



May 12, 2020

*Via Electronic Mail*

City Council of Adelanto  
Adelanto Mayor Gabriel Reyes  
Adelanto Mayor Pro-Tem Gerardo Hernandez  
Adelanto City Councilmember Steevonna Evans  
Adelanto City Councilmember Ed Camargo  
Adelanto City Councilmember Joy Jeanette

City of Adelanto City Hall  
11600 Air Expressway  
Adelanto, CA 92301

**Re: Recusal of Councilmember Ed Camargo during the May 13, 2020 hearing on the appeal of CUP 96-11**

Dear members of the Adelanto City Council:

We write to respectfully urge Councilmember Ed Camargo to recuse himself during the May 13, 2020 public hearing on the appeal of Conditional Use Permit (“CUP”) 96-11 due to his conflict of interest concerning GEO Group Inc. (“GEO”). As a matter of common-sense ethics and as a matter of law, we believe that Mr. Camargo’s relationship with GEO gives rise to a conflict of interest and creates an appearance of unfairness.

We believe that Mr. Camargo has a conflict of interest that prevents him from being an unbiased adjudicator during the May 13, 2020 vote. Specifically, Mr. Camargo’s longtime partner, Ms. Regina Duran, works for GEO; because Mr. Camargo and Ms. Duran live together and share assets, Mr. Camargo benefits directly from Ms. Duran’s GEO employment. Mr. Camargo recognized this conflict and so recused from the initial meeting calendared to discuss the appeal of GEO’s approved modification of CUP 96-11, where the Council lacked a quorum. We urge Mr. Camargo to adopt the same prudent course of action at the forthcoming May 13 meeting.

California common law regarding conflict of interest is premised on the basic presumption that “a public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal and diligence and primarily for the benefit of the public.”<sup>1</sup> Public officers like Mr.

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<sup>1</sup> *Noble v. City of Palo Alto* 89 Cal. App. 47, 51 (1928).

Camargo are in positions of public trust, and so their decisions should not be swayed by their own personal or pecuniary interest.<sup>2</sup> Notably, California law protects against even the *appearance* of impropriety. For example, an Attorney General opinion from 2009 found a common-law conflict of interest existed when the adult child of a board member applied for a loan for his corporation to the board where his parent sat. The Attorney General concluded that the parent should recuse, even though the adult child was not dependent on the parent (though they did live together).<sup>3</sup> The opinion noted: “it is difficult to imagine that the agency member has no private or personal interest in whether her son’s business transactions are successful or not.”<sup>4</sup> It further held that, at a minimum, an appearance of impropriety or conflict would arise if the board member voted on an agreement that would benefit her adult child. Mr. Camargo’s situation is analogous: though he and Ms. Duran are not married, they live together and are sufficiently financially entwined that, at a very minimum, it would raise an appearance of impropriety were he to vote on her employer’s permit.

Further, constitutional due process requires that the public has the right to a fair and unbiased process, and the presence of a biased decisionmaker is unconstitutional.<sup>5</sup> There are numerous forms of bias that can affect adjudication, but financial interest has been held to directly contravene impartiality.<sup>6</sup> The issue is not whether Mr. Camargo has in fact been influenced, but rather “whether the adjudicator’s financial interest would offer a *possible* temptation to the average person” to not be impartial.<sup>7</sup> California statute and regulations reinforce this by preventing any individual from participating in a government decision where there *may* be a financial interest in the decision.<sup>8</sup> A partner’s current and past employment with GEO where the council member lives with the partner employed by GEO and has mutual financial assets, would indicate a financial interest in the May 13 vote, and therefore preclude the councilmember from participating in the vote.

The public also deserves greater transparency about Mr. Camargo’s exact financial interest in GEO. However, insufficient information is currently available to determine the scope of any additional financial ties to GEO. Every public official is required to submit a Statement of Economic Interest (Form 700) that provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the “best interest of the public and not enhancing their personal finances,” and allows the public to be aware of “potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.”<sup>9</sup> Mr. Camargo’s 2018 Form 700, the last publicly available Form 700, is deficient in numerous respects as it is incomplete. It lacks

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<sup>2</sup> *See id.*

<sup>3</sup> 92 Ops .Cal. Atty. Gen. 19 (2009).

<sup>4</sup> *Id.* at 24.

<sup>5</sup> *See Haas v. County of San Bernardino*, 27 Cal. 4th 1017, 1024-1025 (2002) (“due process requires fair adjudicators in courts and administrative tribunals alike”); *see also Cohan v. City of Thousand Oaks*, 30 Cal. App. 4th 547, 559 (1994) (“The right to a fair procedure includes the right to impartial adjudicators”).

<sup>6</sup> *See Tumey v. Ohio*, 273 U.S. 510, 523 (1927).

<sup>7</sup> *Id.* at 32; *see also Ward v. Village of Monroeville*, U.S. 57, 59-60 (1972).

<sup>8</sup> Cal. Gov. Code § 81001(b) (“Public officials . . . should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them”).

<sup>9</sup> *Ca. Fair Political Practices Comm.*, “Form 700,” <http://www.fppc.ca.gov/Form700.html> (last visited, April 22, 2020).

information about any of his investments, real property, income, loans, business positions, or gifts. The community deserves to have a full and complete Form 700 to accurately assess conflicts in this and other decisions which impact the Adelanto community.

Thank you for your consideration of this issue. We look forward to working with the city to ensure that it provides the public a fair and impartial decision-making process on this critical vote which deeply impacts Adelanto residents. For the reasons outlined above, we urge Councilmember Camargo to recuse himself during the May 13, 2020 vote concerning GEO. Please do not hesitate to contact the ILRC ([gruiz@ilrc.org](mailto:gruiz@ilrc.org)) or ACLU ([EBitran@aclusocal.org](mailto:EBitran@aclusocal.org)) with any questions.

Sincerely,

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