

Opinion: Questioning EDC attorney's logic

By Larry Weitzman

Governments waste money and lots of it. The government employees who spend it many times don't care, it's not their money (it's other people's money, or OPM). And making matters worse most government employees are almost totally insulated and immune from any outside action for what the government employee does. And they are non-elected. The Board of Supervisors are supposed to be our oversight. Good luck with that.



Larry Weitzman

What I am about to describe is perhaps a microcosm of a wasteful government action, the kind that goes completely unnoticed, but in this case, it did get noticed. The amount wasted was just \$23,000, not even a drop in the bucket when compared to El Dorado County's over quarter of a billion-dollar General Fund budget. Not even pocket change, but it could have fixed a lot of potholes, a whole neighborhood's worth.

Here's what happened. We have heard a lot about Senior Legal who sees on average 2,000 over 60-year-old clients a year. To qualify for Senior Legal, a person has to be 60 years of age. Senior Legal attorneys make that crystal clear to anyone seeking their services, if you are not 60 years old you cannot

be a client. Pretty simple rules and this column is not about that particular rule, but that's the rule.

A family dispute arose for a gentleman who was about 80 years of age and he sought the help of Senior Legal attorneys. The Senior Legal attorney represented only the gentleman and not his daughter who was under the age of 60 who attended the meeting with her father. Senior Legal helped negotiate a settlement for this gentleman that involved the younger under 60-year-old daughter, papers were signed and the matter resolved. A third-party attorney eventually finished the deal and prepared the papers which were signed.

After the resolution, the daughter evidently had second thoughts and complained that the Senior Legal attorney had a conflict of interest with her (claiming to represent both her and her father) even though it was made clear that no such relationship between her and the Senior Legal attorney did exist as she by Senior Legal rules could not be represented by senior legal. In fact, the resolution wasn't performed by the Senior Legal attorney but a third-party attorney who also negotiated for the elderly gentleman.

Even though Senior Legal ended up having nothing to do with the final resolution, neither representing the ineligible daughter or the elderly gentleman, the daughter filed a conflict of interest complaint against the Senior Legal attorney. Because the Senior Legal attorney didn't and couldn't represent her, there could be no conflict of interest. Perhaps a letter should have been sent to the woman/daughter stating why and how there could be no conflict of interest. But that didn't stop someone in the County Counsel's office from hiring expensive, high priced San Francisco lawyers. There were two of them who came to the county who had a meeting with the particular Senior Legal attorney, a meeting that lasted about an hour. Travel time to and from EDC must have been six additional hours and what was done beyond the meeting related to this non-issue is unknown,

but this is a pretty simple matter that should have been handled in-house. Was there something else going on by hiring these attorneys? Maybe someone in the county was trying to feather their nest for future employment. By the way, nothing came of the "investigation."

The bill for this "non-issue" totaled \$23,000. And word has it that county counsel wants to bill it to Senior Legal, which will further hurt seniors. This is an excellent example of how government works. Should this have happened? Absolutely not. But there is something else.

Who is ultimately responsible for authorizing this \$23,000 boondoggle? That's right, county counsel, who by the way was running Human Resources at the time via a deputy county counsel. We have a single person who heads county counsel and that is where the buck stops, all \$23,000 of them. At least that's what Harry S Truman would have said.

Earlier in the week when I wrote this piece, EDC had a "good governance" meeting involving most every high-priced county official putting on a feel-good, dog and pony show on how EDC is going to reform (yeah, sure) and have good governance. But this kind of thing will continue to go on. What we need is an investigation of county counsel. The only way to stop this is a new county counsel. Additionally, our own CAO, Don Ashton, had nothing to do with this but perhaps expenditures like this should be within his purview. Here is an example of a check and balance that would lead to better governance. What is else is needed for good governance is absolute honesty, complete transparency and pristine ethics.

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