

**Phone Call Received by Evan Dowling during Appointment from  
Board Supervisor Cindy Chavez**

**August 31, 2016**

Supervisor Chavez asked if it would be ok if her staff member, Paul Murphy, listened in and took notes, and I stated that this was fine.

Although at one point I told Supervisor Chavez that my wife, Maria Hernandez, was on the phone downstairs regarding a call pertaining to her mother's death that occurred that same day, she was present during a significant portion of the phone call and could hear the conversation.

Everything that is bold in the remainder of this document represents exactly what I stated to Supervisor Chavez:

**"As you along with the rest of the Board members are aware, James Ramoni has violated the County Ordinance and the law in an extreme number of ways during the past three years, violations that are well documented, and has been allowed by Jeff Smith to operate with impunity.**

**These violations, include:**

- **Insurance Fraud**
- **Wage Theft**
- **Payment of Hush Money**
- **Violation of Public Records Act**
- **Age Discrimination**
- **Retaliation**
- **Abuse of Power**
- **Obstruction of Justice**
- **Contempt of the Civil Grand Jury**
- **Contempt of the Board of Supervisors**
- **Deliberate Misuse of County Resources for sake of Retaliation**
- **Conspiracy**
- **Defamation of Character**
- **Bullying**
- **Hostile Work Environment**
- **Confiscation of Personal Property**
- **Violation of the CEMA Contract**

**Given the fact that Jeff Smith is running a Corrupt Culture regime where none of his cronies are held accountable, and he has again and again has been**

**rightfully castigated by the news media, why does the Board of Supervisors allow Jeff Smith to continue to serve as County Executive?"**

Supervisor Chavez stated that, for the most part, she disagreed with my assessment of Jeff Smith.

She added, however, that she believes that my assessments of James Ramoni and Don Moody, in the documents that I have presented to date to the Board of Supervisors, are accurate.

**"As you know, I have requested that the Board of Supervisors direct Jeff Smith to implement a number of immediate actions in order to match Jeff Smith's hypocritical rhetoric about Just Culture.**

**But I have a number of questions regarding Jeff Smith's disastrous performance as County Executive:**

**Why has not Jeff Smith held Robert Menicocci and Mr. Ramoni accountable by administering disciplinary actions in defense of the Merit Rules section of the County of Santa Clara's Ordinance Code and in defense of the public welfare?"**

Supervisor Chavez stated that she understands where I am coming from and promised to follow up with Jeff Smith.

She added that I have raised good issues.

**"Why has Jeff Smith created such a Corrupt Culture that the County refuses to deliver to me any and all of Mr. Ramoni's and Labor Relations letters produced by Matthew Cottrell to Dr. John M. Greene, the County paid psychiatric hack, regarding their allegations against me?"**

Supervisor Chavez promised to follow up.

**"Why has Jeff Smith created such a Corrupt Culture that the County refuses to deliver to me Dr. Greene's complete written report to the County which Mr. Ramoni used to justify his refusal to return me to work?"**

Supervisor Chavez promised to follow up.

**"Why has Jeff Smith created such a Corrupt Culture that Mr. Ramoni, with the support of Mr. Menicocci and Labor Relations, is now stealing my vacation and sick time, which amounts to a full frontal assault on my family?"**

Supervisor Chavez promised to check into this.

When I then tried to ask another “Just Culture” question, Supervisor Chavez interrupted by asking me what do I want.

I answered by stating that:

**“I request that Dr. Smith be directed by the Board of Supervisors to immediately take whatever steps are necessary to implement the following actions:**

- **Hold Mr. Menicocci and Mr. Ramoni accountable by administering disciplinary actions in defense of the Merit Rules section of the County of Santa Clara’s Ordinance Code and in defense of the public welfare**
  - Supervisor Chavez interjected that she is aware of my concerns regarding the public welfare; she instead wanted me to tell her what I am asking to the County to do for me personally.
- **Deliver to me any and all of Mr. Ramoni’s and Mr. Cottrell’s letters addressed to Dr. Greene regarding their allegations against me**
- **Deliver to me Dr. Greene’s complete written report to the County which Mr. Ramoni used to justify his refusal to return me to work and instead place me on Sick Leave**
- **Reimburse me all vacation and sick time that Mr. Ramoni has arranged to deplete from my leave banks**
- **Immediately return me to work in my position as Management Analyst at In-Home Supportive Services**
  - Supervisor Chavez stated that she is surprised that I would want to return to work with the County given all of my complaints in recent years, which dates back when my wife, Maria worked with her when Supervisor Chavez led the South Bay Labor Council. I told Supervisor Chavez that I enjoy working with the Social Workers and their Supervisors at IHSS. Supervisor Chavez then asked my age. When I declined to give my age and stated that I planned to work another 10 years before retirement, she replied that she thought I would be retiring sooner than 10 years. She then asked what year that I started with the County. When she found out that I started in 2002, she stated that, based on the fact that I am so angry at the County due to all of the trouble I have experienced, she would have thought that I would not want to return to work with the County and instead receive some kind of settlement. I replied that is not the case and then continued with my requests.
- **Return me to my former work station at 1888 Senter Road, San Jose, and not across the street in a building which would prevent quick and efficient accessibility to case files that are essential to my job performance**

- **Forbid any further required contact with Mr. Ramoni or involvement on any projects that might require direct communication with Mr. Ramoni, such as his Legislative Files to the Board of Supervisors.**
- **Make arrangements for the Director of DAAS, whoever that may be, to offer me a public apology at the very next DAAS All-Staff Meeting that is scheduled**
- **Remove both Letters of Reprimand authored by Mr. Ramoni from my personnel file**
- **Make arrangements so that a notice of rescission of these two Letters of Reprimand is distributed to me and all others who were copied on those Letters of Reprimand, with the notice clearly stating that the allegations against me were unfounded and unjustified**
- **Make arrangements to pay my wife, Maria Hernandez, the \$456.02 it cost her to change the locks at our house after Mr. Ramoni and his staff deliberately and maliciously violated her privacy, my privacy and that of my tenants by confiscating our house keys during the same time period that Mr. Ramoni's staff committed mail tampering twice at my home, as caught on surveillance video, as you are well aware, according to the evidence I earlier submitted to each of you on a flash drive.**

**Under the circumstances these requests are quite reasonable.**

What I did not have a chance to include in my requests, due to the insistence of Supervisor Chavez to focus only on what I want from the County personally, is the following:

- Take whatever action is necessary to prevent further damage to the public welfare in the Social Services Agency, including:
  - Dependent adult abuse victims who are reported to Adult Protective Services (APS) by either Mandated Reporters or the public at large
  - Conservatees of the Office of the Public Guardian

Supervisor Chavez then again stated that she that she could not understand why I would want to return to work instead of receiving a settlement.

I responded by stating that I will be more effective as an advocate for Just Culture working from inside the County than from the outside.

I added, however, that should I be returned to work at IHSS with Mr. Ramoni left in his position, then we are destined for another 10 more years of many more rounds of conflict like we have seen, as I am not going to allow him to bully and intimidate me for speaking out against official wrongdoing and misconduct in the Social Services Agency in defense of the public welfare.

I added that I owe this to more co-workers, many of whom have been victim of Mr. Ramoni's hostile work environment and bullying, but exhibit too much fear and lack the overwhelming evidence that I have gathered to do something substantive about it.

I also stated that Maria is every bit as upset as I am about all of the official misconduct that has occurred.

Supervisor Chavez responded by stating that of course Maria would take my side since Maria is my wife.

Supervisor Chavez then said that she needs time to think about my requests.

She promised to talk with Jeff Smith.

She asked permission to talk with Zeb Feldman, my union representative at CEMA, and I granted it.

Supervisor Chavez promised to contact me within two weeks of this phone call so that we can continue our conversation.

I thanked Supervisor Chavez for her time and interest.

Questions that I was prepared to ask Supervisor Chavez, but did not have a chance due to her insistence that I focus on what I personally want to receive out of all of this, are as follows:

- Why has Mr. Menicocci refused to order Mr. Ramoni to reinstate me into my position as Management Analyst at In-Home Supportive Services?
- Why has Mr. Menicocci refused to order Mr. Ramoni to move me back to to my former work station at 1888 Senter Road, San Jose?
- Why has not Mr. Menicocci forbidden any further required contact between Mr. Ramoni and me or involvement on any projects that might require direct communication with Mr. Ramoni, such as his Legislative Files to the Board of Supervisors?
- Why has not Mr. Menicocci made arrangements for the Director of DAAS, whoever that may be, to offer me a public apology at the very next DAAS All-Staff Meeting that is scheduled?
- Why has Jeff Smith refused to demand that both Letters of Reprimand authored by Mr. Ramoni be removed from my personnel file following my

many notifications to Jeff Smith regarding the snowballing corruption scandal involving Mr. Ramoni and Mr. Menicocci?

- Why has not Jeff Smith demanded a notice of rescission of these two Letters of Reprimand be distributed to me and all others who were copied on those Letters of Reprimand, with the notice clearly stating that the allegations against me were unfounded and unjustified?
- Why has Jeff Smith refused to take whatever action is necessary to prevent further damage to the public welfare in the Social Services Agency, including to:
  - Dependent adult abuse victims who are reported to APS by either Mandated Reporters or the public at large?
  - Conservatees of the Office of the Public Guardian?
- Why has Jeff Smith refused to demand that the Social Services Agency pay my wife, Maria Hernandez, the \$456.02 it cost her to change the locks at our house after Mr. Ramoni and his staff deliberately and maliciously violated her privacy, my privacy and that of my tenants by confiscating our house keys during the same time period that Mr. Ramoni's staff committed mail tampering twice at my home, as caught on surveillance video, as you are well aware, according to the evidence I earlier submitted to each member of the Board Supervisors of Supervisors and Jeff Smith on a flash drive?