Spitzer@ocgov.com

FOR IMMEDIATE RELEASE

March 28, 2017

CONTACT: Melanie Eustice, Chief of Staff

Phone: (714) 834-5492 Mobile: (714) 581-7784

Supervisor Spitzer's Statement on False and Misleading Allegations from Christine Richters *Spitzer pledges to protect taxpayer dollars against baseless claim*

(Orange County, March 28, 2017) – The recent false allegations by Ms. Christine Richters are disheartening, misleading, and simply untrue. The County has decided to fight Ms. Richters' claim and unwarranted attempt to smear the County, Supervisor Todd Spitzer and members of his staff.

It is documented that in order for Ms. Richters to perform her job responsibilities, it was necessary for her to be current with her job skills. Spitzer's office offered Richters the opportunity to stay as an employee as long as she learned basic computer skills to which she refused. Despite being counseled numerous times by the Chief of Staff and Supervisor Spitzer to learn basic computer skills that would equip her with the necessary skills to do her job, she refused to do so.

When Richters informed the Supervisor's office that she wanted to seek a different job in the County, Supervisor Spitzer's office aided her in that pursuit. It is also documented that Supervisor Spitzer was completely aware and supportive of her effort to seek other job opportunities, despite her false accusations.

"Unfortunately, and despite our best efforts to assist Ms. Richters, she was unable to secure a permanent civil service position with the County," said Supervisor Todd Spitzer.

For twenty-five years Supervisor Spitzer has worked late nights and weekends on behalf of the taxpayer. Supervisor Spitzer has tremendously high expectations of government employees to perform their job and keep current with their skills. Working as an Executive Assistant for an elected official is by nature, a demanding job.

Ms. Richters filed a lawsuit against the County simply to gouge the taxpayers for her unwillingness to adapt and gain even the most fundamental computer skills that would have resulted in either remaining with Supervisor Spitzer or testing favorably for another County job.

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**SETTLEMENT AGREEMENT &
MUTUAL RELEASE
(MEDIATION)**

Henry J. Bongiovi
Bongiovi Mediation
831 State Street
Santa Barbara, California 93101
Phone (805) 564-2115/Fax (805) 883-1697

Case Name: Christine Richters v. County of Orange et al.

PARTIES:

The "parties" to this SETTLEMENT AGREEMENT AND MUTUAL RELEASE are:

Plaintiff(s): Christine Richters

Defendant(s): County of Orange
Todd Spitzer

AGREEMENT:

The undersigned parties, in consideration for the payments and/or other commitments set forth below, hereby agree to a final and complete settlement of all disputes between them, including, the dispute arising out of Plaintiff's employment with Defendants, the termination thereof, as well as any and all matters between the Parties prior to the date of this Agreement

which is/are the subject of the case entitled: "Richters v. County of Orange, et al" (Case #00910955) on file in the Superior Court of County of Orange County, California. The parties do hereby mutually release and forever discharge each other, their heirs, successors and assigns, agents, employees, and representatives from all claims, demands, damages, actions or causes of action arising from any such dispute.

The consideration for this settlement agreement and mutual release is as follows:

Defendant shall pay the sum of \$ 150,000 .00 to plaintiff as follows:

\$ 150,000 .00 to be paid on or before 10/17/17 ; \$ _____ .00 per _____ commencing on _____, and continuing for each calendar _____ thereafter until the sum of \$ _____ .00 has been paid; then a final balloon payment of \$ _____ .00 on the following _____ .
Payments shall be made to plaintiff via a check made payable to Lyon Legal Client Trust Acct and delivered to Lyon Legal.
Lyon legal shall provide Defense Counsel with a Form W-9
Payment of said settlement sum is for alleged FSLA violations, penalties, interest, costs and attorneys fees.



TODD SPITZER

SUPERVISOR, THIRD DISTRICT
ORANGE COUNTY BOARD OF SUPERVISORS

ORANGE COUNTY HALL OF ADMINISTRATION
333 W. SANTA ANA BLVD., SANTA ANA, CALIFORNIA 92701
PHONE (714) 834-3330 FAX (714) 834-2786
Todd.Spitzer@ocgov.com

FOR IMMEDIATE RELEASE

September 26, 2017

CONTACT: Melanie Eustice, Chief of Staff

Phone: (714) 834-5492 Mobile: (714) 581-7784

County of Orange Settling Dispute with Christine Richters Over Wages and Hours Claim

Orange County, (September 26, 2017) - The County has decided to settle with Ms. Christine Richters due to a technical issue surrounding overtime exemptions and at-will employment. Adequate guidelines, including an exemption agreement, was not provided to Ms. Richters or the Chief of Staff during her employment and therefore the County resolved to settle her claim for additional compensation for unreported hours. Ms. Richters has agreed to dismiss all other spurious allegations against the County and Supervisor Todd Spitzer.

Personal staff of elected officials is exempt from over time. However, Ms. Richters reported to and was supervised by the Chief of Staff, who is no longer an employee of the Third District, and not the elected official. When she was originally hired, and her employment was processed, Human Resources did not secure routine documents for an elected official employee including an at-will agreement.

Working with Human Resources, the County has developed recommended procedures for processing and hiring new employees for the Board of Supervisors. "It is important to strengthen uniform guidelines that define what at-will and exempt employment mean. Staffers for elected officials are generally required to put in extra hours that exceed a typical 40-hour work week and are not compensated hourly," said Melanie Eustice, who has since taken the role of Chief of Staff for Supervisor Todd Spitzer.



The County's legal costs to defend this case in court would have greatly exceeded the settlement amount. "This settlement was a business decision to settle and to protect the County from additional suits. Since the claim, I have implemented clear and uniform employment policies developed under the guidance of County Counsel and Human Resources to protect the County from similar claims in the future from employees who are not direct reports," said Melanie Eustice, Third District Chief of Staff.

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NEWS

Candidates have plenty to talk about in race for O.C. District Attorney



Orange County Supervisor Todd Spitzer, left, and District Attorney Tony Rackauckas have been engaged in a political feud for years. This year, they're squaring off in the race for District Attorney. (File photos by Orange County Register/SCNG)

By **TONY SAAVEDRA** | tsaavedra@scng.com | Orange County Register
February 15, 2018 at 4:12 pm

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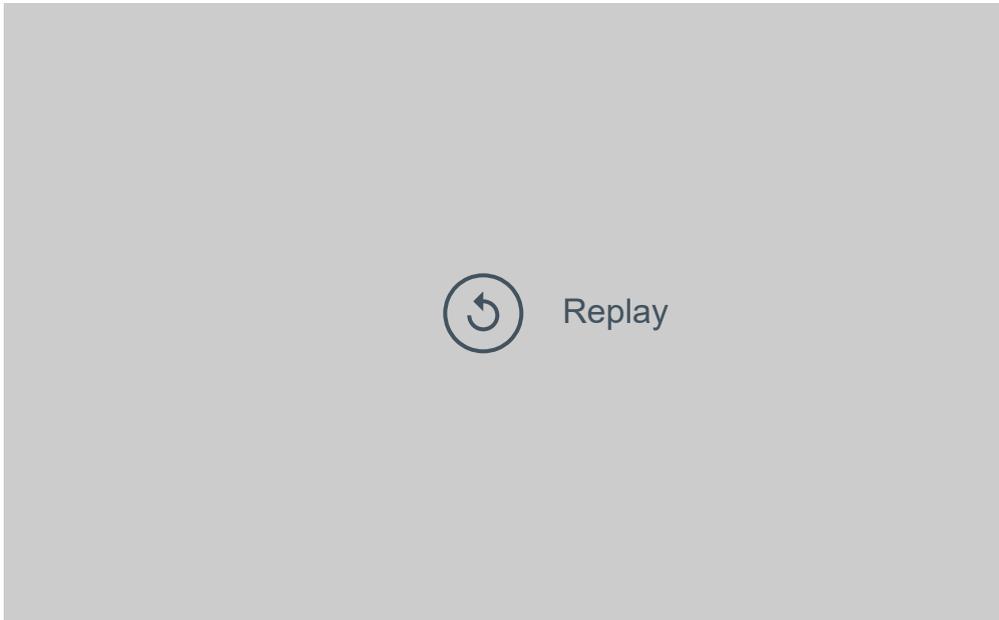
4 COMMENTS

Orange County District Attorney Tony Rackauckas has waltzed into office virtually unopposed since his first election as chief prosecutor in 1998.

For a generation since, over five four-year terms, Rackauckas, 74, has swatted away accusations of cronyism, corruption, and running a sexually charged office without ever coming close to being voted out.

But this June, Rackauckas' leading opponent enters the race with a sizable financial war chest and strong name recognition: Orange County Supervisor Todd Spitzer, 57. He's also won political office after being accused of misusing campaign funds and erratic behavior.

ADVERTISING



The job they both want is big. The Orange County District Attorney's office is, arguably, one of the state's most powerful, with a budget of \$144.8 million. Last year, the office prosecuted 60,000 cases with a conviction rate of about 90 percent, according to the office's own data.

But the men seeking the job are different and the direction they might take criminal justice in the county figures to be different, too.

Snitches, knives, scandal

They used to be friendly. Rackauckas hired Spitzer for a second stint in the DA's office in 2008 and, for a time, took him under his wing. But that ended eight years ago, when Rackauckas fired the politically ambitious Spitzer, and they've been public enemies ever since.

Both men enter the campaign with recent baggage.

Rackauckas' team failed to get the death penalty for the deadliest mass murderer in county history in a trial that revealed systemic misconduct at the DA's office and the Sheriff's Dept. and led to an ongoing federal investigation.

Spitzer drew criticism following a 2015 incident in which he carried a loaded handgun into a Foothill Ranch restaurant and handcuffed a street preacher. Last year, the county was forced to pay \$121,000 in attorney fees in a failed attempt to prevent news organizations from getting access to emails and other documents Spitzer wrote about the incident.

Both also have their backers: Rackauckas, the battle hardened street fighter, is supported by the county's political old guard – developer Gen. William Lyon, Lincoln Club mainstay Buck Johns and former California GOP Chairman Shawn Steel.

Spitzer, the forceful reformer, is picking up steam among such movers-and-shakers as former Beverly Hills and Costa Mesa Police Chief Dave Snowden, former Los Angeles County Assistant District Attorney Patrick Dixon, and citizen watchdog Shirley Grindle.

A third candidate, Democrat Brett Murdock, a former mayor of Brea, also has said he's running. Though he's considered a longshot, experts say Murdock's presence on the June ballot could send the race into a November run-off.

If that happens, some add, the DA's race could be wide open.

"It will depend on who has the most energy" if the election goes to a run-off, said Stephen Stambaugh, a political science professor at Cal State Fullerton.

"Rackauckas is vulnerable," Stambaugh added. "But when you are vulnerable, you try even harder... That has worked for him in the past."

As a teen, Rackauckas dropped out of high school and was convicted of assault with a deadly weapon, winding up in juvenile hall. He turned his life around, eventually serving as an Army paratrooper, a prosecutor and a judge, all before winning election in 1998 as District Attorney.

Rackauckas' status as the incumbent could give him a fundraising boost. But, so far, Spitzer is winning handily in the race for contributions. He entered the campaign with about \$1 million — money stockpiled from other campaigns over the years — and now has about \$1.3 million, according to his latest financial disclosure forms.

Rackauckas, based on his disclosure forms, has a cash balance of \$209,513. But observers say he is likely to get some hefty independent expenditures – money spent independently on his behalf — if he faces a run-off.

Rackauckas needs the financial help to spread the message that he is tough on crime, especially human trafficking, and that he's supportive of victims — all themes he's discussed in every election. This time, he'll probably also want to offset multiple scandals currently bedeviling his office.

Days after the 2011 shooting rampage that killed eight people at a Seal Beach hair salon, Rackauckas held a press conference in which he promised to win the death penalty for the shooter, Scott Dekraai. But to help win that sentence, prosecutors illegally used a jailhouse snitch on Dekraai even though he had a lawyer. County lawyers also kept the use of that snitch, which included hundreds of hours of tapes, to themselves, not telling defense attorneys, a civil rights violation.

Dekraai eventually confessed to the crime, but his attorney, Assistant Public Defender Scott Sanders, used the snitch issue to file the prosecutor's office during hearings to help determine Dekraai's sentence.

Last year, the Dekraai sentence was handed down — eight life terms without the possibility of parole, not the death penalty promised by Rackauckas. The judge said his decision was based on "misconduct" by the DA's office.

Meanwhile, an appellate court ruled that misuse of jailhouse informants and failing to turn over evidence was "systemic" among Orange County police and prosecutors.

And the fallout has spread beyond Dekraai. At least seven cases of murder and attempted murder have unraveled in the aftermath of the snitch scandal, with at least two convicted killers released to the streets.

Protests prompted California's attorney general and the U.S. Department of Justice's civil rights division to investigate Orange County's justice system, with no end in sight to the inquiries. One of the questions perplexing the state is whether two deputies labeled by the court as "liars" should be charged with perjury.

The scandals have given Spitzer ample ammunition to attack the office and Rackauckas.

Experts say it might not matter.

“Orange County has a high-level of tolerance for corruption,” said Jodi Balma, a political science professor at Fullerton College.

Spitzer’s political strategist, John Thomas, stressed that Rackauckas repeated has “botched” cases.

“If Tony was doing such a bang-up job, why is Todd Spitzer even competitive?” Thomas asked. “The current DA has done an absolutely terrible job.”

Spitzer, meanwhile, could offer a target for Rackauckas.

Exhibit one: Spitzer’s citizen arrest of a youth counselor who came to his restaurant table in 2015 to preach the Good Word. Spitzer, deep into a fish combo plate, initially noticed the man staring at him and asked to be left alone. But the man kept proselytizing. At one point, he stared at Spitzer’s dinner knife, a move Spitzer later said prompted his decision to call 911 and detain the man until officials arrived.

According a police report, Spitzer walked to his car and retrieved a fanny pack which held a loaded gun, for which he had a concealed weapon permit. Spitzer reentered the restaurant, handcuffed the man and made a citizen’s arrest for harassment. No charges were filed, against the preacher or Spitzer.

Then there was the wrongful termination lawsuit by a former employee who last year alleged that Spitzer forced office aides to work day and night without paying overtime. She also accused Spitzer of running his office with fear and aggression. Spitzer countered that he fired the employee because, after working for him for more than two years, she refused to learn how to use computer equipment.



In the end, the county paid the former worker \$150,000.

Rackauckas’ campaign notes that Spitzer, a former prosecutor who served on the board of supervisors and the state assembly, has hoarded campaign contributions over the years, saving up for his run for district attorney. Spitzer can legally pass cash between political accounts and doesn’t have to return the money.

But Rackauckas’ campaign has identified 10 people who donated to Spitzer in various past campaigns who are now supporting Rackauckas for DA. Those donors, Rackauckas’ office says, want their money back.

Spitzer also has taken heat for using \$340,000 from another fundraising account to pay for a trip for two to Hawaii, as well as groceries, restaurant meals, hotels, office and retail store purchases, a security system, and donations under Spitzer's name to other politicians, causes and civic groups.

The spending is unusual, but legal, as long as it is connected to Spitzer's role on Orange County's Republican Party's governing central committee.

Spitzer explained in a 2015 article that he is constantly doing the county's and committee's work.

It is rare for central committee members to raise money for a position that meets once a month, experts say. The advantage is that there are fewer restrictions on the committee fund-raising than there are on contributions given to county supervisors.

"I think (the election) is going to end up being the lesser of two evils," said Fullerton political scientist Balma. "People are going to end up holding their noses (to vote)."

Spoiler role?

Attorney Murdock, the former Brea mayor who ran unsuccessfully last year against Ed Royce (R-Fullerton), doesn't have the baggage that Rackauckas and Spitzer have.

That also might not matter.

"Murdock is a scandal-free candidate," Balma said. "But he doesn't have the name recognition, or the money."

In November 2016, Murdock garnered 42.8 percent of the vote against the mainstay, Royce. But his campaign for district attorney — so far — seems austere.

A bio on Murdock's official campaign website runs just three paragraphs. It describes him as a lifelong Orange County resident and small businessman who served as mayor of Brea just four years ago. It adds that he has served on a few government commissions and has a wife and two children, but nothing more. Murdock's Facebook page also lists him as still running for Congress in 2016.

In a couple of campaign fliers, Murdock attacks Rackauckas' handling of the Dekraai murder case, with headlines such as "Rackauckas has got to go."

Murdock wrote in an email, "As your District Attorney, I will aggressively prosecute crimes of financial and physical abuse committed against the elderly, confront the epidemic of opioid addiction by going after doctors who recklessly overprescribe drugs, and end the current DA's culture of corruption, cover-ups and misconduct."

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Saavedra.Tony

Tony Saavedra

Tony Saavedra is an investigative reporter specializing in legal affairs for the Orange County Register. His work has been recognized by the National Headliner Club, the Associated Press Sports Editors, the California Newspaper Publishers Association, the Orange County Trial Lawyers Association and the Orange County Press Club. His stories have led to the closure of a chain of badly-run group homes, the end of a state program that placed criminals in inappropriate public jobs and the creation of a civilian oversight office for the Orange County Sheriff's Department, among other things. Saavedra has covered the Los Angeles riots, the O.J. Simpson case, the downfall of Orange County Sheriff-turned felon Michael S. Carona and the use of unauthorized drugs by Olympian Carl Lewis. Saavedra has worked as a journalist since 1979 and has held positions at several Southern California newspapers before arriving at the Orange County Register in 1990. He graduated from California State University, Fullerton, in 1981 with a bachelor of arts in communication.

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