



**City of
Santa Clara**
The Center of What's Possible

AGENDA ITEM #:

3

AGENDA REPORT

Date: May 15, 2018

To: City Manager / Contract Administrator / Executive Director / Executive Officer
for Action

From: Executive Assistant to the Mayor & City Council

Subject: Correspondence received regarding Item #3 – Consideration of Actions in Response
to City Council Member's Conduct

From Wednesday afternoon, May 9, 2018 through Tuesday evening, May 15, 2018 at
5:00 pm, the Mayor & Council Offices have received the attached communications regarding
Item #3.

A handwritten signature in black ink, appearing to read "Lynn Garcia".

Lynn Garcia
Executive Assistant to the
Mayor & City Council

Documents Related to this Report:

- 1) *Communications received*

L:\Agenda Reports & Memos\Communications Received Memos\05/15/2018 – Consideration of Actions in Response to City Council
Member's Conduct

POST MEETING MATERIAL

05/15/18

#3

Genevieve Yip

From: JC Rowen [REDACTED]
Sent: Friday, May 11, 2018 8:38 AM
To: Mayor and Council
Subject: Agenda on Caserta

Mayor and Council

It is hard for me to ask the Council to judge a member. That is for the voters to decide. Given the reprehensible conduct shown by Debi Davis and Kathy Watanabe over the past year especially in their acts to humiliate Patricia Mahan, I wonder if it is possible to censure them.

However, the matter at hand is Mr. Caserta. It is painful to read the dozens of emails and statements from his former students. They need to be listened to as school is supposed to be a safe place. Ms. Jungkind also points to conduct towards her that sickens me. It has a mark of credibility. As far as Mr. Crueldad is concerned, I am not sure. Obviously Caserta and his consultant Teutschel showed horribly bad judgement in hiring Crueldad who is not at all competent to be a campaign manager.

But the City Council has to focus on the matter of the students involved. This is the paramount issue. Why would they lie? They have no gain to lie at this point. Caserta's conduct in the campaign is irrelevant to a great extent. I have worked with him and he is the most narcissistic person I know. But, again, this is a point that simply shows his consultant, Teustechel, and Caserta are hopeless and the voters should judge that

The Council must focus on this point. Is Santa Clara a city where young people are to be respected and treated safely. The answer is yes. The Council has a responsibility to do so. There was a Pandora's Box opened after June 2010, many ugly spirits came out. When council members send nasty emails about a colleague having cancer, it is symptom of a disease. When a racist blogger gets to meet with a council member over life issues, and that council member can't seem to order a pizza without meeting with Jude Barry, it is a disease. But those are not the matters at hand. It shows there are three council members who are incompetent, but that is not relevant to the matter at hand.

Many students are crying to be heard. That is the matter at hand, and must be dealt with. I urge the Council to hear them and issue an action that shows them their concerns matter. Thank you.

James Rowen

Sent from Yahoo Mail on Android

05/15/18

#3

Genevieve Yip

From: Dan Melinger [REDACTED]
Sent: Thursday, May 10, 2018 2:57 PM
To: Mayor and Council
Subject: Ethics? Values? In Santa Clara???

Follow Up Flag: Follow up
Flag Status: Flagged

The City's website has an Ethics & Values page - why doesn't the City Council try it???

What kind of person gets on this Council? I look at the news and I see this:

<http://www.sanjoseinside.com/2018/05/08/more-harassment-claims-surface-against-santa-clara-county-supe-candidate-dominic-caserta/>

And I look at my mail and see a brochure asking me to vote for Caserta for county supervisor (which at least would get him off the City Council), with an endorsement by another council member - Patricia Mahan.

It seems this calls for a couple of "Vote of no confidence" procedures, or at least remove the "Ethics & Values" page from your website if you have given up all pretense.

San Jose Inside (http://_/_/2018/05/08/more-harassment-claims-surface-against-santa-clara-county-supe-candidate-dominic-caserta/)

INVESTIGATIVE REPORTS

More Harassment Claims Surface Against Santa Clara County Supe Candidate Dominic Caserta

By Jennifer Wadsworth @jennwadsworth / May 8, 2018

76



A falling-out between Dominic Caserta and a former campaign staffer prompted allegations of inappropriate behavior by the Santa Clara County supervisorial candidate. (Illustration by Kara Brown)

Lydia Jungkind began working for Dominic Caserta (<http://www.sanjoseinside.com/2018/05/02/ex-campaign-staffer-accuses-santa-clara-county-supervisor-candidate-of-impropriety/>)'s campaign for Santa Clara County supervisor because he promised her a glowing reference if she helped him win.

The 19-year-old German exchange student welcomed the opportunity to work alongside the Santa Clara councilman. Caserta, 43, a veteran high school civics instructor who met Jungkind through his side job teaching political science at Footill College, offered her a paid gig as field director.

But she quickly learned to dread going to work at the campaign headquarters, which is at his house. It wasn't just Caserta's flirtatious comments about her appearance, about how sexy she looked, she says. It was also the kisses on the cheeks. The hugs.

She says he walked around with only a bath towel around his waist on several occasions. Sources say he offered her a Corona and a shot of vodka, which she refused, at a recent barbecue fundraiser for his campaign and that he repeatedly promised a cocaine-and-booze-fueled celebration if he won the race to replace District 4 Supervisor Ken Yeager.

When Caserta offered to drive Jungkind the half-mile to the bus stop in his Mercedes-Benz GLK SUV one day earlier this year, she says he placed his hand on her thigh and told her that it's hard for him to resist the urge to kiss her.

"He also told me that German cars, like German girls, are the best," Jungkind says.

7:24 PM what did he do? (I)

(L) Laid his hand on my leg while he was driving me to the bus stop 7:26 PM

7:26 PM did he do anything else? (I)

(L) Told me everyone including him would have a hard time to resist the temptation to kiss me 7:26 PM

uhhhhhh. (I)

I'm so sorry.

7:27 PM anything else.

One time, he called Jungkind into his bedroom, where she says he lay under the covers with no shirt on. Another day, Caserta called her to his young son's room where the would-be mentor allegedly told her how lovely she looked and kissed her on the cheek.

Jungkind pauses to fight back emotion while recounting that last scene.

"It's hard just thinking about this," she says, looking away to maintain her composure. "There were people in the house, but I was intimidated. I felt really small, I guess."

Having worked as an Oktoberfest waitress in her native Germany, Jungkind says she thought she had a pretty high tolerance for unwelcome advances.

But she says Caserta drove her to her breaking point.

Paper Trail

Jungkind's testimony shared exclusively with San Jose Inside follows similar allegations of misconduct leveled

Texts Jungkind sent to a Crueldad earlier this year after Caserta allegedly touched her inappropriately in his car.

against Caserta by his former campaign manager, Ian Crueldad. Their accounts also come amid revelations of past improprieties by Caserta, who has yet to respond to requests for comment but issued [a press release](https://dominiccaserta.com/2018/05/08/press-release-from-the-dominic-caserta-for-supervisor-campaign/) (<https://dominiccaserta.com/2018/05/08/press-release-from-the-dominic-caserta-for-supervisor-campaign/>) on his campaign website in which he unequivocally denies the allegations.

"They are simply false and made up," he wrote. "They were investigated thoroughly by the district and I was exonerated."

According to the school's own records, however, Caserta was not exonerated. A personnel file that the Santa Clara Unified School District seems to have inadvertently leaked to its entire staff shows that the civics teacher has battled allegations of sexual harassment since he first began working at Santa Clara High in the early 2000s, and that claims against him were sustained. Those records, in addition to accounts from more than 30 sources who spoke to San Jose Inside in the past week, indicate that he repeatedly came under fire for varying degrees of impropriety, from inappropriate touching, to sexually charged comments, angry outbursts and various policy violations.

In 2002, Santa Clara police Officer Brian Allen was twice summoned to Santa Clara High in response to allegations that Caserta sexually harassed students. On May 22 that year, a senior in Caserta's fourth-period civics class went to administrators with claims that the teacher had given her unwanted hugs, placed his hand on the small of her back and that he had previously run his fingers through her hair, made sexually suggestive comments about her outfits and mentioned having an erection in class.

The girl's mom wrote a letter to the school about how traumatized her 17-year-old was by Caserta's actions and words, including comments about her wearing "slut clothing."

"My daughter has told me that she has had nightmares about the teacher and that he was chasing her, and that it was at the school grounds," the mother wrote. "She comes home from school crying, and this is a child who loves school. It is my opinion that something must be done. This is not acceptable behavior from a teacher, especially by a male teacher who should know better."

The day after the student reported Caserta to school officials, Santa Clara High's then-Principal Brad Syth and Vice Principal Dave Grissom reviewed Caserta's class roster to find other female students to interview. Officer Allen



Dominic Caserta at a May 7 candidate forum, right after finding out that San Jose Inside obtained records from his personnel file.

arrived to help and summoned two girls to help corroborate the other student's account. When Syth, Grissom and Allen asked the two girls to describe Caserta, they called him flirtatious.

"He dresses us down with his eyes," one girl said, according to school records and a recollection of the meeting she described this week to San Jose Inside. "He makes comments to us all the time. He thinks we enjoy this, but we don't."

The district determined that there was enough evidence to sustain the claim (<http://www.sanjoseinside.com/wp-content/uploads/2018/05/Warning-Notice-Sustained-Claim.pdf>) of sexual harassment and told him to restrain himself or risk losing his job or getting sued.

"You are to refrain from personal conversation with people in the workplace about yourself or others that have any sexual connotation," SCUSD Assistant Superintendent of Human Resources Butch Pastorini told Caserta in a letter dated June 27, 2002 (<http://www.sanjoseinside.com/wp-content/uploads/2018/05/Warning-Notice-Sustained-Claim.pdf>).

"The district has significant potential liability for any negative conduct that creates a hostile work environment. The district will not tolerate it and will take necessary action

to assure that it does not continue. Your behavior and comments seriously affect your students and co-workers. You must be aware of the potential for personal liability if you were sued for sexual harassment."

Caserta—who emphatically denied the claims in written statements sent to the district—was let off with a stern warning.

Similar allegations surfaced in 2009 (<http://www.sanjoseinside.com/wp-content/uploads/2018/05/Caserta-Complaint-2009-Redacted.pdf>). On March 18 that year, a student came to Syth to complain about Caserta inappropriately hugging her after class. Syth describes her as "visibly shaken up and crying" while describing the encounter.

The student says she asked Caserta about a test during class, but got shut down when he told her to "quit whining." He then allegedly demanded that she stay after class.

"I'd rather not," she reportedly replied.

"No, I need you to stay," Caserta said while pointing at the floor beside his desk, according to the student's account.

After the students left class, Caserta asked her what was wrong.

"You're a bright girl, you're a beautiful girl," he allegedly told her.

Then, records describe him saying, "Do you need a hug? Give me a hug."

School records show that Caserta explained away the situation by saying he noticed that the student had been distraught and that he put his arm around her in a show of sympathy. But the gesture made the student "uncomfortable" enough that the school let her withdraw from his class (<http://www.sanjoseinside.com/wp-content/uploads/2018/05/Screen-Shot-2018-05-09-at-7.37.42-PM.png>) to avoid further emotional distress.

Other complaints over the years involve policy violations that speak to a lack of judgment. In 2002, records show that Caserta got in trouble for distributing the Golden State Exam for students to complete over the weekend, which disqualified all of his advanced-placement students from any recognition they might have had from taking the test. Caserta wrote a letter saying he was “deeply sorry” for the misstep.

Years later, in October of 2007, Santa Clara High investigated complaints that Caserta solicited financial help for his council campaign from students and former students. He denied the claims, and said his campaign committee must’ve sent the emails in question and may have obtained the contact information from index cards he collects at the beginning and destroys at the end of each school year asking for students’ names, parents’ names, favorite movies and email addresses.

“That begs the question as to how the campaign committee gained access to them,” then-SCUSD Superintendent Steve Stavis wrote in a warning letter to Caserta.

In a warning letter, Stavis urged Caserta to hold himself to a higher standard.

“In a very real sense, your political life exists within the figurative fishbowl,” Stavis told him in disciplinary records. “It is hoped that an otherwise commendable political career does not become tainted by any improprieties.”

#CasertaToo

Official records combined with myriad personal accounts paint a picture of a man who struggles to control his impulsivity.



Several students who took his class in high school described him giving “cute girls” special treatment, giving them extra credit and having them sit at the front of the room. He let some of them drive his car off campus without supervision to pick up smoothies or fast food. Other girls say they were subject to his insults and mean-spirited bullying, either because they rebuffed his advances or because he never found them attractive in the first place.

At least one male campaign volunteer says he quit because of Caserta’s “locker room talk.” And last week, Caserta’s former campaign manager, Ian Crueldad, came to San Jose Inside with allegations that the candidate paraded around half-naked in front of his largely young cohort of volunteers.

Crueldad’s public account emboldened Jungkind to come forward, she says. The two describe a candidate who became uncomfortably unprofessional in their presence. They shared text messages they exchanged over the past few months in which they confide in each other and with friends about alleged misbehavior.

Texts that Jungkind sent to Crueldad last week after a conversation with Caserta.

Jungkind says Caserta asked her last week to defend him to San Jose Inside. She declined. She says he then asked her what he should do about Crueldad going to the media with

the bath towel story.

“He said, ‘Should we hired a lawyer to threaten him, hire somebody to punch the shit out of him or just ignore him?,’” Jungkind says.

Despite Caserta's documented history of demeaning women, the candidate holds himself out as a champion of the [#MeToo movement](https://www.sanjoseinside.com/tag/metoo/) (<https://www.sanjoseinside.com/tag/metoo/>). But the allegations prompted his campaign consultant Laura Teutschel to resign Tuesday after Bay Area Women's March co-organizer Jennie Richardson and Michele Dauber, who leads the campaign to recall Santa Clara County Superior Court Judge Aaron Persky, withdrew their endorsements.

"These allegations are disturbing and deeply disappointing," Dauber tells San Jose Inside. "I and the rest of the Recall [Persky] leadership feel personally betrayed. Our hearts go out to the students and young women who made these allegations. ... The point of the recall campaign is to say enough is enough. We need to hold these public officials accountable for misbehavior."

Syth and Caserta's attorney, John Mlnarik, have yet to provide comment.

This article has been updated to include a statement from Caserta.

Jennifer Wadsworth is the News Editor for San Jose Inside and Metro Newspaper. Email tips to jenniferw@metronews.com (<mailto:jenniferw@metronews.com>) or follow her on Twitter at [@jennwadsworth](https://twitter.com/jennwadsworth) (<https://twitter.com/jennwadsworth>).

05/15/18

3

Genevieve Yip

From: [REDACTED]
Sent: Thursday, May 10, 2018 12:17 PM
To: Mayor and Council
Subject: Council Member Caserta

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor Gilmore and City Council Members, It is sad to see the current accusations against a teacher and City council member, but if true Caserta should Immediately resign his position at the City council, and be relieved of contact with our students as a teacher. As a Business owner and a proud sponsor of Little League teams and Pal sports Programs, it was my contribution to keep Kids from Drugs and Gangs. Over 30 years as Lombardi Shell I hired many Students to work in my employment. My contributions to the City of Santa Clara as A small business like many other Small business are what made the City Of Santa Clara Great ,and our families Lived in the City we Loved so Much. Its the little people who made this city proud not the Developers who come here for one purpose only to make PROFIT, but do not want their families living in their developments. Its our Volunteer work that proves our love for your children to help them grow to be Good citizens, and should have the trust and respect for the reward. Anyone that takes advantage of that trust does not deserve to be rewarded. We look forward to your complete investigation of the accusations, with proper decisions with the results.

Thank You,
Don Lombardi Sr.

5/15/18

#3



**City of
Santa Clara**
The Center of What's Possible

**OFFICE OF THE MAYOR
PRESS RELEASE**

FOR IMMEDIATE RELEASE

***Statement from Santa Clara Mayor Lisa M. Gillmor on
Resignation of Council Member Dominic Caserta***

Santa Clara, California - May 15, 2018: I commend City Councilman Dominic Caserta for making the right decision to resign from office today. His actions have been a terrible stain on our city.

Now, we as a City Council can begin the process of moving forward. As Mayor, I believe our council has acted quickly and responsibly. Next Tuesday, May 22, we will discuss our options for filling his now vacant seat.

As a mother with children the same age as Councilman Caserta's alleged victims, let me say to you: I feel sorry for what you may have experienced. But I also commend you for your courage. It's not easy for anyone, especially young adults and minors, to stand up to people in positions of power. But many of you stood up. Our community should applaud your bravery.

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Santa Clara Mayor and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050
(408)615-2250
mayorandcouncil@santaclaraca.gov

POST MEETING MATERIAL

5/15/18

ITEM #3



**City of
Santa Clara**
The Center of What's Possible

Mayor

Lisa M. Gillmor

Council Members

Dominic J. Caserta

Debi Davis

Patrick Kolstad

Patricia M. Mahan

Teresa O'Neill

Kathy Watanabe

Mayor, Council Members and Staff,

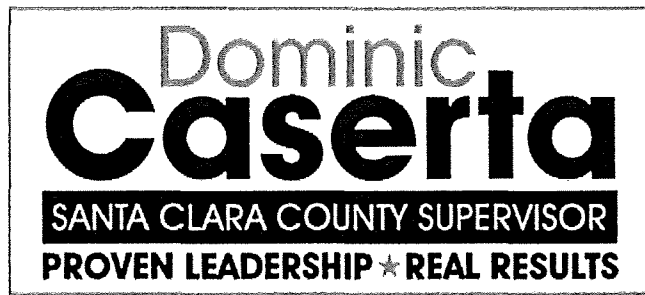
I am writing to tender my resignation from the Santa Clara City Council effective immediately.

Attached is a press release that went out this morning.

Regards,

A handwritten signature in black ink, appearing to read "DC" or similar initials.

Dominic Caserta



FOR IMMEDIATE RELEASE
May 15, 2018

<https://dominiccaserta.com/>
FPPC ID #1386709

Santa Clara, CA – It has been my honor and privilege to serve the residents of Santa Clara as your Council Member for 12 years. Together we have raised the minimum wage twice, passed the first workers retention ordinance in Santa Clara County, created a scholarship program for our youth to afford college, and, together, survived a recession and emerged stronger than anyone would have imagined. Santa Clara is bright and I am humbled to be a part of that success.

When my personnel file was illegally released by the Santa Clara Unified School District last Monday irreparable harm occurred to me and my family. Shortly after, the file was sent to the media by a District employee and a social media circus ensued with just four weeks before the primary election. Political adversaries are motivated to discredit my candidacy, bury me professionally and personally. I will not let that happen.

I have been a celebrated teacher for 20 years at a Santa Clara High School. I have had the privilege of teaching thousands of students at the high school, community college, and university levels. I am honored to have been nominated by the senior classes as Teacher of the Year multiple times, winning it the past two years at Santa Clara High School. Sadly none of that has been mentioned in the media. I would never do anything to harm the health and wellness of my family, my students, my school district or our city.

The allegations against me are false in every sense of the word, yet I have been tried and convicted in the court of public opinion without due process or recognition of my distinguished service to the school or the city. Reading the papers, online reports, and watching the news is too much for my family and me to bear. The past week has been unbelievably excruciating.

The hallmark of a successful elected official is to effectively and passionately serve his or her constituents. I can no longer do that at this time. As a result, I have decided to resign my seat on the Santa Clara City Council, something that is against every instinct in my body. In addition, as a former front runner for the Board of Supervisors, I can no longer effectively communicate the issues that I am campaigning on: solving the housing crisis, protecting our neighborhoods, and rebuilding our infrastructure. Thus, I am suspending my campaign for Supervisor and will no longer actively campaign.

I must now work to preserve my family, livelihood and health. In the next few months the allegations against me will be put to the test and my name will be cleared. Serving the residents of Santa Clara on the City Council has been a highlight of my life. Thank you all for your kindness and support. Please pray for us during this difficult time.

5/15/18

ITEM #3

SANTA CLARA CITY CHARTER

Sec. 703 Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

POST MEETING MATERIAL