



**TONY RACKAUCKAS**  
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August 31, 2012

The Honorable Thomas J. Borris  
Presiding Judge  
Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, California 92701

RE: Response to Orange County Grand Jury Report

Dear Judge Borris:

Please find enclosed the Office of the District Attorney's response to Recommendation R2 of the 2011-2012 Orange County Grand Jury Report, **"CITY OF SANTA ANA SPECIAL ASSESSMENT DISTRICT."**

Sincerely,

Tony Rackauckas  
District Attorney

TR:vlb  
Enclosure

2011-2012 Orange County Grand Jury Report:  
"CITY OF SANTA ANA SPECIAL ASSESSMENT DISTRICT"

**Response to Recommendation R2**

The Santa Ana City Attorney and the Orange County District Attorney should investigate the alleged violations of election laws and procedures.

**Response:** The Orange County District Attorney's Office disagrees wholly with the recommendation, but takes no position with respect to the underlying conduct alleged that gave rise to the Grand Jury recommendation.

The Grand Jury foreperson contacted the Assistant District Attorney in the Major Fraud Unit in early January 2012 to discuss concerns about the above matter, which was a matter that was the subject of their oversight function. The Assistant District Attorney met with the foreperson and other members of the Grand Jury on 1/6/12 to discuss the matter and reviewed materials that were and remained in the custody of the Grand Jury. The Assistant District Attorney provided a written letter to the foreperson on 1/10/12 indicating that the Orange County District Attorney had a conflict of interest based on a witness in the above matter being a District Attorney employee. OCDA indicated the matter could not be investigated by OCDA and recommended the matter be referred to the California Attorney General's Office for review. In telephonic contact afterward with the Grand Jury foreman to clarify, the Grand Jury foreperson indicated the Grand Jury would themselves take care of making a referral to the Attorney General's Office and would provide any necessary information. Orange County District Attorney's Office has confirmed that this referral did not occur but does not have, nor ever had the materials in their possession or control.

The Orange County District Attorney continues to have a conflict that would not permit OCDA to investigate the violations alleged above but takes no position relating to the merits of the allegations noted in this oversight report.