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The San Bernardino County Sentinel

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 Mike Ramos, District Attorney

 San Bernardino County

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District Attorney Ramos,

I am writing early this morning because I have been unable to reach Christopher Lee, your official spokesman, the last several days. I know that you prefer to deal with the press through him and I have attempted to respect that, but owing to the *Sentinel’*s approaching deadline, I thought I should make this effort to reach you before we go to press so that you have the opportunity to comment on a matter that impacts you personally.

We here at the *Sentinel* are working on an article and it is my hope to obtain information and comment from you to give our readership a fuller perspective of the involved events and their implication.

The article in progress concerns you, Mr. Earl Carter, the political and professional relationship between you two, a somewhat sordid matter from Mr. Carter’s past which resulted in his arrest and conviction, Mr. Carter’s failure to report that conviction to the California Bar, the long ongoing status of Mr. Carter’s law firm as the holder of the county contract for criminal defense conflict representation, the substantial political contributions Mr. Carter, his firm and his associates have made to your campaign fund and the timing thereof and the letter of recommendation you provided for Mr. Carter and his firm during the recent competition for the county’s criminal defense conflict representation.

Mr. Carter was arrested in December 1985 and convicted of a violation of PC 647(a) in February 1986 in Riverside Superior Court (Case No. 165599). He had at that time been a member of the California Bar for ten years. He failed to inform the California Bar of his conviction as was required under the Business and Professions Code. That failure has gone unremarked and unaddressed by the California Bar.

Mr. Carter has had a successful career as an attorney. He along with his firm and his partners have made substantial contributions to your political campaign fund over the years, a total of at least $124,100 to date since 2004.

His firm has made over $20 million on conflict defense contracts in San Bernardino County in the same time frame. During the most recent competition for those contracts, you provided a letter of recommendation to the panel judging the law firms competing for that contract. You did this despite your office having access to at least two data bases containing the information relating to Mr. Carter’s conviction – the FBI and U.S. Justice Department’s National Crime Information Center and the California Justice Department’s Justice Data Interface Controller. You also would have had access to this information through agency to agency privilege with the Riverside Police Department and the Riverside County District Attorney’s Office. Moreover, in making your recommendation, protocol would have demanded that you satisfy yourself as to Mr. Carter’s license to practice law and through due diligence would have, should have, or did learn that he was remiss in not informing the California Bar about his conviction. Despite all this, you made your recommendation of Mr. Carter to the competition panel, furthering the likelihood that he would obtain the contract.

Representatives of the county executive officer and his staff inform me that it and the panel were ignorant of Mr. Carter’s conviction.

When the board of supervisors delayed, on February 11, making its anticipated awarding of the contract to Mr. Carter’s firm, he followed this up two days later with a $4,100 donation, the maximum allowable, to your campaign.

In recent days and weeks, documents relating to Mr. Carter’s arrest have been making the rounds in San Bernardino County.

What is being suggested is that all of this represents a classic case of extortion and kickbacks, that you withheld the information you have about Mr. Carter’s conviction from those parties who were evaluating his fitness to hold the lucrative conflict representation contract, and that Mr. Carter has provided you with campaign donations to continue to buy his silence. In this way, it is alleged, you are extorting Mr. Carter by holding back this information that would be damaging to him, and Mr. Carter is kicking back to you in the form of political donations.

My purpose for writing you is to get you to comment for attribution and publication on these accusations. My further purpose is to see if you can provide any information that would, presumably, refute these accusations.

What is your response to these accusations?

While I have personally verified the details of the matter related herein through the examination of documents and interviews with the California Bar and county representatives, are there any facts that I have wrong or have mischaracterized or perhaps overlooked? Can you specify these, if there are such?

Do you regret in any way having written the recommendation for Mr. Carter? Some have suggested that it is improper for you to have sought to influence the county’s selection process for a party that is to serve as your and your office’s professional adversary before the courts. How do you respond to that?

Upon reflection, do you believe it wise to have accepted political contributions from Mr. Carter and his firm, given his role and the role of his firm as one of the district attorney’s office’s major professional adversaries?

Why did you withhold from the evaluation committee the information about Mr. Carter’s conviction? Why did you withhold from the evaluation committee the information about Mr. Carter’s failure to report his conviction to the state bar?

If you can, would you explain why withholding that information should not be considered to be extortion?

Given the surrounding circumstances, why is it not reasonable to interpret Mr. Carter’s donations to your campaign fund as kickbacks?

The timing of Mr. Carter’s February 13 donation to your campaign fund has been characterized as highly questionable and suspicious. Can you give a cogent response to those who have suggested that Mr. Carter was seeking to ensure that you remained silent about his conviction and his failure to report it at that crucial time when the awarding of the contract hung in the balance?

Is there any more about this circumstance that you believe should be brought to the attention of the *Sentinel*’s readership?

Press time is approaching but I will labor diligently to work any responses or information you can provide me into the article before Friday’s edition is finalized.

Thank you, District Attorney Ramos, for your attention and any response you can provide me. I understand that the position you hold has many demands and involves weighty issues that require your focus and intensity, and I appreciate whatever time you can vouchsafe the *Sentinel* and its readership to help us provide as full and fair of a rendering of the facts as is possible in a journalistic forum.

 Sincerely,

 **Mark Gutglueck**