

**Attorney-Client Privileged Communication**

December 6, 2019

Councilmember Drew Glover  
City of Santa Cruz  
809 Center Street, Room 10  
Santa Cruz, CA 95060

**Re: Violation of the City's Respectful Workplace Conduct Policy  
Administrative Procedure Order, Section II-#1B  
Attorney-Client Privileged Communication**

Dear Councilmember Glover:

As we discussed during our November 18, 2019 in-person meeting, the City of Santa Cruz received complaints against you by members of the Commission of the Prevention of Violence Against Women (CPVAW) regarding statements you made on November 7, 2019 at 9:53 a.m. on your Facebook page. I informed you that I had been tasked to investigate the allegations and make a determination regarding whether your conduct violated any City policy. As part of my investigation, you had until December 4, 2019 to provide me with additional information for my consideration regarding my initial findings on the violation of the City's Administrative Procedure Order, Section II-#1B Respectful Workplace Conduct policy (the "Policy").

You submitted to me via email your response to my November 18, 2019 initial findings on December 5, 2019.<sup>1</sup> In your written response, you provided your perspective about my analysis of your social media post. You stated that your statements were "not intended" to "insult" former Chair of the CPVAW Kevin Grossman and then provided additional information supporting your belief that Mr. Grossman was indeed a hypocrite. You also stated your belief that your statements were not disrespectful or retaliatory, and that your reference to Ms. Grossman's involvement in the Rose report was to further demonstrate Mr. Grossman's hypocrisy. Moreover, you asserted that I "misread portions of the post" with regards to my analysis that your statements insinuated and/or led the public to believe that the former commissioners of the CPVAW had ulterior motives when they resigned. You explained that the "many implications" language in

<sup>1</sup> You explained that you attempted to send the response on the night of December 4, 2019 but it did not go through and you noticed it in your outbox.

Councilmember Drew Glover  
December 6, 2019  
Page 2

your social media post was intended to refer to the impact on the effectiveness of the CPVAW and as an example of such impact, you cited to the cancellation of the November 2019 meeting as a result of the commissioners "premature resignations."<sup>2</sup> However, you also noted that the "premature resignations" was "immediately following an inappropriate and (in [your] opinion) unethical use of the commission for partisan goals" and referenced a blog by Mr. Grossman. Additionally, you incorrectly stated that "[n]one of the complaints lodged against me or Councilmember Krohn included claims of 'harassment and abuse' to [your] knowledge."<sup>3</sup> In addition, you provided information to support your belief that the former commissioners of the CPVAW "participated in coercive and manipulative behavior" toward new commission members. Lastly, you asserted that you did not believe pointing out or criticizing Mr. Grossman's and Ms. Kramer's actions was in any way disrespectful or retaliatory.

Based upon my review of the complaints by members of the CPVAW, your social media post (Facebook page) on November 7, 2019, our November 18, 2019 in-person meeting, your December 5, 2019 written response, and the Policy, I have determined that my previous determination that your statements unequivocally violate the Policy is warranted. Regardless of your intentions or beliefs when making the statements, I find that you engaged in conduct on social media, with a willful or conscious disregard of the feelings, rights or safety of Mr. Grossman and Ms. Kramer, in a manner perceived by a reasonable person to be derogatory, insulting, bullying, humiliating, sabotaging or undermining of their work performance, slanderous, malicious rumor-spreading or the like. I further find that your statements about Mr. Grossman were retaliatory as they were based, in part, on Mr. Grossman's involvement in the previous investigation. I do appreciate that your written comments to me dated December 5, 2019 provide a more detailed context of your observations in your Facebook post on November 7, 2019. However, none of this context was stated in the Facebook post and this contributes to my conclusion that a reasonable person would be offended by it.

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<sup>2</sup> This is not accurate as there were other reasons for the lack of quorum. One of the current commissioners had something unexpected come up and was unable to attend the meet. Another commissioner had their flight delayed and was unable to attend the meeting. Both of these commissioners notified Ralph Dimaricut (Principal Management Analyst at the City) of their absence in advance of the meeting. With a guest speaker scheduled to travel quite a distance to present at the meeting, Mr. Dimaricut decided to notify the guest speaker and the commissioners that the meeting was canceled due to a lack of a quorum.

<sup>3</sup> With respect to claims against you, for example, the allegations involved harassing and/or abusive conduct believed to have been taken by you.

Councilmember Drew Glover  
December 6, 2019  
Page 3

I am therefore proceeding with my recommendation that the Council be apprised of this development for further consideration and that you conduct yourself in a manner to adhere to the spirit and letter of the Policy.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP



TIMOTHY L. DAVIS

cc: Sally Nguyen