



June 8, 2015

VIA: HAND-DELIVERY

Claims Division
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: Lindsey Masukawa: Claim for Violation of Labor Code §1102.5 and Constructive Discharge

To Whom It May Concern:

This claim is filed against the County of San Diego (the "County") for constructive discharge, on behalf of Lindsey Masukawa ("Ms. Masukawa"), San Diego County Supervisor Dave Roberts' ("Supervisor Roberts" or "Roberts") former Policy Advisor for Health and Human Services.

I. Summary and Background

After serving state legislators Lori Saldana and Toni Atkins for many years, Ms. Masukawa wanted to effectuate change at the local level. She took a position with San Diego County Supervisor Roberts' office in January 2013 as a Health and Human Services Policy Advisor so that she could make positive local policy and program changes on the ground, in her community. Ms. Masukawa executed her duties with the utmost professionalism and dedication until she was constructively terminated on April 16, 2015.

As Supervisor Roberts' Health and Human Services Policy Advisor, Ms. Masukawa was responsible for working on policies and issues that she cared deeply about, including Health and Human Services, Asian and Women's Affairs, and Labor/Union issues. She was responsible for assessing and recommending local, state, and federal health policy and the impacts of such policy on the delivery of health services throughout the County. Ms. Masukawa worked on some of the most pressing health issues affecting our County including co-creating the HIV Health Services Planning Council Ad Hoc Committee, was instrumental in forming the Family Violence Prevention and Response Initiative, advised Supervisor Roberts and the Health and Human Services Agency ("HHSA") personnel on health matters with political overtones, and developed and executed a proactive advocacy agenda on topics related to health and human services and labor/unions with targeted organizations through strategic legislative, programming,

and public outreach activities. Ms. Masukawa was an excellent and valued employee, and was planning to have a long career working for the County.

Unfortunately, although Ms. Masukawa believed she was being hired to help the people of San Diego County, Supervisor Roberts had other plans. As soon as he took office, it was clear re-election and aspirations for higher office guided Supervisor Roberts' decision-making. Instead of relying on his outside campaign staff to run his campaign, Supervisor Roberts forced his County employees to do his campaign bidding, in clear violation of California Government Code ("Government Code") §8314. Supervisor Roberts directed County staff, including Ms. Masukawa, to secure campaign endorsements and donations on County time. Supervisor Roberts' misuse of County resources to secure donations and support for his reelection campaign permeated the workplace. Supervisor Roberts also misused the resources provided to him by the County to handle his personal matters, like having staff drive his children to school in the County's car, spending dozens of hours applying for benefits and filing a conservatorship petition for his disabled adult cousin, and running errands for Supervisor Roberts. While County staff performed such campaign and personal work for Roberts, they were not available to work on pressing County business.

In March of 2015, two fellow employees, Office Manager/Scheduler Diane Porter ("Porter") and Chief of Staff Glynnis Vaughan ("Vaughan"), came forward exposing this misconduct, filing claims alleging that Supervisor Roberts was misusing County funds for, and directing staff to work on, his 2016 reelection campaign (as well as making inappropriate personal expenditures with County funds). Following those now public allegations, in April 2015, Supervisor Roberts approached Ms. Masukawa in the Board of Supervisor's library before an all staff meeting, closed the door and offered her a promotion and raise if she would lie and tell San Diego County's Human Resources ("HR") that Porter's and Vaughan's claims were untrue. Ms. Masukawa was dismayed and shocked by Supervisor Roberts' attempted bribe.

Supervisor Roberts had been misusing County resources for his campaign and his own personal benefit since Ms. Masukawa started working for the County and she knew she was not going to lie when asked about his misconduct. Ms. Masukawa could not continue working for someone who completely disregarded the law and was now asking her to cover-up his illegal conduct. Accordingly, Ms. Masukawa was constructively discharged on April 16, 2015 and seeks relief for the harm suffered.

II. Statement of Facts

A. Roberts Misused County Funds and Staff for Campaign and Personal Matters

Throughout Ms. Masukawa's employment with the County as a Policy Advisor to Supervisor Roberts, Roberts violated Government Code §8314 and the County's Code of Ethics by misusing the County's resources, including County staff, and specifically, Ms. Masukawa, to engage in campaign-related activities. Ms. Masukawa, as a dutiful staff member, was routinely

directed by Supervisor Roberts to spend County time doing campaign related work for him, and in order to keep her job, she complied with Supervisor Roberts' directives.

In addition, although Ms. Masukawa was aware that Supervisor Roberts used County resources, such as the County's car for campaign-related work as well as for personal purposes like dropping his children off at school, she did not know how to effectively report his conduct, as everyone in the office, including the Chief of Staff John Weil ("Weil"), was aware Supervisor Roberts was misusing County resources. Supervisor Roberts created an environment of palpable retaliation towards anyone who spoke out. The staff, including Ms. Masukawa, received little and inadequate ethics training regarding the rules and regulations governing public officials and the distinction between County work and campaign work on County time or how to report such violations.

1. Roberts Required Staff Participation in Lions Club Events and Projects on County Time

Supervisor Roberts was an active member and leader (Second Vice District Governor) of the Live Well San Diego Lions Club Chapter of Lions Club International, the largest service club organization in the world. Supervisor Roberts directed Ms. Masukawa and other staffers to join Lions Club chapters at their own expense, and to spend County time on Lions Club activities. Ms. Masukawa would routinely spend up to ten hours per week of County time on Lions Club activities, as directed by the Supervisor Roberts. The Lions Club did not help or benefit the County in any way; rather Supervisor Roberts' goal was to use staffers' involvement in the organization to help him climb up the Lions Club hierarchy and gain prominence in the organization to help raise money for his 2016 campaign.

Ms. Masukawa complained frequently to Weil and others that she did not want to be a "Lion," did not want to pay for membership *out of her own pocket*, and did not want to work on Lions Club projects, as she was already extremely busy with her official job responsibilities. Nonetheless, Supervisor Roberts volunteered Ms. Masukawa to be appointed Second Vice President of the Lions Club, without her permission, and nominated Ms. Masukawa to be the Overall Chairperson of the Lions' Charter Ceremony. In this role, Ms. Masukawa was required to attend mandatory meetings and to plan the Charter Ceremony, which was very time consuming. When Ms. Masukawa complained to Supervisor Roberts and Weil that she did not have time to do this, Weil said to do the planning during her work day at the County.

Ms. Masukawa provided feedback regarding the amount of time consumed on projects related to the Lions throughout 2014 to Chief of Staff Weil, but Weil gave her little to no guidance. After Weil left, Ms. Masukawa also complained to then Chief of Staff Vaughan. Despite Ms. Masukawa's complaints, Supervisor Roberts continued to volunteer Ms. Masukawa for large responsibilities within the Lions Club without asking her first.

2. Roberts Violated the Brown Act and Misused County Resources to Obtain Campaign Support from Labor Unions

The Brown Act, Government Code §§54950-54963, provides that Supervisors cannot disclose what transpires in closed sessions with the other County Supervisors with anyone outside of closed sessions. *See* Government Code §54963 (“A person may not disclose confidential that has been acquired by being present in a closed session ... to a person not entitled to receive it.”) Roberts flagrantly and repeatedly violated the Brown Act to lock in endorsements from labor. For example, in the spring of 2013, two labor unions, the United Domestic Workers of America (“UDW”) and the Service Employees International Union (“SEIU”), went into wage/benefit negotiations with the County. During this time, Supervisor Roberts and Ms. Masukawa met frequently with SEIU and UDW, and during these meetings, Supervisor Roberts would often relay what happened in closed session to the union representatives and Ms. Masukawa. He often began such exchanges with something to the effect of, “I shouldn’t be telling you this, but” Supervisor Roberts did this to gain the support of the Unions for his 2016 reelection campaign.

Supervisor Roberts asked Ms. Masukawa, while on the clock for the County, to set up quarterly meetings with numerous labor unions to keep them happy and cultivate their support for his 2016 reelection campaign. Supervisor Roberts reprimanded Ms. Masukawa in 2013, because she had not set up any quarterly meetings yet. Roberts told her that they were in “campaign mode,” and that she was hired to help him get elected in 2016 – that was why she was his labor liaison. He told her they needed to meet with labor unions to make sure he would have their support for his reelection. Ms. Masukawa spent numerous hours of County time following Supervisor Roberts’ orders and attending numerous meetings with Supervisor Roberts and labor unions. During many of these meetings, Supervisor Roberts would talk about his campaign and blatantly solicit campaign contributions.

3. Roberts Stalled Regulatory Work to Secure Campaign Contributions

In May of 2014, the San Diego County Board of Supervisors adopted an amendment to the County Code to prohibit the use of electronic smoking devices in places where tobacco smoking is banned, including public buildings, unincorporated areas, and parks. Ms. Masukawa was personally passionate about this issue and spearheaded the policy change in partnership with another HHSA policy advisor. However, Supervisor Roberts abruptly changed course on this issue to appease a potential campaign donor, the Neighborhood Market Association, who would oppose any ban on smoking. Roberts asked Ms. Masukawa to pause any future work to further regulate the use of electronic smoking devices and conventional cigarettes until after he received the Neighborhood Market Association’s support and 2016 campaign contribution.

4. Roberts Used County Resources to Build His Campaign Finance Committee

In the winter of 2014, Supervisor Roberts decided it was time to create the finance committee for his 2016 reelection campaign. He frequently came into Ms. Masukawa’s office, or pulled her into his office and closed the door, to ask her how he could reach more people to be

on his election committee, who else could be on his committee, or how to approach specific people. On several occasions, Supervisor Roberts asked Ms. Masukawa to reach out to leaders in the community and ask them to serve on his financial committee. Supervisor Roberts also asked Ms. Masukawa to attend his first Finance Committee meeting, and added the event to her work calendar. Ms. Masukawa, however, told Vaughan that she felt uncomfortable about attending, so Vaughan took the meeting off Ms. Masukawa's calendar and told Supervisor Roberts that Ms. Masukawa could not attend his Finance Committee meeting because it was related to his 2016 reelection campaign and not County business.

5. Roberts Directed Staff to Assist in His Fundraising and Endorsement Efforts

Supervisor Roberts frequently emailed Ms. Masukawa about his 2016 reelection campaign and directed her to assist him in his fundraising and endorsement efforts. A few examples of Roberts' endless communications with Ms. Masukawa regarding campaign or fundraising issues, or use of her time for such issues, show how pervasive his misuse of County resources for campaign purposes was:

- September 6, 2013: Supervisor Roberts emailed Ms. Masukawa and his campaign staff during work hours, introducing his campaign staff to Ms. Masukawa and providing her personal email address to "discuss fundraising from the healthcare community." Ex. 1.
- November 25, 2013: Supervisor Roberts directed Ms. Masukawa to forward an invitation to his December 12, 2013 Birthday Fundraiser at his home in Solana to her labor contacts. Ms. Masukawa received a follow-up email from a labor union UDWA organizer during work hours on December 5, 2013, stating that she was interested in being of assistance to Supervisor Roberts, and Ms. Masukawa could email donor inquiries to her. Ex. 2.
- December 12, 2013: In response to the same fundraising email, Masukawa received an email from an IBEW union member during work hours stating he would be happy to support Supervisor Roberts with a personal contribution. Ex. 3.
- November 17, 2014: Supervisor Roberts directed Ms. Masukawa to meet with the Democratic Party on County time regarding early endorsements and provide information to him, which she did. Ex. 4.
- March 16, 2015: Supervisor Roberts emailed Ms. Masukawa during work hours to come see him regarding the proposed media rollout of Supervisor Roberts' endorsements. Ex. 5.
- March 17, 2015: Supervisor Roberts directed Ms. Masukawa to contact San Diegans Against Crime on County time regarding an early endorsement, which she did. Ex. 6.

6. Roberts Used a County Car and “Driver” for Campaign and Personal Purposes

Even though Supervisor Roberts had a \$1,000 per month car allowance to cover gas, insurance, and other expenses for his own car, he often used the County’s car for personal and campaign purposes – a car that was supposed to remain available for all Staff to use to attend County events. Because Supervisor Roberts was misusing the County car, the staff, including Ms. Masukawa, had to use their own vehicles for County events and seek mileage reimbursement from the County.

Supervisor Roberts also required a young male staffer (“driver”) to drive him to campaign events and drop his kids off at school using the County car. Notably, Roberts’ entire staff voted not to hire the driver. In response, Supervisor Roberts became furious and told Weil to hire the driver immediately anyway. The staff viewed Supervisor Roberts’ use of a “driver” in addition to a car allowance and the favoritism that he openly displayed to the driver, as inappropriate.

7. Roberts Notoriously Purchased Baseball Cards with County Funds

In March 2015, Supervisor Roberts used County funds to buy 10,000 “Dave Roberts baseball cards.” When they arrived, concerns were raised that this was an inappropriate County expenditure because they appeared to be more “campaign,” than “County” related. Ms. Masukawa was told by Porter that Roberts asked her to not allow the staff to use the baseball cards and put them in a drawer, and later asked her to take them home and make them “disappear.”

B. Supervisor Roberts Engaged in Secret, Unauthorized Contract Dealings

In 2013, Supervisor Roberts invited an Arizona consultant to meet with him and his staff regarding developing a national Emergency Medical Services (“EMS”) model. On information and belief, the consultant sent Supervisor Roberts a contract (which provided for payment of approximately \$28,000 to the consultant), but Supervisor Roberts did not go through the proper process for requesting approval of an expenditure of County funds. On information and belief, Supervisor Roberts did not provide the contract to County Counsel for review, and the contract/expenditure was not approved.

Nonetheless, Supervisor Roberts attended the initial meeting with the Arizona consultant and directed Ms. Masukawa, Weil, and another staff member to attend. Pursuant to Supervisor Roberts’ orders, the Arizona consultant came to San Diego numerous times over the course of the next two years, meeting with Ms. Masukawa, Weil, and other staff members on nearly a monthly basis regarding the EMS model. In the fall of 2014, the consultant indicated that he wanted to be paid for his services, per his contract with the County. This was outside Ms. Masukawa’s job responsibilities, so she relayed the issue of payment to Weil, and later to Vaughan.

Supervisor Roberts, through Weil, directed that the consultant could not be paid out of Supervisor Roberts' office funds, but instead should be paid by applying for a San Diego County Neighborhood Reinvestment Program (NRP) grant. Ms. Masukawa did not believe it was appropriate for the consultant to apply for an NRP grant, because: (1) the grant is only available to non-profit community organizations for "community, social, environmental, cultural or recreational needs," and the consultant who performed the work did it on behalf of a for-profit entity; (2) the beneficiary was not located in San Diego County, but was an out-of state entity; and (3) the purpose of the NRP grants is to provide "bricks and mortar" supplies to the organization, such as tables, blackboards, and computers, and to pay for consulting. Per Weil's request, Ms. Masukawa forwarded the application to the consultant, but relayed the issue to Vaughan who notified County Counsel and conducted an investigation of the issues. Ms. Masukawa does not believe the consultant was ever paid by the County.

C. Masukawa Refused to Engage in Unlawful Conduct and Was Forced to Resign

As has now been well-documented, Supervisor Roberts' office started to implode at the beginning of March, 2015. Two key staffers complained about his ongoing ethical and government code violations and ultimately resigned. As Roberts' improper conduct escalated, Ms. Masukawa had no choice but to resign as well.

1. Staff Complained to Human Resources about Roberts' Misuse of County Funds and Staff

On Monday, March 9, 2015, Porter and Vaughan went to County Human Resources ("HR") and spoke with Susan Brazeau ("Brazeau"), the head of HR, about the misuse of County funds, use of County staff for campaign-related work, and the inappropriate favoritism showed by Supervisor Roberts to the newly hired driver. They were called back for another meeting the next day with Brazeau and another employee from County Counsel's office, as Porter and Vaughan later relayed these meetings to Ms. Masukawa.

2. Roberts Asked Masukawa to Lie to Human Resources in Exchange for a Promotion and Raise

On Monday, March 30, 2015, before the all-staff meeting, Supervisor Roberts told Ms. Masukawa that he could no longer trust Helen Robbins-Meyer ("Robbins-Meyer"), the County's Chief Administrative Officer, because she believed Porter and Vaughan's complaints about his improper use of County resources for campaign purposes and inappropriate favoritism toward his driver. Porter walked in to hand something to Supervisor Roberts, and when she left, Supervisor Roberts said, "That one went to HR. I don't know what we are going to do with her." Supervisor Roberts told Ms. Masukawa that he wanted all of his staff to talk to HR about Porter and Vaughan's allegations.

Supervisor Roberts then said to Ms. Masukawa that *she, in particular needed to talk to HR and tell them that what Porter and Vaughn said was untrue*. Supervisor Roberts took a breath, and then told Ms. Masukawa that if she did this (went to HR and said that Porter and

Vaughan were lying), that once this was over, Ms. Masukawa would become Deputy Chief of Staff and get paid the salary of a Deputy Chief of Staff. Ms. Masukawa was in total shock by what she understood to be *an attempted bribe from Supervisor Roberts that she would get a promotion and substantial raise if she lied to HR, and told them that Porter and Vaughan were lying* about Supervisor Roberts' improper use of County funds and staff for campaign purposes.

The next day, on March 31, and again on April 1, 2015, Porter and Ms. Masukawa spoke. Ms. Masukawa told Porter that Supervisor Roberts had promised her a promotion to Deputy Chief of Staff and corresponding salary if she would go to HR and "smooth things out" by telling them that everything Porter and Vaughan had told them about Supervisor Roberts was a lie. Ms. Masukawa told Porter she could not and would not lie.

3. Masukawa Suffered Severe Emotional Distress

Ms. Masukawa experienced severe stress and anxiety over the situation. She and Porter were both having such intense anxiety attacks that they would have to go outside and walk around the building to try to calm each other down.

On April 1, 2015, at a public health meeting with another HHSA Policy Advisor, Ms. Masukawa told a colleague in another Supervisor's office that Supervisor Roberts attempted to bribe her and asked her to lie to HR, and she felt she had to quit.

4. Ms. Masukawa Was Compelled to Resign From the County

Ms. Masukawa knew she could not lie to HR, and knew she would have to resign because she could no longer stay in her position when she was being asked to participate in conduct she knew was illegal. Ms. Masukawa was in an untenable situation, one that no objectively reasonable person could be expected to tolerate. Ms. Masukawa was concerned that if she told Supervisor Roberts the real reason she was leaving (because he had asked her to lie to HR), he would sabotage her efforts to get another job, since most of her contacts were connected to the County.

On April 2, 2015, Ms. Masukawa asked Porter (as Supervisor Roberts' Scheduler), to schedule a time for her to meet with Supervisor Roberts to tell him that she was resigning. Porter then said she was planning on resigning that day, too – she had a morning appointment with Supervisor Roberts and County Counsel Tom Montgomery ("Montgomery") to talk about everything that had been happening, and then she was going to quit. Porter gave Ms. Masukawa a 1:30 pm appointment to talk with Supervisor Roberts.

Ms. Masukawa saw Montgomery (who she came to know well after 2-1/2 years in the County Supervisor's office) in the hallway and told him that she was resigning. He appeared to be in utter shock and asked why. Ms. Masukawa told him that it was for personal reasons, but that there were some unethical things that made her feel the need to resign. Montgomery said that he would sit in with Ms. Masukawa during her resignation meeting with Supervisor Roberts.

At her 1:30 p.m. meeting with Supervisor Roberts and Montgomery, Ms. Masukawa told Supervisor Roberts she was leaving and handed him her resignation letter. She cried, because she truly loved working on HHSA policy and with the community. This had been the job she had wanted since she started working at the state seven years earlier, and it broke her heart to have to leave it. Ms. Masukawa told Supervisor Roberts she had to leave for personal and health reasons, and she left the room.

Ms. Masukawa went down to HR and met with Robbins-Meyer and Brazeau. They were having their weekly meeting. Ms. Masukawa told Robbins-Meyer she needed to leave and Robbins-Meyer was also shocked. Robbins-Meyer then asked Ms. Masukawa if she would ever work for that office again. Ms. Masukawa asked whether she meant Supervisor Roberts, and Robbins-Meyer said yes. Ms. Masukawa responded that she would never work for him again.

Robbins-Meyer called Ms. Masukawa from her office later that day. She said she still could not believe Ms. Masukawa was leaving, and Ms. Masukawa told her that she needed to. Robbins-Meyer asked her if Supervisor Roberts ever asked her to say anything that was untrue. Ms. Masukawa told her she was not in the business of getting people in trouble. Robbins-Meyer said she understood that but she needed to know what she was dealing with. Ms. Masukawa told her yes – *Supervisor Roberts asked her to tell HR what Porter and Vaughan said was untrue, and that once she did, she would get a promotion and raise.*

Ms. Masukawa told Robbins-Meyer that due to Supervisor Roberts' attempted bribe, she had no choice but to resign. Robbins-Meyer apologized that Ms. Masukawa was put in that situation and now out of a job. Ms. Masukawa told Robbins-Meyer that she wrote in her termination letter that she was leaving for personal reasons because she wanted to avoid any retaliation by Roberts. Robbins-Meyer told Ms. Masukawa that she was not alone in her statements about Roberts' misuse of County resources for campaign and personal purposes, and that she would try to find Ms. Masukawa a job within the County.

On Monday, April 6, 2015, at the all-staff meeting, Supervisor Roberts had to leave early for a call. When he left, Ms. Masukawa announced she was leaving but did not say why. After the meeting was over, Mel Millstein (now Chief of Staff, replacing Vaughan) immediately went to Supervisor Roberts' office and closed the doors. Ms. Masukawa was told by staff that afterward, Supervisor Roberts approached them and asked if Ms. Masukawa told them why she was leaving, and they informed Supervisor Roberts that she did not indicate why she was leaving. Supervisor Roberts then cornered Ms. Masukawa in her office and closed the door, very upset with her. Supervisor Roberts demanded that Ms. Masukawa start telling everyone that she was leaving for personal and health reasons. She did as Supervisor Roberts directed.

On Monday, April 13, 2015, Ms. Masukawa received a voicemail from Montgomery saying he needed to tell Supervisor Roberts what she told Robbins-Meyer – that Supervisor Roberts asked her to tell HR what Porter and Vaughan said was untrue, and once she did, she would get a promotion to Deputy Chief of Staff and a raise. Ms. Masukawa went to Montgomery's office and met with him. Ms. Masukawa asked Montgomery if Robbins-Meyer

was mad at her and he said she was not, *and Montgomery assured Ms. Masukawa she had absolutely done the right thing.*

III. Masukawa's Claim for Constructive Discharge Against the County

Supervisor Roberts' improper use of County resources and staff, including Ms. Masukawa's time, to perform work on his 2016 reelection Campaign as well as perform services for him, personally, constitutes illegal electioneering in violation of Government Code §8314(a)¹ and violates San Diego County's Code of Ethics.² Ms. Masukawa could not be part of Roberts' cover-up and ethically had to resign. She thus brings this claim against the County for constructive discharge.

Constructive discharge occurs when the employee's working conditions deteriorate as a result of the employer's wrongful conduct to the point that they become "sufficiently extraordinary and egregious to overcome the normal motivation of a competent, diligent, and reasonable employee to remain on the job," and resignation is the only fitting response. *Turner v. Anheuser-Busch, Inc.*, 7 Cal. 4th 1238, 1246, 876 P.2d 1022 (1994). A constructive discharge is legally regarded as a firing by the employer rather than a voluntary resignation by the employee. *See Turner*, 7 Cal. 4th at 1244-45.

The County, through Supervisor Roberts, directed Ms. Masukawa and his staff to unlawfully work on his campaign and personal matters on County time, and offered Ms. Masukawa a raise and promotion if she would tell HR that Porter's and Vaughan's concerns of misuse of County funds and staff for campaign and personal purposes were untrue.

This continuing unlawful conduct, and finally, Supervisor Roberts' attempt to bribe Ms. Masukawa to cover-up his unlawful conduct, were intolerable working conditions, which caused Ms. Masukawa's constructive discharge from her employment at the County.

The County, through Supervisor Roberts, intentionally created and knowingly permitted the working conditions that were so intolerable that a reasonable employer would realize that a reasonable person in Ms. Masukawa's position would be compelled to resign. Ms. Masukawa subjectively felt that the working conditions were so intolerable that she felt compelled to resign. As a proximate result of this wrongful conduct, Ms. Masukawa has suffered, and continues to suffer, substantial losses in earnings and job benefits in an amount to be determined according to proof at the time of trial. As a further proximate result of the County's wrongful conduct, Ms. Masukawa has also suffered, and continues to suffer, humiliation, embarrassment, emotional

¹ Government Code §8314(a) prohibits elected state or local officers from using or permitting others to use "public resources for a campaign activity, or personal or other purposes which are not authorized by law."

² San Diego County's code of ethics prohibits, among other things, fraud, waste, and abuse of funds as well as misusing County-owned property for non-County business.

distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.


IV. Summary/Demand

Ms. Masukawa has suffered both mentally and physically as a result of the duress and hardship she has been forced to endure. She lost her job at the County and has not yet secured other employment. She has lost her County benefits including her pension/retirement benefits and flex benefits. Ms. Masukawa has suffered severe stress and anxiety. Her promising career at the County is over, and she is extremely disheartened by what she has experienced.

Because Ms. Masukawa knew she could not engage in the conduct Supervisor Roberts asked her to do – to cover up his unlawful conduct and lie to HR, she had to resign from her position. Ms. Masukawa is hopeful that this claim can be resolved before further expense and damage is incurred. However, if the County does not resolve Ms. Masukawa's claims, we are confident, given the facts of this case, that we can obtain a substantial judgment for Ms. Masukawa at trial, including lost past and future wages, compensation for the non-economic damages she has suffered, as well as attorneys' fees and costs under Code of Civil Procedure §1021.5. Nonetheless, we believe it could be in both parties' best interests to try to resolve this dispute, if possible, without litigation.

Should you have any questions, or wish to discuss this matter further, please to not hesitate to contact us directly.

Sincerely,


ALREEN HAEGGQUIST

AE:rc

Enclosures

EXHIBIT 1

5/21/2015

Gmail - Connecting you both reference 9/25 and other health events



Lindsey Masukawa <lindsey.masu@gmail.com>

Connecting you both reference 9/25 and other health events

2 messages

Dave Roberts <dave@daveroberts.org>

Fri, Sep 6, 2013 at 2:53 PM

To: Lindsey Masukawa <REDACTED>, "<kelli@REDACTED>" <kelli@REDACTED>

Kelli - I wanted to connect you with Lindsey Masukawa's personal e-mail to discuss fundraising from the healthcare community.

Also, Lindsey said that <REDACTED> of UCSD Health will attend 9/25 event. I believe she said that <REDACTED> would max out.

Sent from my iPad

Kelli <REDACTED>
To: Dave Roberts <dave@daveroberts.org>
Cc: Lindsey Masukawa <REDACTED>

Mon, Sep 9, 2013 at 7:46 AM

Great! Hi Masukawa :)! Let me know what you have in mind with healthcare community.

Thanks and thanks Dave

Sent from my iPhone
[Quoted text hidden]

EXHIBIT 2

5/21/2015

Gmail - Help Celebrate Supervisor Dave Roberts' Birthday at his home in Solana Beach

 Birthday Holiday event for DR 12.12.13.pdf
498K

Thu, Dec 5, 2013 at 8:45 AM

REDACTED@udwa.org>

To: Lindsey Masukawa REDACTED

Cc: REDACTED

Lindsey:

Please wish Supervisor Roberts a Happy Birthday. I am so sorry that I cannot make it. I have cc'ed my personal email, also. Feel free to email donor, volunteer, or unrelated to work inquiries, there.

I am very much interested in being of as much lof assistance to Supervisor Roberts as I can.

Have a great day as I am working on getting that data to you :)

REDACTED

Organizer
United Domestic Workers of America
AFSCME Local 3930
4855 Seminole Dr.
San Diego, CA 92115
(c) 619-203-2683

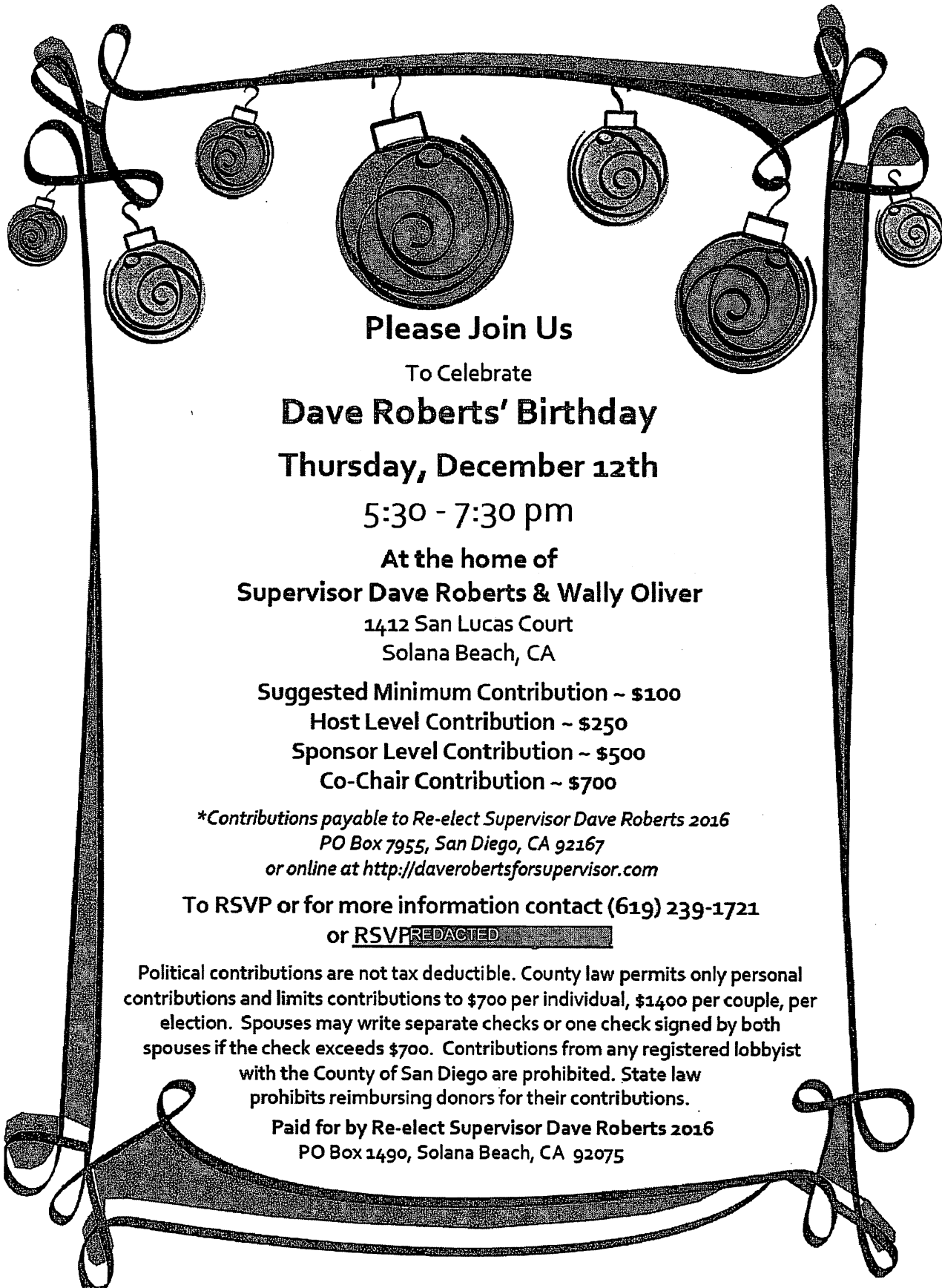
REDACTED

From: Lindsey Masukawa REDACTED

Sent: Wednesday, December 04, 2013 1:55 PM

To: Lindsey Masukawa

Subject: Help Celebrate Supervisor Dave Roberts' Birthday at his home in Solana Beach



Please Join Us

To Celebrate

Dave Roberts' Birthday

Thursday, December 12th

5:30 - 7:30 pm

At the home of

Supervisor Dave Roberts & Wally Oliver

1412 San Lucas Court

Solana Beach, CA

Suggested Minimum Contribution ~ \$100

Host Level Contribution ~ \$250

Sponsor Level Contribution ~ \$500

Co-Chair Contribution ~ \$700

**Contributions payable to Re-elect Supervisor Dave Roberts 2016*

PO Box 7955, San Diego, CA 92167

or online at <http://daverobertsforsupervisor.com>

To RSVP or for more information contact (619) 239-1721

or RSVP REDACTED

Political contributions are not tax deductible. County law permits only personal contributions and limits contributions to \$700 per individual, \$1400 per couple, per election. Spouses may write separate checks or one check signed by both spouses if the check exceeds \$700. Contributions from any registered lobbyist with the County of San Diego are prohibited. State law prohibits reimbursing donors for their contributions.

Paid for by Re-elect Supervisor Dave Roberts 2016

PO Box 1490, Solana Beach, CA 92075

EXHIBIT 3

5/21/2015

Gmail - Help Celebrate Supervisor Dave Roberts' Birthday at his home in Solana Beach

REDACTED@bew569.org>

Thu, Dec 12, 2013 at 1:29 PM

To: Lindsey Masukawa REDACTED

Thanks, Lindsey! Great seeing you again last night. Thank you again to Supervisor Roberts for coming. Everyone was thrilled to see him.

Regretfully, I have a conflict and can't make it tonight but please pass on my birthday wishes to the Supervisor and I'm happy to support with a personal contribution.

Keep me posted about future events and maybe lunch in the New Year?

Best,

REDACTED

Sent from my iPhone

> On Dec 12, 2013, at 1:01 PM, "Lindsey Masukawa" <lindsey.masu@gmail.com> wrote:

>

>

> [cid:image002.png@01CEEA1A.7E72DFF0]

>

> <image002.png>



image002.png
431K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Sat, Dec 14, 2013 at 1:36 PM

To: lindsey REDACTED

This is an automatically generated Delivery Status Notification

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipient has been delayed:

REDACTED

Message will be retried for 1 more day(s)

Technical details of temporary failure:

The recipient server did not accept our requests to connect. Learn more at <http://support.google.com/mail/bin/answer.py?answer=7720>
[0] sdbctc.org. [209.99.40.219]:25: Connection refused]

— Original message —

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=gmail.com; s=20120113;

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12 Dec 2013 13:00:48 -0800 (PST)

Received: by 10.42.117.196 with HTTP; Thu, 12 Dec 2013 13:00:47 -0800 (PST)

In-Reply-To: <057801ceea5d5df9c8cc0\$9ed5a640\$@daveroberts.org>

References: <056001ceea5d5d8d074d0\$8215e70\$@daveroberts.org>

<057801ceea5d5df9c8cc0\$9ed5a640\$@daveroberts.org>

Date: Thu, 12 Dec 2013 13:00:47 -0800

Message-ID: <CAMYuzcf-kakUY-U640awY-zoRwKp-7YqDTLR9BzhOSnDboEicvQ@mail.gmail.com>

Subject: Re: Help Celebrate Supervisor Dave Roberts' Birthday at his home in
Solana Beach

From: Lindsey Masukawa REDACTED

To: undisclosed-recipients::

Content-Type: multipart/related; boundary=001a11346bd2d2149b04ed5ca343

Bcc: REDACTED

>
>
>
>

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Sun, Dec 15, 2013 at 3:40 PM

5/21/2015

Gmail - Help Celebrate Supervisor Dave Roberts' Birthday at his home in Solana Beach

To: REDACTED

Delivery to the following recipient failed permanently:

REDACTED@sdbctc.org

Technical details of permanent failure:

[Quoted text hidden]

EXHIBIT 4

5/21/2015

Gmail - Meeting with Dem Party



Lindsey Masukawa [REDACTED]

Meeting with Dem Party

1 message

Lindsey Masukawa [REDACTED]

Mon, Nov 17, 2014 at 7:43 PM

To: Dave Roberts <dave@daveroberts.org>, [REDACTED]

Hi Dave,

[REDACTED] and I met with [REDACTED] at the Party. Here are the answers he provided us.

1- The party plans on doing early endorsement Nov/Dec 2015 if the candidate is going to be in a hard race. He said normally they do incumbent endorsements during the earlier months the year of their election. This means Jan/Feb of 2016. The Committee members are up for election so this may change the environment. The North Committee leadership may be different. Their election is next month [REDACTED] would like to have a preliminary meeting with you in Spring to talk to you and your consultant on your strategy and finance.

2- The Party takes 10% off the first \$10,000 and then 5% off the next \$10,000 per individual donor. After that they do not take anything. This means if a donor gives the Party \$10,000 for another candidate and then \$10,000 for you - you will get 5% taken off. If a donor has already given \$20,000 within the cycle, they won't take anything off. This is per election cycle. People and organizations can give an unlimited amount to the Party.

3- There is around \$2,500 left of the \$3,000 from Realtors. He didn't want to look it up while we were there and I had to ask him 3 times to get back to me with the exact amount. He asked for you to not use it on items other than ads. Since technically you are not endorsed, he doesn't want any committee members to be upset.

4- Only after the candidate is endorsed can an individual earmark their donation. Organizations can meet with [REDACTED] or call him to discuss their donations. He was very vague and said there were no reassurance that money given to them would be given to the candidate of their choosing. He said that our Party is known for keeping their word so there was no need to worry.

After you are endorsed you can begin having people donate. They would write checks to your campaign to support you - this is what you can talk to [REDACTED] about next Spring. He said that the money would be essentially yours but he would want to be hands on in knowing your strategy so they can prepare to back you. If there is money left over they would transfer it into the current campaign account.

Because you cannot have early endorsement this summer - he suggested that you start going to Clubs and asking for their early endorsement. Many committee members will be in the audience.

Please feel free to call me if you have any questions.

EXHIBIT 5



Lindsey Masukawa [REDACTED]

Fwd: Dave Roberts endorsement rollout

4 messages

Dave Roberts <dave@daveroberts.org>

Mon, Mar 16, 2015 at 12:56 PM

To: Lindsey Masukawa [REDACTED]

See me.

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: March 16, 2015 at 12:52:55 PM PDT
To: "tshepard" [REDACTED] Dave Roberts
<dave@daveroberts.org> [REDACTED]
Subject: Dave Roberts endorsement rollout

Hey guys,

Great seeing you on Friday.

Just wanted to start up an email thread to get the ball rolling on how we go about creating a drumbeat among insiders about Dave's inevitability.

I think we certainly should look at releasing endorsements from Republicans first. Here's a rough order of how I might recommend we look at rolling these folks out:

Media Release proposed timeline**March 18th:** Bonnie Dumanis endorsement release**March 23rd:** Bill Gore endorsement release**March 26th:** Pam Slater-Price endorsement release**March 31st:** "Encinitas Leaders endorse Dave Roberts"**April 2nd:** Dede Alpert endorsement release**April 6th:** "Del Mar leaders endorse Dave Roberts"**Date TBA:** Fundraising announcement upon hitting \$100k**April 8th:** Deputy Sheriffs Association endorsement release**April 9th:** Solana Beach Leaders endorsement release**April 13th:** PORAC endorsement release**Date TBA:** Website announcement**April 16th:** Harris, Cole, Gloria endorsement release**April 20th:** SDCPOA endorsement release**Date TBA:** Fundraising announcement upon hitting \$200k**April 22nd:** Peters and Vargas**April 27th:** Wadie Deddeh**April 28th:** Toni Atkins**April 29th:** Barrera should be partnered with some business leader - if we perhaps have a Chamber of Commerce exec announced simultaneously.

I think we should blast these to four main groups:

- 1) Local and state press
- 2) Local San Diego insiders/electeds
- 3) Sacramento chattering class folks

5/15/2015

Gmail - Fwd: Dave Roberts endorsement rollout

4) County Supervisors throughout the state, to help boost your name ID for your potential National Association of Counties election

Let me know your thoughts. We're glad to either take the lead on sending these releases out on our end, or to just forward them along to our lists if Tom's shop has been working on the releases - whichever is more convenient to you guys.

Best,
Mac

Dave Roberts <dave@daveroberts.org>

Mon, Mar 16, 2015 at 1:00 PM

To: REDACTED

Cc: "REDACTED" REDACTED

Wow!

Sent from my iPhone
[Quoted text hidden]

Dave Roberts <dave@daveroberts.org>

Tue, Mar 17, 2015 at 11:10 AM

To: Tom Shepard REDACTED

Cc: Lindsey Masukawa REDACTED

Let's chat. Glynnis is on leave & Lindsey is filling in for her.

Sent from my iPhone

Begin forwarded message:

From: REDACTED

Date: March 17, 2015 at 11:01:27 AM PDT

To: Dave Jacobson REDACTED, Dave Roberts <dave@daveroberts.org>

Cc: "REDACTED"

Subject: Re: Dave Roberts endorsement rollout

Hey, so just following up on this. Should I draft up a Dumanis release for tomorrow?

On Mon, Mar 16, 2015 at 1:53 PM REDACTED REDACTED > wrote:

Looks like a good plan to me!

[Quoted text hidden]

-

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Dave Roberts <dave@daveroberts.org>

Tue, Mar 17, 2015 at 1:44 PM

To: Tom Shepard REDACTED

Cc: Lindsey Masukawa REDACTED REDACTED

How is 4:30 pm? I will be in my car at 858-775-9241.

Dave Roberts

EXHIBIT 6

5/21/2015

Gmail - Supervisor Dave Roberts



Lindsey Masukawa REDACTED

Supervisor Dave Roberts

1 message

Masu REDACTED

Tue, Mar 17, 2015 at 3:33 PM

To: REDACTED

Hi REDACTED

The Supervisor asked me to see if you thought SDAC may endorse before your meeting next month. He is worried about scheduling and wants to make sure he is able to meet your Board before you vote on endorsements. He can make it next Friday however he may not be able to next month.

Thank you!
Lindsey Masukawa

Sent from my iPhone