

DiMatteo pleads not guilty to drug, bribing elected official charges; wife released

By Kathryn Reed

PLACERVILLE – Gino DiMatteo pleaded not guilty Sept. 4 to the drug and bribery charges levied against him, while the charges against his wife, Irene, were dropped.

He was formally charged with bribery, possession of marijuana for sale, possession of a controlled substance and possession of ammunition. The latter charge has to do with his third-degree felony possession of a handgun conviction from August 1999 in New Jersey that prohibits him from owning or possessing a firearm.

The first count says DiMatteo “did unlawfully give and offer a bribe to a member of the South Lake Tahoe City Council, with intent to corruptly influence said member in his/her action on a matter and subject pending before and which was afterward to be considered by said body of which he/she was a member.”



Gino DiMatteo -- who also goes by Sergio Franco Ottomanelli -- was booked into El Dorado County Jail in Placerville on Aug. 31.
Photo/Provided

The alleged bribery of Councilwoman Angela Swanson, according to the complaint that was released Tuesday, took place on or between June 5-13.

June 5 is the date DiMatteo was before the council to seek approval to move his medical marijuana collective, City of Angels II, from Third Street to Lake Tahoe Boulevard. The resolution before the council was to deny that request, but the council wanted to do the opposite. It was thought at the time the 4-1 vote (Councilman Bruce Grego voted no) was to allow DiMatteo to move, while in fact what was approved was to have staff craft a resolution to allow him to move.

That resolution came before the board July 3 and was then voted down 3-2, with Swanson and Mayor Claire Fortier in the minority. The preceding night the local drug task force came out with a report alleging DiMatteo was connected to illegal drug activities, though at that time no charges had been brought against him. This led the majority of the council to

deny his move, which in effect put him out of the medical marijuana business.

Swanson has consistently been in support of medical marijuana collectives, so her votes on these two occasions are not inconsistent with prior votes.

Although Swanson is the councilmember named in the bribery, she has not been charged with any crime. No one from the El Dorado County District Attorney's Office, the lead agency on the case, is disclosing if they intend to press charges against Swanson or if she may be a victim in all of this.

Swanson has told *Lake Tahoe News* she has done nothing wrong and is cooperating fully with the DA's office.

However, to complicate matters, James Clinchard, the deputy district attorney prosecuting the DiMatteo case, wrote a letter dated Aug. 12, 2012, to DiMatteo that essentially granted him immunity in the bribery case.

That letter in part says, "The El Dorado County District Attorney's Office, pursuant to Penal Code 1324, agrees that any future statements or testimony given pursuant to this agreement, and any evidence discovered based solely upon those statements and/or testimony, related solely to the bribery of Angela Swanson in or about June and July 2012, shall not be admissible in any subsequent prosecution of said Gino DiMatteo."

Nineteen days after that letter was signed DiMatteo was arrested on bribery charges. It is not known why a deal was cut with DiMatteo and then apparently rescinded. Nor is it known if Swanson was unknowingly being used to get to DiMatteo and that is why she has not been charged.

Lake Tahoe News read the entire letter to Swanson on Sept. 4. She said this was the first time she knew about the letter and had no immediate comment.

Clinchard was in court in Placerville on Sept. 4 representing the state. After the hearing he had no comment for *Lake Tahoe News*.

Dressed in the standard issue orange jumpsuit and hands cuffed with a chain around his waist, DiMatteo let public defender David Cramer do the talking. Cramer asked El Dorado County Superior Court Judge Robert Baysinger to overrule Judge Suzanne Kingsbury's order from last week that would keep DiMatteo in jail based on suspicion the money he would use to bail himself out would have been obtained illegally.

Clinchard told the judge he wanted a bail study because he does not believe DiMatteo qualifies for a public defender based on the amount of income he has claimed from his pot club.

Cramer voiced his objections to that decision.

A bail hearing is set for Sept. 7 at 1pm.

Ted Long, a South Lake Tahoe attorney and former councilman, said he represented Irene DiMatteo and was able to get the charges against her dropped. He said he plans to file a claim of false arrest and false imprisonment.

Long believes Gino DiMatteo is being set up. He also does not believe Swanson took a bribe.

"I think there is a lot of pettiness going on," Long said.

Long was at Push Fitness, the athletic club DiMatteo bought after giving up the medical marijuana business, when DiMatteo was arrested Aug. 31. Long said he has been a business consultant to DiMatteo and helped facilitate the purchase of the health club.

"I was physically restrained from talking to my client. They threatened me with arrest," Long told *Lake Tahoe News*. Long said how friends in the DA's office are treating him makes him

“suspicious” about the charges against DiMatteo.