

REPORT OF INVESTIGATION OF COUNCIL MEMBER LAURA FERGUSON
FOR THE CITY OF SAN CLEMENTE

August 13, 2021

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I. EXECUTIVE SUMMARY

The City of San Clemente requested Norman A. Traub & Associates LLC to investigate a complaint regarding Council Member Ferguson. Kristine J. Exton, Esq. P.C. was assigned to conduct a fact-finding investigation.

As background, the complaining party is an employee of the City. The complaining party alleged that Council Member Ferguson posts on Facebook emails from the complaining party. These are accompanied by Council Member Ferguson's posts criticizing the complaining party's job performance. As an example, Council Member Ferguson wrote in a Facebook post in or about September 2020, "[T]he City...avoids transparency at every turn." (Exhibit 2, pages 9 – 11) Similarly, Council Member Ferguson wrote in or about December 2020, "What do they [referring to the City] have to hide?" (Exhibit 2, pages 1 – 4)

On May 13, 2021, it is alleged that Council Member Ferguson sent an inappropriate email to the complaining party. In it, Council Member Ferguson allegedly stated that working with the complaining party was a waste of her (Council Member Ferguson's) time, asked if someone at city hall was instructing the complaining party to harass her (Council Member Ferguson) and asked, "What is unclear about the word 'no'?" There followed the complaining party bringing a formal complaint and an investigator being assigned.

The investigator met with the complaining party as well as two other witnesses. The investigator and the City contacted the subject, Council Member Ferguson, on at least six occasions. (Exhibit 9) The contacts were by email and mail. Council Member Ferguson did not respond to those contacts, did not submit to an interview and did not cooperate with the investigation.

After meeting with the complainant and contacting three witnesses (conducting three interviews in total), as well as reviewing documents, the investigator made the following findings:

Allegation One: Council Member Laura Ferguson sent the email in Exhibit 1, page 51, to the complaining party.

Finding: Sustained.

Allegation Two: The email in Exhibit 1, page 51, was directly accusatory, condescending, demeaning and disrespectful toward the complaining party.

Finding: Sustained.

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Allegation Three: The Facebook posts attributed to Council Member Ferguson in Exhibit 2 were made by Council Member Ferguson.

Finding: Sustained.

Allegation Four: Council Member Ferguson has indirectly criticized the complaining party's integrity on social media.

Finding: Sustained.

Allegation Five: The complaining party has been negatively affected by Council Member Ferguson's conduct.

Finding: Sustained.

Investigator Notes: Although the complaining party stated she felt "harassed" and "bullied," the investigator determined these terms of art¹ were inapplicable here.

¹ "Terms of Art" refers to "having a particular meaning in a field (as the law)." <https://www.merriam-webster.com/dictionary/term%20of%20art>