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Chris P. Andrian, CSB #53073  
ANDRIAN, GALLENSON & GASKELL  
1100 Mendocino Avenue  
Santa Rosa, California 95401  
(707) 527-9381

Attorneys for Defendant  
CHAMISE CUBBISON

ENDORSED-FILED  
NOV 29 2023  
CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA

BONNIE-TOSTE-MILLER

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MENDOCINO

PEOPLE OF THE STATE OF  
CALIFORNIA,

CASE NO. 23CR02523-B

DECLARATION OF CHRIS P. ANDRIAN

Plaintiff,

vs.

DATE: 12/19/23  
TIME: 9am  
DEPT: A

CHAMISE CUBBISON

Defendant(s).

I, Chris P. Andrian, declare the following:

- 1) I am an attorney licensed by the State of California to practice before all courts in said state.
- 2) I am a partner at the Law Offices of Andrian & Gallenson, whose business is 1100 Mendocino Avenue, Santa Rosa, California 95401.
- 3) I am the attorney of record for the defendant, CHAMISE CUBBISON, in the above-entitled matter.
- 4) Chamise Cubbison was appointed as Mendocino County's Auditor-Controller on July 12, 2022, for the remainder of the unexpired term of office. Her appointment came as former Lloyd Weer retired.

1 5) On or about August 31, 2021, C. David Eyster, District Attorney of Mendocino  
2 County, filed a 14-page document opposing Ms. Cubbison's appointment as Auditor-  
3 Controller. The 14-page document consisted of e-mails between the District  
4 Attorney's Office personnel and the Office of the Auditor-Controller. The content of the  
5 e-mails involved expense reimbursement; more specifically, rejection of  
6 reimbursement requests that were not properly authorized, or lacked the required  
7 documents per regulations on government spending. (Attached as **Exhibit A**)

9 6) District Attorney Eyster then voiced his opposition in person by requesting a  
10 "more qualified, more high powered" individual to do the job and said, "It's not the  
11 right person. It's not the right time." Mr. Eyster lobbied for the dissolution of the  
12 Auditor-Controller's position entirely and voiced in favor of a Chief Financial Officer.  
13 (Attached as **Exhibit B, audio mark at 4:47:38**)

15 7) A major dispute between the Office of the District Attorney and the Office of the  
16 Auditor-Controller was a claim of reimbursement for a local steakhouse called Broiler,  
17 located at 8400 Uva Drive in Redwood Valley. The Broiler reimbursement claim was  
18 for the 2018 District Attorney's End of Year Staff Workshop and Continuing Education  
19 dinner held on January 24, 2019. (Attached as **Exhibit C**)

21 8) On February 2, 2020, Ms. Cubbison wrote a letter to Morin I. Jacob, an  
22 attorney for the County, which detailed a timeline of the request and denial of  
23 reimbursement for the Broiler expenditure and requesting supporting documentation,  
24 as required for any other department. It was apparent that 42 attendees were  
25 Mendocino County employees and 25 were general members of the public or  
26 employee spouses and/or family members that did not fall within County Policy No. 18  
27 or No. 1. The Auditor-Controller's office questioned if it was appropriate to use asset  
28

1 forfeiture funds for this reimbursement. It was requested that the District Attorney's  
2 Office certify it was an appropriate use of forfeiture funds, and that the claim be  
3 reduced to cover only the 42 county employees. The Auditor-Controller's office  
4 suggested the District Attorney's office pay the remaining portion directly through  
5 funds from non-County sources. The District Attorney found this suggestion  
6 unacceptable. (Attached as **Exhibit D**)  
7

8 9) After several attempts to re-submit the Broiler claim for full payment, the  
9 District Attorney paid the vendor directly and then requested reimbursement from  
10 asset forfeiture funds. The claim was denied again. The District Attorney was  
11 prepared to bring the Broiler claim to the Board of Supervisors. At that point Carmel  
12 Angelo, CEO of Mendocino County, asked the office of the Auditor-Controller to pay  
13 the claim. He agreed to seek outside counsel to obtain a legal opinion regarding the  
14 Auditor-Controller's authority to request additional documents and to hold the District  
15 Attorney's Office to Board Policy and accounting principles and procedures. (Attached  
16 as **Exhibit D**)  
17

18 10) On January 8, 2020, an additional claim was submitted by the District Attorney  
19 for reimbursement for the 2019 End of Year Staff Workshop and Continuing  
20 Education. This claim was also rejected due to lack of supporting documentation.  
21 (Attached as **Exhibit E**)  
22

23 11) On January 8, 2020, that same day, Ms. Cubbison wrote a memorandum to  
24 the District Attorney's Office wherein she addressed Travel Authorizations, travel-  
25 related expenditures paid through accounts payable, credit card or journal entry, and  
26 Travel Reimbursements. She cites to Policy 18 wherein it states, "In **all**  
27 **circumstances, including** special circumstances not otherwise provided for in this  
28

1 Policy, the County-Auditor shall be the final approving authority regarding  
2 reimbursement for any expense.” Ms. Cubbison clarified that it is within the Auditor-  
3 Controller’s authority to require the inclusion of supporting documentation for travel-  
4 related expenditures. Ms. Cubbison’s memo stated “[a]ny travel that does not directly  
5 involve a case or investigation needs to have a related Travel Authorization signed by  
6 the District Attorney or his official designee.” She concluded by advising that any  
7 requests for payment that do not include a signed Travel Authorization will be  
8 rejected. (Attached as **Exhibit F**)  
9

10 12) On February 2, 2022, Ms. Cubbison wrote a memorandum to C. David Eyster,  
11 District Attorney, wherein she requested explanation for the request of County funds  
12 for personal use. On January 10, 2022, the District Attorney’s Travel Card was used  
13 to purchase airfare for Douglas Rhoades. There was no apparent justification for the  
14 use of the District Attorney’s Travel Card. Additionally, there was a request for the  
15 County to issue payment for lodging for an extended personal stay of Heidi Larson  
16 and Douglas Rhoades. Ms. Cubbison found this request to be in conflict with the  
17 County Policy as reimbursement sought should only be for County-purpose-related  
18 lodging. (Attached as **Exhibit G**)  
19

20 13) Since Ms. Cubbison has been formerly charged in this case and subsequently  
21 suspended without pay by the Mendocino County Board of Supervisors, there has  
22 been extensive media coverage of both matters with the primary focus being the rift  
23 between Ms. Cubbison and Mr. Eyster, which preceded both cases.  
24

25 14) Almost every major media outlet in Mendocino County has published articles  
26 which highlight the adversarial relationship between Ms. Cubbison and District  
27 Attorney Eyster. This includes the Ukiah Daily Journal, The Mendocino Voice, Mendo  
28

1 Fever, The Fort Bragg Advocate, and The Anderson Valley Advertisement. The cases  
2 have also been covered on radio station KZYX-FM and KZYZ-FM. (Attached as  
3 Composite **Exhibit H**)  
4

5 15) I have been a trial lawyer for over 50 years and have participated in many jury  
6 trials involving cases which have received a great deal of publicity. It is axiomatic that  
7 those cases make it more difficult to find a fair and impartial jury.

8 The situation here adds a layer to the case that could lead an experienced  
9 lawyer to realize that the primary issue that would be discussed during jury selection  
10 would be the nature of the Cubbison-Eyster relationship. People would be asked  
11 about their knowledge and opinions about the dispute as well as their personal  
12 feelings about both Ms. Cubbison and Mr. Eyster. Given that the media is  
13 aggressively following this case, by the time jury selection begins the knowledge of  
14 the Cubbison-Eyster rift will have expanded. All of this will create an enormous  
15 distraction from the issues in the case and undermine the integrity of the case.  
16

17 16) Collateral proceedings will undoubtedly be commenced surrounding Ms.  
18 Cubbison's summary suspension without pay and without due process. Anticipating a  
19 civil action, Ms. Cubbison has retained civil counsel. Based on my knowledge of what  
20 those proceedings may entail, it is likely that Mr. Eyster will become a sworn witness  
21 and subject to examination by Ms. Cubbison's counsel.  
22

23 17) Included in the attached motion is an invitation to the Prosecutor to offer to  
24 recuse himself and his office. Were he to do so, the case could proceed on its own  
25 merits and not be clouded by the press articles issued.  
26

27 Discretion has almost always been the better part of valor. Self-recusal would  
28 be the best way for both the People and Ms. Cubbison to receive the most fair and

1 impartial trial. Conflicts of interest are something that those in the legal profession  
2 must diligently seek to avoid. Best practices sometimes suggest that even the  
3 appearance of a conflict of interest may be enough to cause an attorney to separate  
4 him or her or their office from the case.  
5

6 18) Much of the outside stigma overrunning this case would be diluted if an  
7 independent prosecutor took over. In the end, the parties and the Mendocino County  
8 community would be better served by Mr. Eyster stepping away.

9 I declare under penalty of perjury under the laws of the State of California  
10 that the foregoing is true and correct.  
11

12 Executed on November 22, 2023, at Santa Rosa, California

13 

14 \_\_\_\_\_  
Chris P. Andrian

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**EXHIBIT A**

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Details Reports

File #: 21-0971 Version: 2 Name:
Type: Resolution Status: Agenda Ready
File created: 8/23/2021 In control: Auditor-Controller
On agenda: 8/31/2021 Final action:

Title: Discussion and Possible Action Including Adoption of Resolution Appointing Assistant Auditor-Controller Chamise Cubbison as Mendocino County Auditor-Controller to Fill the Unexpired Term of Office Pursuant to California Government Code ?25304 and Resolutions 17-189 (Sponsor: Auditor-Controller)

Attachments: 1. Resolution, 2. Lloyd Weer letter, 3. Chamise Cubbison letter, 4. Resolution 17-189 linking to DH MOU, 5. 08-28-21 Wood Correspondence, 6. 08-30-21 Barra Correspondence, 7. 08-30-21 Froneberger Correspondence, 8. 08-30-21 Greenaway Correspondence, 9. 08-30-21 Brucker Correspondence, 10. 08-31-21 Cubbison re CLE Mandates, 11. 08-31-21 DA Accounting of Rejected Travel Claims, 12. 08-31-21 LCW Opinion Letter re DA and Auditor, 13. 08-31-21 Memo Cavness to Eyster re Auditor and Victim Witness, 14. 08-31-21 Legal Issues - Auditors Retirement

History (0) Text

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Table with 8 columns: Date, Ver., Action By, Action, Result, Action Details, Meeting Details, Video. Content: No records to display.



**RESOLUTION NO. 21-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPOINTING ASSISTANT AUDITOR-CONTROLLER CHAMISE CUBBISON, MENDOCINO COUNTY AUDITOR-CONTROLLER, EFFECTIVE SEPTEMBER 5, 2021, TO FILL THE UNEXPIRED TERM OF OFFICE DUE TO THE RETIREMENT OF THE INCUMBENT, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 25304**

WHEREAS, the position of County Auditor is an elected County Officer as prescribed in California Government Code section 24000; and

WHEREAS, Mendocino County Auditor-Controller, Lloyd Weer, has served notice of his retirement from office effective September 4, 2021; and

WHEREAS, pursuant to California Government Code section 25304, the Board of Supervisors "shall fill by appointment all vacancies that occur in any office filled by the appointment of the board and elective county officers, except judges of the superior court and supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election"; and

WHEREAS, the qualifications for office are set forth in Mendocino County Code, Chapter 2.36 – County Auditor, and California Government Code section 26945 et. seq.; and

WHEREAS, this Board has determined that the current Assistant Auditor-Controller, Chamise Cubbison, is the most appropriate appointee for this position based on her qualifications for the position; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby appoints Chamise Cubbison as Mendocino County Auditor-Controller, effective September 5, 2021, to fill the unexpired term of office due to the retirement of the incumbent.

BE IT FURTHER RESOLVED that the Mendocino County Executive Office is hereby directed to prepare all requisite transactions associated with this action.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS, County Counsel

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

February 19, 2020

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION  
CONFIDENTIAL**

**VIA EMAIL ONLY**

[angeloc@mendocinocounty.org](mailto:angeloc@mendocinocounty.org)

Ms. Carmel Angelo  
Mendocino County Chief Executive Officer  
501 Low Gap Road  
Ukiah, CA 95482

Re: *Issues Between DA and Auditor-Controller*  
Client-Matter: ME380/001

Dear Carmel:

The purpose of this correspondence is to provide you with our opinion pertaining to the authority and powers of the Auditor-Controller over the Office of the District Attorney. If you have follow-up questions after reviewing the below, please let me know.

**I. QUESTIONS PRESENTED**

1. Whether the Auditor-Controller has authority to require the District Attorney to comply with County Board of Supervisors' Policies?
2. Whether the District Attorney's use of Asset Forfeiture funds is subject to County policies?
3. Whether the District Attorney's office must provide Travel Authorizations for expenditures or reimbursements made with County funds?

Ms. Carmel Angelo  
Re: *Mendocino County – DA & Auditor-Controller*  
February 19, 2020  
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## II. SHORT ANSWERS

1. The Auditor-Controller does not have general authority to require the District Attorney comply with County policies. The Government Code provides that the Auditor-Controller has the authority to audit accounts of County debtors, reconcile County accounts, audit internal accounts, and supervise and review departmental and county-wide internal accounting controls. The Auditor-Controller has authority, however, to not reimburse claims and can deny claims for purchase of goods or services that are not in conformity with existing County policies.
2. The District Attorney may use Asset Forfeiture funds that may fall outside of conformity with County policies but subject to the guidelines outlined by Government Code 11489.
3. The District Attorney's office may have to obtain Travel Authorizations for expenditures but only for those that are not directly related to a case, and either (1) involve travel outside of California or (2) are over \$1000.

## III. FACTUAL BACKGROUND

We were provided with the following information from the Auditor-Controller, and the opinions contained herein are based on the following facts:

Staff changes in the Auditor-Controller's office have resulted in closer review of the District Attorney's submission of claims. Several of the District Attorney's claims that had previously been approved are now being followed up with requests for additional information or outright denied.

The District Attorney recently submitted a claim for a 2018 "End of Year Staff Workshop and Continuing Education dinner" at The Broiler. The Auditor-Controller requested supporting documentation, and learned that 42 attendees of the dinner were County employees and 25 were general members of the public. The Auditor-Controller concluded that this event did not comply with either County Policy #1 or #18 and denied the claim. After several attempts to resubmit the claim for full payment, the District Attorney paid the vendor directly and then requested reimbursement from Asset Forfeiture funds. This reimbursement was also denied.

The Auditor-Controller has also taken issue with the District Attorney's stated exemptions to the County requirement to provide Travel Authorizations. The District Attorney believes his office has been exempted by the CEO from ever preparing Travel Authorizations. On January 24, 2018, the CEO issued a memorandum exempting the District Attorney from Budget Directive #2, which required that all travel outside of Mendocino County required Travel Authorizations approved by the CEO. The Auditor-Controller has been denying claims from the

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Re: *Mendocino County – DA & Auditor-Controller*  
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District Attorney's office that are not directly related to a case and were not submitted with Travel Authorizations.

#### IV. DISCUSSION

##### A. Auditor-Controller's Authority to Require District Attorney Compliance with County Policy

###### 1. Government Code

There is nothing in the Government Code that gives the Auditor-Controller exclusive authority over the District Attorney's expenditures or gives the Auditor-Controller authority to require the District Attorney comply with County policies. At most, the Auditor-Controller has the authority to supervise and review the County's accounting policies.

Government Code section 26900 *et seq.* gives a county Auditor the power to audit accounts of County debtors and reconcile County accounts. Government Code section 26880 *et seq.* gives the Board of Supervisors authority to create an office of controller which is held by the county Auditor. The Auditor-Controller is the Chief Accounting Officer for the County and may supervise and review departmental and county-wide internal controls (including accounting forms and methods of keeping accounts). (Cal. Gov't. Code § 26881.) The Auditor-Controller may audit the accounts and records of any department, office, board or institution under its control, and if fraud or gross negligence is found, the report shall be filed with the District Attorney. (Cal. Gov't. Code § 26883.)

###### 2. County Policy

The County's Board of Supervisors has adopted policies giving the Auditor-Controller certain authority to deny submitted claims that are not authorized by law or not in conformity with County policy.

County Policy No. 1 (Purchasing, Leasing & Contracting Policy) gives the Auditor-Controller the power to "not reimburse purchases of items not specifically authorized by law unless the purchase is ratified by formal Board of Supervisor action upon a finding that the purchase was necessary and appropriate." (County Policy No. 1, at 2.2) The Auditor-Controller also "will deny any claim for the purchase of goods or services that is not in conformity with existing County policy." (County Policy No. 1, at 2.8) County Policy No. 1 also gives a Department Head, like the District Attorney, the power to make certain direct purchases from vendors if authorized by the Purchasing Agent (designated as the "General Services Agency Director" per the Policy) and/or the Auditor-Controller. (County Policy No. 1, at 2.3.2) The District Attorney is also specifically exempted in County Policy No. 1 in the "Contract Approval Requirements" section which states "a personal and professional service contract is not required to procure the services needed by the Sheriff's Office or the District Attorney to investigate or

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prosecute crimes nor is it necessary for services required by a court order.” (County Policy No. 1, at 6.1)

The Auditor-Controller appears to be using its limited power from subsections 2.2 and 2.8 of County Policy No. 1 to deny the District Attorney’s submitted claims for a supposed violation of County Policy, although it was not made clear which County policy had been violated. Under County Policy No. 1, the Auditor-Controller has the power to deny claims if they are not specifically authorized by law or not in conformity with County policy. If the District Attorney’s claims are specifically authorized by law, the Auditor-Controller does not have the authority to deny such claims. Similarly, if the submitted claims are in conformity with County policy, the Auditor-Controller does not have the authority to deny such claims.

#### **B. District Attorney’s Use of Asset Forfeiture Funds**

County Policy No. 1, at 1.1.1 states that purchases may be made outside of County Policy if “otherwise provided by law (department must provide applicable Code Sections).”

Government Code 11489 provides for the Asset Forfeiture fund and part of its distribution clause states that the fund “shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, and shall wherever possible involve educators, parents, community-based organizations and local businesses, and uniformed law enforcement officers.” The DA’s Asset Forfeiture funds, based on the County’s website, are to be used for “proprietary efforts” in mitigating drug problems. So long as the DA’s use of the funds are generally related to mitigating drug and gang problems, use of the Asset Forfeiture fund should be in compliance with the law and do not have to adhere to County Policy.

Accordingly, the DA’s office may use Asset Forfeiture funds outside of County Policies, but it is not true that there are “no guidelines.” The use of the funds must still adhere to the restrictions of any other law it uses for its spending authority per Government Code 11489.

The Auditor-Controller argues that the claims that the District Attorney submitted under the Asset Forfeiture fund did not “meet the Government Code specified allowable uses of DA’s ‘Special Fund’” and were thus denied. The Auditor-Controller cited to Government Code 29404 for the “allowable uses.” Per Government Code 29404, the District Attorney’s “special appropriation” is \$5000 set aside to pay for the District Attorney’s expenses lawfully incurred in criminal and civil actions. This “special appropriation” fund is separate and distinct from the District Attorney’s Asset Forfeiture fund. The “special appropriation” is made available by the Board, and the Code does not require or even contemplate that the funds come from the Asset Forfeiture fund. Per Government Code 29407, the District Attorney’s “special appropriation” is in addition to any of its other expenses, which would include the Asset Forfeiture fund, and thus has no bearing on the District Attorney’s spending of the Asset Forfeiture funds.

Ms. Carmel Angelo  
Re: *Mendocino County – DA & Auditor-Controller*  
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### C. District Attorney's Travel Authorizations

County Policy No. 18 (Travel and Meal Policy) at 2.1 requires that travel outside of the State of California get prior approval by the CEO. Similarly, at section 2.2, travel for which the total anticipated cost per person is in excess of \$1,000 requires prior approval by the CEO.

County Policy No. 18 at section 2.1.1 provides an exception to the travel authorization requirement: "Necessary travel involving apprehension, investigation, and transportation of prisoners, dependents or wards of the Court; prosecution or incarceration activities are exempt from the requirements of this section." The Auditor-Controller admits that any travel submitted by the District Attorney that is directly related to a case is consistent with County policy and would not have grounds for denial.

Budget Directive #2, dated December 12, 2008, required all departments to submit all out-of-county travel to the Executive Office for review and limited out-of-county travel to mandatory training, client related travel, and out-of-county required meetings. Budget Directive #2 did not change County Policy requiring Travel Authorizations for travel out of California and travel over \$1,000, but expanded the requirement to include all travel expenditures out of Mendocino County. On January 23, 2018, the CEO issued a Memorandum that exempted the District Attorney's office from Budget Directive #2.

The January 2018 Memorandum did not exempt the District Attorney's office from County Policy No. 18 sections 2.1 or 2.2. As argued by the Auditor-Controller, County Policy therefore arguably still applies to the District Attorney's office for travel unrelated to a case and either over \$1000 or outside of California. The District Attorney's office *is* exempt from the requirement of Travel Authorizations for travel outside of the County, as required of every other department per Budget Directive #2. Per County Policy, the District Attorney's office is also still exempt from Travel Authorizations if the travel is directly related to a case.

Accordingly, the District Attorney's office must obtain Travel Authorizations for expenditures that are not directly related to a case, and are either (1) out of California or (2) over \$1000. However, none of the examples provided by the Auditor-Controller (which were all rejected as requiring Travel Authorizations) were over \$1000 or involving travel outside of California. The Auditor-Controller admits that the District-Attorney's office is exempt from Travel Authorizations for expenditures directly related to a case.

### V. CONCLUSION

The Auditor-Controller's office has limited authority to deny the District Attorney's claims. For purchases of goods or services, the Auditor-Controller can deny claims or reimbursements that are outside County Policy and not specifically authorized by law. The Asset Forfeiture fund is specifically authorized by Government Code 11489 and therefore claims

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Re: *Mendocino County – DA & Auditor-Controller*  
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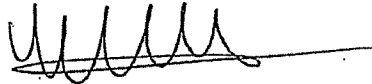
stemming from that fund should be considered with an eye to Government Code 11489 and not merely County Policy.

The District Attorney has likely not been completely exempted from the County's Travel Authorization requirement. Per County Policy, the District Attorney's office must obtain Travel Authorizations for expenditures that are not directly related to a case, and are either (1) out of California or (2) over \$1000.

Please let me know if you have additional questions after having reviewed the above.

Sincerely,

LIEBERT CASSIDY WHITMORE

A handwritten signature in black ink, appearing to read 'Morin I. Jacob', with a horizontal line extending to the right from the end of the signature.

Morin I. Jacob

MIJ:mij



## AN ACCOUNTING OF REJECTED TRAVEL REIMBURSEMENT CLAIMS

- On December 11, 2019, Chamise Cubbison, Assistant Auditor-Controller emailed Carmen Macias, Administrative Services Manager to notify her that NO "Travel Authorizations" were submitted with the claims.
- On December 12, 2019, Carmen Macias, Administrative Services Manager emailed Chamise Cubbison, Assistant Auditor-Controller that DA has an exemption from the CEO's Office from submitting Travel Authorizations: Memo dated 12/12/08 (Budget Directive#2) and Memo dated 1/24/18 to Lloyd Weer, Auditor-Controller from Carmel Angelo, CEO stating DA is exempt from Budget Directive #2 were sent to Chamise.
- On January 8, 2020 a memo was sent to DA's Office from Chamise Cubbison, Assistant Auditor-Controller, notifying DA that CEO's Office cannot exempt DA's Office from Policy 18, and that Auditor-Controller in "all circumstances, including special circumstances" is the final approving authority regarding reimbursement for any expense.
- On January 30, 2020, Chamise Cubbison, Assistant Auditor-Controller, rejected the following Travel Reimbursement Claims because the claims did not have Travel Authorizations:
  - Kassandra Long - \$587.32- CDAA New Prosecutor
  - Kevin Bailey- \$288.00- CDAA Winter Workshop
  - C. David Eyster- \$350.00- CDAA Winter Workshop
  - Dale Trigg - \$300.00- CDAA Winter Workshop
  - Andrew Alvarado - \$333.00- POST Management Training
- On February 4, 2020, Carmen Macias, Administrative Services Manager, sent memo to Chamise Cubbison, Assistant Auditor-Controller, notifying her that the rejected Travel Reimbursement Claims were being resubmitted and that the elected District Attorney,

Mr. Eyster, had previously authorized the travel request for the mandatory trainings and therefore requested the Auditor to please expedite the Travel Reimbursement Claims for the DA's employees.

- On February 10, 2020, Chamise Cubbison, Assistant Auditor-Controller, sent email to Carmen Macias, Administrative Services Manager, notifying her that she received the memo dated February 4, 2020. Ms. Cubbison stated that the Auditor-Controller's Office is not aware of receiving any Travel Authorizations for the deleted Travel Reimbursement Claims. In addition Chamise re-emphasized that all travel related expenditure or reimbursement must be accompanied by a signed Travel Authorization.
- On February 13, 2020, Chamise Cubbison, Assistant Auditor-Controller, rejected the claims again and, in addition, rejected a Travel Reimbursement Claim for Senior DDA Elizabeth Norman.
  - Kassandra Long - \$587.32-CDAA New Prosecutor
  - Kevin Bailey - \$288.00-CDAA Winter Workshop
  - C. David Eyster- \$350.00-CDAA Winter Workshop
  - Dale Trigg - \$300.00-CDAA Winter Workshop
  - Andrew Alvarado - \$333.00-POST Management Training
  - Elizabeth Norman- \$431.00-CDAA Navigating the Complexities of Mental Health Cases
- On February 13, 2020, Carmen Macias, Administrative Services Manager, sent memo to Chamise Cubbison, Assistant Auditor-Controller, notifying Cubbison that DA Investigator Andrew Alvarado is a member of the Mendocino County Deputy Sheriff's Association and that, pursuant to Policy 18, POST trainings do not require a Travel Authorization. In addition Andrew is entitled to reimbursement pursuant to DSA MOU 2019-2022, Page 35, Article 30.
- On February 20, 2020, Chamise Cubbison Assistant Auditor-Controller sent a memo to DA's Office notifying that a Travel Request/Authorization is required for any travel related expenditure or reimbursement including POST training.

➤ On March 12, 2020, Auditor-Controller rejected the following Travel Reimbursement Claims:

- Alexander Diener- \$428.30- CDAA Juvenile Justice Seminar
- Andrew Alvarado - \$272.00-POST Management Training
- Scott McMenemy- \$1,389.95-CDAA Navigating the Complexities of Mental Health Cases

➤ As of March 23, 2020 there are nine (9) outstanding Travel Reimbursement Claims that have not been paid by the Auditor-Controller. This includes the reimbursement that is on the BOS Agenda for March 24, 2020 (Kassandra Long: \$587.32).

**Carmen Macias - Hotel Check Requests**

---

**From:** Chamise Cubbison  
**To:** Carmen Macias  
**Date:** ( 12/11/2019 5:32 PM )  
**Subject:** Hotel Check Requests  
**Attachments:** Hotels.pdf

---

Hi Carmen,

As we discussed earlier today, there are no Travel Authorizations for the attached check requests.

Please let me know as soon as possible if the department has them and can forward them to be added to the Claims.

These are for Thursday morning's check run so we need a resolution or we will need to delete them from the batch and return them to the department.

Thank you,

Chamise

**Carmen Macias - Re: Hotel Check Requests**

---

**From:** Carmen Macias  
**To:** Chamise Cubbison  
**Date:** 12/12/2019 9:17 AM  
**Subject:** Re: Hotel Check Requests  
**Attachments:** DOC121219-001.pdf

---

Chamise:

The District Attorney's Office has been operating under the attached exception from the requirement to complete travel requests authorized by the CEO. See attached.

*Carmen Macias*  
*Office Manager*  
*Mendocino County District Attorney's Office*  
*(707) 463-4195*

>>> Chamise Cubbison 12/11/2019 5:32 PM >>>  
Hi Carmen,

As we discussed earlier today, there are no Travel Authorizations for the attached check requests.

Please let me know as soon as possible if the department has them and can forward them to be added to the Claims.

These are for Thursday morning's check run so we need a resolution or we will need to delete them from the batch and return them to the department.

Thank you,

Chamise

---

**Carmen Macias - DA Travel Claims**

---

**From:** Janelle Rau  
**To:** Margaret Yates  
**Date:** 1/24/2018 9:00 AM  
**Subject:** DA Travel Claims  
**CC:** Lloyd Weer; Carmel Angelo; Carmen Macias

---

Hi Margaret - The Executive Office granted the District Attorney's Office an exception from the requirement to complete travel requests in advance of submission of a Travel Claim Reimbursement. Although I do not recall the date, this agreement was reached between the District Attorney and CEO, To date, all claims have been processed without the travel request form as the Auditor's Office had acknowledged the verbal authorization.

If this written confirmation is not adequate to exempt the DA's Office and staff from the procedural practice, please let us know what you will need in order to expedite the most recent travel claims for Richard Welsh, C. David Eyster and Jamie Pearl submitted by the DA that were held by the Auditor's Office (due to there being no travel authorization form accompanying the claims for reimbursement). Just and FYI - Policy 18 only requires pre-authorization is for Out of State travel - the mandate for travel requests for all other travel were based upon the direction of the prior CEO.

Thank you and please let me know if you have any questions!

**Janelle Rau, Deputy Chief Executive Officer -- Mendocino County Executive Office**  
501 Low Gap Road, Room 1010  
Ukiah, CA 95482  
(707) 463-4441  
(707) 463-5649 - fax  
[rauja@countyofmendocino.org](mailto:rauja@countyofmendocino.org)  
[www.mendocinocounty.org/EO](http://www.mendocinocounty.org/EO)  
[www.mendocinocounty.org/BOS](http://www.mendocinocounty.org/BOS)

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3841

**Carmen Macias - Re: Hotel Check Requests**

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**From:** Carmen Macias  
**To:** Chamise Cubbison  
**Date:** 12/12/2019 2:20 PM  
**Subject:** Re: Hotel Check Requests

---

How do you know that the travel is not prosecutorial related?

*Carmen Macias*  
*Office Manager*  
*Mendocino County District Attorney's Office*  
*(707) 463-4195*

>>> Chamise Cubbison 12/12/2019 1:38 PM >>>  
Hi Carmen,

The Auditor's office is aware of Budget Directive #2 and the DA's exemption from that Directive.

However, the District Attorney's office is not exempt from following Policy 18 for non-prosecutorially related routine travel.

Regards,

Chamise

>>> Carmen Macias 12/12/2019 1:19 PM >>>  
It appears that I forgot to send the attachments with my original email.

*Carmen Macias*  
*Office Manager*  
*Mendocino County District Attorney's Office*  
*(707) 463-4195*

>>> Chamise Cubbison 12/12/2019 11:35 AM >>>  
Hi Carmen,

It appears that the interpretation of the attached email from Janelle has been very broad. The email appears to exempt the District Attorney's office from being required to submit Travel Requests in advance of submission of a Travel Claim Reimbursement. It does not state that the DA's office is exempt from ever preparing a Travel Authorization.

Any travel that does not involve a case or investigation should have a related Travel Authorization signed by the District Attorney or his official designee. That Travel Authorization is necessary as supporting documentation for any travel related cost, including all payments made by either check or credit card for hotel, transportation, registration, employee reimbursement, etc.

In addition, Policy 18 requires CEO approval of any travel over \$1,000. Several of the attached items will clearly be involved in Travel over \$1,000 as the hotel stay alone is more than \$1,000 and others are close to the amount. Travel costs include conference/seminar fees.

The Auditor-Controller's office acknowledges that the District Attorney's office is exempt from past CEO Budget Directives that involve travel and that require CEO approval prior to travel.

However, Policy 18 states "In **all circumstances, including** special circumstances not otherwise provided for in this Policy, the County Auditor-Controller shall be the final approving authority regarding reimbursement for any expense." It is therefore within the Auditor-Controller's authority to require the inclusion of supporting documentation for travel related expenditures.

The five claims for advances for hotel reservations have been deleted from this week's batch and will be returned to the District Attorney's office. There should be sufficient time for the inclusion of related Travel Authorizations and resubmittal of the claims for a check run prior to the related travel dates.

Thank you,

Chamise

Chamise Cubbison  
Assistant Auditor-Controller  
Mendocino County  
501 Low Gap Rd., Rm 1080  
Ukiah, CA 95482  
Phone: 707-234-6871  
cubbisoc@mendocinocounty.org

>>> Carmen Macias 12/12/2019 9:17 AM >>>

Chamise:

The District Attorney's Office has been operating under the attached exception from the requirement to complete travel requests authorized by the CEO. See attached.



**Carmen Macias - Re: Hotel Check Requests**

---

**From:** Chamise Cubbison  
**To:** Carmen Macias  
**Date:** 12/12/2019 3:22 PM  
**Subject:** Re: Hotel Check Requests

---

The travel does not appear to be specifically related to any particular investigation or case. The events are workshops/seminars that the entire state association is invited to attend.

>>> Carmen Macias 12/12/2019 2:20 PM >>>

How do you know that the travel is not prosecutorial related?

*Carmen Macias  
Office Manager  
Mendocino County District Attorney's Office  
(707) 463-4195*

>>> Chamise Cubbison 12/12/2019 1:38 PM >>>

Hi Carmen,

The Auditor's office is aware of Budget Directive #2 and the DA's exemption from that Directive.

However, the District Attorney's office is not exempt from following Policy 18 for non-prosecutorially related routine travel.

Regards,

Chamise

>>> Carmen Macias 12/12/2019 1:19 PM >>>

It appears that I forgot to send the attachments with my original email.

*Carmen Macias  
Office Manager  
Mendocino County District Attorney's Office  
(707) 463-4195*

>>> Chamise Cubbison 12/12/2019 11:35 AM >>>

Hi Carmen,

LLOYD B. WEER  
AUDITOR-CONTROLLER



CHAMISE CUBBISON  
ASSISTANT  
AUDITOR-CONTROLLER

COUNTY OF MENDOCINO  
AUDITOR-CONTROLLER  
501 LOW GAP ROAD, RM. 1080  
UKIAH, CALIFORNIA 95482  
PHONE (707) 234-6860 FAX (707) 467-2503  
www.mendocinocounty.org  
MEMORANDUM

To: District Attorney's Office

Date: January 8, 2020

From: Chamise Cubbison, Assistant Auditor-Controller *Chamise*

Re: Travel Authorizations

The following information is intended to address Travel Authorizations, travel related expenditures paid through accounts payable, credit card or journal entry and Travel Reimbursements.

Over the past several years, the District Attorney's office has sought exemptions from various CEO Budget Directives and Auditor-Controller's office procedures. The Auditor-Controller acknowledges that the District Attorney's office has been granted exemption from Budget Directive 2. Regarding the email from Janelle Rau dated January 24, 2018, the CEO can exempt the District Attorney's office from sending Travel Authorizations to the CEO's office in advance, essentially similar to the exemption from Budget Directive 2. However, the CEO can not exempt the District Attorney's office from Board Policy 18 which requires CEO approval for any travel over \$1,000 or travel out of state.

In addition, Policy 18 states "In all circumstances, including special circumstances not otherwise provided for in this Policy, the County Auditor-Controller shall be the final approving authority regarding reimbursement for any expense." It is therefore within the Auditor-Controller's authority to require the inclusion of supporting documentation for travel related expenditures. The CEO does not have the authority to exempt the District Attorney's office from ever preparing a Travel Authorization.

Any travel that does not directly involve a case or investigation needs to have a related Travel Authorization signed by the District Attorney or his official designee. That Travel Authorization is necessary as supporting documentation for any travel related cost, including all payments made by either check, credit card, or journal entry for hotel, transportation, registration, employee reimbursement, etc. Any payments or requests for payment that do not include a signed Travel Authorization but that are directly related to a case or investigation should include a specific notation indicating such or the item will be rejected.

cc: Carmel Angelo, CEO

**C. DAVID EYSTER**  
DISTRICT ATTORNEY

**Dale P. Trigg**  
ASSISTANT DISTRICT ATTORNEY

**Kevin Bailey**  
CHIEF DISTRICT ATTORNEY  
INVESTIGATOR



OFFICE OF THE  
DISTRICT ATTORNEY

COURTHOUSE  
P.O. BOX 1000  
UKIAH, CA 95482  
(707) 463-4211  
FAX (707) 463-4687

COAST OFFICE  
700 S. FRANKLIN ST.  
ROOM 148  
FORT BRAGG, CA 95437  
(707) 964-5624  
FAX (707) 961-2429

**MEMORANDUM**

**DATE:** February 4, 2020

**TO:** Chamise Cubbison  
Assistant Auditor-Controller

**FROM:** Carmen Macias *CM*  
Administrative Services Manager

**RE:** Travel Reimbursement Claims

The District Attorney's Office is resubmitting the deleted Travel Reimbursement Claims. The Auditor's Office deleted the Travel Reimbursement Claims for the following reason: "Needs Travel Authorization." The elected District Attorney C. David Eyster had previously authorized the travel request for the mandatory trainings, and in addition is authorizing the associated Travel Reimbursement Claims.

Thank you for your support and I appreciate your assistance in expediting this request.

cc: Carmel Angelo  
CEO

**Carmen Macias - Re: Travel Reimbursements**

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**From:** Carmen Macias  
**To:** Chamise Cubbison  
**Date:** 2/11/2020 6:18 PM  
**Subject:** Re: Travel Reimbursements  
**Cc:** Janelle Rau

---

When you say TRAVEL AUTHORIZATION are you referring to the county "TRAVEL REQUEST" form? David has already authorized and approved the expenditure for the travel reimbursement. David signed the claim personally therefore he authorized the travel. In addition the travel claims already have the information attached regarding the hotel, etc information you are looking for.

*Carmen Macias*  
*Office Manager*  
*Mendocino County District Attorney's Office*  
*(707) 463-4195*

>>> Chamise Cubbison 2/10/2020 4:10 PM >>>  
Hi Carmen,

I received your memo dated February 4, 2020 regarding the previously deleted Travel Reimbursement Claims. Your memo states that the District Attorney previously authorized the travel request for the mandatory trainings. The Auditor-Controller's office is not aware of receiving any Travel Authorizations for the deleted Travel Reimbursement Claims.

Every travel related expenditure or reimbursement must be accompanied by a signed Travel Authorization. The Travel Authorization must indicate the employee name, travel and event dates, event location, mode of transportation, all related costs associated with the event, and have the event flyer attached. As previously indicated, the District Attorney can provide the Auditor-Controller's office with a memo signed by the District Attorney showing the name and signature of an official designee or designees that may sign those Travel Authorizations on his behalf.

If you are able to provide the Travel Authorizations for the claims in AP batch 9380, and the one claim in AP batch 9399 for Elizabeth Norman, by Wednesday, February 12<sup>th</sup> at noon, we will process the Reimbursement Requests in those AP batches. If we do not receive those Travel Authorizations, we will need to delete the claims and return them to the District Attorney's office.

Thank you,

Chamise

**C. DAVID EYSTER**  
DISTRICT ATTORNEY

**Dale P. Trigg**  
ASSISTANT DISTRICT ATTORNEY

**Kevin Bailey**  
CHIEF DISTRICT ATTORNEY  
INVESTIGATOR



OFFICE OF THE  
DISTRICT ATTORNEY

COURTHOUSE  
P.O. BOX 1000  
UKIAH, CA 95482  
(707) 463-4211  
FAX (707) 463-4687

COAST OFFICE  
700 S. FRANKLIN ST.  
ROOM 148  
FORT BRAGG, CA 95437  
(707) 964-5624  
FAX (707) 961-2429

**MEMORANDUM**

**DATE:** February 13, 2020

**TO:** Chamise Cubbison  
Auditors Office

**FROM:** C. David Eyster *cde*  
District Attorney

**RE:** Andrew Alvarado, DA Investigator Travel Reimbursement Claim

DA Investigator Andrew Alvarado is a member of the Mendocino County Sheriff's Association, therefore entitled to POST training reimbursement pursuant to DSA MOU 2019-2022, Page 35 Article 30. In addition, pursuant to Mendocino County Policy #18 a Travel Request is exempt for POST training.

cc: Lloyd Weer  
Auditor

LLOYD B. WEER  
AUDITOR-CONTROLLER



CHAMISE CUBBISON  
ASSISTANT  
AUDITOR-CONTROLLER

COUNTY OF MENDOCINO  
AUDITOR-CONTROLLER  
501 LOW GAP ROAD, RM. 1080  
UKIAH, CALIFORNIA 95482  
PHONE (707) 234-6860 FAX (707) 467-2503  
www.mendocinocounty.org

MEMORANDUM

To: District Attorney's Office

Date: February 20, 2020

From: Chamise Cubbison, Assistant Auditor-Controller *Chamise*

Re: Travel Requests/Authorizations for POST related travel

A Travel Request/Authorization is required for any travel related expenditure or reimbursement that is paid using General Fund dollars unless it is directly related to a specific client, investigation or case. The STC or POST trainings were exempted by Policy 18 from preparing a Travel Request when specific POST or STC Training Funds were available and held in a trust outside of the General Fund. Those funds are no longer available and therefore expenditures related to STC and POST training that are no longer covered by funds held in an external POST or STC specific trust fund require a Travel Request/Authorization. The other departments that send employees to STC or POST trainings are compliant with the requirement and submit a Travel Request for POST trainings.

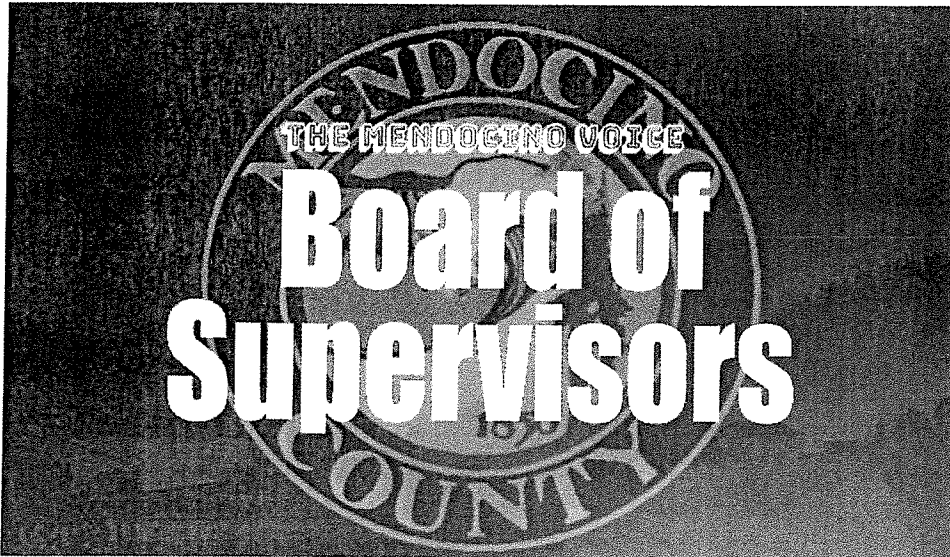
Please submit the required Travel Requests/Authorizations with Travel Reimbursement Claims for processing.

Thank you.

**EXHIBIT B**

# County Auditor's early retirement led to row over replacement at last week's Board of Supervisors meeting

By Dave Brooksher, Contributing Writer | September 5, 2021



MENDOCINO Co., 9/5/21 — The early retirement of Mendocino County Auditor-Controller Lloyd Weer led to a row over the appointment of his successor Tuesday afternoon when his recommendation to the Board of Supervisors was vehemently opposed by District Attorney David Eyster due to past disagreements on travel expense reimbursements and use of asset forfeiture funds. The board declined to appoint Assistant Auditor-Controller Chamise Cubbison to Weer's position, which is an elected office with a term that runs another 16 months, so she will be asked to function as acting auditor-controller until a permanent replacement can be selected.

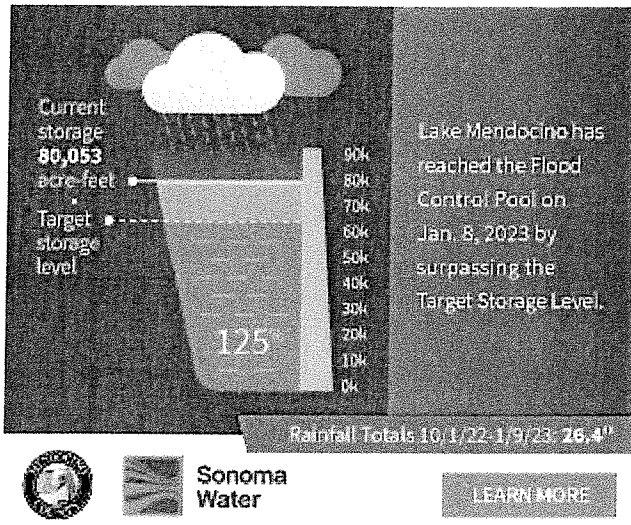
Weer's [correspondence](http://mendocino.legistar.com/gateway.aspx?M=F&ID=fdfd2597-f5ad-4e6c-add0-ea7ac0113a9f.pdf) (<http://mendocino.legistar.com/gateway.aspx?M=F&ID=fdfd2597-f5ad-4e6c-add0-ea7ac0113a9f.pdf>) to the board, dated Aug. 4, offered the retiring official's wholehearted endorsement of Cubbison, who has had that position since Jan. 2018 and has worked for the county roughly 13 years. He described Cubbison as an active participant of the county's Leadership Initiative and a "founding member of the Mendocino County Executive Leadership Team." The board received five pieces of written correspondence from the public — all of which supported Cubbison's appointment.

The recommendation from county staff was that the board adopt a resolution appointing Cubbison to Weer's role effective Sept. 5, according to the meeting agenda, but Eyster filed two 14-page documents consisting mostly of emails between



District Attorney's Office personnel at the office of the auditor-controller dealing largely with difficult technical aspects of expense reimbursement with regard to regulations on government spending.

## Advertisements



<https://www.sonomawater.org/current-water-supply-levels>

"The role in the Auditor-Controller's Office is not always popular," Cubbison said during the meeting, when given an opportunity to address Eyster's critique directly. Cubbison said the job is to ensure that county departments and department heads comply with legislation governing government spending. She said she's passionate about the job more than once, and made it clear that she would not "be intimidated" into authorizing improper payments. "That isn't always a popular position to be in."

In addition to dozens of pages of emails documenting his office's difficulty getting expenses approved, Eyster voiced his opposition to Cubbison's appointment by calling for a "more high powered" individual to do the job and lobbying for the dissolution of the auditor-controller's position entirely in favor of a Chief Financial Officer (CFO).

## Advertisements



<https://www.adventisthealth.org/mendocino-county/>

“I think what we’re seeing is an early commitment to try to get this appointment,” Eyster said. “It’s not the right person. It’s not the right time.”

The board ultimately declined to appoint Cubbison during their Tuesday meeting. Ironically, that means Assistant Auditor-Controller Cubbison will be known as Acting Auditor-Controller Cubbison for the foreseeable future. Cubbison will not be promoted, but she will be asked to fulfill the responsibilities of her former boss, according to County Counsel Christian Curtis.

“While performing this function, an assistant is sometimes referred to as ‘acting auditor.’ ... This title, however, is merely descriptive. Absent formal appointment by the Board, the assistant auditor does not actually assume a higher office, they merely discharge the duties of that office. ... Therefore, she retains the position of assistant once a new auditor is appointed or elected. ... Consequently, if the Board does not appoint an auditor, the assistant will perform the duties of auditor until such time as the Board makes an appointment or a successor is elected to the next term of office,” Curtis wrote in a statement to the board.

“If you choose to take no action, I’d like to know what your direction is to staff for how this office is supposed to function,” Cubbison replied. “The auditor is a full time — more than full time — role in this office, and we [are?] already short-staffed.”

Fourth District Supervisor Gjerde directed her to consult with county CEO Carmel Angelo’s office to ensure that staffing needs get met in the interim. He added that appointing individuals to elected offices has generated controversy and negative feedback from the public, using the recently appointed Sheriff Matt Kendall as an example. Plans for finding a permanent replacement will be discussed in a future special meeting.

## Advertisements



[\(https://www.adventisthealth.org/mendocino-county/\)](https://www.adventisthealth.org/mendocino-county/)

“I think the important part is that the BOS is going to be able to review options before moving forward,” Second District Supervisor Maureen Mulheren said in an email after the meeting. “The last auditors and treasurers have been selected by their predecessor.”

**EXHIBIT C**

CLAIM

~~PAID FEB 14 2019~~

VENDOR No. 2302

COUNTY OF MENDOCINO

CLAIM 140 \_\_\_\_\_

1. NAME AND ADDRESS OF VENDOR

The Broiler, Attn: Joe Fernandes

8400 Uva Drive

Ukiah, CA 95482

2. NAME OF BUDGET UNIT (DEPARTMENT OR DISTRICT)

District Attorney - Asset Forfeiture

3. NAME OF FUND

2110

4. COST ACCOUNT

76-0220

5. AMOUNT	6. FUND CODE	7. BUDGET UNIT CODE	8. ACCOUNT CODE	9. ENCUMBRANCE	AUDITOR USE ONLY	ENCUMBRANCE LIQUIDATION
\$2,345.00	2110	211	76-0220			

10. I HEREBY CERTIFY THAT A REVIEW OF THE ITEMS ON THE ATTACHED INVOICE HAS BEEN MADE AND THAT THE CLAIM FORM HAS BEEN APPROVED IN LIEU OF A PURCHASE ORDER

GENERAL SERVICES

11. I HEREBY CERTIFY THAT THE ARTICLES OR SERVICES DESCRIBED BY THE INVOICES ATTACHED BELOW WERE NECESSARY FOR USE BY THE DEPARTMENT.

1/24/19

DATE

By \_\_\_\_\_

C. Deuster  
Elected Official

ATTACH INVOICES HERE, ENTER ANY EXPLANATORY REMARKS BELOW.

District Attorney's 2018 Staff Workshop and Continuing Education Workshop.  
(Pre-approved by CEO Carmel Angelo)

The District Attorney has approved this expense to be paid with the District Attorney's Asset Forfeiture funds, Account 2110-76-0220.

ACCOUNTS PAYABLE

VENDOR No. 2302

BATCH No. 5224

CNTRL. No. 4395

ACCT. STR. 2110

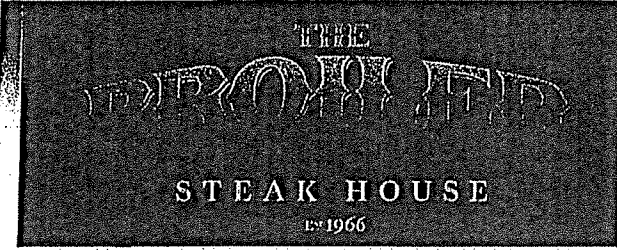
760220

Rejected -  
Not processed as payment to vendor  
Later resubmitted as payment to  
McDistrict Attorney + paid by request  
of CEO

AUDITOR USE ONLY

INSTRUCTIONS TO CLAIMANTS

- All claims against the county must be supported by itemized Invoices, giving dates and character of service rendered or work performed, quantities, description and unit prices of articles furnished or delivered.
- All claims must be filed no later than Tuesday of each week to be processed for payment the following Tuesday.
- Vendor to complete item 1, 2, & 10 only. Vendor retain last copy. Department to retain remaining copy. Original copy with supporting Invoices to be delivered to the Office of the Auditor-Controller.



**INVOICE**

**Date: 1/24/19**

**Joe Fernandes**  
8400 Uva Dr.  
Redwood Valley, CA 95480  
PHONE: 707-485-7301  
Joe@BroilerSteaks.com

**TO: Mendocino Co. DA Office**  
**Attention: Carmen Macias**  
Address: P.O. Box 1000  
Ukiah, CA 95482  
Phone: 707-463-4195

DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL COSTS
STAFF WORKSHOP AND CONTINUING EDUCATION: ROOM AND FOOD SERVICE	67	\$35.00	\$2,345.00
<b>Total Due</b>			<b>\$2,345.00</b>

**COMMENTS/ NOTES: DUE UPON RECEIPT**

# End of the 2018 Debriefing and Team Building Meeting

Thursday, January 24, 2019

1. Arrival/Networking 5:30 p.m. to 6:15 p.m.
2. Meeting Room Seating 6:15 p.m. to 6:30 p.m.
3. Welcoming Remarks (Eyster) 6:30 p.m. to 6:35 p.m.
4. Longevity Pins DA Eyster
  - DDA Beth Norman
  - *Zena Coughlin*
  - Helen Nicolaus
  - *Hayde Lopez*
5. 2018 New Employee Recognition DDA Kevin Cisney
  - *Jessica Guest* DDA Alex Diener
  - *Dale Trigg* *Jennifer Herrero*
  - *Kirstin Villavicencio*
  - Molly McNerlin
6. 2018 Departing Employee Recognition Sutter Co. DDA Seraphin
7. 2018 Statistics/Legal Update DA Eyster
  - State Prison Commitments
  - Realignment County Prison Commitments
  - Jury Trials: (1) 2018 (2) 8-year Average (3) High Producer
  - Marijuana – Old/New
  - Violent Crime (Increase)
  - Focus: Important 2019 Law Changes (highlights)
8. Investigative Bureau Report Chief Bailey
9. Victim/Witness Report Asst. Chief Alvarado
10. Legal Secretary Report Supervising Legal Secretary Arrington
11. Media Report PIO Geniella
12. Assistant DA Report Chief DDA Trigg
13. Office Reassignments (2/4) DA Eyster
14. Concluding Remarks/Safe Travels DA Eyster

END OF THE 2018 YEAR END DEBRIEFING AND TEAM

BUILDING MEETING

LIST OF ATTENDEES

Thursday, January 24, 2019

1. Andy Alvarado DA
2. Kirsten Alvarado SS
3. Bryan Arrington DA
4. Shari Arrington DA
5. Kevin Bailey DA
6. Jamie Bailey -
7. Chandra Caffery DA
8. Vince Caffery +
9. Naomi Carter DA
10. Kevin Carter +
11. Kathryn Cavness DA
12. Kevin Cisney DA
13. Raquel Contreras DA
14. Zena Coughlin DA
15. Pat Coughlin -
16. Claudia Macias Deortega -
17. Enrique Deortega -
18. Alex Diener DA
19. Heather Diener -
20. David Eyster DA
21. Lisa McCurley -
22. Thomas Geddes VW
23. Michael Geniella -
24. Teresa Geniella -
25. Laura Godinez DA
26. Oscar Godinez -
27. Jessica Guest DA
28. Matt Dencklav -
29. Butch Gupta -
30. Karen Gupta VW
31. Mariano Guzman DA
32. Annie Guzman DA
33. Joe Guzman -
34. Dayni Guzman -
35. Jennifer Herrero DA

- 36. Ingrid Johnson VV
- 37. Lindsay King DA
- 38. Hayde Lopez VV
- 39. Kristen Lozano DA
- 40. Carmen Macias DA
- 41. Molly McNerlin DA
- 42. Paul McNerlin -
- 43. Beth Norman DA
- 44. Luke Oakley DA
- 45. Jamie Pearl DA
- 46. Houston Porter DA
- 47. Andrea Porter JV
- 48. Jessica Rodriguez JV
- 49. Raylene Schafer DA
- 50. Norm Schafer -
- 51. Kary Schweig VW
- 52. Morgan Shippey VG
- 53. Andrew Thomas -
- 54. Denise Sprague DA
- 55. Tim Stoen DA
- 56. Kristy Stoen -
- 57. Nicole Sutton DA
- 58. Curtis Sunseri -
- 59. Dale Trigg DA
- 60. JoAna Trigg -
- 61. Elizabeth Trigg -
- 62. Melissa Weems DA
- 63. Christopher Roth -
- 64. Patty Torres JV
- 65. Gilberto Torres -
- 66. Adam Seraphin DA
- 67. Rick Welsh DA

42  
25



**EXHIBIT D**

LLOYD B. WEER  
AUDITOR-CONTROLLER



CHAMISE CUBBISON  
ASSISTANT  
AUDITOR-CONTROLLER

COUNTY OF MENDOCINO  
AUDITOR-CONTROLLER  
501 LOW GAP RD., RM. 1080  
UKIAH, CALIFORNIA 95482  
PHONE (707) 234-6860 FAX (707) 467-2503  
www.mendocinocounty.org

February 2, 2020

Morin I. Jacob, Managing Partner  
Liebert Cassidy Whitmore  
135 Main Street, 7<sup>th</sup> Floor  
San Francisco, CA 94105

Dear Ms. Jacob:

In follow up to our phone conversation this week, the Auditor-Controller is seeking a legal opinion regarding the authority of Auditor-Controller to require the District Attorney to comply with County Board of Supervisors' Policies, Auditor-Controller procedures, and generally accepted accounting principles established by the Government Accounting Standards Board.

Due to staff changes in the Auditor-Controller's (AC) office, purchasing practices and policy compliance have come under more consistent review. There are several types of Claims submitted by the District Attorney that are being more closely monitored, sometimes resulting in those Claims being denied or in requests for additional supporting information. Some similar Claims may have been paid in the past. More recent Claims have been denied with explanation.

The issue became more contentious with the denial of a Claim (**Item 1**) to the Broiler (local steak house) for a 2018 End of Year Staff Workshop and Continuing Education dinner. When AC staff requested supporting documentation (as would be required for any other department), it became apparent that 42 attendees were County employees and 25 were general members of the public or employee spouses and/or family members and that the event did not comply with County Policy #18 or #1. AC staff also questioned whether it was an appropriate use of Asset Forfeiture funds. To which DA staff stated that there are no guidelines for State Asset Forfeiture funds. The AC asked the DA to certify that it was an appropriate use of the Forfeiture funds and requested

that the Claim be reduced to cover only the 42 employees, which was still stretching policy. AC staff suggested the DA could pay for the other portion directly through funds from non-County sources. That was not acceptable to the DA.

After several attempts to resubmit the Claim for full payment, the DA paid the vendor directly and then requested reimbursement from Asset Forfeiture funds. The AC denied that Claim as well. The DA was prepared to bring the item to the Board of Supervisors (which would have been acceptable to the AC). At which point CEO Carmel Angelo asked the AC to pay the Claim **(Item 2)** and agreed to request outside counsel to obtain a legal opinion regarding the AC's ability to request additional documentation and to hold DA to County Board Policy and accounting principles and procedures. A Claim **(Item 3)** for the 2019 End of Year Staff Workshop and Continuing Education was submitted this past month and was rejected by AC because there was no supporting documentation.

There is also an ongoing issue with the DA regarding Travel Authorizations which the AC requires for travel related expenditures and reimbursements. In recent years the current DA has not been required to provide Travel Authorization to the AC because AC staff has incorrectly accepted the DA's provided exemptions and the past couple of ACs have not wanted to create conflict with the DA by requiring the Authorizations. The DA maintains that the CEO has exempted his office from ever preparing or submitting a Travel Authorization. There is a CEO Budget Directive #2 **(Item 4)** which requires all Travel Authorizations to be approved by the CEO. The AC maintains that the CEO does not have the authority to exempt the DA from Board Policy or AC requirements, but that the CEO can exempt the DA from the Budget Directive. County Policy #18 requires a Travel Authorization and requires CEO approval for travel outside the state and/or travel over \$1,000. The AC has recently sent a memo **(Item 5)** to the DA trying to bring the DA back into Board Policy compliance by requiring a signed Travel Authorization. So far, there has been no compliance **(Item 6)**. The AC has granted that Travel Authorizations are not required if the travel is directly related to a particular case or investigation.

The DA has recently been submitting Claims for "allocations" of State Asset Forfeiture funds that do not have any supporting documentation **(Item 7)**. Those Claims have been rejected for having no supporting documentation, and no indication as to the purpose, tax ID # and organization's tax status.

There have also been recent Claims payable to Mendocino County District Attorney for use of State Asset Forfeiture funds without supporting documentation for items that were questioned in the past. **(Item 8)** Those past items were paid through the DA's

"Special Fund" or Asset Forfeiture fund, but would likely not be paid under the current review team as they do not comply with County Policy #18 or #1. It appears that the DA is planning to cash those checks at the County Treasury and reimburse whoever paid the expenditure or pay the vendor directly. It appears to be an attempt to get around the AC. The past items do not appear to meet the Government Code specified allowable uses of DA's "Special Fund" (Item 9). Which causes the AC to be concerned that the DA does not ensure that expenditures are properly allowable for certain types of funds.

The AC has suggested language that could be added to some Claims that might assist the AC is allowing some of the Claims to be processed, but the DA refuses to consider those suggestions.

In nearly all cases, the response is that the CEO has authorized an exemption, that the DA is an elected constitutional officer and the Auditor is trying to limit the DA's budgetary authority, or that Asset Forfeiture funds are non-County monies and not subject to County Policy.

The Auditor-Controller is looking for a legal opinion which addresses whether the District Attorney, and/or his staff, should be required to provide supporting documentation, including Travel Authorizations, for expenditures and/or reimbursements paid with any County funds, including General Funds or Asset Forfeiture funds, is subject to County Board of Supervisors' Policies and if the Auditor-Controller can require the DA to comply with the procedures that other departments are held to, as well as GASB's generally accepted accounting principles. We would appreciate the opportunity to review your draft opinion before a final opinion is provided.

Please let me know if you have any questions regarding the information provided or if you need additional information. I can be reached at 707-234-6871 or [cubbisoc@mendocinocounty.org](mailto:cubbisoc@mendocinocounty.org)

Thank you for your time and assistance in these matters.

Sincerely,



Chamise Cubbison  
Assistant Auditor-Controller

**EXHIBIT E**

DELETED CLAIM

Date: January 16, 2020  
To: District Attorney's Office  
From: Auditor's Office

The attached claim was deleted and returned for one or more of the following reasons:

- Incorrect vendor number, please use:
- Invoice requested for payment
- Duplicate invoice
- Employee reimbursement  
(Please attach to Special Claim and send to GS)
- Needs W-9
- Over 6 months & over \$1,000 needs CEO approval
- Original invoice required
- Need more information and/or backup
- Requires Auditor approval
- Please refer to Policy #1 and contact GS
- Other:

- Requires supporting documentation
- If paid and reimbursed from DA's Special Fund then Claim Form needs to state:  
"This expenditure complies with Gov Code Section 29404."
- If not Gov Code 29404, additional supporting information will be required

Please call 234-6860 if you have any questions.

Thank you

~~PAID JAN 16 2020~~

CLAIM

COUNTY OF MENDOCINO

VENDOR NO 12409

CLAIM 140 \_\_\_\_\_

1. NAME AND ADDRESS OF VENDOR <u>MENDOCINO COUNTY DISTRICT ATTORNEY</u> <hr/> <u>PO BOX 1000</u> <hr/> <u>UKIAH, CA 95482</u>	2. NAME OF BUDGET UNIT (DEPARTMENT OR DISTRICT) <u>DA BU 2070</u> <hr/> 3. NAME OF FUND <u>2110</u> <hr/> 4. COST ACCOUNT <u>76-0220</u>
--	---

5. AMOUNT	6. FUND CODE	7. BUDGET UNIT CODE	8. ACCOUNT CODE	9. ENCUMBRANCE	AUDITOR USE ONLY	ENCUMBRANCE LIQUIDATION
\$2,345.00	2110		76-0220			

10. I HEREBY CERTIFY THAT A REVIEW OF THE ITEMS ON THE ATTACHED INVOICE HAS BEEN MADE AND THAT THE CLAIM FORM HAS BEEN APPROVED IN LIEU OF A PURCHASE ORDER

11. I HEREBY CERTIFY THAT THE ARTICLES OR SERVICES DESCRIBED BY THE INVOICES ATTACHED BELOW WERE NECESSARY FOR USE BY THE DEPARTMENT.

C. DAVID EYSTER  
DISTRICT ATTORNEY OF MENDOCINO COUNTY  
ELECTED OFFICIAL

GENERAL SERVICES

01-08-2020  
DATE

By C. David Eyster

ATTACH INVOICES HERE, ENTER ANY EXPLANATORY REMARKS BELOW.

District Attorney's 2019 Staff Workshop and Continuing Education Workshop.  
(Pre-approved by CEO Carmel Angelo)

The District Attorney has approved this expense to be paid with the District Attorney's Asset Forfeiture Fund Account #76-0220.

\*Will Pick Up Check

ACCOUNTS PAYABLE

VENDOR No. 12409  
 BATCH No. 9071  
 CNTRL. No. 7523  
 ACCT. STR. 2110  
760220

AUDITOR USE ONLY

INSTRUCTIONS TO CLAIMANTS

- All claims against the county must be supported by itemized invoices, giving dates and character of service rendered or work performed, quantities, description and unit prices of articles furnished or delivered.
- All claims must be filed no later than Tuesday of each week to be processed for payment the following Tuesday.
- Vendor to complete item 1, 2, & 10 only. Vendor retain last copy. Department to retain remaining copy. Original copy with supporting invoices to be delivered to the Office of the Auditor-Controller.

**EXHIBIT F**



LLOYD B. WEER  
AUDITOR-CONTROLLER



CHAMISE CUBBISON  
ASSISTANT  
AUDITOR-CONTROLLER

COUNTY OF MENDOCINO  
AUDITOR-CONTROLLER  
501 LOW GAP ROAD, RM. 1080  
UKIAH, CALIFORNIA 95482  
PHONE (707) 234-6860 FAX (707) 467-2503  
www.mendocinocounty.org

MEMORANDUM

To: District Attorney's Office

Date: January 8, 2020

From: Chamise Cubbison, Assistant Auditor-Controller

Re: Travel Authorizations

The following information is intended to address Travel Authorizations, travel related expenditures paid through accounts payable, credit card or journal entry and Travel Reimbursements.

Over the past several years, the District Attorney's office has sought exemptions from various CEO Budget Directives and Auditor-Controller's office procedures. The Auditor-Controller acknowledges that the District Attorney's office has been granted exemption from Budget Directive 2. Regarding the email from Janelle Rau dated January 24, 2018, the CEO can exempt the District Attorney's office from sending Travel Authorizations to the CEO's office in advance, essentially similar to the exemption from Budget Directive 2. However, the CEO can not exempt the District Attorney's office from Board Policy 18 which requires CEO approval for any travel over \$1,000 or travel out of state.

In addition, Policy 18 states "In **all circumstances, including** special circumstances not otherwise provided for in this Policy, the County Auditor-Controller shall be the final approving authority regarding reimbursement for any expense." It is therefore within the Auditor-Controller's authority to require the inclusion of supporting documentation for travel related expenditures. The CEO does not have the authority to exempt the District Attorney's office from ever preparing a Travel Authorization.

Any travel that does not directly involve a case or investigation needs to have a related Travel Authorization signed by the District Attorney or his official designee. That Travel Authorization is necessary as supporting documentation for any travel related cost, including all payments made by either check, credit card, or journal entry for hotel, transportation, registration, employee reimbursement, etc. Any payments or requests for payment that do not include a signed Travel Authorization but that are directly related to a case or investigation should include a specific notation indicating such or the item will be rejected.

cc: Carmel Angelo, CEO

**EXHIBIT G**

CHAMISE CUBBISON  
ACTING AUDITOR-CONTROLLER  
COUNTY OF MENDOCINO



501 LOW GAP ROAD, RM. 1080  
UKIAH, CALIFORNIA 95482  
PHONE (707) 234-6860 FAX (707) 467-2503  
[www.mendocinocounty.org](http://www.mendocinocounty.org)

---

Date: February 2, 2022

To: District Attorney C. David Eyster

From: Chamise Cubbison, Acting Auditor-Controller

Re: Personal use of County purchasing authorities and Policy 1

I would like to bring to your attention recent uses and requested uses of County funds which appear to go against Policy 1 – Purchasing, Leasing and Contracting Policy, which states that purchases “may not be combined with personal activities in any manner.”

The January 10, 2022 use of your County issued Travel Card to purchase airfare for Douglas Rhoades appears to be for personal use. There is no travel authorization included for Douglas Rhoades and no apparent justification for why Rhoades should not have procured the airplane ticket using Rhoades’ personal funds, regardless of whether the funds were eventually reimbursed. If there is a valid business purpose for the transaction, please forward the explanation and documentation to the Auditor-Controller’s office.

In addition, a request for the County to issue a warrant to pay for the lodging for the entire, including extended personal, stay of Heidi Larson and Douglas Rhoades also appears to be in conflict with the Policy, regardless of whether it was reimbursed. Heidi Larson and Douglas Rhoades should be required to pay for their own lodging directly.

When County employees choose to extend their travel for personal reasons, the County should pay for the County-related lodging only and the employee should arrange to pay the lodging establishment directly for the additional nights, or the employee should pay for the entire amount of the lodging and seek reimbursement for only the County purpose related nights.

In the absence of justification for these deviations from County Policy, I respectfully request that you please direct staff to make other arrangements to pay for this lodging than originally requested and to avoid future scenarios such these relating to others accompanying an employee attending County related meeting/conferences and/or extending travel and lodging for personal reasons.

**EXHIBIT H**



# Mendocino County Auditor-Controller Chamise Cubbison suspended after felony charges alleging misappropriation of public funds

By Dave Brooksher, Contributing Writer | October 20, 2023



MENDOCINO Co., 10/20/23 — Mendocino County's top accountant was arrested this week on suspicion of felony misappropriation of public funds. Auditor-Controller/Treasurer-Tax Collector Chamise Cubbison, now suspended from her role as a county employee, was formally charged on Friday, Oct. 13. She turned herself in at the Mendocino County Jail on Sunday, Oct. 15.

[Charging documents](https://mendovoice.com/wp-content/uploads/2023/10/Cubbison-Kennedy-complaint.pdf) (<https://mendovoice.com/wp-content/uploads/2023/10/Cubbison-Kennedy-complaint.pdf>) allege that between 2019 and 2022, Cubbison unlawfully paid \$68,106 to former county payroll manager Paula June Kennedy, her codefendant. Cubbison's attorney, Chris Andrian, did not respond to requests for comment Thursday. Kennedy is being represented by the public defender.



Cubbison and Kennedy have not yet entered a plea, and are scheduled to return to court for that purpose Oct. 31. Both defendants were booked and released at the time of their arrests and are currently out of custody on their own recognizance.

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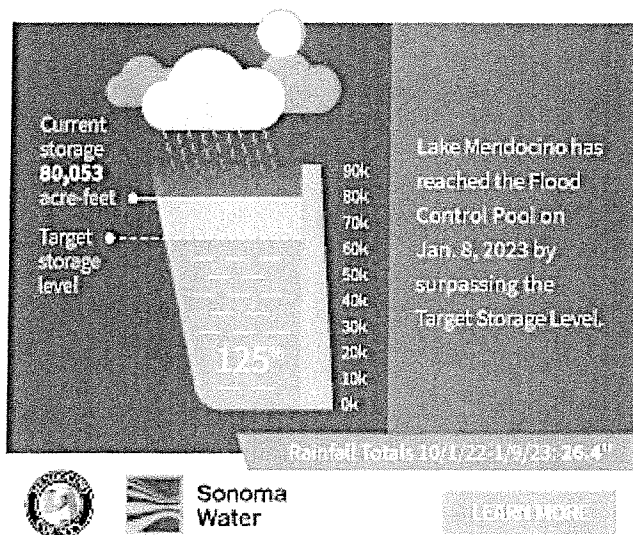


[\(https://www.adventisthealth.org/mendocino-county/\)](https://www.adventisthealth.org/mendocino-county/)

The Mendocino County Board of Supervisors unanimously suspended Cubbison without pay during its regularly scheduled meeting Tuesday, Oct. 17 — appointing Sara Pierce as Acting Auditor-Controller-Treasurer-Tax Collector pending the outcome of Cubbison's criminal case. Payroll records with Transparent California indicate Pierce worked as the county's acting deputy CEO in 2022 and principal administrative analyst before that.

**DA's conflict with Cubbison goes back several years**

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(<https://www.sonomawater.org/current-water-supply-levels>)

Cubbison was thrust into a leadership role in Sept. 2021, when former Auditor-Controller Lloyd Weer retired. He recommended Cubbison as his successor, but the board declined to appoint her after remarks from District Attorney David Eyster (<https://mendovoice.com/2021/09/county-auditors-early-retirement-led-to-row-over-replacement-at-last-weeks-board-of-supervisors-meeting/>) related to disagreements over the DA’s travel expense reimbursement and the use of asset forfeiture funds.

Eyster described Cubbison as the wrong person at the wrong time and urged the board to find a “higher caliber individual.” At that time, Cubbison said she would not be “intimidated” by Eyster into authorizing improper payments.

Eyster’s sour history with Cubbison could affect the case’s proceedings and outcome. California Penal Code 1424 allows defense attorneys to file a motion with the court seeking to disqualify a district attorney over conflicts of interest.

Despite the Board of Supervisors’ decision not to appoint Cubbison to Weer’s elected position as Auditor-Controller in 2021, his retirement left her doing the job anyway. As assistant auditor-controller, Cubbison became acting auditor-controller after Weer’s departure. She later ran for Auditor-Controller\Treasurer-Tax Collector unopposed in June 2022, after the county consolidated the two departments over Cubbison’s objections over limited staffing.

Meanwhile, Cubbison’s leadership has been a point of contention with the board of supervisors. Arguments over labor negotiations with the county’s unions have often hinged on assertions from board members that the county is not collecting all the taxes and fees that it is due, and that an unknown number of unpermitted housing units are not being taxed at all — which they argued was adversely affecting the county’s ability to pay its workers a living wage.

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[\(https://www.adventisthealth.org/mendocino-county/\)](https://www.adventisthealth.org/mendocino-county/)

Then last month State Controller Malia Cohen launched an audit of Mendocino County's finances over reports that were not filed in a timely fashion and that allegedly contained inaccuracies.

Interested readers can find the county's press release announcing Cubbison's charges and Pierce's appointment below:





MENDOCINO COUNTY EXECUTIVE OFFICE

## NEWS RELEASE

CONTACT: Executive Office (707) 463-4441

TO: MENDOCINO COUNTY NEWS MEDIA  
FR: MENDOCINO COUNTY EXECUTIVE OFFICE

*Ukiah, California: October 17, 2023*

### ***Mendocino County District Attorney Files Felony Charges Against Auditor-Controller-Treasurer-Tax Collector Chamise Cubbison***

Mendocino District Attorney David Eyster filed a criminal complaint of misappropriation of public funds, a felony, in Mendocino County Superior Court on October 13th against Auditor-Controller-Treasurer-Tax Collector Chamise Cubbison and former County Payroll Manager, Paula June "PJ" Kennedy.

In a public meeting of the Board of Supervisors today, the Board voted to suspend Cubbison in light of these criminal charges, and appoint Sara Pierce as Acting Auditor-Controller-Treasurer-Tax Collector.

"The charges highlight the need for strong integrity by our public officials and business controls within our departments to safeguard the public interest and funds entrusted to us. Thankfully, we have a CEO who has done just that," said Supervisor Ted Williams.

The District Attorney's investigation was prompted after the CEO's office found evidence of misappropriation of funds in September 2022. "I'd like to acknowledge and thank District Attorney Eyster and the Sheriff's Office for the thorough and professional approach their offices have undertaken with this investigation. We're looking forward to continuing to work cooperatively together so that the County can come out of this stronger than ever," commented Supervisor Williams. Pierce's acting appointment is a welcome addition, "Ms. Pierce is highly respected and capable, and we're looking forward to the stability and operational continuity that she'll provide."

"After it became clear that further investigation was necessary, the Executive Office, Human Resources and IT worked together to further understand the extent of the issue and preserve evidence. We also brought on a forensic auditing firm in March 2023 to concretely assess the overall strengths and weaknesses of our internal controls," said Supervisor Williams.

"While we don't know what the outcomes will be with the criminal proceedings, nor the results of the State Controller's audit that is also underway, we welcome the opportunity to understand where we can improve our systems and will be evaluating additional control measures," continued Supervisor Williams. "There's simply no place for this type of misconduct in Mendocino, and to the extent our policies can reaffirm public integrity, that's what County leadership intends to do."

501 Low Gap Rd, Rm 1010  
Ukiah CA 95462-3734

Office: 707-463-4441  
Fax: 707-463-5649

## Embattled county auditor Chamise Cubbison responds to her suspension by Mendo BOS through her attorney

By Dave Brooksher, Contributing Writer | October 31, 2023



*Auditor-Controller/Treasurer-Tax Collector Chamise Cubbison addresses the Mendocino County Board of Supervisors through her attorney, Chris Andrian. Photo courtesy of Annie Esposito.*

UKIAH, 10/31/23 — Defense attorney Chris Andrian addressed the Mendocino County Board of Supervisors Tuesday afternoon on behalf of his client, Auditor-Controller/Treasurer-Tax Collector Chamise Cubbison. Cubbison was suspended without pay Oct. 17 after District Attorney David Eyster charged her with a felony on allegations that she misappropriated public funds between 2019 and 2022.

Andrian called the case against Cubbison “very weak,” and argued that Cubbison’s suspension violated her right to due process. He also pointed out that Cubbison did not become auditor-controller/treasurer-tax collector until after her election in June 2022. (She took the position on July 12, 2022.) During the years in question, she was either working under former Auditor-Controller Lloyd Weer or as the acting auditor-controller after his retirement.

“You’re removing her as treasurer for something that happened before she was treasurer, and California law is very clear you can’t do that,” he said.

“There’s also the fact that Ms. Cubbis has had an ongoing dispute with the district attorney that filed this case,” Andrian said. “I’ve talked to Mr. Eyster about whether he should even be involved in this case... I think he understands there may be a legitimate issue here, because of the fact that they have this kind of fiscal relationship where she may call him to task and he may object.”

Today’s meeting started off with a public comment period. Deputy CEO Sara Pierce, who has been appointed acting auditor-controller/treasurer-tax collector for the duration of Cubbison’s suspension, addressed the board by reading a prepared statement claiming that a number of county bank accounts not previously disclosed to outside auditors have been found. Pierce stated the accounts appear to be legitimate, but need to be investigated.

4th District Supervisor Dan Gjerde asked how much money had cycled through those accounts, and for what purpose. Pierce said the answer to that question was not immediately clear, but the county has requested banking associated with the accounts in question in order to obtain more information.

Andrian objected to that framing.

“These accounts that apparently were made reference to this morning have been known by Ms Cubbison. She’s been the one that’s brought it to attention,” Andrian said. “The new person saying ‘Oh, I discovered it,’ that’s false.”

Assistant Auditor-Controller Megan Hunter said during public comment she was “appalled” at the way in which Cubbison has been treated, and that Cubbison was being held accountable for things that were outside her control.


“I don’t understand why the auditor-controller at the time is not being called into question,” Hunter said. “He was in charge of the office, not Chamise.”

Andrian has asked the board to consider rescinding Cubbison’s suspension until she has an opportunity to defend herself in administrative proceedings, but the supervisors declined to take action on that request.

Cubbison and her codefendant, former county payroll manager Paula June Kennedy, appeared in the courtroom of Mendocino County Superior Court Judge Keith Faulder this morning for a plea hearing, but no plea was entered. The matter has been pushed back to Nov. 29.



(PHOTO: Chamise Cubbison and supporter Estelle Clifton stand together outside the Mendocino County Superior Court on Tues., Oct. 31, 2023.)

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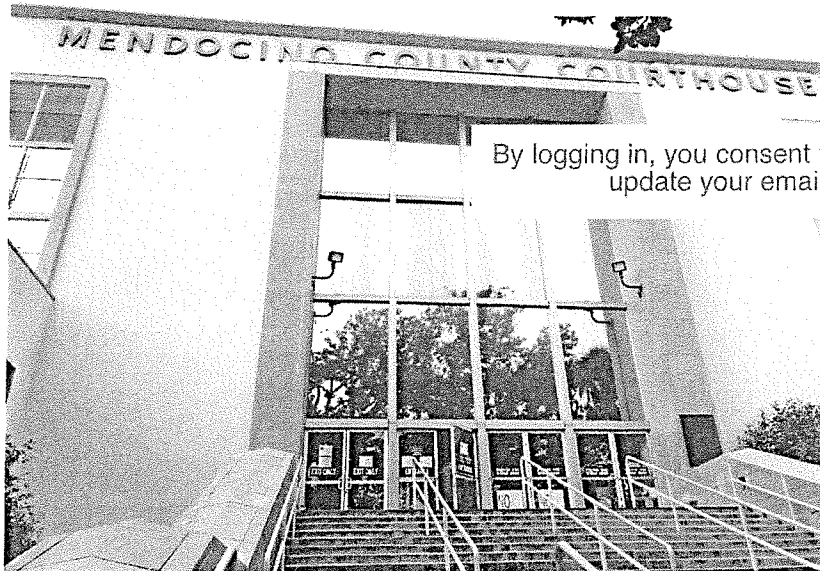
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# Former Mendocino County officials quest for charges

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The Mendocino County Courthouse in Ukiah. (File photo/The Ukiah Daily Journal)

By **MIKE GENIELLA**

**PUBLISHED:** October 19, 2023 at 9:00 p.m. | **UPDATED:** October 20, 2023 at 11:08 a.m.

The integrity of suspended Auditor Chamise Cubbison, facing a felony criminal charge of misappropriation of public funds, is being unfairly questioned, according to two former county officials.

Duncan James, a former county District Attorney and head of a leading local law firm, said he is reviewing the state provision used by the Board of Supervisors to immediately suspend Cubbison without pay earlier this week even though she has not yet been able to enter an expected not guilty plea. James after a preliminary review of the government code the Board of Supervisors used said he wonders if it is applicable given the actions cited in the criminal complaint were in her role as Auditor and not Treasurer, which is the role the code specifically addresses.

"I seriously doubt being charged with a criminal offense makes it possible for the Board of Supervisors to suspend an elected official," said James.

Chris Andrian, a Santa Rosa attorney representing Cubbison in the criminal case Eyster is pursuing against the auditor, is too questioning the government code provision the Board of Supervisors used to take the extraordinary step of suspending an elected official without pay before the accused individual has a case adjudicated. Andrian is having an attorney who is considered a top labor law expert review Cubbison's case.



Chamise Cubbison  
(Contributed)

"In addition to defending her in the criminal matter, there may be a civil lawsuit here," said Andrian.

James once ran for state Attorney General as a Republican and is widely respected statewide as a skilled trial attorney in civil and criminal cases.

James' law firm has successfully represented Mendocino County Sheriff Matt Kendall, who has had his own struggles with the current board. The James law firm also has successfully challenged the roles of other public agencies who have become embroiled in disputes with each other.

James' questions are significant because his firm gave current District Attorney David Eyster his start in private practice locally. Eyster after having been fired in 1996 by former DA Susan Massini after a celebrated dust up entered private practice in Sacramento, and then returned to Ukiah to make a run in 2009 for DA here.

James said the irony is that the government code used against Cubbison, unless challenged, could be used against Eyster and any other elected official. "Be prepared, the board could come for you," said James.

James said he personally respects the opinion of former county Treasurer Shari Schapmire and others who have testified to the integrity and work ethic of Cubbison. The suspended Auditor found herself in the cross hairs of DA Eyster and board members following a forced consolidation of county financial offices two years ago.

Schapmire on Wednesday said, "In my experience directly interacting with Chamise Cubbison, I found her to be competent, meticulous, and dedicated to her duties."

"That being said, others often found her to be abrupt, direct, and often times difficult," said Schapmire.

"Shari is herself a person of integrity. I listen to what she has to say," said James.

Schapmire, a 40-year county employee, stepped down early because of the board's insistence, with Eyster's backing, to consolidate the Auditor-Controller and Treasurer-Tax Collector offices into one.

In a scathing letter of resignation written in December 2021, Schapmire told the Board of Supervisors that their actions leading up to the forced consolidation would likely create chaos driven by politics.



Shari Schapmire  
(Contributed)

“The actions of the Board over the last several months have been to force Chamise Cubbison to fail, to drive her from her role, and to leave the Treasurer-Tax Collector to pick up the scattered pieces,” wrote Schapmire.

Schapmire called the board’s consolidation plan “severely flawed.”

“You have managed to destabilize the entire financial engine of the county,” warned Schapmire.

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# MENDOFEVER

## MENDOCINO COUNTY NEWS

### LAWYER OF MENDOCINO COUNTY'S SUSPENDED CONTROLLER DEMANDS DUE PROCESS FROM BOARD SUPERVISORS

Categories: [Featured](#) -- [Government](#) -- [News](#)

 Sarah Reith November 1, 2023



*Mendocino County Auditor Chamise Cubbinson stands beside Chris Andrian, her Attorney at the Board of Supervisors Meeting [YouTube page]*

Chamise Cubbinson, who was suspended from her elected office without salary or benefits two weeks ago, reappeared yesterday, when she appeared in court and before the Board of Supervisors. Her attorney, Chris Andrian, demanded due process. Members of the public expressed dismay about what they perceived as a failure of due process.

On Friday the 13th, District Attorney David Eyster charged the auditor controller treasurer tax collector with embezzlement of funds, due to allegedly improper payments to an employee, Paula June Kennedy. Kennedy has also been charged by prosecutor Mary LeClair.

As the 9:00 hour of the arraignment drew near, dozens of Cubbinson's supporters, including several people who were arrested, filled both rows of seats in the jury box. They stood inside the courtroom. Two of them held signs outside the courtroom until 9:00 am on November 29th, to give the recently appointed LeClair time to go over the extensive details of the case.

As this was taking place, Sara Pierce, a deputy CEO who is the board's appointee to replace Cubbinson, was reported to have used some outside bank accounts that she said have not been fully disclosed to outside auditors. This is or

sign a management representation letter attesting to several items about the draft Annual Comprehensive Financial Report. She said these include acknowledging that, "No events, including instances of noncompliance, have occurred from the date and through the date of this letter that would require adjustment to or disclosure in the financial statements...One of my concerns relates to the numerous bank accounts the county holds outside the county's outside auditors. While these accounts seem to be legitimate at first review, government code does not allow for the opening of bank accounts except for very specific circumstances."

Not signing the letter will have repercussions. When Supervisor John Haschak asked clarifying questions, the county's outside auditors about the outside accounts, which they had been unaware of. "With not signing the ACFR," Haschak asked, "What happens to our credit rating?"

"It will most likely decrease our credit rating, and we will not be able to go after grant funding," Pierce replied. "The county's fiscal year 22/23 year-end close, this will be delayed." She added that she had just had her first conversation with the county's outside auditors, who are examining the county's finances at the request of the county's largest labor union and the Board of Supervisors. The state controller's auditors are available yet. She told the Board that, "Until draft findings are released, I cannot say if there is an alignment with my concerns." Perce said she has contacted the banks and is asking for details about bank accounts that have been opened.



After lunch, Cubbison's attorney, Chris Andrian of Santa Rosa, gave the Board of Supervisors a preview of the county's financial report.

"There are certain cornerstone things that exist in our justice system," he began, after being informed that the Board of Supervisors would ask questions. "They are the things called due process of law, presumption of innocence, and the idea that a public official cannot be removed from office without cause, and without an opportunity to be heard. And that doesn't mean what I think about the criminal case. That's not an opportunity to be heard. That's an opportunity to have a hearing that has not been afforded to Ms. Cubbison. In other words, because a prosecutor makes a decision to file a criminal case, the presumption of innocence...I think an important factor to remember here is the allegations against Ms. Cubbison as a public official. The allegation against her was when she was acting as acting auditor and controller. Not treasurer. I think that talks about the fact that an elected official cannot be removed from office for conduct that occurred prior to their election."

Andrian's law firm partner Stephen Gallenson faced down Eyster last year in his defense of former Ukiah Police Chief Eyster. Eyster should recuse himself from the prosecution of Cubbison and let the Attorney General step in, due to the potential for a financial oversight from Cubbison's.

The county's outside counsel, Morin Jacob, told the Board that Cubbison received notice of her suspension from the Board of Supervisors on the agenda as an urgency item and voted on it. Cubbison said she received the notice in a letter dated the day before the meeting. Jacob said she was not surprised by the Board's action.

"With the suspension that we did at the last meeting two weeks ago, is there any problem, from your point of view, that we had a chance to appear before us?" he asked.

Jacob told him, "That is a question that I am happy to respond to in a confidential setting, but I won't do that."

During public comment, Val Muchowski's remarks were representative of the nine people who spoke after she was elected," Muchowski told the Board. "She earned 15,286 votes, (which is) more than the District Attorney. Not to take away our right to have an independent auditor...We have a right to be represented by an elected auditor, and we have a right to have an elected auditor."

## Previous Coverage

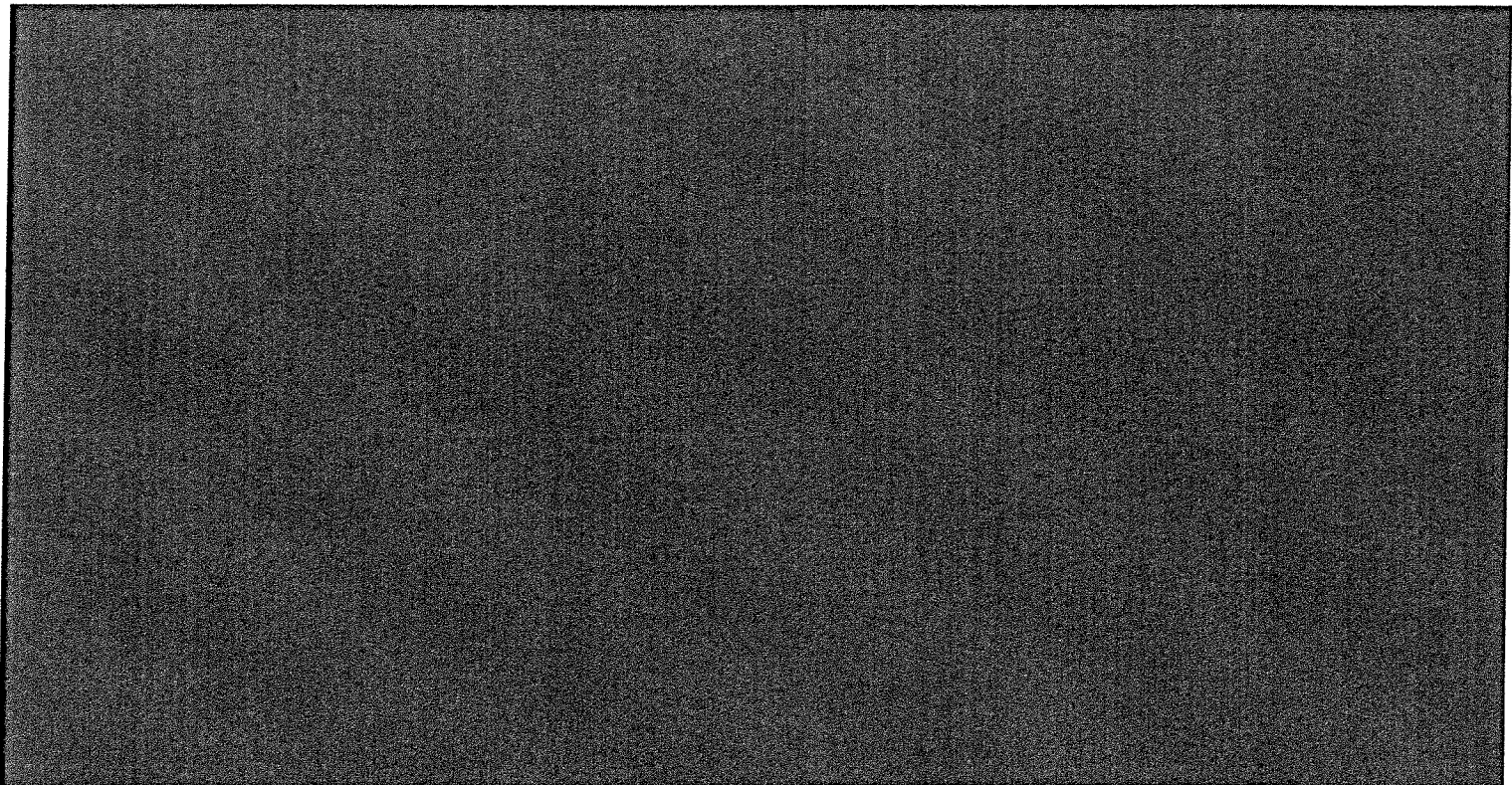
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By

[Mendocino County](#)  
PUBLISHED: October 21, 2  
October 22, 2023 at 7:00 p.m.

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Mendocino County supervisors face a legal challenge to their  
decision to promptly suspend embattled county Auditor Chamise  
Cobbison without pay, according to the elected official's attorney.

Santa Rosa lawyer Chris Andrian said Saturday. "We have  
engaged an employment attorney who we will be following up  
with on Monday."

Andrian is representing Cobbison in a criminal case District  
Attorney David Eys...

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Cubbison, rather than accept the DA's offer to file only a misdemeanor charge if she would resign, chose to fight the felony accusation he ended up filing against her.

Cubbison was expected to enter a plea of not guilty last Tuesday, but the scheduled court hearing was delayed until Oct. 31 in Mendocino County Superior Court because Kennedy is seeking an appointment of a public defender.

A few hours after the plea entry was delayed, the county Board of Supervisors voted unanimously to immediately suspend Cubbison, a 16-year veteran county employee, without pay. The move enraged Cubbison and her supporters, who questioned whether supervisors have a legal right to dismiss an elected official before she could even enter a plea to the criminal allegation.

Attorney Andrian, who has questioned the DA's possible biases against Cubbison given his public opposition to her taking office, said the suspension raised other serious issues.

"Instinctively, it doesn't feel right especially since there is no claim that Chamise pocketed any public funds. And there is no claim that there is any public money in immediate jeopardy," said Andrian.

Besides, said, Andrian, "There is still constitutional claim called the presumption of innocence."

Board members and their outside attorney, Morin Jacobs of San Francisco, cited state code 27120 to suspend Cubbison. But the code specifies a county treasurer and not an auditor, which is Cubbison's principal role.

Andrian maintains that the criminal charge facing Cubbison, and co-defendant Paula June Kennedy, the county's former payroll manager, stems from a disputed extra pay agreement during the Covid pandemic made before the board forced a combined Auditor/Controller/Treasurer/Tax Collector office, and she took over the combined departments.

The government code question, 27120, states that “Whenever an action based upon official misconduct is commenced against the county treasurer, the board of supervisors may suspend him from office until the suit is determined. The board may appoint some person to fill the vacancy, who shall qualify and give such bond as the board determines.”

At issue in the minds of Cubbison and her supporters is whether the code applies to her because at the time of the alleged misappropriation she was not the Treasurer/Tax Collector but acting Auditor/Controller who was serving out the unexpired term of former Auditor Lloyd Weer. Cubbison was subsequently elected by voters to serve an entire term of the newly consolidated office as Mendocino County Auditor-Controller Treasurer-Tax Collector and was sworn into office for a term beginning January 2023.

The code language suggests a public official can't be terminated for alleged misconduct if voters elected them after the fact.

County Supervisors Ted Williams and Glenn McGourty did not respond to requests for comment on the possible legal challenge to the board's action, and their complicity in the law enforcement investigation that led to DA Eyster filing a felony criminal charge against Cubbison. Eyster also has not responded to questions submitted in writing about the case, including his possible bias against Cubbison because of his past run ins with her and other auditors over his spending.

County supervisors in late 2021 forced the consolidation over the objections of veteran county officials including Cubbison, and now retired Treasurer/Tax Collector Shari Schapmire.

Cubbison subsequently was elected to lead the combined offices that were soon, as predicted, engulfed in turmoil. The true state of the county's finances is under question and being reviewed at the state level. Ever since the board decision, the county's financial offices have been in chaos, exacerbated by an exodus of senior county workers in both offices, a software system that still does not work as expected, and the subsequent political struggle between Cubbison, board members, and DA Eyster.

Eyster for more than a decade has been engaged in a power struggle with the Auditor's Office. He fought with retired Auditors Meredith Ford and Lloyd Weer, who questioned his use of drug related asset forfeiture funds, travel reimbursements, and other office expenses including annual employee parties at the Broiler Steak House that Eyster labeled "training sessions." Office parties are prohibited under county regulations.

Eyster and Cubbison squared off over similar issues when she became Weer's assistant, and then when she was elected to lead the combined offices. Eyster at the time joined some supervisors in promoting the notion of a new county Department of Finance to oversee the county's finances.

Eyster publicly supported the new department creation when he made an extraordinary appearance before the Board of Supervisors in 2021 to denigrate Cubbison's qualifications, and successfully block her appointment as interim department head before her eventual election.

Andrian and Cubbison supporters question Eyster's role in the criminal case, given what appears to be his past personal biases toward the elected official.

When county supervisors suspended her five days after Eyster filed criminal charges, the public uproar gained traction.

Duncan James, a leading Mendocino County attorney, served as district attorney and county counsel for Mendocino County. In recent days, he questioned the validity of Cubbison's suspension without pay, contending that the government code cited may not apply to her conduct as auditor, and a procedural squabble over who authorized extra pay for Kennedy, the county's former payroll manager accused along with Cubbison of criminal misconduct.

Norm Thurston, retired budget manager for the Mendocino County Sheriff's Department, said he is worried that the "sidelining of Chamise Cubbison has left the county's voters without their duly elected independent fiscal watchdog."

Thurston in a public statement questioned the board's appointment of Sara Pierce, an analyst in the County Executive Office, as acting auditor in place of Cubbison.

“Because the appoint substitute is an employee of the CEO’s office, there is legitimate question of independence, especially with regards to matters related to that department,” said Thurston.

Thurston said it is good the state Controller’s Office is auditing the county’s finances as sought by board members because of their quarrels with Cubbison, “but we do not know the scope of the audit.”

“And when the audit is completed, the auditors will issue their report and head home, while the results of the audit may or may not be used to make substantive changes,” said Thurston.

Thurston said, “This all seems to me to create an environment where the county’s fiscal condition could spiral completely out of control, with no safeguards or safety rails.”

Monique Langer, of the Office of Public Affairs for the State Controller’s Office, said the “Mendocino County audit is still in progress and a report release date is not yet established.”

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BY JIM SHIELDS ON NOVEMBER 6, 2023

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BY MIKE GENIELLA ON NOVEMBER 2, 2023

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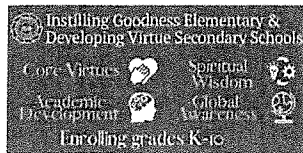
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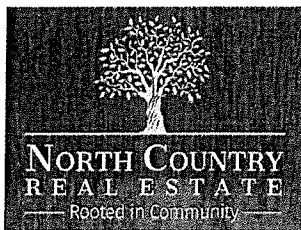


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BY MIKE GENIELLA ON OCTOBER 31, 2023

Mendocino County Supervisor sat silent as they were chastised Tuesday for arbitrarily removing elected Auditor Chamise Cubbison from office without a hearing. Chris Andrian, a...

## Doubting The Cubbison Charges

BY MIKE GENIELLA ON OCTOBER 27, 2023

The integrity of suspended Auditor Chamise Cubbison, facing a felony criminal charge of misappropriation of public funds, is being unfairly questioned, according to two former...

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BY MARK SCARAMELLA ON APRIL 20, 2023

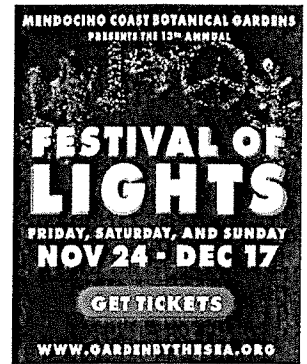
Last Tuesday's semi-formal Budget Update devolved into another testy Get Cubbison exercise. It got so bad that Supervisor Ted Williams tossed out a motion for...

## County Notes: Get Cubbison, Again?

BY MARK SCARAMELLA ON MARCH 23, 2023

Supervisor Williams posted the following allegation on line last week: "Tuesday, March 14 BOS agenda item 4D is a 'Presentation of Mid-Year Budget Report.' Of...

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## County Notes: 'Get Cubbison' Backfires

BY MARK SCARAMELLA ON NOVEMBER 10, 2022

The highlight of Tuesday morning's discussion of the Board's attempt to blame Auditor-Controller-Tax Collector Chamise Cubbison for financial reporting delays was when Chief Deputy Auditor...

## County Notes: Get Cubbison II?

BY MARK SCARAMELLA ON NOVEMBER 3, 2022

Last Tuesday, the Supervisors briefly discussed two seemingly minor consent agenda items that should be captured for posterity because they are filled with potential problems...

## County Notes: 'Get Cubbison' Effort Flops

BY MARK SCARAMELLA ON SEPTEMBER 22, 2022

THE BIG SHOWDOWN between the Supervisors and Auditor-Tax Collector Chamisse Cubbison devolved into another fizzle Tuesday morning after the feisty Cubbison gave the Board her...

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# Mendocino County Supervisors, DA facing groundswell of opposition over Cubbison

By MIKE GENIELLA

PUBLISHED: October 31, 2023 at 9:58 a.m. | UPDATED:  
October 31, 2023 at 10:01 a.m.

Mendocino County Supervisors and District Attorney David Eyster are facing a groundswell of opposition this week in their assault on elected county Auditor Chamise Cubbison.

Cubbison supporters say they will show up for her expected entry of a not guilty plea at 9 a.m. Tuesday in Mendocino County Superior Court. That afternoon at 1 p.m. they will be present before the county Board of Supervisors, who after the fact, has decided to give the auditor an opportunity to address her controversial suspension without pay. The board's move is seen as procedural, however, rather than any serious review of an action they took without public notice, and has set the stage for a possible legal challenge.

"It is unbelievable what is going on," said Val Muchowski, a longtime figure in local county politics.

Cubbison's suspensions by county Supervisors, and DA Eyster's criminal charge against a county auditor he has battled with over his office's spending, is fueling the biggest county political brouhaha to erupt in a decade or more. It threatens to loom large over upcoming races for the county Board of Supervisors, and a possible bid by Eyster to become a Superior Court judge in next year's March primary.

The growing public criticism is unsparing.

"The Supervisors took on the role of a constitutional wrecking crew in their rush to judgment on Cubbison," declared Jim Shields, a veteran north county newsman and manager of the Laytonville County Water District.

Shields in a published statement declared, "The county is on shaky legal ground surrounding this entire, unseemly affair, including the justification provided by the outside attorney." Morin Jacobs, managing partner of a San Francisco law firm, is the board's outside legal advisor.

Muchowski, who is a leader of the 100-member strong Mendocino Women's Political Coalition, said her group is aghast at the actions taken by the board and the DA.

"We are very upset about this," said Muchowski, who has been active in county politics since the 1980s.

Carrie Shattuck, a Redwood Valley resident, and candidate for the board in next year's election, directly chastised board members after their vote to suspend Cubbison.

"I think the board is really jumping the gun. Ms. Cubbison has not even been arraigned yet," scolded Shattuck when she confronted supervisors in the board room.

Julie Beardsley, a union leader for 850 county workers who retired this past week from the county's beleaguered Public Health Department, said Saturday the situations at the county administrative and board level are dismal.

"There is no effective leadership at the top. I don't mean to sound like such an alarmist, but the dysfunction is not isolated. It is widespread," said Beardsley.

Beardsley said deputy CEOs in the County Executive Office are young and often not as experienced as traditional department heads yet they are running some key county agencies.

Sara Pierce, the Deputy CEO appointed to serve as acting Auditor after suspending Cubbison, for example, has only about three years of experience in county fiscal matters. "She is totally not qualified," said Beardsley.

Kathy Wylie is a Mendocino Coast resident who served on three county Grand Juries. Wylie said she is fed up with the 'blame game' going on at the top levels of county government.

"Quit the blame game. It is costly, unproductive and a huge waste of taxpayer money," said Wylie.

Wylie isn't happy with DA Eyster's involvement in the administrative chaos either. "The DA should be referring high profile cases (like Cubbison's) for outside review when he or his staff are personally involved."

Board Chairman Glenn McGourty said this past week he could not comment on the mushrooming controversy.

"We have been advised by our counsel not to discuss or comment on any ongoing criminal investigation and criminal matter," said McGourty in response to questions.

DA Eyster failed to respond to written questions submitted to his office about the Cubbison case, and his role in the broader controversy over the forced consolidation of the county finance offices.

On Oct. 17, however, Eyster publicly read a statement at the Board of Supervisors meeting denying a vendetta against Cubbison and lambasting "a false narrative being circulated by some who have pursued an agenda of misinformation and by others who recirculate this false narrative without having enough information to know better."

Eyster insisted the criminal investigation was not "instigated by me or anybody else in the DA's Office" but rather an outside complaint made to the Sheriff's Office.

Yet a board statement issued later described it as “the District Attorney’s investigation,” and said it was “prompted after the CEO’s office found evidence of misappropriation of funds in September 2022.”

Eyster in his statement to the board was defiant in refusing to discuss who sought the investigation, or whether he viewed his past public battles with the Auditor’s Office – which are documented on video and in meeting transcripts – as a possible conflict of interest in pursuing criminal charges against Cubbison.

“Finally, while some don’t like it, my staff and I will not publicly discuss facts and/or legal theories of this case (or any other case for that matter) outside of court unless and until there is a conviction. If someone looking in from the outside tells you or writes that they have divined what is going on and why, don’t believe it,” said Eyster.

Eyster and some members of the Board of Supervisors for two years now have been engaged in an odd political alliance when it comes to the forced consolidation of the county finance offices, and the subsequent arrest of Cubbison.

Muchowski said when the board seats became filled with all Democrats, she and other longtime local political activists celebrated. “Finally,” recalled Muchowski.

But how Eyster, a Republican, fits into the current board political mix is curious in the minds of Muchowski and other longtime observers of county government.

Eyster claims to be a Reagan Republican but sometimes his personal behavior toward staff, and opponents in county government and in the courts behind can be mercurial and Trump-like. Eyster’s abrupt firing in 2016 of his popular chief assistant left courthouse insiders gasping.

Since taking office in 2011, Eyster has battled with three county auditors in a row over office spending, including travel related expenses, office parties under the guise of ‘training sessions,’ and the use of drug-related asset forfeiture funds for routine office expenses.

Cubbison is the latest auditor to get in Eyster’s cross hairs.



Cubbison, a Mendocino County native, was recruited a decade ago by county administrators to work in the Auditor's Office because of her knowledge of county finances, learned while working as a highly regarded budget analyst for the county's Department of Transportation.

After Eyster took office, Cubbison earned his ire by questioning his requests for office reimbursements for travel and other expenses.

"He described me as a 'pain in the ass,'" Cubbison recalled. "As auditor on behalf of the public, I am supposed to be a pain in the ass."

Eyster, in an extraordinary escalation of their dispute in 2021 appeared before the Board of Supervisors and publicly attacked Cubbison's qualifications to be appointed interim auditor after Lloyd Weer decided to retire early. He also publicly supported a board notion to abolish the two elected county positions with oversight of county finances – Auditor and Treasurer – and create a single Department of Finance more closely associated with the county's executive offices.

The forced consolidation of the two offices, seen as the first step in the board's disputed plan, was opposed by then Treasurer/Tax Collector Shari Schapmire, senior finance employees including Cubbison, and civic organizations including the Mendocino County Farm Bureau. The Farm Bureau, like Schapmire and others, worried that the board's action would create chaos, and reduce the "fiduciary checks and balances for the county."

Schapmire and other county finance veterans have defended Cubbison.

"In my experience directly interacting with Chamise Cubbison, I found her to be competent, meticulous, and dedicated to her duties," said Schapmire in a recent interview. "That being said, others found her to be abrupt, direct, and often times difficult."

Cubbison, despite being under fire from the board and the objection of Eyster's scorn, was elected by county voters in 2022 to lead a combined Auditor/Controller/Treasurer/Tax Collector office. It has been plagued by an exodus of veteran county employees, staff shortages, a troublesome new software program, and other related issues. Board members have piled on, clamoring for financial reports that either have been delayed, or never been done before. They point their fingers at the Auditor's Office for uncertainty over the county's true financial status and a few months ago with fanfare asked for a state Controller's audit amid the turmoil. That audit is still pending.

In the meantime, Eyster stepped up his war with Cubbison, directing his own investigators to further probe Cubbison's alleged role in a disputed extra pay deal during the Covid pandemic for former county Payroll Manager Paula June Kennedy.

Eyster after a year of investigation decided to accuse both women of felony misappropriation of public funds.

At issue is an estimated \$68,000 in overtime pay for Kennedy, an arrangement that Cubbison said was made between Weer, the retired auditor, and Kennedy before she was in charge of the Auditor's Office. Cubbison in fact put Kennedy on administration leave, and later dismissed her from her payroll position because the arrangement had not been properly authorized.

Eyster's criminal complaint suggests Cubbison and Kennedy engaged in some conspiracy but the Auditor's attorney, Chris Andrian, said there is no evidence suggesting Cubbison personally benefited financially from the pay arrangement. "The money went for work actually performed. Not one dime went into my client's pockets," said Andrian.

Cubbison has said she chose to fight the felony charge the DA filed against her rather than to quietly resign in a misdemeanor deal Eyster offered her before the criminal complaint was even filed on Oct. 13.

"I have done nothing wrong," said Cubbison.

Cubbison is weathering the storm, buoyed by the growing public support but weighed down by the damage to her reputation.

"It's a struggle but I know I have no choice but to defend myself and my integrity as a professional," she said recently.

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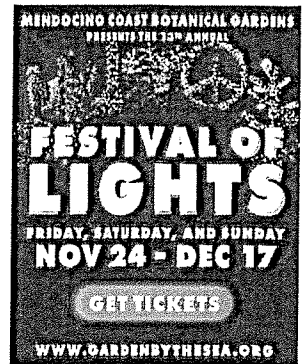
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Carrie Shattuck, a Redwood Valley resident,

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celebrated. “Finally,” recalled Muchowski.

But how Eyster, a Republican, fits into the current board political mix is curious in the minds of Muchowski and other longtime observers of County government.

Eyster claims to be a Reagan Republican but sometimes his personal behavior toward staff, and opponents in County government and in the courts behind can be mercurial and Trump-like. Eyster’s abrupt firing in 2016 of his popular chief assistant left courthouse insiders gasping.

Since taking office in 2011, Eyster has battled with three County Auditors in a row over office spending, including travel related expenses, office parties under the guise of “training sessions,” and the use of drug-related asset forfeiture funds for routine office expenses.

Cubbison is the latest Auditor to find herself in Eyster’s cross hairs.

Cubbison, a Mendocino County native, was recruited a decade ago by County administrators to work in the Auditor’s Office because of her knowledge of county finances, learned while working as a highly regarded budget analyst for the County’s Department of Transportation.

After Eyster took office, Cubbison earned his ire by questioning his requests for office reimbursements for travel and other expenses.

“I described me as a ‘pain in the ass,’” Cubbison recalled. “As Auditor on behalf of the public, I am supposed to be a pain in the ass.”

Eyster, in an extraordinary escalation of their dispute in 2021 appeared before the Board of Supervisors and publicly attacked Cubbison’s qualifications to be appointed interim auditor after then-Auditor Lloyd Weer decided to retire early. Eyster also publicly supported a board notion to abolish the two elected County positions with oversight of County finances – Auditor and Treasurer – and create a single Department of Finance more closely associated with the County’s executive offices.

The forced consolidation of the two offices, seen as the first step in the board’s disputed plan, was opposed by then Treasurer/Tax Collector Shari Schapmire, senior finance employees including Cubbison, and civic organizations including the Mendocino County Farm Bureau. The Farm Bureau, like Schapmire and others, worried that the board’s action would create chaos, and reduce the “fiduciary checks and balances for the County.”

Schapmire and other county finance veterans have defended Cubbison.

“In my experience directly interacting with Chamise Cubbison, I found her to be competent, meticulous, and dedicated to her duties,” said Schapmire in a recent interview. “That being said, others found her to be

apt, direct, and often times difficult.

Cubbison, despite being under fire from the Board and the object of Eyster's scorn, was elected by county voters in 2022 to lead a combined Auditor/Controller/Treasurer/Tax Collector office. It has been plagued by an exodus of veteran county employees, staff shortages, a troublesome new software program, and other related issues. Board members have piled on, clamoring for financial reports that either have been delayed, or never been done before. They point their fingers at the Auditor's Office for uncertainty over the county's true financial status and a few months ago with fanfare asked for a state Controller's audit amid the turmoil. That audit is still pending.

In the meantime, Eyster stepped up his war with Cubbison, directing his own investigators to further probe Cubbison's alleged role in a disputed extra pay deal during the Covid pandemic for former County Payroll Manager Paula June Kennedy.

After a year of investigation Eyster decided to accuse both women of felony misappropriation of public funds.

At issue is an estimated \$68,000 in overtime pay for Kennedy, an arrangement that Cubbison said was made between Weer, the retired auditor, and Kennedy before she was in charge of the Auditor's Office. Cubbison in fact put Kennedy on administrative leave, and later dismissed her from her payroll

position because the arrangement had not been properly authorized.

Eyster's criminal complaint suggests Cubbison and Kennedy engaged in some conspiracy. But the Auditor's attorney, Chris Andrian, said there is no evidence suggesting Cubbison personally benefited financially from the pay arrangement. "The money went for work actually performed. Not one dime went into my client's pockets," said Andrian.

Cubbison has said she chose to fight the felony charge the DA filed against her rather than to quietly resign in a misdemeanor deal Eyster offered her before the criminal complaint was even filed on Oct. 13.

"I have done nothing wrong," said Cubbison.

Cubbison is weathering the storm, buoyed by the growing public support but weighed down by the damage to her reputation.

"It's a struggle, but I know I have no choice but to defend myself, and my integrity as a professional," she said recently.

## 19 Comments

izzy

NOVEMBER 2, 2023

Muchowski said when the board seats became filled with all Democrats, she and other longtime local political activists celebrated. "Finally," recalled Muchowski.

As things have improved so enormously: every level of politics, it has become a brainless and pointless intertribal war. The country is fast losing its mind.

[Reply](#)

**Call It As I See It**

NOVEMBER 2, 2023

Ms. Muchowski must have never heard be careful of what you wish for. This leads me to her organization. Does it plan to support their poster child, Photo-Op Mo, who voted to remove Cubbison? As a matter of fact, all those Democrats that she was so happy to have voted out Cubbison. What a dilemma for Val and her Women's Caucus. They will now have to decide either to support a woman who voted out another woman, and possibly endorse a man. The spotlight is now shining brightly on the National Women's Caucus. You can thank that evil Republican DA and your celebrated Democrats.

[Reply](#)

**Houndman**

NOVEMBER 2, 2023

Now coming to a Political Theater near you!

The Cubbison Caper

The Eyster Sanction

The Bumblng Board's Baffling Bromides

[Reply](#)

**Mazie Malone**

NOVEMBER 2, 2023

So.... Whats up at the AVA today?

Did it crash?

Anyways hope all is well.

m. 

[Reply](#)

**Bruce Anderson**

NOVEMBER 2, 2023


Crashed early this morning, un-crashed about  
2pm

[Reply](#)

**Mazie Malone**

NOVEMBER 2, 2023

Crazy ... thanks... glad its back in order...

mm 

[Reply](#)

**Ron43**

NOVEMBER 2, 2023

Has anyone asked the sheriff who reported the  
crime? This might clear up matters.

[Reply](#)

**Mike Geniella**

NOVEMBER 2, 2023

The County Executive Office and some county  
supervisors alerted DA Eyster and then the  
Sheriff's Office was informed, and asked to  
investigate. Not satisfied with that outcome,  
the DA unleashed is own team of investigators  
on the alleged case.

[Reply](#)

**Call It As I See It**

NOVEMBER 2, 2023

Some county supervisor's, I thought

Bowtie Ted was having trouble getting financial information. Isn't this ironic that supervisors were involved, especially since one of the supervisors said in BOS meeting they had nothing to do with charges against Ms. Cubbison. We are being lied to by the people we voted into office. Maybe it's time to recall some Supervisors. Of course we don't have to worry about Gump McGourty and Basement Dan, those two cowards have declared they're not running for re-election.

[Reply](#)

**Concerned**

NOVEMBER 2, 2023

Mike, to be clear, you're saying the DA did not like the results of the initial investigation? Sounds like it didn't match his narrative. Has he done that before?

[Reply](#)

**Bruce Anderson**

NOVEMBER 2, 2023

The DA also offered to reduce Ms. Cubbison's felony to a misdemeanor if she would resign. I ask you, fellow citizens, if this isn't a rather flagrant abuse of his authority?

[Reply](#)

**Mike Geniella**

NOVEMBER 2, 2023

A misdemeanor was offered if she resigned before the DA formally charged with Cubbison with a felony. Resign or get hit with a felony. That seemed to be the

tactic. She refused, choosing to fight.

[Reply](#)

Call It As I See It

NOVEMBER 2, 2023

That was the plan, when public shaming of Cubbison backfired, it was DA Dave's job to remove her. Hopefully Mark's Brown Act request might shed some light on communications between DA and Supervisors. Mark wrote that the County is ignoring the request. That's ODD!

[Reply](#)

Local Dirt

NOVEMBER 3, 2023

Seems that one supervisor decided to ditch any sort of confidentiality as a public official and got bad case of "Leaky Supe" with a Youtuber.

youtube.com/watch?  
v=\_WVK8EF2n9U&t=904s

[Reply](#)

Shannon

NOVEMBER 2, 2023

If the martyr Chamise had any political sense or professional competence, she would have taken to weekly missives about the goings-on in her office, how she was completing her work, what resources her office needed, and most of all, shoving county financial reports up the supervisors arses. Instead, we got nada. Zip! Nothing but excuses!



And when she had the chance to produce exculpatory evidence to the BOS this week, her lawyer puffed and weaved.

I trust and believe that the supervisors carefully considered the facts as they know them before taking this action to remove her. The wild allegations by anonymous commentators that the Supervisors are lying to us is utter paranoiac B.S. Can we get back to Business now? What does the county budget actually look like? How deeply will we have to cut county services moving forward?

[Reply](#)

**Stephen Rosenthal**

NOVEMBER 2, 2023

“The wild allegations by anonymous commentators that the Supervisors are lying to us is utter paranoiac B.S.”

How about your full verifiable name, anonymous Shannon? But you’re a shill for the BOS, so I suspect it’s not going to happen.

Btw, if you remove the O from BOS, you’re left with BS. Sounds about right.

[Reply](#)

**Mike Geniella**

NOVEMBER 2, 2023

Yes, who are you, Shannon? This is a serious public issue. Identify yourself so we can seriously debate your observations . Trashing people anonymously is unfair, and unacceptable.

[Reply](#)

**Call It As I See It**

NOVEMBER 2, 2023

believe you talking to me, since I said  
Supervisors are lying to us. Well, have you  
watched the BOS meetings. Bow tie Ted has  
been caught lying to the public. 3 sets of books,  
asking for reports and saying he did receive  
any. When Ms. Cubbison said, she has not  
received any requests, Supervisors sat quietly.  
No response and proving they asked, I don't  
know maybe a email or text. Nothing!!!

Let me now enlighten you. The BOS approved  
the budget, the budget is posted online. They  
have access to whatever report they want.  
Remember Treasurer/Tax Collect.collects the  
money, Auditor/Controller pays the bills. This  
separation was demolished when they  
combined offices.

The Auditor and CEO do have budget  
discussions, CEO brings budget to Supervisors  
for approval.

Here is some questions:

- 1- Why does the BOS never ask Ms. Antle any  
budget questions?
- 2- Why is it okay with Supervisors when Ms.  
Pierce says she cannot sign off on year end  
close of 21-22, but when Ms. Cubbison won't  
sign off., she's not qualified or stalling?

Here is another fun fact, Carmel took over a lot  
of departments and put CEO personnel in  
charge.

Do you think Ms. Antle knows more than she is  
letting on? She was Carmel's right hand  
person.

If you can't see the obvious, then keep voting  
for whoever your Supervisor is. In your eyes  
they're doing a bang up job.

Reply

I suppose it's true that Ms. Cubbison could have done more to dispute the claims of the Supervisors and delivered more reports to them. Although I doubt it would have made any difference since McGourty and Williams conspicuously never delivered on their own promise to define what reports they wanted. Ms. Cubbison chose to be fairly reserved and collected in her public presentations rather stooping into petty arguments with the Board, mostly McGourty and Williams, who had no interest in what she may have said, as the other three sat back and let McGourty and Williams yammer on about the Board needing its own Finance Director instead of independent and cross-checked offices. Even if the Board got its way and set up a captive Finance Director, they'd still be left with uncollected revenue, unmanaged department activities and budgets and untracked spending on things like sheriff's overtime and legal and insurance bills.

Shannon's concluding question, however — "how deeply will we have to cut county services moving forward?" — is almost exactly the Williams Party Line. Maybe some services will have to be cut. But before they do any cutting they need to consider two options first: 1. Are they doing all they can to collect taxes due? (Obviously not.) 2. Are they considering reducing office hours before wage or staff cuts? (Also no.)

Based on Tuesday's (as usual abstract) discussion of management cuts, it's clear that they kinda hope for some senior staffers to randomly quit or retire, which would save some money, yes. But since that approach is random, in some cases will leave small offices with reduced staff with even less experience or competence.

As far as what the county budget actually looks like, "Shannon" could start by reading next

uesday's incomplete quarterly budget presentation. (And my reremarks about it, ahem.) Then tell us if it clarifies or muddies?

[Reply](#)

## Leave a Reply

Your email address will not be published. Required fields are marked \*

Comment

Name\*

Jane Doe

Email\*

name@email.com

Notify me of follow-up comments by email.

Notify me of new posts by email.

*America's Last Newspaper*



*Fanning the Flames of Discontent*

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6 Attorneys for Defendant  
7 CHAMISE CUBBISON

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF MENDOCINO

10 PEOPLE OF THE STATE OF  
11 CALIFORNIA,

CASE NO. 23CR02523-B

**DECLARATION OF CHRIS P. ANDRIAN**

12 Plaintiff,

13 vs.

14 CHAMISE CUBBISON

15 Defendant(s).  
16 \_\_\_\_\_ /

17 I, Chris P. Andrian, declare the following:

- 18
- 19 1) I am an attorney licensed by the State of California to practice before all courts  
20 in said state.
- 21 2) I am a partner at the Law Offices of Andrian & Gallenson, whose business is  
22 1100 Mendocino Avenue, Santa Rosa, California 95401.
- 23 3) I am the attorney of record for the defendant, CHAMISE CUBBISON, in the  
24 above-entitled matter.
- 25 4) Chamise Cubbison was appointed as Mendocino County's Auditor-Controller  
26 on July 12, 2022, for the remainder of the unexpired term of office. Her appointment  
27 came as former Lloyd Weer retired.  
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5) On or about August 31, 2021, C. David Eyster, District Attorney of Mendocino County, filed a 14-page document opposing Ms. Cubbison's appointment as Auditor-Controller. The 14-page document consisted of e-mails between the District Attorney's Office personnel and the Office of the Auditor-Controller. The content of the e-mails involved expense reimbursement; more specifically, rejection of reimbursement requests that were not properly authorized, or lacked the required documents per regulations on government spending. (Attached as **Exhibit A**)

6) District Attorney Eyster then voiced his opposition in person by requesting a "more qualified, more high powered" individual to do the job and said, "It's not the right person. It's not the right time." Mr. Eyster lobbied for the dissolution of the Auditor-Controller's position entirely and voiced in favor of a Chief Financial Officer. (Attached as **Exhibit B, audio mark at 4:47:38**)

7) A major dispute between the Office of the District Attorney and the Office of the Auditor-Controller was a claim of reimbursement for a local steakhouse called Broiler, located at 8400 Uva Drive in Redwood Valley. The Broiler reimbursement claim was for the 2018 District Attorney's End of Year Staff Workshop and Continuing Education dinner held on January 24, 2019. (Attached as **Exhibit C**)

8) On February 2, 2020, Ms. Cubbison wrote a letter to Morin I. Jacob, an attorney for the County, which detailed a timeline of the request and denial of reimbursement for the Broiler expenditure and requesting supporting documentation, as required for any other department. It was apparent that 42 attendees were Mendocino County employees and 25 were general members of the public or employee spouses and/or family members that did not fall within County Policy No. 18 or No. 1. The Auditor-Controller's office questioned if it was appropriate to use asset

1 forfeiture funds for this reimbursement. It was requested that the District Attorney's  
2 Office certify it was an appropriate use of forfeiture funds, and that the claim be  
3 reduced to cover only the 42 county employees. The Auditor-Controller's office  
4 suggested the District Attorney's office pay the remaining portion directly through  
5 funds from non-County sources. The District Attorney found this suggestion  
6 unacceptable. (Attached as **Exhibit D**)

8 9) After several attempts to re-submit the Broiler claim for full payment, the  
9 District Attorney paid the vendor directly and then requested reimbursement from  
10 asset forfeiture funds. The claim was denied again. The District Attorney was  
11 prepared to bring the Broiler claim to the Board of Supervisors. At that point Carmel  
12 Angelo, CEO of Mendocino County, asked the office of the Auditor-Controller to pay  
13 the claim. He agreed to seek outside counsel to obtain a legal opinion regarding the  
14 Auditor-Controller's authority to request additional documents and to hold the District  
15 Attorney's Office to Board Policy and accounting principles and procedures. (Attached  
16 as **Exhibit D**)

18 10) On January 8, 2020, an additional claim was submitted by the District Attorney  
19 for reimbursement for the 2019 End of Year Staff Workshop and Continuing  
20 Education. This claim was also rejected due to lack of supporting documentation.  
21 (Attached as **Exhibit E**)

23 11) On January 8, 2020, that same day, Ms. Cubbison wrote a memorandum to  
24 the District Attorney's Office wherein she addressed Travel Authorizations, travel-  
25 related expenditures paid through accounts payable, credit card or journal entry, and  
26 Travel Reimbursements. She cites to Policy 18 wherein it states, "In **all**  
27 **circumstances, including** special circumstances not otherwise provided for in this  
28



1 Policy, the County-Auditor shall be the final approving authority regarding  
2 reimbursement for any expense.” Ms. Cubbison clarified that it is within the Auditor-  
3 Controller’s authority to require the inclusion of supporting documentation for travel-  
4 related expenditures. Ms. Cubbison’s memo stated “[a]ny travel that does not directly  
5 involve a case or investigation needs to have a related Travel Authorization signed by  
6 the District Attorney or his official designee.” She concluded by advising that any  
7 requests for payment that do not include a signed Travel Authorization will be  
8 rejected. (Attached as **Exhibit F**)  
9

10 12) On February 2, 2022, Ms. Cubbison wrote a memorandum to C. David Eyster,  
11 District Attorney, wherein she requested explanation for the request of County funds  
12 for personal use. On January 10, 2022, the District Attorney’s Travel Card was used  
13 to purchase airfare for Douglas Rhoades. There was no apparent justification for the  
14 use of the District Attorney’s Travel Card. Additionally, there was a request for the  
15 County to issue payment for lodging for an extended personal stay of Heidi Larson  
16 and Douglas Rhoades. Ms. Cubbison found this request to be in conflict with the  
17 County Policy as reimbursement sought should only be for County-purpose-related  
18 lodging. (Attached as **Exhibit G**)  
19

20  
21 13) Since Ms. Cubbison has been formerly charged in this case and subsequently  
22 suspended without pay by the Mendocino County Board of Supervisors, there has  
23 been extensive media coverage of both matters with the primary focus being the rift  
24 between Ms. Cubbison and Mr. Eyster, which preceded both cases.  
25

26 14) Almost every major media outlet in Mendocino County has published articles  
27 which highlight the adversarial relationship between Ms. Cubbison and District  
28 Attorney Eyster. This includes the Ukiah Daily Journal, The Mendocino Voice, Mendo

1 Fever, The Fort Bragg Advocate, and The Anderson Valley Advertisement. The cases  
2 have also been covered on radio station KZYX-FM and KZYZ-FM. (Attached as  
3 Composite **Exhibit H**)  
4

5 15) I have been a trial lawyer for over 50 years and have participated in many jury  
6 trials involving cases which have received a great deal of publicity. It is axiomatic that  
7 those cases make it more difficult to find a fair and impartial jury.

8 The situation here adds a layer to the case that could lead an experienced  
9 lawyer to realize that the primary issue that would be discussed during jury selection  
10 would be the nature of the Cubbison-Eyster relationship. People would be asked  
11 about their knowledge and opinions about the dispute as well as their personal  
12 feelings about both Ms. Cubbison and Mr. Eyster. Given that the media is  
13 aggressively following this case, by the time jury selection begins the knowledge of  
14 the Cubbison-Eyster rift will have expanded. All of this will create an enormous  
15 distraction from the issues in the case and undermine the integrity of the case.  
16

17 16) Collateral proceedings will undoubtedly be commenced surrounding Ms.  
18 Cubbison's summary suspension without pay and without due process. Anticipating a  
19 civil action, Ms. Cubbison has retained civil counsel. Based on my knowledge of what  
20 those proceedings may entail, it is likely that Mr. Eyster will become a sworn witness  
21 and subject to examination by Ms. Cubbison's counsel.  
22

23 17) Included in the attached motion is an invitation to the Prosecutor to offer to  
24 recuse himself and his office. Were he to do so, the case could proceed on its own  
25 merits and not be clouded by the press articles issued.  
26

27 Discretion has almost always been the better part of valor. Self-recusal would  
28 be the best way for both the People and Ms. Cubbison to receive the most fair and


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impartial trial. Conflicts of interest are something that those in the legal profession must diligently seek to avoid. Best practices sometimes suggest that even the appearance of a conflict of interest may be enough to cause an attorney to separate him or her or their office from the case.

18) Much of the outside stigma overrunning this case would be diluted if an independent prosecutor took over. In the end, the parties and the Mendocino County community would be better served by Mr. Eyster stepping away.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 22, 2023, at Santa Rosa, California

  
\_\_\_\_\_  
Chris P. Andrian