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October 2, 2025

Hand Delivery
Elishia Hayes as County Administrative Officer (CAO)
Scott A. Miles - Interim County Counsel
Zachary O'Hanen - Director of Human Resources
825 Fifth St.
Eureka, CA 95501

Re: Kramer Executive Summary, Michelle Bushnell, August 27, 2025.

Dear Messrs Miles, O'Hanen and Ms. Hayes:

I have addressed this to the three of you as there was nothing in the Kramer Executive Summary which identified who ordered the investigation report referred to above.

While the allegations in this "summary" are such that the County's process regarding Code of Ethics Violations could be invoked, the process does not articulate adequate compliance with the Boards articulated process and the Boards articulated process does not contain adequate due process protections for any subject of any investigations.

In the matter at hand, there was no articulation in the summary of the investigation provided to the subject of the investigation that the Board's required process was followed, which reads as follows:

> "If county officials or staff become aware of any improper behavior by a Board member, they are encouraged to formally report such behavior in writing to the County Administrative Officer and Director of Human Resources. Any such report or complaint will be reviewed by a committee

consisting of the County Administrative Officer, Director of Human Resources, and County Counsel (Committee).

This Committee will determine, by a two-thirds vote, if the complaint is appropriate for informal resolution or if it should be examined through an impartial third-party investigation. Should such an investigation be necessary, the Director of Human Resources is authorized to retain an investigator. Should the complainant be dissatisfied with the Committee's determination, the complainant can request, through written notification to the Committee, that the complainant wishes to appeal the determination and request the complaint to be evaluated by the Foreman of the Grand Jury. The Foreman of the Grand Jury will recommend either informal resolution or an examination through an impartial third-party investigation. The complainant will be notified in writing when the matter has been resolved and of the general actions taken in response to the complaint. . ." Emphasis added.

To be precise, in the executive summary (by Kramer) there is no articulation that this matter was referred to the COA, Director of Human Resources and the County Counsel, and no articulation that that this committee by a 2/3rds vote, referred this matter to a third-party investigator, or that the Director of Human Resources retained an investigator.

In addition, the provision of a mere executive summary provided to the subject of the investigation does *not* comply with *due process* requirements in such matters. In order to determine appropriate next steps, the subject of the investigation is *entitled* to read a full copy of the report made to the County. Other than fellow Board member statements who are the peers of the subject of the investigation and elected officials,

employee witness names and/or identifying information may be redacted because of their right to privacy, but the gravamen of the testimony must be provided to the subject of the investigation so as to provide the ability to evaluate the quality and veracity of witness statements. However, this redaction may not extend to fellow Board members.

Before this matter may be placed on any agenda of the Board of Supervisors, verification that the Board process has been followed must be provided and the subject of the investigation must be afforded her due process rights in the process up to this point so she may be able to evaluate what next steps to take in this matter because she is dissatisfied, not with the Committee's determination because she knows of no such determination, but with the results articulated in the executive summary of the investigation provided to her.

Please contact me immediately as to how the county will address the deficiencies in the process so that I can evaluate what next steps need to be taken to protect the due process rights of my client.

Sincerely,

Allison G. Jackson

cc client