



OFFICE OF THE  
**DISTRICT ATTORNEY**  
EL DORADO COUNTY, CALIFORNIA

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**VERN PIERSON, DISTRICT ATTORNEY**

**PRESS RELEASE**  
**For Immediate Release**  
**July 27, 2012**

**Contact: James Clinchard @ (530) 621-6472**

**EL DORADO COUNTY DISTRICT ATTORNEY VERN PIERSON  
ANNOUNCES THE FILING OF CIVIL CHARGES AGAINST DAN DELLINGER  
AND CHRISTOPHER ALARCON FOR ILLEGAL TAXPAYER FINANCED CAMPAIGN ACTIVITIES  
TO SUPPORT BALLOT MEASURE TO RAISE TAXES**

Today, the El Dorado County District Attorney's Office filed a civil Complaint against Defendants Dan Dellinger and Christopher Alarcon for fraudulently obtaining taxpayer financed contracts with the Pioneer Fire Protection District (PFPD) related to illegal campaign activity to expressly advocate a position in favor of the passage of a tax increase (Ballot Measure F) which voters approved in November, 2011.

The civil Complaint against the Defendants (doing business as Dan Dellinger Consulting), attached hereto for reference, contains five counts alleging (Count 1) illegal public gift under California Constitution Article XVI, Section 6, (Counts 2 & 3) negligent and intentional unlawful use of public resources for campaign activity in violation of Government Code § 8314, (Count 4) illegal acts of expenditure of local agency funds to support the approval of a ballot measure in violation of Government Code § 54964, and (Count 5) unlawful business practices under Business and Professions Code § 17200 *et seq.*, for their illegal taxpayer funded express advocacy in support of a tax increase.

In May 2011, members of the PFPD were debating whether or not to hire a campaign consultant to assist them with a parcel tax measure. One of the PFPD board members received a phone call from an El Dorado County Supervisor suggesting that PFPD use Dan Dellinger Consulting, and cited to an impressive list of former local politicians. Information later provided to the PFPD by Defendants gave a detailed list of nine local politicians as references for Dan Dellinger and Christopher Alarcon, which included several El Dorado County Elected Officials (including a judge and a county supervisor) and two members of the California State Legislature. Ultimately, PFPD Board decided to hire Dan Dellinger Consulting with a contract for almost \$30,000.

Under the terms of the agreement between Defendants and PFPD it is abundantly clear that Dan Dellinger and Christopher Alarcon were hired and paid, at tax payer expense, to expressly advocate a position in favor of a ballot measure to raise taxes. The impermissible, taxpayer funded, express advocacy of Defendants included the following:

- An "Outline for Successful Passage" of the measure to raise taxes;
- A "win bonus" of \$12,000 if the measure passed;
- "Coaching" the PFPD to generate positive news stories;
- Creation of a "Parcel Tax Passage Plan";
- A plan for "neighbor to neighbor... sales persuasion" for passage of the measure to raise taxes;
- A plan to have at least three "push polls" (a political tactic used to surreptitiously sway voters toward the position of the poll taker);
- Creation of the "Argument in Favor" language to be supplied to voters in the election, which was signed by five other people as if they wrote it;
- Creation of the campaign committee "Save Pioneer Fire - Yes on Measure F"; and,
- Preparation and dissemination of flyers for a BBQ "Yes on Measure F Fundraiser".

In June 2011, pursuant to Penal Code § 932, the 2011-2012 El Dorado County Grand Jury ordered the District Attorney to file suit against Defendants. Shortly thereafter, Judge Suzanne Kingsbury granted an order releasing the grand jury evidence.

The civil Complaint filed by the District Attorney's Office against Defendants Dan Dellinger and Christopher Alarcon includes requested relief as follows: Counts 1 & 4 - restitution to the County of the \$10,000 which was illegally obtained by Dan Dellinger and Christopher Alarcon for violation of California Constitution Article XVI, Section 6 and Government Code § 54964; Counts 2 & 3 civil penalty of \$1,000 for each day of violation of Government Code § 8314, plus three times the value of the unlawful use of public resources; Count 5 - civil penalty \$2,500 for each day of violation of Business & Profession Code § 17200 *et seq.* for unlawful and unfair business practices related to Dan Dellinger and Christopher Alarcon's fraudulently obtained taxpayer financed contracts with the PFPD related to impermissible campaign activity to expressly advocate a position in favor of the passage of a tax increase (Ballot Measure F); and to enjoin the Defendants from any further payment(s) of taxpayer monies which may be due under the illegal contract with PFPD.

FILED JUL 31 2012  
Vern Pierson  
Deputy

1 **VERN PIERSON**  
2 District Attorney  
3 James A. Clinchard (SB#200746)  
4 Deputy District Attorney  
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7 (530) 621-6472  
8 Attorneys for the Plaintiff  
9 *(Exempt from filing fees – Gov. Code 6103)*

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF EL DORADO**

12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,  
14  
15 Plaintiff,  
16  
17 v.  
18 DAN DELLINGER, individually and doing  
19 business as DAN DELLINGER  
20 CONSULTING, and CHRISTOPHER  
21 ALARCON, individually and doing business  
22 as DAN DELLINGER CONSULTING, and  
23 DOES 1-10.  
24  
25 Defendants.

CASE NO.: **PG 20120428**

**COMPLAINT FOR RESTITUTION,  
INJUNCTIVE RELIEF, OTHER  
EQUITABLE RELIEF, AND  
CIVIL PENALTIES**

[Penal Code § 932, Government Code §§ 8314 and 54964, California Constitution Article XVI, Section 6, and Business and Professions Code §§ 17200 *et. seq.*]

23 The People of the State of California, by and through VERN PIERSON, District Attorney  
24 for the County of EL DORADO, by and through Deputy District Attorney, JAMES A.  
25 CLINCHARD, allege on information and belief against DAN DELLINGER, individually and  
26 doing business as DAN DELLINGER CONSULTING, and CHRISTOPHER ALARCON,  
27 individually and doing business as DAN DELLINGER CONSULTING, and DOES 1-10  
28 (collectively "Defendants"), as follows:  
29 ///  
30 ///

**JURISDICTION AND VENUE**

1  
2 1. The authority of the District Attorney of El Dorado County to bring this action is derived  
3 from the statutory laws of the State of California, Penal Code § 932, Government Code §§ 8314  
4 and 54964, California Constitution Article XVI, Section 6, and Business and Professions Code  
5 §§ 17200 *et. seq.*

6 2. At all relevant times herein, Defendant(s) transacted business within the County of El  
7 Dorado. The alleged violations of law hereinafter described were carried out within said County  
8 and within the State of California. Unless enjoined and restrained by an order of this court, the  
9 Defendants will continue to retain the means to engage in unlawful action and practices and  
10 courses of conduct set out below.

11 3. The violations of law alleged in this Complaint occurred in El Dorado County.

**DEFENDANTS**

13 4. Whenever in this Complaint reference is made to any act of Defendant(s) DAN  
14 DELLINGER, individually and doing business as DAN DELLINGER CONSULTING, and  
15 CHRISTOPHER ALARCON, individually and doing business as DAN DELLINGER  
16 CONSULTING, and DOES 1-10, such allegation shall be deemed to mean that Defendant(s)  
17 individually and/or collectively and/or jointly, their/its officers, agents, employees, or  
18 representatives, committed or authorized such acts, while actively engaged in the management,  
19 direction, or control of the affairs of said Defendant(s), and while acting within the course and  
20 scope of their duties.

21 5. Defendant DAN DELLINGER is at all times relevant herein, and was, owner and  
22 operator of DAN DELLINGER CONSULTING and engaged in the business located in El  
23 Dorado County and doing business as DAN DELLINGER CONSULTING located in El Dorado  
24 County and received mail at P.O. Box 638, Lotus, CA 95651.

25 6. Defendant CHRISTOPHER ALARCON is at all times relevant herein, and was, an  
26 individual doing business in El Dorado County and doing business as DAN DELLINGER  
27 CONSULTING located in El Dorado County and received mail at P.O. Box 638, Lotus, CA  
28 95651.

29 7. The true names and capacities of those Defendant(s) sued herein under § 474 of the Code  
30 of Civil Procedure and Does 1 through 10, inclusive, are presently unknown to Plaintiff and are

1 therefore sued by fictitious names. Plaintiff will timely seek to amend this Complaint and  
2 include those Doe Defendant(s) by their true names and capacities when they are ascertained.  
3 Each fictitiously-named Defendant is responsible in some manner for the illegal conduct alleged  
4 herein.

5 8. At all relevant times, Defendants have engaged in a conspiracy, common enterprise, and  
6 common course of conduct, the purpose of which is and was to engage in the violations of law  
7 alleged in this Complaint – to fraudulently obtain taxpayer financed contracts for impermissible  
8 campaign activity to expressly advocate a position in favor of ballot measure passage.

9  
10 **DEFENDANTS' BUSINESS ACTS AND PRACTICES**

11 9. On or about April 12, 2011, the Pioneer Fire Protection District, hereinafter referred to as  
12 "PFPD", a taxpayer funded fire district with financial oversight conducted by El Dorado County,  
13 authorized "request for proposal" (RFP) letters to be sent to consulting firms concerning a  
14 possible parcel tax to assist the PFPD with budgetary shortfall concerns.

15 11. On or about April 20, 2011, RFP letters went out to three consulting firms (but not to Dan  
16 Dellinger Consulting).

17 12. On or about May 5, 2011, members of the PFPD Board of Directors met the Defendants,  
18 who gave them a presentation about Defendants' extensive qualifications. During this  
19 presentation, Defendants claimed to be successful campaign consultants, previously working for  
20 several El Dorado County elected officials (including a judge) and two members of the  
21 California State Legislature, who they include as references to the PFPD Board. This initial  
22 meeting was the beginning of Defendants' ongoing efforts to fraudulently obtain taxpayer  
23 financed contracts for impermissible campaign activity to expressly advocate a position in favor  
24 of ballot measure passage.

25 13. On or about May 5, 2011, Defendants prepared a contract (CONTRACT NO. 1) for  
26 campaign consulting services (attached hereto as Exhibit No. 1) for TWENTY-NINE  
27 THOUSAND NINE HUNDRED DOLLARS(\$29,900), which included mostly impermissible  
28 taxpayer financed campaign activities expressly advocating a position in favor of the ballot  
29 measure and very little permissible informational activities, as follows:

- 30 a. "Outline for Successful Passage" is the title in bold of the four (4) page  
CONTRACT NO. 1.

- 1 b. Impermissible taxpayer financed campaign activity to “Develop and Implement  
2 Campaign Strategy and Plan (including a win bonus)” for TWENTY-TWO  
3 THOUSAND DOLLARS (\$22,000).
- 4 c. Impermissible taxpayer financed campaign activity stating that, “If retained, both  
5 Dan and Chris will be ‘coaching’ and assisting.... to generate positive news  
6 stories...and execute the approved campaign plan.”
- 7 d. Impermissible taxpayer financed campaign activity noted in the “Scope of Work”  
8 that specifically states that Defendants will provide consulting services “... for the  
9 purpose of passing a supplemental tax measure...”
- 10 e. Impermissible taxpayer financed campaign activity noted in the “Scope of Work”  
11 that states that Defendants will help the campaign committee execute the  
12 “Campaign Plan” and provide the campaign committee with “professional  
13 advice” and will “advise and assist” them “for the purpose of passing a Parcel  
14 Tax”.
- 15 f. Impermissible taxpayer financed campaign activity concerning the creation of a  
16 “White Paper” to give “reasons why the Parcel Tax or Benefit Assessment Fee is  
17 necessary.”
- 18 g. Apparently permissible informational activity noted in the “Preliminary Expense  
19 Budget” that states “White Paper research and distribution” is only FIVE  
20 HUNDRED DOLLARS (\$500) – only 1.6% of the TWENTY-NINE  
21 THOUSAND NINE HUNDRED DOLLAR (\$29,900) budget in CONTRACT  
22 NO.1.
- 23 h. Apparently permissible informational activity noted in the “Preliminary Expense  
24 Budget” that states “Regional community meetings to discuss and distribute the  
25 “White Paper” is only SIX HUNDRED DOLLARS (\$600) – only 2% of the  
26 TWENTY-NINE THOUSAND NINE HUNDRED DOLLAR (\$29,900) budget in  
27 CONTRACT NO. 1.
- 28 g. Notably, during their Grand Jury testimony, Defendant DAN DELLINGER and  
29 Defendant CHRISTOPHER ALARCON both stated that the contract with PFPD  
30 related only to the permissible informational activities of creation of the “white  
paper” and the related “community meetings” to discuss the white paper. As

1           noted above, such permissible information activity was only ONE THOUSAND  
2           ONE HUNDRED DOLLARS (\$1,100) - or 3.6% of the TWENTY-NINE  
3           THOUSAND NINE HUNDRED DOLLAR (\$29,900) budget using taxpayer  
4           funds in CONTRACT NO. 1 for impermissible campaign activity to expressly  
5           advocate a position in favor of the ballot measure.

6           14.     On or about May 10, 2011, the PFPD Board authorized the district to pay a consulting  
7           firm TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500) and an additional TWELVE  
8           THOUSAND FIVE HUNDRED DOLLARS (\$12,500) if the parcel tax measure is passed, and  
9           to sign the related contract. During this Board meeting, one of the Board members discussed a  
10          phone call with an El Dorado County Board of Supervisor who suggested using local campaign  
11          consultant Dan Dellinger Consulting, and detailed the firm's endorsements from local politicians  
12          and successful track record concerning prior local elections. Further, during this Board meeting  
13          it was discussed that hiring a campaign consultant could be seen as illegal "electioneering" and  
14          may be a "bright-line" violation. And, finally, during this Board meeting they discussed that the  
15          hiring of the campaign consultants was ultimately to assist and guide the Board through this  
16          ballot process that they did not fully appear to understand.

17          15.     On or about June 2, 2011, Defendants and PFPD signed a contract (CONTRACT NO. 2)  
18          for campaign consulting services (attached hereto as Exhibit No. 2), as follows:

- 19           a.     New title for CONTRACT NO. 2 is "Educational Outreach" replacing the more  
20           accurate "Outline for Successful Passage" from the May 5, 2011 CONTRACT  
21           NO.1.
- 22           b.     The "win bonus" language in CONTRACT NO. 2 continued to state the still  
23           impermissible taxpayer financed campaign activity for express advocacy (that  
24           "with \$12,000 in additional compensation should the Parcel Tax or Benefit  
25           Assessment Fee win voter approval.")
- 26           c.     CONTRACT NO. 2 now stated, "If retained, both Dan and Chris will be  
27           'coaching' and assisting.... to generate informative news stories...and execute the  
28           approved plan" – changing the words "positive" to "informative" and deleted the  
29           word "campaign" before plan.
- 30

- 1 d. A "Scope of Work" that specifically states that Defendants will provide  
2 consulting services "... for the purpose of proceeding with a supplemental tax  
3 measure..." – to replacing the word "passing" to "proceeding."  
4 e. A "Scope of Work" that states that Defendants will help the campaign committee  
5 execute the "Campaign Plan" was changed to eliminate the word "campaign" and  
6 provide the campaign committee with "professional advice" and will "advise and  
7 assist" them was now changed to "in the recruitment of campaign task chairs"  
8 instead of "for the purpose of passing a Parcel Tax" as stated in the May 5, 2011  
9 CONTRACT NO.1.  
10 f. Generally in CONTRACT NO. 2 deleting the word "campaign plan" wherever it  
11 was found in the earlier version of the contract and often replacing it with the  
12 words "informational."  
13 g. The "Preliminary Expense Budget" that still states "White Paper research and  
14 distribution" is only FIVE HUNDRED DOLLARS (\$500).  
15 h. The "Preliminary Expense Budget" that still states "Regional community  
16 meetings to discuss and distribute the "Informational Document" (replacing the  
17 word "White Paper") is only SIX HUNDRED DOLLARS (\$600).  
18 i. CONTRACT NO. 2 appeared to be created as an attempt to conceal the  
19 Defendants' true intent and motives (as shown in CONTRACT NO. 1 and later in  
20 the Parcel Tax Passage Plan) to fraudulently obtain taxpayer financed contracts  
21 for impermissible campaign activity to expressly advocate a position in favor of  
22 ballot measure passage.

23 16. On or about, June 20, 2011, the Defendants created the eight (8) page "PARCEL TAX  
24 PASSAGE PLAN" which incorporated every single detail mentioned in the May 5, 2011  
25 CONTRACT NO.1 (attached hereto as Exhibit No. 3). The parcel tax passage plan included the  
26 following impermissible taxpayer funded campaign activity to expressly advocate a position in  
27 favor of the ballot measure:

- 28 a. A June, 2011, to November, 2011, plan to pass the parcel tax ballot measure.  
29 b. The summary states the plan is an outline to "win successful passage of the parcel  
30 tax."  
c. A plan for passage of "neighbor to neighbor..." "sales persuasion."



- 1 d. Preparing arguments in favor of the parcel tax plan, but not any arguments in  
2 opposition.
- 3 e. A plan to "generate positive publicity."
- 4 f. A plan to "Push Poll" (a political tactic used to surreptitiously sway voters toward  
5 the position of the poll taker) at least three times in support of the ballot measure.
- 6 g. Notably, Defendant DAN DELLINGER claimed during his Grand Jury testimony  
7 that he created this campaign plan under an "oral contract" with the campaign  
8 committee with Defendant CHRISTOPHER ALARCON to receive 50% of the  
9 proceeds of the oral contract. Neither of the two members of the PFPD Board  
10 who ran the campaign committee mentioned anything about an alleged oral  
11 contract.
- 12 h. This passage plan was integral to the Defendants' effort to fraudulently obtain  
13 taxpayer financed contracts for impermissible campaign activity to expressly  
14 advocate a position in favor of ballot measure passage.

15 17. On or about July 5, 2011, the PFPD Board approved Resolution 01-2011-12 regarding  
16 the placement of the Special Measure Parcel Tax Assessment on the November 8, 2011 ballot.  
17 According to the El Dorado County Elections Department, this is the date that the ballot measure  
18 is certified.

19 18. On or about July 15, 2011, Defendants, at taxpayer expense, drafted the "Argument in  
20 Favor" and submitted it personally to the elections department - even though such document was  
21 signed by five other people as if they were the ones submitting the argument in favor (attached  
22 hereto as Exhibit No. 4). This document, created by Defendants at taxpayer expense, constitutes  
23 impermissible campaign activity to expressly advocate a position in favor of ballot measure  
24 passage.

25 19. On or about July 21, 2011, Defendants submitted an invoice to PFPD for a TWO  
26 THOUSAND DOLLARS (\$2,000) retainer. (Attached hereto as Exhibit No. 5)

27 20. On or about August 12, 2011, the El Dorado County Auditor's Office notified PFPD that  
28 the contract with the Defendants appears to be an illegal expenditure of taxpayer funds for a  
29 campaign consultant to expressly advocate a position in favor of passage of the ballot measure.  
30 Of specific concern was the TWELVE THOUSAND DOLLARS (\$12,000) in additional

1 compensation should the Parcel Tax or Benefit Assessment Fee win voter approval, which  
2 appeared to be a "win bonus."

3 21. On or about August 13, 2011, Defendants finalized the "White Paper" titled "Community  
4 in Crisis: Options Facing the Pioneer Fire Protection District."

5 22. On or about August 15, 2011, El Dorado County Auditor Joe Harn sent an email to the  
6 PFPD citing Government Code § 8314, stating that PFPD contract with Defendants appears to be  
7 a violation of that code section because it calls for use of district and taxpayer resources for  
8 campaign activity to expressly advocate a position in favor of passage of the ballot measure.

9 23. On or about August 21, 2011, the campaign committee "Save Pioneer Fire – Yes on  
10 Measure F" was officially created and certified by the Secretary of State with Form 410. This is  
11 the campaign committee that Defendant DAN DELLINGER claimed during his Grand Jury  
12 testimony was the one he had entered into an oral contract for campaign services – for which he  
13 never received any money. Defendant CHRISTOPHER ALARCON never mentioned any oral  
14 contract during his Grand Jury testimony.

15 24. On or about August 30, 2011, the PFPD Board authorized the amended contract with  
16 Defendants.

17 25. On or about August 30, 2011, Defendants and PFPD signed a contract (CONTRACT  
18 NO. 3) for campaign consulting services (attached hereto as Exhibit No. 6).

19 a. This contract now purported to eliminate any impermissible campaign activity  
20 and replaced the "win bonus" language for TWELVE THOUSAND DOLLARS  
21 (\$12,000) in additional compensation should the Parcel Tax or Benefit  
22 Assessment Fee win voter approval with TWELVE THOUSAND DOLLARS  
23 (\$12,000) for "professional services during the winter and spring of 2012." One  
24 PFPD Board member stated that the new language in this contract was just  
25 "replacement language" for the "win bonus" language in the earlier contract.

26 b. During their Grand Jury testimony, Defendants claimed that such services were  
27 for preparing and providing the County with the documents necessary to enable  
28 the County to collect this special tax on behalf of the PFPD. El Dorado County  
29 Auditor Joe Harn later opined that such services were "unreasonable, excessive,  
30 and outrageous" because in other instances such services had been done for the

1 county with a much larger number of parcels and a much more complicated  
2 special tax for under FOUR HUNDRED DOLLARS (\$400).

- 3 c. CONTRACT NO. 3 appeared to be created as an attempt to conceal the  
4 Defendants' true intent and motives (as shown in CONTRACT NO.1 and later in  
5 the Parcel Tax Passage Plan, and ultimately in their actions as alleged in this  
6 Complaint) to fraudulently obtain taxpayer financed contracts for impermissible  
7 campaign activity to expressly advocate a position in favor of ballot measure  
8 passage.

9 26. On or about September 9, 2011, the El Dorado County Auditor's Office authorized the  
10 payment of the July 21, 2011, invoice for the TWO THOUSAND DOLLAR (\$2,000) retainer  
11 relating to Defendants' consulting services for PFPD. Notably, these services and invoice for  
12 TWO THOUSAND DOLLARS (\$2,000) took place prior to the operative contract of August 30,  
13 2011, and thus constituted a gift of public funds (regardless of whether or not such activities  
14 were also impermissible campaign activity expressly advocating a position in favor of the ballot  
15 measure).

16 27. On or between January 1, 2011, and September 24, 2011, the Campaign Committee  
17 "Save Pioneer Fire – Yes on Measure F" noted in their 460 Form that they paid Defendant  
18 CHRISTOPHER ALARCON (apparently working with or for an entity called "Complete  
19 Campaigns") THREE HUNDRED SIXTY-FOUR DOLLARS AND 99/100 (\$364.99) for  
20 "Posters, White paper copies, handouts" and ONE HUNDRED SEVENTY-EIGHT DOLLARS  
21 AND 23/100 (\$178.23) for "signage for tri-fold display, tickets for fundraiser, posters."

22 28. On or between September 24, 2011, and October 22, 2011, the Campaign Committee  
23 "Save Pioneer Fire – Yes on Measure F" noted in their 460 Form that they paid Defendant  
24 CHRISTOPHER ALARCON (apparently working with or for an entity called "Complete  
25 Campaigns") FOUR HUNDRED NINETEEN DOLLARS (\$419) for yard signs.

26 29. On or about September 25, 2011, Defendants, at taxpayer expense, assisted in the  
27 preparation and dissemination of flyers for a BBQ "Yes on Measure F Fundraiser" (attached  
28 hereto as Exhibit No. 7), which expressly advocated a position in favor of the ballot measure.  
29 Defendant CHRISTOPHER ALARCON testified at the Grand Jury that he created the graphic  
30 for this flyer and brought it to the printers.

1 30. On or about October 25, 2011, Defendants submitted an invoice to PFPD for TEN  
2 THOUSAND DOLLARS (\$10,000) (less the TWO THOUSAND DOLLAR (\$2,000) retainer)  
3 for "Public Relations Consulting and Educational Outreach Program" (attached hereto as Exhibit  
4 No. 8).

5 31 On or about November 8, 2011 Measure F passed.

6 32. On or about December 13, 2011, the El Dorado County Auditor's Office authorized the  
7 payment of the October 25, 2011 invoice for TEN THOUSAND DOLLAR (\$10,000) (less TWO  
8 THOUSAND DOLLAR (\$2,000) retainer) relating to Defendants' consulting services for PFPD.

9 33. In total, Defendants received TEN THOUSAND DOLLARS (\$10,000) in taxpayer funds  
10 from PFPD relating to their taxpayer financed campaign activities to expressly advocate a  
11 position in favor of Measure F, and are under contract for an additional TWELVE THOUSAND  
12 DOLLARS (\$12,000) for "professional services" under CONTRACT NO. 3. Notably, one of  
13 the PFPD Board members testified that this contract language in CONTRACT NO. 3 for  
14 TWELVE THOUSAND DOLLARS (\$12,000) in "professional services" was just a replacement  
15 for the "win bonus" stated in the earlier contracts. The TEN THOUSAND DOLLARS (\$10,000)  
16 received by Defendants, and the contract for the additional TWELVE THOUSAND DOLLAR (\$12,000)  
17 "win bonus", was ultimately a result of the Defendants' successful efforts to fraudulently obtain  
18 taxpayer financed contracts for impermissible campaign activity to expressly advocate a position  
19 in favor of ballot measure passage.

### 20 GRAND JURY INVESTIGATION OF DEFENDANTS

21 34. The 2011-2012 El Dorado County Civil Grand Jury, along with the assistance of the El  
22 Dorado County District Attorney's Office, conducted an investigation into PFPD's hiring of  
23 campaign consulting firm Dan Dellinger Consulting, its principle Defendant DAN DELLINGER  
24 and his associate Defendant CHRISTOPHER ALARCON, concerning the November, 2011  
25 "Measure F" parcel tax assessment ballot measure.

26 35. This Grand Jury investigation looked into the unlawful expenditure of taxpayer funds to  
27 expressly advocate a position in support of the approval of ballot Measure F to provide  
28 additional funds to the PFPD.

29 36. After conducting this investigation, the El Dorado County 2011-2012 Grand Jury  
30 concluded and found there were violations of California Government Code § 54964 [Unlawful  
Expenditure in Support of Ballot Measure] and California Government Code § 8314 [Unlawful

1 Use of State Resources] and pursuant to Penal Code § 932 ordered the El Dorado County District  
2 Attorney's Office to seek reimbursement of the TEN THOUSAND DOLLARS (\$10,000) paid to  
3 Defendants. (Grand Jury findings attached hereto as Exhibit No. 9.)

4 37. At the conclusion of the Grand Jury investigation, it became abundantly clear that, with  
5 use of tax payer funds, Dan Dellinger Consulting firm and Defendants DAN DELLINGER and  
6 CHRISTOPHER ALARCON went far beyond mere informational activities and were deeply  
7 involved in impermissible taxpayer financed campaigning and actively, expressly advocating a  
8 position in favor of Measure F in violation of California state law. The Defendants, with their  
9 extensive list of impressive references, induced the PFPD to enter into the agreements  
10 contemplated by the Defendants from inception for the illegal use of taxpayer financed campaign  
11 activity to expressly advocate a position.

12 38. The Grand Jury investigation revealed that there were multiple versions of the contract  
13 between Pioneer Fire Protection District and the Defendants regarding the passage of the ballot  
14 measure.

15 39. The Grand Jury investigation also revealed that early versions of this contract clearly  
16 involved illegal campaign activity at tax payer expense.

17 40. One PFPD Board member testified that the first version of the contract was "way over the  
18 line" regarding its inclusion of campaign related activity, which included a "\$12,000.00 win  
19 bonus" should the parcel tax win voter approval.

20 41. The Grand Jury investigation revealed that the total amount of the contract of TWENTY-  
21 TWO THOUSAND DOLLARS (\$22,000) for consulting services remained the same in all three  
22 contracts, but the "win bonus" was concealed in later contracts as "professional services" for  
23 preparing and providing the County with documents necessary to enable the County to collect  
24 the special tax on behalf of the fire district.

25 42. On May 15, 2012, the El Dorado County Auditor/Controller reached a similar conclusion  
26 to that of the Grand Jury and stated that they do not intend to pay this additional TWELVE  
27 THOUSAND DOLLARS (\$12,000) as "clearly unreasonable and excessive" as they have seen  
28 other local tax consultants, dealing with much larger number of parcels and dealing with a more  
29 complicated special tax formula, charge less than FOUR HUNDRED DOLLARS (\$400).

30 (Attached hereto as Exhibit No. 10)

1 43. Although later versions omitted the blatant campaign and advocacy language, the  
2 underlying apparent intent and actual conduct of Dan Dellinger Consulting and Defendants DAN  
3 DELLINGER and CHRISTOPHER ALARCON never changed.

4 44. Defendants, at all times during the ballot process, represented themselves, including to  
5 the El Dorado County Elections Office, as a campaign consultant for PFPD as part of their  
6 ongoing effort to fraudulently obtain taxpayer financing for impermissible campaign activity to  
7 expressly advocate a position in favor of ballot measure passage

8 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**

9 **PENAL CODE SECTION 932 and**

10 **CALIFORNIA CONSTITUTION ARTICLE XVI SECTION 6**

11 **(RECOVERY OF MONEY WHICH CONSTITUTES AN UNLAWFUL PUBLIC GIFT)**

12 45. The People reallege and incorporate by reference all paragraphs above, as though fully  
13 set forth in this Cause of Action.

14 46. The People are informed and believe and based upon such information and belief allege  
15 that on or between May 5, 2011, and continuing to the present, Defendant(s) illegally obtained  
16 public monies in the amount of TEN THOUSAND DOLLARS (\$10,000), which constituted a  
17 gift of public funds under the California Constitution, Article XVI, Section 6.

18  
19 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS**

20 **VIOLATION OF GOVERNMENT CODE § 8314**

21 **(INTENTIONAL USE OF PUBLIC RESOURCES FOR CAMPAIGN ACTIVITY)**

22 47. The People reallege and incorporate by reference all paragraphs above, as though fully  
23 set forth in this Cause of Action.

24 48. The People are informed and believe and based upon such information and belief allege  
25 that on or between May 5, 2011, and continuing to the present, Defendant(s) intentionally  
26 engaged in acts of unlawful use of public resources for campaign activity in violation of  
27 Government Code § 8314.

28 ///

29 ///



- 1 a. Violation of California Constitution Article XVI, Section 6 from May 5, 2011,  
2 and continuing to the present, whereby Defendant(s) illegally obtained public monies in  
3 the amount of \$10,000 which constituted a gift of public funds under the California  
4 Constitution, Article XVI, Section 6.
- 5 b. Violation of Government Code § 8314 from May 5, 2011, and continuing to  
6 the present, whereby Defendant(s) engaged in acts of unlawful use of public resources for  
7 campaign activity in violation of Government Code § 8314.
- 8 c. Violation of Government Code § 54964 from May 5, 2011, and continuing  
9 to the present, whereby Defendant(s) engaged in acts of unlawful expenditure of local  
10 agency funds to support the approval of a ballot measure.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, the People pray for judgment as follows:

13 55. For violations of the First Cause of Action, pursuant to Penal Code § 932 and California  
14 Constitution Article XVI, Section 6, that Defendant(s), and each of them, be ordered to pay TEN  
15 THOUSAND DOLLARS (\$10,000) in restitution to the County of El Dorado for monies due the  
16 County.

17 56. For violations of the Second Cause of Action, pursuant to Government Code § 8314, that  
18 Defendant(s), and each of them, be ordered to pay ONE THOUSAND DOLLARS (\$1,000) for  
19 each day on which a violation occurred, plus three times the value of the unlawful use of public  
20 resources, according to proof, to be paid to the Treasurer of El Dorado County.

21 57. For violations of the Third Cause of Action, pursuant to Government Code § 8314, that  
22 Defendant(s), and each of them, be ordered to pay ONE THOUSAND DOLLARS (\$1,000) for  
23 each day on which a violation occurred, plus three times the value of the unlawful use of public  
24 resources, according to proof, to be paid to the Treasurer of El Dorado County.

25 58. For violations of the Fourth Cause of Action, pursuant to Government Code § 54964, that  
26 Defendant(s), and each of them, be ordered to pay TEN THOUSAND DOLLARS (\$10,000) in  
27 restitution to the County of El Dorado for monies due the County.

28 59. For violations of the Fifth Cause of Action, pursuant to Business and Professions Code §  
29 17536, that Defendants, and each of them, be ordered to pay a civil penal in the amount of TWO  
30



1 THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each day of violation of Business  
2 and Professions Code § 17200 *et. seq.* by Defendants, in an amount according to proof.

3 60. Defendant(s) be permanently restrained and enjoined from engaging in or performing,  
4 directly or indirectly, in any and all of the following acts:

5 a. Engaging in any of the unlawful acts set forth in Counts 1 - 4, or acts of unfair  
6 competition set forth in the Fifth Cause of Action of this Complaint, as well as any other  
7 violations of California Business & Professions Code § 17200 *et seq.*, including any alleged  
8 claim or right to the additional TWELVE THOUSAND DOLLARS (\$12,000) still due  
9 Defendants under the terms of their contract with PFPD.

10 61. Cancellation of fraudulently obtained and induced contracts (CONTRACT #2 & #3) with  
11 PVPD.


12 62. People recover its costs of suit, including costs of investigation.

13 63. People have such other and further relief as the nature of the case may require and that  
14 the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained  
15 of herein.

16 Dated: July 26, 2012

Respectfully submitted,

17  
18 VERN PIERSON  
District Attorney

19  
20   
21 JAMES A. CLINCHARD  
22 Deputy District Attorney  
23  
24  
25  
26  
27  
28  
29  
30

**EXHIBIT NO. 1**

**Dan Dellinger Consulting**

P.O. Box 638  
 Loma, CA 95681  
 Phone (930) [redacted]  
 Fax (930) [redacted]  
 ddellinger@ [redacted]

Help with:

1. Ballot / Measure language -
2. Org. Campaign Plan - Form 700 / Treasurer
3. Coordinate w/ EDC elections

TO: Robert L. Gill, District Fire Chief

FR: Dan Dellinger & Cris Alarcon

RE: Consulting Proposal - Parcel Tax or Benefit Assessment Campaign

\$1,000 +

**Outline For Successful Passage**

After a preliminary analysis it is our opinion that in today's anti-tax climate a convention "slick mail and paid phone bank" advocacy campaign will not succeed in passing either a Parcel Tax or Benefit Assessment Fee in our County. Instead, we believe that a grassroots based "neighbor to neighbor" oriented community education and volunteer action campaign will succeed. Briefly, here is an outline of how we believe that you can win passage of either a Parcel Tax or Benefit Assessment Fee:

- A.) Research, Draft, Receive BoD Approval, and Issue a "White Paper" documenting background and relevant issues to build a case for passing a Parcel Tax or Benefit Assessment Fee.
- B.) Wage a concurrent community donation campaign for the Fire Protection District.
- C.) Hold up to 6 regional community meetings to discuss and distribute the "White Paper".
- D.) Hold up to 6 regional community meetings to answer questions, dispel rumors, and recruit volunteer help for the passage campaign.
- E.) Host 2-4 small donor fundraising events to raise money for the campaign committee established by the Pioneer Fire Protection District Board of Directors for the passage of a Parcel Tax or Benefit Assessment Fee.
- F.) Host "coffees" in homes of prominent community members to discuss and help sell a Parcel Tax or Benefit Assessment Fee.
- G.) Establish and implement a strong volunteer telephone advocacy program utilizing both home telephoners and evening phone banks.
- H.) Two campaign mailings advocating passage of a Parcel Tax or Benefit Assessment Fee.
- I.) Preliminary Expense Budget Estimate

Develop and Implement Campaign Strategy and Plan (including via bonus)	\$22,000
White Paper research and distribution	500
Concurrent community donation campaign	0
Regional community meetings to discuss and distribute the "White Paper"	600
Regional community meetings to answer questions, dispel rumors, and recruit volunteer help for the passage campaign	600
Small donor fundraising events	0
Coffees in homes of prominent community members	500
Voter data management for phone and mailing lists	1,200
Voter contact mailings and informational publications	3,500
Homemade Sign Material	500
Miscellaneous Expense	500
<b>Estimated Expense</b>	<b>\$29,900</b>

Talk  
to PUSD

page #1's  
+ 2 +

## Who We Are

Dan Dellinger and Cris Alarcon will be the consultants working directly with the Pioneer Fire Protection District Board of Directors and the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a ballot tax measure during a 2011 November Special Election or 2012 Primary Election. Dan Dellinger is an El Dorado County based political campaign, news media, fundraising, and government relations consultant. Cris Alarcon is an El Dorado County based political campaign, policy analyst, public relations, and news media consultant.

Dan has experience as a successful campaign consultant, onsite campaign manager, legislative staff member, chamber of commerce and tourist bureau manager. Locally, Dan is the political consultant behind the recent victories of Supervisor Ray Nutting and Sheriff John D'Agostini. Dan grew up in Lotus and served as a volunteer fireman for the Coloma-Lotus Volunteer Fire Department during the 1970's and early 1980's. Dan earned his Bachelor of Science Degree in Agricultural Economics and Business Management from the University of California, Davis.

Cris Alarcon is an online communications specialist with an extensive communications network within El Dorado County. Cris provides message creation, analysis, distribution, as well as, monitoring the use of social media to track releases of, and respond to, negative or sensitive information that might cause brand or campaign damage. Cris has assisted with numerous local campaigns to provide message and issue analysis including: Assemblywomen Beth Gainer; Sheriff John D'Agostini, Supervisor Ray Nutting. Additionally, Cris has been appointed to a number of policy working groups including as the Chair of the El Dorado County Charter Review Committee by Supervisor Jack Sweeney and is currently serving on the EDC Integrated Natural Resource Management Plan Stakeholders Advisory Committee (ISAC). Cris managed the campaign to make EDC the first county & county seat city to recognize and raise awareness of Human Trafficking. This was done in conjunction with the DOJ and resulted in Supervisor Norma Santiago and Placerville Mayor Pierre Rivas sponsoring proclamations in their respective jurisdictions. Cris earned his Bachelor of Science Degree in Business Administration from the University of California, Pomona, with concentrated studies in psychology & political science. Cris is also a Rotarian, a Freemason, and served on the BoD, as the Treasurer, for the Western Slope Boys & Girls Club. Cris has lived in EDC since 1965 and moved to Placerville from South Lake Tahoe in 1976.

If retained, both Dan and Cris will be "coaching" and assisting the Pioneer Fire Protection District Board of Directors and the campaign committee established by the Pioneer Fire Protection District Board of Directors to generate positive news stories, recruit volunteers, organize events and execute the approved campaign plan. Dan will focus on voter contact strategies and Cris will focus on graphics and new media strategies. Other independent contractors or business owners will be utilized as needed for functions such as printing.

## References For Dan Dellinger

Sheriff John D'Agostini  
Supervisor Ray Nutting  
Senator Rico Oller (Ret.)  
Chief George Osborne  
(EID Director, Calfire Ret.)

Office: (530) [REDACTED] Home: (530) [REDACTED]  
Office: (530) [REDACTED] Home: (530) [REDACTED]  
Office: (209) [REDACTED] Home: (209) [REDACTED]  
Cell: (530) [REDACTED] Home: (530) [REDACTED]

## References Cris Alarcon

Assemblywoman Beth Gaines	Office: (916) [REDACTED]	
Sheriff John D'Agostini	Office: (530) [REDACTED]	Home: (530) [REDACTED]
Supervisor Ray Nutting	Office: (530) [REDACTED]	Home: (530) [REDACTED]
Judge Steven Bailey	Office: (530) [REDACTED]	
Bill George (EID Director)	Cell: (530) [REDACTED]	Home: (530) [REDACTED]
Mike Sproull (EDC Food Bank)	Office: (916) [REDACTED]	
Vicki Yorty	Home: (530) [REDACTED]	

(Past Executive Director, El Dorado Fire Safe Council).

Please note that while both Dan and Cris have established a record of winning election campaigns, during the past 24 months none of our clients have included a fire district.

## Scope of Work

Dan Dellinger Consulting proposes to provide all necessary and normal election related consulting services to the Pioneer Fire Protection District Board of Directors and the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a supplemental tax measure during a 2011 November Special Election or 2012 Primary Election. To achieve this goal, Dan Dellinger Consulting will work with the Pioneer Fire Protection District Board of Directors and any entities officially sanctioned by this body to develop the overall campaign strategy and campaign plan. Once adopted by the Pioneer Fire Protection District Board of Directors and/or the campaign committee established by the Pioneer Fire Protection District Board of Directors, Dan Dellinger Consulting will help the campaign committee established by the Pioneer Fire Protection District Board of Directors to execute this Campaign Plan. This Campaign Plan will include: campaign budget (spending plan), media sub-plan that includes a news release timetable and unviling of a "White Paper" documenting why the Parcel Tax or Benefit Assessment Fee is necessary and beneficial to voters, community meeting timetable, voter contact timetable (campaign mailings, telephone advocacy calls, and advertising), and monthly task outline (what we must accomplish).

## Areas of Responsibility

Dan Dellinger Consulting will be responsible for developing all voter contact materials, news releases, and campaign plan. Dan Dellinger Consulting will be responsible for executing the voter contact portion of the Campaign Plan. Dan Dellinger Consulting will be responsible for providing professional advice to the Fire Protection District Board of Directors and the members of the campaign committee established by the Pioneer Fire Protection District Board of Directors on an "as needed" basis. Dan Dellinger Consulting will be responsible for selecting necessary vendors; using price, quality, El Dorado County residence and timeliness as criteria for selection. Dan Dellinger Consulting will be responsible for issue research and public opinion polling (if conducted).

The campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee will be responsible for organizing events, raising donations, and providing necessary volunteer workers. The campaign committee

established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee will be responsible for executing the monthly task outline portion of the Campaign Plan in a timely manner. The campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee will be responsible for raising enough contributions to fund the Campaign Plan.

#### Additional Assistance

Dan Dellinger Consulting will advise and assist the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee in the recruitment of campaign task chairs. Dan Dellinger Consulting will advise and assist the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee with the organization of campaign related events and activities as needed to execute the Campaign Plan. Dan Dellinger Consulting will advise and assist the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee with fundraising. Dan Dellinger Consulting will advise and assist the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of passing a Parcel Tax or Benefit Assessment Fee in the procurement of positive endorsements. Dan Dellinger Consulting will research, author, and release upon approval by the Pioneer Fire Protection District Board of Directors a "White Paper" documenting the background issues, voter benefit, and reasons why the Parcel Tax or Benefit Assessment Fee is necessary.

#### Compensation For Services

The Pioneer Fire Protection District Board of Directors or the campaign committee established by the Pioneer Fire Protection District Board of Directors will pay Dan Dellinger Consulting \$10,000, plus approved out of pocket expenses, for professional services during either a 2011 November Special Election passage attempt or the 2012 Primary Election, with a \$12,000 bonus should the Parcel Tax or Benefit Assessment Fee win voter approval. Dan Dellinger Consulting shall receive any and all commissions, such as advertising commissions, paid by vendors as a standard business practice. An initial payment of \$2,000 is due on acceptance, \$2,000 on September 1, 2011 and the remaining \$6,000 two weeks prior to Election Day, approved expenses will be paid monthly, and a \$12,000 win bonus payment 30 days after the successful passage of a Parcel Tax or Benefit Assessment Fee.

Accepted \_\_\_\_\_

For *The Pioneer Fire Protection District*

Accepted \_\_\_\_\_

For *Dan Dellinger Consulting*

Date May 5, 2011

~~retail tax assessment fee'd~~  
"due and payable upon the district receiving the first parcel tax proceeds"  
Date \_\_\_\_\_

**EXHIBIT NO. 2**

# Dan Dellinger Consulting

P.O. Box 638  
Lorus, CA 95651  
Phone (530) 622-2504  
Fax (530) 622-2499  
dandellinger@infostations.com

TO: Robert L. Gill, District Fire Chief

FR: Dan Dellinger & Cris Alarcon

RE: Consulting Proposal - Parcel Tax or Benefit Assessment

## Outline:

### Educational Outreach:

- A.) Research, Draft, Receive BoD Approval, and Issue an informational document containing documenting background and relevant issues to proceed with a Parcel Tax or Benefit Assessment Fee.
- B.) Work with District Board to compose a clear and legally appropriate Election Resolution, Ballot Question, and Full Ballot Language, and assist in the coordination of the following documents: Election Resolution, Ballot Question, Full Ballot Language Impartial Analysis, Arguments, and Rebuttals to Arguments.
- C.) Assist the District Board with coordination with the County Elections Office.
- D.) Assist the District Board in the formation of a Campaign Committee/Political Action Committee.
- E.) Wage a concurrent community donation campaign for the Fire Protection District.
- F.) Hold up to 6 regional community meetings to discuss and distribute the informational document.
- G.) Hold up to 6 regional community meetings to answer questions, dispel rumors, and recruit volunteers.
- H.) Host 2-4 small donor fundraising events to raise money for the campaign committee.
- I.) Host "coffees" in homes of prominent community members to discuss a Parcel Tax or Benefit Assessment Fee.
- J.) Establish and implement a strong volunteer telephone informational program utilizing both home telephoners and evening phone banks.
- K.) Two informational mailings.
- L.) Preliminary Expense Budget Estimate

Develop and Implement the Strategy and Plan	10,000
White Paper research and distribution	500
Concurrent community donation campaign	0
Regional community meetings to discuss and distribute the informational document	600
Regional community meetings to answer questions, dispel rumors, and recruit Volunteers	600
Small donor fundraising events	0
Coffees in homes of prominent community members	500
Voter data management for phone and mailing lists	1,200
Voter contact mailings and informational publications	3,500
Homemade Sign Material	500



Miscellaneous Expense  
Additional Compensation upon Passage

500  
12,000

**Estimated Expense** **\$29,900**

**Who We Are**

Dan Dellinger and Cris Alarcon will be the consultants working directly with the Pioneer Fire Protection District Board of Directors and the campaign during a 2011 November Special Election or 2012 Primary Election. Dan Dellinger is an El Dorado County based political campaign, news media, fundraising, and government relations consultant. Cris Alarcon is an El Dorado County based political campaign, policy analyst, public relations, and news media consultant.

Dan has experience as a successful campaign consultant, onsite campaign manager, legislative staff member, chamber of commerce and tourist bureau manager. Locally, Dan is the political consultant behind the recent victories of Supervisor Ray Nutting and Sheriff John D'Agostini. Dan grew up in Lotus and served as a volunteer fireman for the Coloma-Lotus Volunteer Fire Department during the 1970's and early 1980's. Dan earned his Bachelor of Science Degree in Agricultural Economics and Business Management from the University of California, Davis.

Cris Alarcon is an online communications specialist with an extensive communications network within El Dorado County. Cris provides message creation, analysis, distribution, as well as, monitoring the use of social media to track releases of, and respond to, negative or sensitive information that might cause brand or campaign damage. Cris has assisted with numerous local campaigns to provide message and issue analysis including: Assemblywomen Beth Gaines; Sheriff John D'Agostini, Supervisor Ray Nutting. Additionally, Cris has been appointed to a number of policy working groups including as the Chair of the El Dorado County Charter Review Committee by Supervisor Jack Sweeney and is currently serving on the EDC Integrated Natural Resource Management Plan Stakeholders Advisory Committee (ISAC). Cris managed the campaign to make EDC the first county & county seat city to recognize and raise awareness of Human Trafficking. This was done in conjunction with the DOJ and resulted in Supervisor Norma Santiago and Placerville Mayor Pierre Rivas sponsoring proclamations in their respective jurisdictions. Cris earned his Bachelor of Science Degree in Business Administration from the University of California, Pomona, with concentrated studies in psychology & political science. Cris is also a Rotarian, a Freemason, and served on the BoD, as the Treasurer, for the Western Slope Boys & Girls Club. Cris has lived in EDC since 1965 and moved to Placerville from South Lake Tahoe in 1976.

If retained, both Dan and Cris will be "coaching" and assisting the Pioneer Fire Protection District Board of Directors and the campaign committee informative news stories, recruit volunteers, organize events and execute the approved plan. Dan will focus on voter contact strategies and Cris will focus on graphics and new media strategies. Other independent contractors or business owners will be utilized as needed for functions such as printing.

**References For Dan Dellinger**

Sheriff John D'Agostini	Office: (530) [REDACTED]	Home: (530) [REDACTED]
Supervisor Ray Nutting	Office: (530) [REDACTED]	Home: (530) [REDACTED]
Senator Rico Oller (Ret.)	Office: (209) [REDACTED]	Home: (209) [REDACTED]
Chief George Osborne (EID Director, Calfire Ret.)	Cell: (530) [REDACTED]	Home: (530) [REDACTED]

## References Cris Alarcon

Assemblywoman Beth Gaines	Office: (916) [REDACTED]
Sheriff John D'Agostini	Office: (530) [REDACTED] Home: (530) [REDACTED]
Supervisor Ray Nutting	Office: (530) [REDACTED] Home: (530) [REDACTED]
Judge Steven Bailey	Office: (530) [REDACTED]
Bill George (EID Director)	Cell: (530) [REDACTED] Home: (530) [REDACTED]
Mike Sproull (EDC Food Bank)	Office: (916) [REDACTED]
Vicki Yorty (Past Executive Director, El Dorado Fire Safe Council).	Home: (530) [REDACTED]

## Scope of Work

Dan Dellinger Consulting proposes to provide all necessary and normal election related consulting services to the Pioneer Fire Protection District Board of Directors and the campaign committee established by the Pioneer Fire Protection District Board of Directors for the purpose of proceeding with a supplemental tax measure during a 2011 November Special Election or 2012 Primary Election. To achieve this goal, Dan Dellinger Consulting will work with the Pioneer Fire Protection District Board of Directors and any entities officially sanctioned by this body to develop the overall strategy and plan. Once adopted by the Pioneer Fire Protection District Board of Directors and/or the campaign committee, Dan Dellinger Consulting will help the campaign committee to execute this Plan. This Plan will include: budget (spending plan), media sub-plan that includes a news release timetable and unveiling of a document describing the financial situation of the district, and the options available to it, community meeting timetable, voter contact timetable (mailings, telephone calls and advertising), and a monthly task outline (what we must accomplish).

## Areas of Responsibility

Dan Dellinger Consulting will be responsible for developing all voter contact materials, news releases, and overall plan. Dan Dellinger Consulting will be responsible for executing the voter contact portion of the Plan. Dan Dellinger Consulting will be responsible for providing professional advice to the Fire Protection District Board of Directors and the members of the campaign committee on an "as needed" basis. Dan Dellinger Consulting will be responsible for selecting necessary vendors; using price, quality, El Dorado County residence and timeliness as criteria for selection. Dan Dellinger Consulting will be responsible for issue research and public opinion polling (if conducted).

The campaign committee will be responsible for organizing events, raising donations, and providing necessary volunteer workers. The District and the campaign committee will be responsible for executing the monthly task outline portion of the Plan in a timely manner. The District and/or the campaign committee will be responsible for raising enough contributions to fund the Plan.

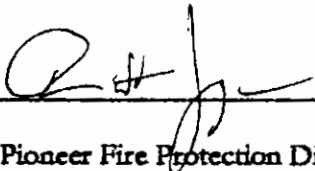
## Additional Assistance

Dan Dellinger Consulting will advise and assist the campaign committee in the recruitment of campaign task chairs. Dan Dellinger Consulting will advise and assist the campaign committee with the organization of related events and activities as needed to execute the Plan. Dan Dellinger

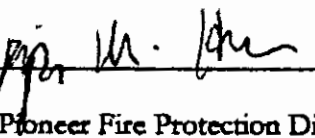
Consulting will advise and assist the campaign committee with fundraising. Dan Dellinger Consulting will advise and assist the campaign committee in the procurement of endorsements. Dan Dellinger Consulting will research, author, and release upon approval by the Pioneer Fire Protection District Board of Directors an informational document describing the background issues and impact on the voters. Dan Dellinger Consulting will advise and assist the Board of Directors with the drafting, preparation, and filing of clear and legally appropriate documents necessary to place the measure on the ballot including: Election Resolution, Ballot Question, Full Ballot Measure, Election Resolution, Ballot Question, Full Ballot Language Impartial Analysis, Arguments, and Rebuttals to Arguments.

### Compensation For Services


The Pioneer Fire Protection District Board of Directors or the campaign committee established by the Pioneer Fire Protection District Board of Directors will pay Dan Dellinger Consulting \$10,000, plus approved out of pocket expenses, for professional services during either a 2011 November Special Election passage attempt or the 2012 Primary Election, with \$12,000 in additional compensation should the Parcel Tax or Benefit Assessment Fee win voter approval. Dan Dellinger Consulting shall receive any and all commissions, such as advertising commissions, paid by vendors as a standard business practice. An initial payment of \$2,000 is due on acceptance, \$2,000 on September 1, 2011 and the remaining \$6,000 two weeks prior to Election Day, approved expenses will be paid monthly, and \$12,000 in additional compensation due and payable upon the District receiving the first Parcel Tax or Benefit Assessment Fee proceeds.

Accepted , Board Chair  
For The Pioneer Fire Protection District

Date 6-1-11

Accepted , Secretary  
For The Pioneer Fire Protection District

Date 6/2/11

Accepted   
For Dan Dellinger Consulting  
Date 6/2/11

**EXHIBIT NO. 3**

DAN DELLINGER CONSULTING  
P.O. BOX 638  
LOTUS, CA 95651  
(530) [REDACTED]

# PARCEL TAX PASSAGE PLAN OUTLINE

---

**Prepared For The Community Committee Forming In  
Support Of Securing Stable Funding For The Pioneer  
Fire Protection District**

**Submitted By Dan Dellinger Consulting  
June 20, 2011**

**An Outline Of Grassroots Events And Activities Necessary To Organize A Successful Volunteer  
Based Election Campaign In The Area Served By The Pioneer Fire Protection District**

## Summary

The following is a monthly checklist in outline form of the tasks, events, and activities which must be performed to win successful passage of the parcel tax we are seeking. This plan is based on the anticipation of a postal ballot only election and would be adjusted slightly should this assumption change. This outline includes critical dates and deadlines for certain activities. Our basic premise reflected in this plan is that the key to surpassing the 2/3 vote requirement necessary to win passage is "neighbor to neighbor" discussion and personal sales persuasion. The early portion of this plan concentrates on organization building through the utilization of community meetings, coffees in homes, and community-wide fundraising events. The later portion of the plan shifts over to voter contact activities, relying heavily upon a large volunteer telephone program. A voter persuasion mailing is included in this plan, but it must be funded by the campaign committee. A small number of handmade signs, rather than professionally screen-printed signs, are called for in this plan so as to project a sense of austerity and neighborly involvement in our campaign.

## Month of June 2011

### Campaign Committee - Recruit Committee And Task Chairs

- A. Campaign Committee Chair
- B. Finance Sub-committee Chair
- C. Treasurer
- D. New Media Coordinator
- E. Thank You Secretary
- F. Telephone Sub-committee Chair
- G. Fundraising Event Chairs
  - a. August
  - b. September
- H. Community Meeting/Coffee Sub-committee Chair
- I. Signs Sub-committee Chair

### Community Meetings

- A. Host First Community Meeting - Purpose To Inform Community Of Crisis And Receive Community Comment

### Begin Planning August Fundraising Event

- A. Decide on Type (i.e. BBQ? Picnic? Etc.)
- B. Recruit Committee
- C. Begin Planning
- D. Put Fundraiser Together

### Begin Planning September Fundraising

- A. Decide on Type (i.e. BBQ? Picnic? Etc.)

- B. Recruit Committee
- C. Begin Planning
- D. Put Fundraiser Together

#### Housekeeping

- A. File Committee Organizational Paperwork (Form 410) At County Elections Office (Within 10 Days Of Raising \$1,000 Or More, Or On July 1)
- B. Open Bank Account For Committee
- C. Prepare Resolution For Filing At County Elections Office (Deadline July 6)
- D. Prepare Arguments In Favor Of Parcel Tax (Deadline July 13)
- E. Prepare Informational Study Of Fire Districts Fiscal Situation And Options For Remedy
- F. Obtain A Website Domain
- G. Design A Blog-based Website

### Month of July 2011

#### Campaign Committee - Recruit Committee And Task Chairs

- A. Campaign Committee Chair
- B. Finance Sub-committee Chair
- C. Treasurer
- D. New Media Coordinator
- E. Thank You Secretary
- F. Telephone Sub-committee Chair
- G. Fundraising Event Chairs
  - a. August
  - b. September
- H. Community Meeting/Coffee Sub-committee Chair
- I. Signs Sub-committee Chair

#### Housekeeping

- A. Prepare and File (Form 460) FPPC Disclosure Report (Due August 1 Covering Period April 1 – June 30, or if Committee Organizational Paperwork (Form 410) Was Filed On, or After July 1, Then No Filing Is Necessary Until September 29)
- B. File Resolution At County Elections Office (Deadline July 6)
- C. File Arguments In Favor Of Parcel Tax At County Elections Office (Deadline July 13)
- D. Prepare And File (If Necessary) Rebuttals To Opposition Statement At County Elections Office (Deadline July 25)
- E. Pursue Positive Endorsements
- F. Take Advantage Of Earned Media Opportunities
- G. Continue Campaign Committee Building –
  - a. Recruiting Committee & Task Chairs
  - b. Creating Donor And Volunteer Data Base

- H. Produce And Disseminate Community Newsletter
- I. Launch Website
- J. Enable Companion Social Media (i.e. Facebook, Twitter, Linked-In etc.)

**Community Meetings**

- A. Host Community Meeting: Purposes - To Release Informational Study Of Fire Districts Fiscal Situation And Options For Remedy, And, To Generate Positive Publicity And Community Interest
- B. Begin Planning And Organizing Regional Community Meetings/Coffees To Better Educate The Community About The November Parcel Tax Proposal

**August Fundraising**

- A. Hold Planning Meetings (As Needed)
- B. Market Event
- C. Put Event Together

**September Fundraising**

- A. Hold Planning Meetings (As Needed)
- B. Market Event
- C. Put Fundraiser Together

**Month of August 2011**

**Campaign Committee**

- A. Complete Campaign Committee & Task Chair Recruiting
- B. Host General Meeting: Purpose - To Brief All Campaign Committee & Task Chairs On Campaign Overview

**Housekeeping**

- A. Continue Working To Obtain Endorsements
- B. Continue Building Campaign Donor And Volunteer Data Bases
- C. Take Advantage Of Earned Media Opportunities
- D. Produce And Disseminate Community Newsletter

**August Fundraising Event/Activity**

- A. Hold Planning Meetings (As Needed)
- B. Market Event/Activity
- C. Host Event/Activity

**September Fundraising**

- A. Hold Planning Meetings (As Needed)
- B. Market Event
- C. Put Fundraiser Together

**Voter Contact**

- A. Begin Telephoning Voters And Identifying Supporters



## Month of September 2011

### Campaign Committee

- A. Host General Task Chairs Meetings: Purpose - To Go Over Campaign Needs (As Needed)
- B. Host Regional Community Meetings/Coffees: Purpose – To Educate Community Members

### Housekeeping

- A. Complete August Fundraiser Follow-up's
- B. Continue Working To Obtain Endorsements
- C. Continue Building Campaign Donor And Volunteer Data Bases
- D. Take Advantage Of Earned Media Opportunities
- E. Produce And Disseminate Community Newsletter
- F. Prepare & File (Form 460) FPPC Disclosure Report (Deadline September 29 Covering Period July 1 – September 24)

### September Fundraising Event/Activity

- A. Hold Planning Meetings (As Needed)
- B. Market Event/Activity
- C. Host Event/Activity

### Voter Contact

- A. Finish Telephoning Voters And Identifying Supporters (Deadline Middle of September )
- B. Prepare & Send Voter Contact Mailing (Time Mailing With County Ballot Mailing)
- C. Begin Telephoning Identified Supporters To Make Sure They Send In Their Ballots (Time With Ballot Mailing By County Elections)
- D. "Push Poll" Undecided Voters (Time With Ballot Mailing By County Elections)
- E. Paint & Erect Homemade Signs In Strategic Locations (Beginning Weekend Of September 17 )

## Month of October 2011

### Campaign Committee

- A. Host General Task Chairs Meetings: Purpose - To Go Over Campaign Requirements (As Needed)
- B. Host Regional Community Meetings/Coffees: Purpose – To Educate Community Members

### Housekeeping

- A. Complete September Fundraiser Follow-up's
- B. Continue Working To Obtain Endorsements
- C. Take Advantage Of Earned Media

- D. Prepare & File FPPC Disclosure (Form 460) Report (Deadline October 27 Covering Period September 25 – October 22)
- E. File FPPC Disclosure Report (Form 497) Disclosing Any Contribution Over \$1,000 (October 23- November 7) Within 24 Hours Of Receipt
- F. Produce And Disseminate Community Newsletter

**Voter Contact**

- A. Finish Erecting Homemade Signs In Strategic Locations (Deadline October 3)
- B. Continue "Push Polling" Undecided Voters
- C. Telephone Identified Supporters With Ballots Not Yet Received At County Elections (beginning October 17)

**Month of November 2011**

**Campaign Committee**

- A. Host General Task Chairs Meeting: Purpose - To Go Over Final Campaign Needs (As Needed)

**Housekeeping**

- A. File FPPC Disclosure Report (Form 497) Disclosing Any Contribution Over \$1,000 (October 23- November 7) Within 24 Hours Of Receipt
- B. Take Advantage Of Earned Media Opportunities
- C. Produce And Disseminate Final Newsletter (Deadline November 2)
- D. Produce And Disseminate Community Post Election Thank You Letter

**Voter Contact**

- A. Finish "Push Polling" Undecided Voters (Deadline Sunday (November 6)
- B. Finish Telephoning Identified Supporters With Ballots Not Yet Received At County Elections (Deadline Sunday (November 6)
- C. Remove Homemade Signs After Election Day (November 8)

## APPENDIX I

### Volunteer Campaign And Task Chair Job Descriptions

**Campaign Committee** - the Campaign Committee, sometimes call a Steering Committee, is comprised of the volunteer community leaders who step forward to organize all of the events and activities needed to win the election.

**Campaign Committee Chair** – the function of the Campaign Committee Chair is to make sure that the members of the Campaign Committee (who are also volunteers) are completing their assignments in a timely matter. The Campaign Committee Chair works directly with the Consultants, Sub-committee and Task Chairs, and other Campaign Committee members to coordinate the planning and organizing of the Campaign Committee's sanctioned events and activities. The Campaign Committee Chair should also be a popular community leader so that he or she can become the main representative and public "face" of our parcel tax passage effort.

**Finance Sub-committee** – the Finance Sub-committee is comprised of community leaders who specialize in soliciting direct donations from within the community and the community leaders who volunteer to coordinate fundraising events or activities on behalf of the Campaign Committee.

**Finance Sub-committee Chair** – the function of the Finance Sub-committee Chair is to coordinate the procurement of donations for the Campaign Committee.

**Treasurer** – the function of the Treasurer is to conduct the Campaign Committee's banking, pay the Campaign Committee's bills, and to prepare and file the Campaign Committee's financial disclosure reports as required by State law.

**New Media Coordinator** – the function of the New Media Coordinator is to coordinate all website and other new media related activities with the Consultants and Campaign Committee Chair to make sure that information is properly disseminated and the Campaign Committee's official website and companion social media are maintained and updated in a timely manner. The New Media Coordinator is also responsible for the maintenance of the Campaign's e-mail list and coordinating electronic information blasts.

**Thank-You Secretary** – the function of the Thank-You Secretary is to ensure the polite and timely acknowledgement of financial and volunteer assistance to the Campaign Committee's election effort. The Thank-You Secretary works with the Campaign Chair to prepare appropriate thank-you letters for the Campaign Chair's signature and post.

**Telephone Subcommittee** – the function of the Telephone Sub-committee is to contact the electorate by telephone on behalf of the Campaign Committee. The Telephone Subcommittee will need to be large enough to make 4-5 thousand voter contact calls between August 1 and November 7.

**Telephone Subcommittee Chair** – the function of Telephone Subcommittee Chair is to work closely with the Consultants and Campaign Committee Chair to coordinate all voter contact telephone calls.

**Fundraising Event Chairs** – the function of the Fundraising Event Chairs is to coordinate the planning and organizing of a community-wide fundraising event in August and another in September. The purposes of these events are to raise money for the Campaign Committee and to develop greater community participation in the overall parcel tax passage effort.

**Community Meeting/Coffee Sub-committee Chair** – the function of the Community Meeting/Coffee Sub-committee Chair is to coordinate regional community meetings at public places or coffees in private homes. The purpose of these community meetings and coffees is to help market passage of the parcel tax.

**Signs Sub-committee Chair** - the function of the Sign Sub-committee Chair is to coordinate the painting, erection, and removal of homemade campaign signs for the Campaign Committee.

**EXHIBIT NO. 4**

## Ballot Arguments In Favor Of Measure F

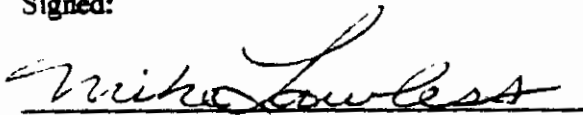
El Dorado County has eliminated the "Aid-to-Fire" program drastically reducing the operating revenue of every independent fire protection district in our County. Our local Pioneer Fire Protection District will be losing roughly \$279,000 a year. Measure F will assess each developed parcel in the Pioneer Fire Protection District \$85 a year to replace the "Aid To Fire" program funding. Without this parcel tax to replace the "Aid To Fire" funding, the District will not have the financial resources to sustain our current level of fire protection and medical response.

We all know that the fire protection level of local fire districts affects how much we pay for the fire component of our homeowner's insurance policies. The lower the fire protection level, the higher the insurance rates, or in some cases no insurance policy at all. For most of us, should Measure F fail to pass, the increased price of each homeowners insurance will probably cost significantly more than \$85 a year.

We urge you to join us in supporting Measure F to replace the "Aid-to-Fire" money we will no longer be receiving from El Dorado County.

Thank you for your consideration.

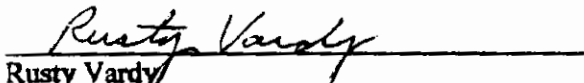
Signed:



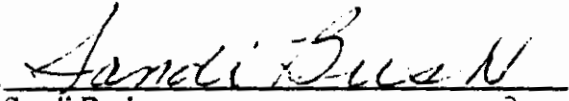
Mike Lawless  
Chairman, Save Pioneer Fire



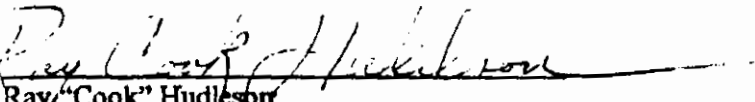
John Smith  
Owner, Oakstone Winery



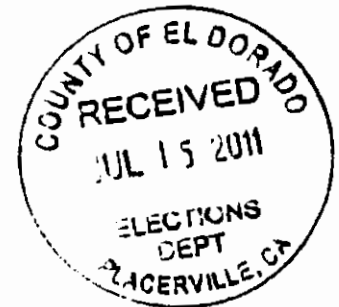
Rusty Vardy  
Principal/Superintendent, Indian Diggings School



Sandi Bush  
Community Volunteer HOME OWNER



Ray "Cook" Hudleson  
Vice-Chairman, Save Pioneer Fire



**ARGUMENTS IN FAVOR OF MEASURE F**

El Dorado County has eliminated the "Aid-to-Fire" program drastically reducing the operating revenue of every independent fire protection district in our County. Our local Pioneer Fire Protection District will be losing roughly \$279,000 a year. Measure F will assess each developed parcel in the Pioneer Fire Protection District \$85 a year to replace the "Aid to Fire" program funding. Without this parcel tax to replace the "Aid to Fire" funding, the District will not have the financial resources to sustain our current level of fire protection and medical response.

We all know that the fire protection level of local fire districts affects how much we pay for the fire component of our homeowner's insurance policies. The lower the fire protection level, the higher the insurance rates, or in some cases no insurance policy at all. For most of us, should Measure F fail to pass, the increased price of each homeowner's insurance will probably cost significantly more than \$85 a year.

We urge you to join us in supporting Measure F to replace the "Aid-to-Fire" money we will no longer be receiving from El Dorado County

Thank you for your consideration.

Mike Lawless  
Chairman, Save Pioneer Fire

John Smith  
Owner, Oakstone Winery

Rusty Vardy  
Principal/Superintendent, Indian Diggings School

Sandy Bush  
Home Owner

Ray "Cook" Hudson  
Vice-Chairman, Save Pioneer Fire

**NO ARGUMENT AGAINST MEASURE F WAS SUBMITTED**



00-141805-RT008-01M3 (01)

**EXHIBIT NO. 5**



# Dan Dellinger Consulting

P.O. Box 638

Lotus, CA 95651

Phone (530) 622-2504

Fax (530) 622-2499

dandellinger@infostations.com

Memorandum: 07/21/11

TO: Chief Gill & Board of Directors

FR: Dan Dellinger

RE: Payment for Services – Community Education Program

Please remit \$2,000 for Retainer – Consulting.

Retainer

\$2,000.00

Thank You!

**EXHIBIT NO. 6**

TO: Robert L. Gill, District Fire Chief

FR: Dan Dellinger & Cris Alarcon

RE: Memorandum of Understanding – Public Education & Community Outreach Program

The purpose of this Memorandum of Understanding is to clarify the terms of agreement discussed in an earlier proposal draft and outline the services to be provided by Dan Dellinger Consulting for the benefit of the Pioneer Fire Protection District and the compensation for those services. Dan Dellinger Consulting will assist the Chief and Members of the Pioneer Fire Protection District Board of Directors to plan and implement a public education and community outreach program related to the District's future, in addition to, assist the District with government relations activities necessary for the placement of a supplemental tax measure on the ballot and potential necessary activities should it win passage. This program will be conducted during summer and fall of 2011 and include the following elements:

#### **Educational Outreach:**

- A.) Research, Draft, and Issue an informational study documenting background and issues relevant to the District's loss of supplemental County funding.
- B.) Assist the District Board in organizing a community based educational outreach program, including a series of District sponsored community meetings and outreach to prevalent community organizations within the District Boundaries.
- C.) Prepare necessary educational material to implement this program.

#### **Government Relations:**

- A.) Assist the District Board with necessary advocacy of local, State or Federal Governmental entities.
- B.) Assist the District Board with the placement of a measure on the ballot including the preparation of all legally appropriate documents.
- C.) Assist the District Board with coordination of document filing with the County Elections Office.
- D.) Assist the District Board with the preparation of all legally appropriate documents required by the County for collection of a parcel tax or benefit assessment fee.
- E.) Assist the District Board with coordination of document filing with the County Auditor's and Assessor's Offices for collection of a parcel tax or benefit assessment fee.

## Scope of Work

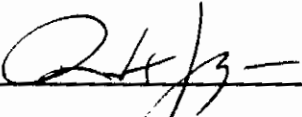
Dan Dellinger Consulting will provide all necessary and normal government relations, public education, and community outreach related consulting services to the Pioneer Fire Protection District Board of Directors for the purpose of educating the community about the financial state of the District, and placement of a supplemental tax measure on the 2011 November General Election Ballot. Should this supplemental tax measure achieve passage, Dan Dellinger Consulting will assist the District Board with the preparation of all legally appropriate documents required by the State of California and the County of El Dorado for collection of this supplemental tax.

## Compensation for Services

The Pioneer Fire Protection District will pay Dan Dellinger Consulting \$10,000, plus approved out of pocket expenses, for professional services during the summer and fall of 2011. The Pioneer Fire Protection District will pay Dan Dellinger Consulting \$12,000, plus approved out of pocket expenses, for professional services during the winter and spring of 2012 should the supplemental tax being sought by the District achieve passage. An initial payment of \$2,000 is due on acceptance, and the remaining \$8,000 two weeks prior to Election Day, approved expenses will be paid monthly, and \$12,000 in additional compensation for additional services due and payable upon the District receiving the first Parcel Tax or Benefit Assessment Fee proceeds.

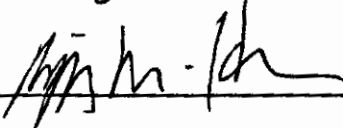
## Severability

If any section, paragraph, sentence, clause, phrase or portion of this agreement is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portion. Dan Dellinger Consulting and the Pioneer Fire Protection District hereby declare that they would have adopted this contract irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the agreement enforced.

Accepted , Board Chair

Date 8/30/11

For The Pioneer Fire Protection District

Accepted , Secretary

Date 8/30/11

For The Pioneer Fire Protection District

Accepted 

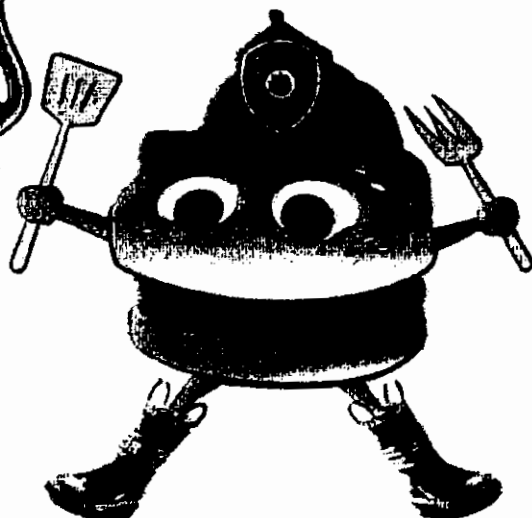
For Dan Dellinger Consulting

Date 8/30/11

**EXHIBIT NO. 7**



# BBQ



12:00 NOON  
SUNDAY  
Sept 25

## Yes on Measure F Fundraiser Save Pioneer Fire

**Join Us** For a family Fun Bar-B-Que to Benefit the Save Pioneer Fire "Yes on F" campaign on Sunday afternoon at Fire Station 38

Hamburger, Hot Dog, chili, salads, drink<sup>s</sup> and all the fixings.  
Hungry? Add a second hamburger or hot dog for \$2

Questions? There will be committee members available to answer your questions ~~and tell you how you can help.~~

Hear from our very own Music Man Mike

Bring the kids (young and old) to see the firefighters demonstrate equipment and tour the fire station

<sup>years</sup>  
4 and under FREE, Prices are: 5-11 \$5, 12 and over \$10

Buy your tickets early by calling Connie at 530-  
Please RSVP so we have enough food

*TLX e the deat*

More info online at: [www.SavePioneerFire.com](http://www.SavePioneerFire.com)



**EXHIBIT NO. 8**

**Dan Dellinger Consulting**

P.O. Box 638  
Loma, CA 95651  
Phone (530) 622-2504  
Fax (530) 622-2499  
dandellinger@infostrat.com

OCT 26 2011

Memorandum: 10/25/11

TO: Chief Gill, Pioneer Fire Protection District

FR: Dan Dellinger

RE: Payment for Services – Public Relations Consulting and Educational Outreach

Please remit \$8,000.00 for Public Relations Consulting and Educational Outreach Program.

Consulting Services	\$10,000.00
Less Retainer	<u>2,000.00</u>
Balance Due	\$8,000.00

Thank You!



**EXHIBIT NO. 9**

## El Dorado County Grand Jury 2011-2012

### Unlawful Use of Taxpayer Funds Case number GJ-11-011

Approved by: Presiding Judge, Suzanne N. Kingsbury  
and Supervising Judge, Steven C. Bailey.

#### **Reason for Report**

The El Dorado County Auditor/Controller rejected a request by the Pioneer Fire Protection District for what he believed was unlawful as a payment of public money to gain passage of a ballot measure by a local consulting firm and its associate in violation of California Government Code §54964, and rejected the request for payment. He then referred the matter to the Grand Jury.

#### **Background**

On June 2, 2011, a request was presented to the El Dorado County Auditor/Controller for payment of a local consultant's service to assist Pioneer Fire Protection District in the securing passage of Ballot Measure F pertaining to a tax assessment.

On June 10, 2011, the El Dorado County Auditor/Controller again rejected the request for payment to the consultants, and advised the Pioneer Fire Protection District Board that the contract submitted was unlawful under California Government Code §54964.

The consultants and the Pioneer Fire Protection District Board then met and redrafted the contract, in the Grand Juries opinion, to accomplish the same result as the previous contract, to assist in passing Ballot Measure F, but by using terms to change the reasons for payment.

The new revised contract was resubmitted on August 20, 2011, and based on the language the El Dorado County Auditor/Controller questioned the agreement; however, made the first payment as required under the contract.

The El Dorado County Auditor/Controller maintained his suspicions of the contract's arrangements and referred that matter to the Grand Jury.

California Government Code §54964 makes it unlawful to use public money for the purpose of passing a campaign issue by a government body; however, a Supreme Court case Santa Barbara County Coalition v. Santa Barbara County Association, 167 Cal. App.4 1229, makes a distinction that work performed before the ballot measure is certified for the election is not included in the exclusion of the government code.

## **Methodology**

### **Documents reviewed:**

Ballot Arguments in Favor of Measure F  
California Government Code  
    §8314 – Unlawful Use of State Resources  
    §54964 – Unlawful Expenditure in Support of Ballot Measure  
California Penal Code  
    §932 – Order Directing District Attorney to Institute Actions for Recovery  
    of Money Due County

### **Interviews:**

Dan Dellinger Consulting and associate  
El Dorado County Auditor/Controller's Office  
El Dorado County Election's Office  
El Dorado County District Attorney's Office  
Pioneer Fire Protection District Board Members

## **Facts/Findings**

1. The expenditures by Pioneer Fire Protection District to the consultants and associate, performed after the ballot certification are in violation of California Government Code §54964 (Unlawful Expenditure in Support of Ballot Measure) and California Government Code §8314 (Unlawful Use of State Resources).
2. Under Penal Code §932 the Grand Jury can order the District Attorney of the county to review the work done, determine the amount and value of work performed prior to certification and to recover any money that was charged or expended for work after that date. Those funds request or charged for work after certification are in the Grand Jury's judgment is not to be paid or if paid to be returned to the county.

## **Recommendations**

1. The Grand Jury orders that the El Dorado County District Attorney's Office institute suit to recover the \$10,000 already paid to the local consultant firm.
2. The Grand Jury recommends that El Dorado County and/or Pioneer Fire Protection District not pay the additional \$12,000 to the local consultant until an audit is made of allowable versus illegal payments.

## **Responses**

Responses to both the findings and recommendations in this report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:  
The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to:

El Dorado County Auditor/Controller  
El Dorado County Board of Supervisors  
El Dorado County District Attorney's Office  
El Dorado County Elections Department  
Pioneer Fire Protection District

Approved by: Presiding Judge, Suzanne N. Kingsbury  
and Supervising Judge, Steven C. Bailey.

**EXHIBIT NO. 10**



**County of El Dorado**  
OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667-4193  
Phone: (530) 821-5487 Fax: (530) 295-2535

**JOE HARN, CPA**  
Auditor-Controller

**BOB TOSCANO**  
Assistant Auditor-Controller

May 15, 2012

Board of Directors  
Pioneer Fire Protection District  
PO Box 128  
Somerset, CA 95684

Gentlemen:

As you all know, my office raised concerns about certain payments to Dan Dellinger Consulting based upon a June 2011 consulting contract that appeared to contain services for illegal campaign activity in violation of California Government Code Sections 8314 and 54964. Subsequently, the contract was revised in August 2011 to eliminate the "bonus" language that appeared to be most blatant example of illegal advocacy. Accordingly, my office paid \$10,000 in invoices to Dan Dellinger Consulting in 2011 as I was directed to do so by your district.

As you also know, there is still a remaining fee of \$12,000 to be paid to Dan Dellinger Consulting for preparing and providing the County with the documents necessary to enable the County to collect this special tax on behalf of the Pioneer Fire Protection District. This fee is unreasonable, excessive, and outrageous. As an example a local special tax consultant delivers to my office the detailed parcel listing and direct charge listings for CSA #7 for under \$400 per year. CSA #7 has a much larger number of parcels and CSA#7 has a much more complicated special tax formula.

A number of other questions have recently arisen regarding Dan Dellinger's actual services to your district and the passage of Measure F.

Accordingly, based on the information that I have at this time, I do not intend to process any additional payments to Mr. Dellinger. The remaining fee of \$12,000 is clearly unreasonable and excessive.

Sincerely,

Joe Harn  
Auditor-Controller

cc: Vern Pierson, DA