

# Opinion: The coverup and the excuses in EDC

By Larry Weitzman

The current conspiracy to eliminate senior legal has become a tag team wrestling match. First in the ring was Don Ashton who said, "I needed to find another \$250,000 to cut to make the \$280 million General Fund budget work."

Ashton was cutting another one-tenth of 1 percent (a one-one thousandth) of the budget by doing that. That would be like buying a TV and saying I can't pay \$1,000 for it, but if you reduce the price to \$999, we can make a deal. This issue isn't about saving an extra dollar on that thousand-dollar TV, it's about politics and it's going to severely hurt our senior population. It is effectively a war on El Dorado County seniors.



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The new Goliath jumping in the ring against seniors is the director of Health and Human Services Agency, Patricia Charles-Heathers (PCH) who has filed a propaganda memo, sort of an imitation of the new county \$150,000 spin doctor, Carla Hass. Dated June 8 and addressed to the board members is an attempt to reinforce the CAO's proposed budget of terminating senior legal. By using the principle of Lord Kelvin who once said, "That when you can measure what you are speaking about, and express it in numbers, you know something about it; but

when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meagre and unsatisfactory kind." You can see the obvious smoke screen.

PCH's knowledge is meager on this subject she attempts to enlighten us on because she fails to use numbers and provide us with the data necessary to make a more educated judgement. One can only conclude that this was done to mislead or at best not to fully inform the appropriate parties (the board) who have the power to make such a decision.

Here's the deal. PCH says in support of her position that we have "only" the third highest percentage of seniors over 60 years old, but have the lowest percentage of seniors of individuals over 60 classified as "low Income." Don't you love the word percentage and low income. What does that tell you? Absolutely nothing.

What is the definition of low income and by whose definition? My understanding it is about \$12,000 for one person and \$16,000 for two which are defined as the federal poverty level. But what we don't know is the average income, the median income or the spread of senior income across the income spectrum. Not many people can live of \$12,000 a year. But not many can live on \$18,000, \$20,000 or \$25,000 and we don't know that even more important information. It is critical information that is not before the board. Anyone who thinks you can afford a lawyer making \$20,000 a year is sadly mistaken (unless it is on a contingency) and it looks like PCH is one of those sadly mistaken people using her position to destroy seniors. For PCH, talk is cheap, but it is obvious she has never talked to a lawyer.

Other information left out is the growth rate of our senior population. According to the Commission on Aging, on a per county basis is one of the fastest growing in California (faster than the two counties, Nevada and Amador, that are one and two above as to the percentage of seniors) and will

continue to do so with our county's limited growth of new housing. See Mark Twain adage: "Figures don't lie, but liars figure."

PCH also makes the claim that HHSa cannot supervise lawyers with non-attorneys. What a crock. She cites what appears to be a bankruptcy ruling saying: "The court made it very clear that the attorneys in the case were taking direction from a non-lawyer, and indicated that a third person cannot control the attorney's professional judgement." PCH demonstrates why she is not a lawyer. The court didn't say you can't supervise non-lawyers; sure you can. You can set their hours and limit their cases. What the court said is you can't intercede with their legal judgment. As to attorney-client there is an absolute privilege of secrecy. PCH isn't the client, the senior is. What? PCH wants to know the contents of a will or trust? It's not her business to judge the professional work of senior legal and she has no ability to do so as she admits she is not a lawyer.

This supervision red herring has nothing to do with senior legal any more than the supervision of county counsel, the DA and the PD by other staff or members of the board as claimed in her letter. By her thinking, no government agency can employ a lawyer because they can't be supervised. Corporations run by non-lawyer CEOs employ on a salaried basis staffs of in house lawyers supervised by non-lawyers. As to telling lawyers what to think legally, that would be like having a fool of a client. Lawyers are independent professionals. Of course, any lay person can supervise lawyers, keep your office clean, you have to be here 8am to 5pm, dress appropriately and so on. You can't tell them, what legal advice to give. HHSa can supervise senior legal in matters other than how they should advise a client. Otherwise hire lay people to advise senior legal clients. Even better, let's see what the State Bar would think of PCH telling lawyers what legal advice to give.

As to the "case" cited by PCH, I am sure it related to a non-

lawyer who was probably disbarred who hired licensed attorneys and told them how to run their cases. It has nothing to do with the situation with senior legal. PCH citing such a case is known as a "red herring" a term used by lawyers as to issues that do not exist just as that bankruptcy ruling has nothing to do with senior legal.

Now to the real issue. The county pays out in salary and benefits to about 1,861 employees \$170 million and to the top 100 earning employees over \$20 million. A 1 percent cut in salary of the top 100 would pay for senior legal. Better yet, eliminate one low performing administrator. I am sure there is more than one.

There are no other layoffs being made in the entire county other than senior legal, not one. Even the propaganda specialist, Carla Hass gets to keep her \$150,000 job. The county may tell you that there are three people who are losing their jobs. Not true. Two of those three are retiring and the other person has been promised a similar job elsewhere in the county.

I am learning that this whole mess has a nexus with the PACE program which is conning and ripping off seniors into buying overpriced and unnecessary solar systems. PACE was a poorly instituted program by former CAO Larry Combs, who only cared about his paycheck and power. One senior I know of was sold a bill of goods and may lose her home because of PACE as she cannot afford the substantially higher property taxes while saving next to nothing from the solar. I believe this is retaliation against a senior legal attorney whose attorney relative filed a lawsuit to protect the aforementioned senior.

Stop the presses, news flash, last week the budget agenda was posted and modified on item 35 in an attempt to placate seniors. It says that senior legal will remain for seven to eight more months, funded by \$160,000 in remaining donations, a federal grant of about \$53,000 and anticipated future

donations of \$46,000. This is a ruse. The fact is senior legal will still be removed from the budget and once the funds are gone it's over. To add it later to the budget will take a four-fifths vote, which is highly unlikely. I have a better idea, fund senior legal for \$250,000 and if a better program is created, then it can be removed from the General Fund budget.

Something else. Why weren't we told the county was holding \$160,000 in collected donations for senior legal? The pressure must be maintained. Without the budgeted \$250,000 program, senior legal will become a memory, but the suffering of seniors will become ever more apparent. This must be stopped. If they need to cut effectively \$1 out of a thousand, look at county administration and the huge salaries paid and the failure to get rid of deadwood because of bad management and leadership.

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