

By: *Debbi Carlile*
Debbi Carlile
Deputy Clerk

1 Prepared by:
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7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF MENDOCINO

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11 THE PEOPLE OF THE STATE OF)	Docket No. 23CR02523-B
12 CALIFORNIA,)	
13 Plaintiffs,)	DECLARATION OF MENDOCINO
14 vs.)	COUNTY DISTRICT ATTORNEY
15 CHAMISE CAMERON CUBBISON,)	DAVID EYSTER
16 Defendant.)	

17 I, C. David Eyster, do hereby declare the following:

- 18 1. I am the duly elected District Attorney of Mendocino County, serving my fourth
- 19 term in office.
- 20 2. I am in good standing with the California State Bar.
- 21 3. Around 5:30 p.m. on Thursday, September 1, 2022, I received a telephone call in my
- 22 office conference room from Mendocino County Chief Executive Officer Darcie
- 23 Antle and Mendocino County Counsel Christian Curtis. They were speaking to me
- 24 on a shared line. Ms. Antle did most, but not all of the talking.
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- 1 4. I was told there had been a meeting earlier that day (Thursday, September 1, 2022)
2 as part of a County administration investigation of possible financial improprieties in
3 the Auditor's Office -- possible embezzlement -- by at least Mendocino County's
4 Payroll Manager, Paula June Kennedy.
- 5 5. I was told that the people present at the September 1st meeting were CEO Darcie
6 Antle, County Counsel Christian Curtis, an attorney from an outside law firm (I was
7 not given a name), Deputy CEO Cherie Johnson (who was overseeing Mendocino
8 County's Human Resources Department at that time), and Auditor Chamise
9 Cubbison.
- 10 6. In addition to Ms. Antle and Mr. Curtis telling me they believed one or more crimes
11 had occurred involving the Payroll Manager, I was also told that they were suspicious
12 of Ms. Cubbison's demeanor at the meeting and at least some of her answers to
13 questions posed to her about what she knew and when. Ms. Antle and Mr. Curtis told
14 me they did not have complete information to know if Ms. Cubbison was also
15 involved with what appeared to be Kennedy's misappropriation of money. Assuming
16 one or more crimes may have been committed by at least Kennedy, I was asked my
17 opinion on how the County Administration should proceed at this point.
- 18 7. I advised Ms. Antle and Mr. Curtis that my office does not generally initiate
19 investigations nor act as the lead investigative agency on allegations of theft, whether
20 public or private. I suggested that the Sheriff be called and briefed on what was
21 known to date so that the Sheriff could decide whether there was sufficient
22 preliminary information for his investigators to initiate a full investigation.
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- 1 8. Based on Sheriff Office reports that I later reviewed, I now know that there was a
2 meeting the day after the call to me -- on Friday, September 2, 2022 -- that involved
3 Sheriff Kendall, Captain Van Patten, Lieutenant Porter, CEO Darcie Antle, and
4 Deputy CEO Cherie Johnson wherein the Sheriff and his staff were briefed on what
5 was known by the County administrators. I did not know about the meeting at the
6 time and I was not asked to attend that meeting.
- 7 9. Following that meeting, I was told that Mendocino County Sheriff's Lieutenant
8 Andrew Porter had been assigned to initiate an investigation of the allegations raised
9 by the County administrators.
- 10 10. When the Sheriff's investigation had been completed, it was submitted to my office
11 with a Sheriff's charging recommendation against both Paula June Kennedy and
12 Chamise Cameron Cubbison for felony "504a, 424(a)(1), and 182(a)."
- 13 11. From my review of the crime reports as provided by the Sheriff's investigator, the
14 Payroll Manager was inserting an obscure earnings code on the payroll report that
15 then allowed her to input a payment amount each and every pay period starting in
16 2019 to 2022 to collect monies not authorized by her position, Human Resources, or
17 the Board of Supervisors. When questioned by the Sheriff's investigator, the Payroll
18 Manager said she knew the monies she received were not Board-authorized or
19 otherwise legal, but she believed the Auditor (Cubbison) must have figured out this
20 as a novel way to get the Payroll Manager paid more money. She explained that
21 Cubbison told her to use the code but to keep the amount of the code-authorized
22 payments also inputted into the payroll report under \$1,000 so it would not get
23 flagged by the CEO's Office for CEO review of the use of the code or the
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1 unauthorized payments. When the Payroll Manager made repeated attempts over
2 multiple years to have Cubbison put her authorization of this scheme into writing, the
3 Payroll Manager said that Cubbison would either ignore her requests or tell the
4 Payroll Manager she was too busy and would get around to it at some later point that
5 never came.

6 12. The Auditor originally claimed to the Sheriff's investigator that she did not know
7 anything about the code use and the pay out of the extra money until the September
8 1, 2022 meeting. However, witnesses ultimately told the investigator that Cubbison
9 admitted at the September meeting knowing what was happening, but not knowing
10 what to do about it, so she simply did nothing to stop the use of the code and the
11 payment of the extra unauthorized money. The Auditor admitted not telling anybody
12 or seeking out advice on the purported problem. When later confronted with this
13 information, the Auditor claimed to only then have a very faint memory of a meeting,
14 perhaps in 2019, involving the former Auditor and the Payroll Manager where the
15 use of this code and the extra money was discussed, a meeting and involvement
16 denied by both the former Auditor and the Payroll Manager. According to the Payroll
17 Manager, the only person this was discussed with was the current Auditor. The
18 Payroll Manager said she never spoke about this with this former Auditor, though the
19 current Auditor told her that the former Auditor was somehow okay with this scheme,
20 another claim denied by the former Auditor during his interviews with the Sheriff's
21 investigator.
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24 13. All three individuals – the current Auditor, the former Auditor, and the Payroll
25 Manager were able to agree during the investigation on one thing in the course of
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1 multiple interviews – that the use of the code on the payroll report was improper and
2 the extra monies paid out to the Payroll Manager were unauthorized as required by
3 law.

4 14. Investigators from my office thereafter did some follow-up investigation work in
5 early or mid 2023 to supplement the investigation that had been undertaken by the
6 Sheriff.


7 15. After reviewing all the reports, including recorded witness statements, and
8 participating in a team charging meeting with my staff, I ultimately decided there was
9 sufficient information developed in the overall investigation to partially accept the
10 Sheriff's charging recommendation of Penal Code section 424(a)(1) against both the
11 suspects identified by the Sheriff's investigation.

12 16. While the in-court arraignment of defendant Cubbison (and defendant Kennedy)
13 happened on October 17, 2023, the crime reports and other discovery was provided
14 to Cubbison's attorney, Mr. Andrian, on August 9, 2023, over two months before the
15 single felony charge was filed and the day of arraignment. This was done as a
16 professional courtesy and to hopefully facilitate pre-filing discussions and
17 negotiations. I later also provided Mr. Andrian (twice) a *Tahl* waiver form outlining
18 a proposed day-of-arraignment disposition of the case, which, after additional
19 discussions closer in time to the filing and arraignment date, I was told was going to
20 be recommended to defendant Cubbison to resolve her half of the case.

21 17. As defendant Paula June Kennedy had not retained counsel (a DA investigator went
22 out and asked her whether she had retained counsel), we were unable to provide the
23 same professional courtesy and invitation to talk to an attorney acting on her behalf.
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I declare under penalty of perjury that the foregoing true and correct, executed this 8th day of December 2023 in the City of Ukiah, County of Mendocino, State of California.

Respectfully submitted,

C. David Eyster

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2 **PROOF OF SERVICE**
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4 I the undersigned, hereby declare that I am over the age of eighteen years and not a
5 party to the within action. I am employed by the Mendocino County District Attorney,
6 Courthouse, State and Perkins Streets, Ukiah California.

7 On the date indicated below, I served a true copy of the following documents in the
8 manner described below to:
9

10 Chris Andrian
11 1100 Mendocino Ave
12 Santa Rosa, CA 95402

13 Mendocino County Public Defender
14 175 S. School Street
15 Ukiah, Ca 95482

16 Attorney General's Office
17 Sharon Loughner
18 455 Golden Gate, Suite 11000
19 San Francisco, Ca 94102-7004

20 BY MAIL: The above-referenced true copies were placed in a sealed envelope
21 with postage thereon fully prepaid addressed to the above party and such envelope was
22 placed for collection and deposit with the United States Postal Service on the date listed
23 below at Ukiah, California.

24 Executed on December 12, 2023 in Ukiah, California.

25 I declare under penalty of perjury under the laws of the State of California, that the
26 foregoing is true and correct.
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NICOLE SUNSERI
Legal Administrative Assistant