

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

November 11, 2022

Position Statement

Regarding the Refusal by the San Mateo City Council to Investigate Unethical Behavior

During the regular City of San Mateo City Council meeting on November 7, 2022, the City Council, by a split vote (3-2) decided not to add to the agenda for the next regular session a discussion and vote about initiating an investigation into alleged unethical and potentially illegal conduct of Planning Commissioner Adam Nugent.

Nugent has been accused of unlawfully removing Rob Newsom for San Mateo City Council campaign signs. There are videos and photos being circulated showing the alleged incident and showing a “person of interest” who was identified by many as Adam Nugent. Nugent has admitted to committing the act in a letter he submitted to the City Council, City Manager, City Clerk, City Attorney, and radio station KCBS. In his admission, he stated numerous justifications for his action and a denial that his actions constituted a violation of any criminal statute.

The incident was reported to the San Mateo Police Department, which has interviewed and taken statements from both Nugent and Newsom.

These are facts and are in the public record.

In the hours leading up to the council meeting, Council Member Amourance Lee sent the following email responding to some of the residents of San Mateo who had written to her, as a City Council Member, about the sign theft and requesting Nugent’s removal from the Planning Commission.

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

Email from Amourence Lee:

Thank you for writing in. I agree that integrity is paramount and there should be zero tolerance for election interference that undermines fair democratic processes. Misinformation campaigns are also a cancer to our democracy and I appreciate you writing in directly to voice your concern.

I'd like to address the allegations about Commissioner Adam Nugent by clarifying the facts of this incident:

Mr. Nugent moved a campaign sign that was illegally placed in the public right of way. There was no theft or political motivation; Mr. Nugent has not endorsed or donated to any candidate in that district race. Mr. Nugent emailed the council, City Attorney and City Clerk underscoring his intention was to spare the candidate any penalties or fees for the illegally placed sign. He has since apologized for any misunderstanding. A police report was filed and the investigation concluded. No further legal action is being pursued as there were no laws broken or malicious intent.

Please find Mr. Nugent's email below:

In response to the accusation of illegal interference or unethical campaigning practices, I unequivocally deny any wrongdoing.

As the president of my neighborhood's association, which regularly hosts large street clean-up events, I routinely pick up trash on our streets as I walk or ride around town. It is a good neighborly practice.

I am also a licensed landscape architect and am familiar with rules governing classified landscape freeways, which includes Highway 92. I removed two of Robert Newsom's signs that were in the right-of-way of Highway 92 as I rode to buy a Halloween costume with my son. Caltrans has requirements to remove those signs and will bill the responsible party for the removal.

I like Robert Newsom. We went to the San Mateo City Services academy together in 2019, and I found him to be a thoughtful and nice man. I do not wish for any charges to come to his campaign nor did I want to make a big deal of it. I am not a member of any D3 City Council campaigns, including the opponents of Robert Newsom.

The posts referenced and the person posting them have been removed from the platform by Nextdoor. They contained photos of my 3-year-old son and identifying information. I am not active on the platform, but I am hoping this statement ends the speculation of wrong doing.

For full transparency, I have cc'd the San Mateo City Council, the City Manager, the City Clerk, and the City Attorney.

Best,
Adam Nugent

Amourence Lee
City Council Member, City of San Mateo
T: (650) 522-7522 x 6262
M: (650) 477-8271
[Book Online Council Office Hours](#)
<https://linktr.ee/amourencelee>

In her official email response as Member of the San Mateo City Council, Lee is stating, as facts, some untruths. The untruths are identified and refuted below.

- 1) *Illegal Sign placement.* A careful read of the Caltrans regulation, provided below, prohibits political signs within 660 feet of the listed landscaped portions of listed freeways AND that are visible from the freeway right-of-way. It is clear that the signs would not have been reasonably visible from the right-of-way because they are below

Copyright 2022/2023 Ethics San Mateo, a California Nonprofit Public Benefit Corporation
www.EthicsSanMateo.com

Statements of Position and Ethics Watches are the opinions of Ethics San Mateo
Any person accused of a crime is presumed to be innocent until found guilty by a court of law

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

the freeway on Palm Avenue. The signs were not illegally placed.

In any event, the law does not provide that Nugent had any authority to remove a sign at his own independent discretion. This lack of authority overrides any “justification” provided in the admission by Nugent.

Business and Professions Code Section 504.3:

BUSINESS AND PROFESSIONS CODE – BPC
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 – 9998.11]
(Heading of Division 3 added by Stats. 1939, Ch. 30.)

CHAPTER 2. Advertisers [5200 – 5486]
(Chapter 2 repealed and added by Stats. 1970, Ch. 991.)

ARTICLE 7. Regulations [5400 – 5419]
(Article 7 added by Stats. 1970, Ch. 991.)

5405.3.

Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

- 2) *Adam Nugent did not Campaign for Newsom Opponent Sarah Fields.* Mr. Nugent appears in the campaign photo at a Fields campaign event, holding a Sarah Fields campaign sign. Lee has asserted in her statements during the council meeting, that his appearance in the photo holding up a campaign sign is not evidence of his support or endorsement of the candidate.

The elements of PC 484 (Petty Theft) do not include a requirement for such an endorsement, support, or donation to a political campaign to be present for the crime to have been committed. There is no provision for any of the excuses as a defense. The Supreme Court has issued decisions protecting the placement of political signs. Therefore, this “excuse” is moot. However, a screenshot of a webpage clearly indicating his public endorsement is shown below, along with a published picture of Nugent.

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

Nugent at a Sarah Fields Campaign Event:



- 3) *Admission Letter Exonerates Nugent.* Lee states that the letter Nugent wrote, and included in her email, exonerates him from any crime. The admission letter Nugent sent to KCBS Radio and copied to the City Council, the City Manager, the City Clerk, and the City Attorney was included in her email to selected constituents. The Nugent letter contains his denial that he had committed any crime, but he admits he did remove the signs. This letter offers only a public admission of guilt and his excuses as to why he committed the crime. It does not clear him of any wrongdoing.

On November 10th, 2022, another letter from Nugent appeared, in the form of a published Letter to the Editor of the San Mateo Daily Journal. This letter, an image of which is included below, is once again a denial of any wrongdoing. This time he states he “relocated” the signs to a “nearby legal spot.” He states that the images were “photoshopped”, despite his admission that it was indeed himself captured in the video and photo images. This is at least the second attempt to justify his actions with different stories. Apparently, the police investigation didn’t find any of his excuses to be credible because the case is still open for filing with the District Attorney for prosecution.

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

Letter to the Editor, San Mateo Daily Journal, November 10th, 2022:

Ugly defamation campaign

Editor,

I live by my ethical code and lifetime of service. I am a former Army captain, a dedicated community volunteer and planning commissioner. As the president of my neighborhood's association, I routinely pick up trash and fix things I find out of place.

While riding my bike to the store, I noticed two Newsom signs on a fence and post in the State Route 92 right-of-way. No other signs were nearby. Without any political motivation, simply wishing to clean up a landscaped space that I believed was off-limits to signs, I relocated them to a nearby legal spot. I did not want charges to come to his campaign. There was no sign theft and I unequiv-

ocally deny any wrongdoing.

This incident has been outrageously politicized, despite the fact that I chose not to take sides in the D3 election. It is public record that I have not donated to or endorsed any District 3 candidates. I have also not volunteered my time to those campaigns. I attended one early event and decided not to get involved in the race because I know both Newsom and Fields.

I have done everything to resolve this simple misunderstanding amicably, including sending Mr. Newsom an apology. Attacks against my character were a twisted attempt to oust me from the commission — including photoshopped images, accusations of child endangerment and threats of criminal prosecution. I want to thank the City Council for seeing the hypocrisy of an ugly defamation campaign and focusing on important city business.

Adam Nugent
San Mateo

- 4) *No Crime Committed*. Lee states, unequivocally, that as no crime was committed and the police investigation and case is closed, that “no further legal action is being pursued”. That statement is simply not true. The San Mateo Chief of Police testified to the contrary when questioned during the City Council meeting. The Chief confirmed, under direct questioning by Deputy Mayor Diane Papan during the meeting, that the police report of the Newsom campaign sign theft has been completed, but Newsom has not, as of late evening on November 7th, “pressed charges” and therefore the report has not yet been forwarded to the San Mateo County District Attorney’s Office for prosecution. The Police Chief further stated that Newsom could still press charges and the report would be filed with the DA.

This was not an “off-the-cuff” comment to someone – this was an official statement

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

made to the City Council and a part of the public record of the meeting. Lee's obligations as a city official should have guided her to inquire about the status before making an official declaration that there was no crime and therefore no prosecution would be forthcoming. Lee's declaration was patently false.

Prior to the meeting on November 7th, Ethics San Mateo submitted a statement, including a request for the City Council to investigate the sign stealing allegation, as well as other alleged breaches of ethical standards. It was entered into the public record. Many citizens submitted similar written comments to the City Council. As the allowed time for public comments on non-agenda items was limited to two minutes, Ethics San Mateo presented a summary of the statement. Several residents spoke, in person and remotely, about the sign theft. The number of speakers requesting action by the City Council to, at the very least, investigate the sign theft incident greatly outnumbered those who spoke on the behalf of Nugent. The speakers on behalf of Nugent merely re-stated Nugent's inaccurate talking points.

After Agenda Item #16 was completed, at almost 11 pm, the council took up the matter of whether to place it on the agenda for the next regular City Council meeting for discussion and vote regarding initiating an investigation into the sign theft. The discussion between members of the council, as well as the City Attorney, are public record. Furthermore, the video recording can be viewed through the access provided via the City's official website. The discussion was contentious, and we encourage residents of San Mateo to view the video to observe for themselves the conduct of those elected to serve us and make their own judgment as to their behavior.

Although it was not a surprise to the members of Ethics San Mateo that the council majority would not back an investigation into Nugent's behavior, it was still shocking to hear three of our elected officials refuse to even place on the agenda a discussion to decide if the accusation, which Ethics San Mateo believes is a serious breach of ethics by a city official bestowed with the public trust, should be investigated.

Because of their statements supporting actions that are required by even the most minimal of ethical standards, Deputy Mayor Papan and Council Member Rodriguez are highly commended by Ethics San Mateo.

Conversely, the statements and actions of Mayor Bonilla, Council Member Goethals, and Council Member Lee, refusing to even consider discussing the incident as an agenda item, are condemned at the highest level.

ETHICS SAN MATEO

DEDICATED TO TRUTH, TRANSPARENCY AND ETHICAL CONDUCT IN CITY GOVERNMENT

This outrageous lack of action, which Ethics San Mateo identifies as undermining the public trust in our city's governing body, brings to light the need for the establishment of an Independent Ethics Commission, with the powers required to ensure the residents of San Mateo are served by our city officials in a lawful and ethical manner.

We also join with many individual residents of our city, that the City Council reconsider their untenable majority position on the matter and call for an investigation as demanded by the Council's constituents.

If our city leaders continue this course that is destructive to our democracy, Ethics San Mateo will strongly consider beginning the process of taking this failure to govern ethically to the San Mateo County Grand Jury.

As Deputy Mayor Papan commented:

"This is not going away."