The allegations against me are from a time in my life when I was recovering from a personal tragedy. That, in addition to some ongoing personal challenges, contributed to the present circumstances.

It should be clear that at no time did I sexually proposition anyone. Also at no time did any staff advise me that any interactions were unwelcome. The investigation and findings seem to be a political play meant to take advantage of my tragedy for the power of a select few.

For anyone who cross references the 29 page report summary with the provided texts and emails within the 600 page report, it will be clear that much of the report comes to false and biased conclusions.

There is no evidence that I ever expected anything from the staff member at issue. In the report produced by the City’s own investigator, there is an abundance of evidence showing she enjoyed spending time with me, she looked forward to it, and she encouraged it. She baked me cookies, offered me food she brought from home, sent me pictures of her vacations, and she sent me unsolicited texts and emails after work hours and on the weekends. Our relationship was 100% consensual. The 600-page report is filled with this evidence and it was completely ignored by the investigator, showing the investigator’s clear bias against me.

The Arcata taxpayers paid for this report and own it so I implore you to take the time to read the entire report to make your own determination, as there is an abundant amount of evidence that the investigation was poorly done and conducted by an investigator looking to justify a negative conclusion against me. If you don’t have the time to read all 600 pages, open the report to any of the texts and emails and start reading.

I was never notified by any legal document approved by the City Council to change any of my behaviors, and I don’t take direction from attorneys who have demonstrated clear biases against me. All of these actions are merely a charade to appear as if the City has acted responsibly rather than predetermined my guilt. It’s customary for an attorney like Tom O’Connell to advise the Council not to say they believe any of the allegations to be true because it would expose the City to lawsuits. Typically, a council would be advised to make statements such as, “…if the allegations are true…” without saying they actually believe them to be true. If the City Council can’t look the public in the eye and say they believe these allegations to be true, then it makes no logical sense for them to consider any form of limitations on my actions or behaviors. There is not one shred of evidence showing I’m a danger to the Staff or anyone for that matter.

The City continues to this day to violate its own harassment and discrimination policy. In late January of this year, I made a formal complaint of harassment and discrimination by the city attorney, the personnel director, and the city manager.

My complaints were ignored for months. I haven’t received a letter acknowledging the complaints per the City’s harassment and discrimination policy and there is only now talk of an investigation four months after I made complaints, and after the investigation into me has concluded (assuring my complaints are downplayed). Again, this is in violation of the City’s own harassment and discrimination policy.

These same people who have been harassing and discriminating against me were also allowed to be witnesses against me in the report and had regular communication with the investigator, influencing the investigation. This makes no sense at all as they have clear conflicts of interest and have shown strong biases against me.

To this point, the same city attorney who is under investigation for harassing me and discriminating against me was allowed to write this staff report describing how to punish me tonight. Does that make any sense to anyone?

It’s time the community gets a true and clear understanding of the false allegations against me and the abundance of evidence that demonstrates I’ve never harassed or have ever been a danger to anyone.

As the investigator refused to interview me for this report I’m going to take this opportunity to fill in the blanks and give a true accounting of the events that took place.

I’ll start with the League of California Cities Conference in September of last year.

I attended the conference with the staff member and a councilmember and I was very depressed the entire time. During the last night of the conference I became really depressed. On the drive back to the hotel I asked if the staff member wanted to finish the bottle of wine leftover from dinner before going to bed as it was her idea to take the bottle with us from the restaurant in the first place.

The council member with us did have a glass of wine at dinner but testified that she didn’t. The staff members testimony confirmed she had a glass of wine. So they contradicted each other in their interviews. The councilmember normally didn't drink so I didn't ask them. I estimated there to be about two glasses of wine left in the bottle and I thought since the staff member suggested to take the bottle with us she would want to drink some of it. She said no and that was the end of the conversation. I was not upset by it. It meant there was more wine for me to enjoy and to help me sleep. I had only had one glass of wine with dinner up until that point. I went to my room and became more depressed. I then texted the staff member and told her I was sad, and then the councilmember that I didn’t know if I wanted to live anymore. She wrote me back and said she was worried about me and asked me to sleep in her room with her. I agreed. When she opened the door to her room it was overly obvious that she was really high. She said she had consumed some of a cannabis drink she brought with her. She then asked me to walk her to the vending machine so she could get some munchies because she was too high to find it herself. I took her to the vending machine. When we returned to her room she offered for me to sit with her in her bed. I declined and said I just wanted to sleep. I slept in the second bed in her room. In the morning she decided to text the staff member about what had happened. I was still sleeping and the staff member came over and rubbed my leg and asked if I was okay. I cried and we talked about how I needed to get more help. We then drove home and the staff member assured me everything was okay between us and I should just forget about it. The staff member drove by some properties for sale to show me and then dropped me off. She got out of the car and gave me a big hug and said everything was okay between us.

The actual harassment complaint began on October 7th, 2021.

10/7/2021

9am - I got to city hall and began working on an ordinance to create and enforce a rental inspection program for the city. I found several mistakes in the staff’s work on the ordinance and I brought them to the attention of the staff member. She initiated a long firm hug like she always did and asked me how I was feeling. I said I was feeling better. She said I could meet with her and another staff member assigned to the ordinance at 1pm to ask my questions.

12:55pm - I entered the staff members office for the meeting. While we waited for the other meeting attendee we were discussing city business and she mentioned she had approved the installation of a ballard hole in the center of the plaza so it could be used for events in the center of the plaza.

Now keep in mind the plans for the center of the plaza had previously been discussed by the council and it was decided it would be a council decision after holding a community meeting about it. I asked her if we had voted to approve that. She said no but that she had mentioned it at a subcommittee meeting. I said sub committees can’t approve decisions and it wasn’t an appropriate decision for her to make. She became very irritated.

1pm – we met with the staff member in charge of the ordinance and agreed there were some mistakes that needed to be corrected in the rental inspection ordinance. The staff member who this harassment complaint involves was clearly annoyed by me discovering mistakes in staffs work. This is common as I often find mistakes in their work.

4:05pm – I called the staff member and asked her if she was coming to our scheduled 4pm meeting at city hall. She said she was getting in her car and leaving. I asked if she was coming to the meeting. She repeated she was leaving. I asked if we could talk about her decision to modify the center of the plaza without council approval. She became upset and said, “Its just a stupid hole in the ground!”. I reminded her that the community was divided over what we did with the center of plaza and we had agreed to hold a community discussion before making plans. She said, “I can’t take this anymore. You need to resign or I’m going to weigh my options. I’ll give you until Monday (10/11) to decide.” I asked her if she was serious and she said yes. I said what I wanted to do was sleep on it and discuss it tomorrow (10/8) at 1pm. She agreed.

10/8/2022

The next day I met with the staff member in her office and she said I needed to resign or she would file a harassment complaint against me and she didn’t want to hug me. She also said she was going to report potential Brown Act violations by me and that she was going to talk to an intern I had previously had a social night out with. I told her SHE was the one who initiated all of the hugging in the first place. She said nothing. I said you told me not to tell anyone or talk about the situation with the intern because it created liability for the city. She just looked at me. I said I didn’t understand why she was saying these things and that I thought we were close friends. She said we were and that maybe after I resign we could possibly remain friends. We then started talking about a 30 day rehabilitation program she had helped me research and joked about the farm animals at the facility. Her mood quickly changed and she laughed and we joked some more about an incident where we were hiking in the forest and she was attacked by insects. She laughed. She said we had had some good times together. Her mood then changed again and she said I had until Monday to decide.

Oct. 11th

I was first told there was a complaint against me on Oct.11th of last year when I met with city attorney Nancy Diamond in her office. She told me I could trust her and everything I told her would be off the record. After I told her about 50% of some of the events that took place she said she actually wasn’t my attorney and I would lose a harassment complaint. She told me that the staff member had not made the complaint and that there was a witness that had come forward with a formal complaint. She then told me that if I resigned this would all go away and there would be no investigation even though it would be in violation of the citys harassment and discrimination policy. The citys policy also says that when a formal complaint is filed the complainant and the person accused shall receive a letter explaining the complaint within 3 days. This never happened, again, in violation of the citys own harassment and discrimination policy.

I was completely in shock from all of this and dealing with a lot of depression and anxiety. The first two things I did were to agree to step down as mayor and then I called a special meeting to inform the council of the situation.

On October 13th, during the special meeting the council members all took turns yelling at me and trying to bully me into resigning. They said if I resigned now there wouldn’t be an investigation and I could still run for another office in the future. The city attorney interrupted and said actually there would still have to be an investigation.

At first I said I was going to resign but then a close friend whos also an attorney told me, “Don’t resign! Don’t let them bully you out of your position for something you didn’t do.” I then decided I wasn’t in good enough mental health to make such an important decision so on October 15th I decided to enter a 30 day rehabilitation program and make the decision when I got out. I informed the city of this that day, which they chose not to mention in their press release at that time. I entered the program on October 17th.

I completed the program and decided I wasn’t going to resign. I returned to my council duties on December 3rd of last year. There was no investigation at this time and I was told by a staff member that they were waiting to see if I resigned or not which again seemed like a violation of the citys own harassment and discrimination policy.

12/15/2021

I did not receive a letter regarding the investigation until over two months later from the investigator, not the city. So technically the city still hasn’t sent me the required letter.

On December 15th of last year The city council held a special meeting. The city attorney told the council an investigator had been hired.

Question for the city attorney: who chose and hired the investigator?

How much did the investigation cost the taxpayers?

Does that include staff time?

How many staff hours went into the investigation?

Why did you wait for 2 and a half months to hire an investigator?

Okay back to the sequence of events. During the December 15th meeting The city attorney had also drawn up behavior guidelines all on her own without any direction from council. She then told the council they had the authority to pass the guidelines against me. She also told the council she had talked to my attorney and my attorney agreed the council had the authority. Both of these statements were lies. I said I hadn’t talked to my attorney about it and I needed to go over the guidelines with my attorney. The city attorney said the council didn’t have to let me talk to my attorney and they could just vote on them. The vote was 4-1 with me voting no.

From this point up to present day involves my harassment and discrimination complaint against staff, the council, and the city attorney. As there are pending investigations regarding this I’m not going to go into details at this time.

Now lets circle back to the report:

So, who here has read the entire 600 page report?

You really cant make an informed decision with out reading all the information.

This report is not a legal document. Its an opinion of a biased investigator that produced an unprofessional and poorly done document.

Also, no one who was interviewed in this investigation was under oath so they had no obligation to tell the truth.

Incredibly, this report is filled with mistakes and wrong information. Here are some examples:

Page 2 Item 4 description of allegations it says I was appointed in 2016 which is false. I was appointed in 2017.

Again on page 2 it says I was applying for the Coastal Commission in late 2019. Buts that’s totally false. I was applying in March 2019 and went to Sacramento earlier in the year.

Page 4 It says I would be reelected in 2020 which is false. My term ends in 2022.

Page 15 it cites a council meeting held on September 8th, 2021 as a reference point but there wasn’t a council meeting that day. The previous council meeting was held on September 1st.

Again on page 15 on the bottom of the page it refers to exibit 4. However this exibit has nothing to do with the subject its cited for. Exibit 4 references texts on a totally different topic and on a different date.

So here are 5 mistakes about very basic information and that’s just in the first 15 pages of the report. These are just a few examples of how poorly done and how inaccurate this report is. Whats it say about the rest of the report when they cant even simple information right?

Suspiciously the staff members emails to me are not included. They included her texts to me but none of her emails. Why is that?

The city has not made the audio recordings of the interviews available which are pertinent information.

On page 66 the staff member talks about how she buys one of the witnesses drinks so she says what she wants her to say.

I believe theres a lot of evidence to show this report is completely unreliable.

Whoever was in charge of making the redactions in this report needs to be fired. The first time the report came out it was filled with names and personal information that weren’t redacted. One example is that they failed to redact a picture of my underage nieces and nephews.

Its my understanding that the 1st version of the report was freely distributed before this was discovered because the last word on the report from Tom Oconnell was that it was to become a public document the next day. So that means a lot of people know the names of the person making this complaint and some of the witnesses.

Again, the investigator refused to interview me so I’m taking this time to tell the actual version of events. This report has left out a lot of pertinent details to what happened between me and the staff member and other events throughout the investigation so I’m going to fill some of that in.

Now I’d like to focus on my relationship with this staff member. The report said I had a romantic interest in this staff member which is absolutely false. I’ve never once said to anybody that I had a romantic interest in her. What I did say on multiple occasions to multiple people was that I really cared about her and that they were really important to me because they were. They were like a 2nd mother and a big sister rolled into one. There are many instances of me and her referring to her as my big sister in the report. I firmly believe I would not have been able to endure the pain of my fathers suicide without her.

After the death of my father she and I became very close and started spending more and more time together. Most of this time was spent on walks in the community forest or the samoa dunes.

The report says she only spent this time with me because she felt like she had to and I expected it. There is no evidence of this.

She told me she enjoyed spending time with me and that we spent more time together than her and her husband did.

When we were together she would make these small touches on my arms while she was talking or while she was making a point.

Over and over again I would ask her if I was taking up too much time or bothering her and she would continually reassure me that I wasn’t.

According to the texts in this report she loved our walks together and looked forward to them. Sometimes I would tell her we didn’t need to walk if she was busy and she would say she enjoyed our walks because they got her out of the office and gave her exercise.

On one walk, which I previously mentioned, we accidentally went off the trail and got lost. We ended up wading through very dense underbrush trying to find the trail and she fell into a very large nest of insects. The insects swarmed her entire body and started stinging and attacking her. She made it to the road and started stripping off her clothes. I helped her get all of the insects off of her body and as she was putting her clothes back on she said, “Out of all the council members, I’m glad it was you that was here with me.”

Here are some of the many examples from the report of her enjoying our walks:

Page 283 she says, “Thanks for the time to walk today!”

Page 312 she says “Thanks! It was an awesome walk. Very refreshing. Hope you have a great night.”

Page 324 I say, “I’ve felt kind of off all day” and she replies “We can try to walk it through tomorrow. You seem to be accomplishing a lot through a very tough time.”

Page 338 she sends me an unsolicited text of a picture of our walk together on the dunes and says, “That was beautiful today- thank you.”

Page 339 she says, “that was a beautiful walk this morning. Really glad we went there.”

Page 353 I say, “I’m really looking forward to our walk.” And she replies, “I’m also looking forward to our walks.”

Page 370 Thanksgiving 2020 she says, “So many things to be grateful for. Our walks have been a blessing on many levels! I woke up at 4:30am and got all of my cooking done by 7 lol…”

Page 402 she ask me, “Do you want to try the new fickle hill loop tomorrow?” “To mix it up and mix US up we can try to go backwords 😊”

Page 417 she says, “I look forward to walking on Friday.”

Page 424 I say I have a lot of anxiety and worry and she replies that we’ll try to walk it out.

Again on page 441 she says “we will walk it out today.”

Page 447 I say “I feel a lot better after our walk today. I appreciate you so much. I hope you rest well tonight.” And she replies “I do as well. It must be the magic of the dunes.”

Page 447 shes leaving on a trip and I say “I’m going to miss you so much!” Of course I’m going to miss her. Shes my best friend, I’m very depressed, and I wont be able to see her for a couple of weeks. She then replies “Thanks…I learned three new flowers today for us to look at upon our return!”

Some other examples of her feelings for me, her initiating personal conversations, and other comments:

Page 124 she says, “Thank you for all of your support this past year. I really appreciate it.”

Page 202 She says, “Brett, thank you for considering staying on the council and also know that I know you will not abandon me… I will find you at the Griffin if I need you- lol. I grow and learn along your side when we work through things so no apologies are needed. I hope you have some fun this weekend and can unwind.”

Page 239 I tell her shes my best friend and she replies, “…I’m sure you have friends better than me but thank you. I enjoy our talks…”

Page 351 she says, “you will be a great mentor and senior council member.”

Page 396 she says, “youre the best.”

On page 473 I say, “You mean so much to me.” And she replies, “You mean a lot to me as well.”

Page 486 I say, “I feel stuck or trapped.” And she replies, “tomorrow we’ll talk about how to break through.”

On page 513 she initiates a conversation with me at 6am on a Saturday with a picture of her run. I reply and say, “thank you I hope you have a good run.” And she says “I’m sorry I texted you so early. I just got rolling and forgot about time. Tee times (for golf) look better for tomorrow.”

Page 517 she says “Look forward to walking talking Monday. Rest well tonight”

Page 400 I thank her for everything shes done for me and I tell her shes my best friend. She replies at 10pm, “Thank you Brett. That is beyond sweet. Have a goodnight see you tomorrow.”

Page 474 She sends me an unsolicited text on the weekend. She texts me on Saturday morning with a picture of a house for sale because she said she enjoyed helping me look for houses.

There are many examples of her giving me marriage advice and even suggesting I should leave my wife.

Pages 206, 216, 218, 221, 253 just to name a few

Regarding the city staff:

There are many examples in the report of me talking about how excellent our staff is and I’m always vocal about my appreciation for them during council meetings.

There are endless examples of me telling her what an outstanding job she does for the city and asking her permission to stop by her office and meet with her.

I never expect any staff member to get back to me after hours or on a weekend. I actually had a rule added to our protocol manual several years ago stating that the staff didn’t have to respond to texts and emails after hours or on the weekends.

A lot of people don’t know this because they judge me by how I look but I’m actually half Mexican on my mothers side. I grew up watching some of my family members get harassed and discriminated against because of their skin color so I know what it looks like and how hurtful it can be. That’s why Ive always strived to treat everyone with respect.

If the City Council can’t look the public in the eye and say they believe these allegations to be true, then it makes no logical sense for them to consider any form of limitations on my actions or behaviors. There is not one shred of evidence showing I’m a danger to the Staff or anyone for that matter.

I’ve gone through an intensive rehabilitation and now I’m in a very strong place. All I want to do is to serve my community.