



VAN DERMYDEN MAKUS

Investigations Law Firm

**EXECUTIVE SUMMARY OF
INVESTIGATIVE FINDINGS**

City of Lemon Grove
Report Concerning City Council Member Liana LeBaron
March 16, 2023

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I. Brief Introduction

Van Dermyden Makus Law Corporation (Firm) commenced an independent investigation for the City of Lemon Grove (the City). The City initiated this investigation in response to two written complaints submitted on February 14, 2022¹ and February 28, 2022² by the Complainant, a former³ City employee, against City Council Member Liana LeBaron.

In written complaints and during April 5, 2022 and August 9, 2022 investigative interviews, the Complainant alleged LeBaron engaged in “aggressive” and “targeting” conduct towards them.⁴ The Complainant believed LeBaron engaged in this conduct because of their position at the City.⁵ To support their claims, the Complainant cited to approximately 11 incidents and interactions that occurred between approximately December 2020 and March 2022. These interactions occurred during City Council meetings, at City Hall, and through written email communications. Overall, the Complainant said they felt “extremely uncomfortable with [LeBaron’s] aggressive behaviors” towards them.

Specifically, the Complainant cited to the following incidents and interactions as examples of LeBaron’s “aggressive” and “targeting” conduct:

- LeBaron treated the Complainant as her “personal assistant” during City Council Meetings;
- LeBaron repeatedly called the Complainant by an incorrect first name;
- In 2021, LeBaron engaged in an “aggressive conversation” with the Complainant;
- In July 2021, LeBaron told the California Fair Political Practices Commission Representative that the Complainant gave her incorrect information;
- In 2021 and 2022, LeBaron constantly searched for and bothered the Complainant in City Hall;
- On January 18, 2022, LeBaron “antagonized” the Complainant at a City Council Meeting;
- On January 31, 2022, LeBaron grilled the Complainant about the Complainant’s personal life and qualifications;
- On February 24, 2022, LeBaron referred to the Complainant as “inadequate” in an email to those with no business reason to know;

¹ The Complainant submitted the February 14, 2022 complaint to City Manager Lydia Romero and City Attorney Kristen Steinke.

² The Complainant submitted the February 28, 2022 complaint to Romero, Steinke, Human Resources Manager Roberto Hidalgo, and then-Public Works Director Mike James.

³ The Complainant was employed by the City at the time they submitted their complaints.

⁴ The Complainant did not assert that LeBaron’s actions were based on any protected characteristics. Rather, the Complainant thought LeBaron’s conduct was a result of their title.

⁵ The Complainant did not claim LeBaron’s conduct was based upon any protected characteristic held by the Complainant such that the City’s policies prohibiting harassment, discrimination, and retaliation were implicated. Specifically, the City Council manual, dated January 2022, states that “state law prohibits, and the City has policies and procedures which prohibit, discrimination and harassment.”

<https://www.lemongrove.ca.gov/home/showpublisheddocument/11420/637776021927830000>.

- On February 28, 2022, LeBaron left the door to the restroom open while the Complainant was in a stall;
- In March 2022, LeBaron followed the Complainant into the restroom to intimidate them; and,
- On March 8, 2022, LeBaron accused the Complainant of fabrication.

This serves as the Executive Summary of Investigative Findings (Executive Summary). It is not intended to be a comprehensive recitation of the evidence. Instead, it provides an overview of the investigative methodology and a summary of my findings.

II. Summary Of Findings

After a thorough review of the evidence, I find by a preponderance of the evidence that LeBaron engaged in conduct reasonably perceived by the Complainant as “aggressive” and “targeting” from approximately December 2020 through March 2022.

As to the specific incidents and interactions the Complainant identified as examples of LeBaron’s “aggressive” and “targeting” conduct, I find:

- The Complainant reasonably perceived that LeBaron targeted them by treating them as her “personal assistant” during City Council meetings;
- The Complainant reasonably perceived that LeBaron targeted them by calling them an incorrect name;
- The Complainant reasonably believed LeBaron was “aggressive” during their conversation in 2021;
- The Complainant reasonably believed LeBaron misrepresented to the California Fair Political Practices Commission Representative that the Complainant had given her incorrect information and did not know what they were talking about;
- The Complainant reasonably perceived that LeBaron was “targeting” them by inconsiderately disrupting their work;
- The Complainant reasonably perceived that LeBaron’s conduct on January 18, 2022 was “aggressive” conduct designed to “target” the Complainant;
- The Complainant’s perception that LeBaron “grilled” them on January 31, 2022 was reasonable;
- The Complainant reasonably believed LeBaron “targeted” them by referring to them as “inadequate” in an email to those without a business reason to know;
- LeBaron’s conduct in following the Complainant into the restroom on two occasions, seemingly without reason or need to use the restroom facilities, can reasonably be perceived as LeBaron “targeting,” “bullying,” and attempting to “intimidate” the Complainant; and,

- The Complainant reasonably believed LeBaron targeted them in written materials provided to the City Council on March 8, 2022.

III. Investigative Methodology

I conducted the investigation using specific methodology following industry standards. This section provides an overview of the investigative processes.⁶

Witnesses and Documents. I conducted 7 interviews of 6 witnesses. Due to the Firm's policy instituted in response to COVID-19, all interviews were conducted via videoconference or telephone. I reminded interviewees they were subject to governing policies prohibiting retaliation for either bringing a claim or participating in this review process. I also reviewed documents provided by the City, the Complainant, and witnesses.

I made several attempts to interview LeBaron, which delayed the completion of this investigation. Despite extensive efforts to provide her with an opportunity to provide her perspective, she declined to participate.

Credibility Determinations. In reaching the findings, I carefully considered the perspectives, observations, and information from all interviewees. In resolving factual disputes, I utilized credibility factors including direct or indirect corroborating evidence, lack of corroborating evidence, motivations of parties and witnesses, plausibility of events, consistent and inconsistent evidence, material omissions, proximity in time, comparator factors, and articulated rationale for actions or decisions.

Standard of Review. I draw my conclusions in this Executive Summary from the totality of the record and a thorough analysis of all the facts. Where necessary, I made credibility determinations.

I reviewed, compared, and analyzed the information provided under a preponderance of the evidence standard to determine whether the allegations were with or without merit. "Preponderance of the evidence," for purposes of this Executive Summary, means that the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

Independence. The City and its representatives allowed me discretion to conduct this review as I determined to be necessary. The City gave me complete access to all requested witnesses and documents. No person interfered with, or attempted to influence, the findings in this Executive Summary.

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This concludes the investigation.

Respectfully Submitted,



Sarah Tobias

⁶ I was retained to use my legal skills to assist the City in developing a response to the allegations. Specifically, I used my expertise in employment law to arrive at findings based on a professional evaluation of the evidence.