

# **CITY OF BANNING**

IN THE MATTER OF  
MICHAEL ROCK

JEFFREY B. LOVE, P.C., ESQ.  
JEFFREY B. LOVE AND ASSOCIATES, LLC  
Attorney at Law  
30025 Alicia Parkway, Suite 327  
Laguna Niguel, CA 92677  
LOVEJB@GMAIL.COM  
(949) 282-8181

## TABLE OF CONTENTS

Item	Tab
Investigative Report	1
Transcript of Interview of Michael Rock	2
██████████ Written Statement – September 9, 2016	3
██████████ Letter – September 16, 2016	4
Text Messages Between ██████████ and ██████████	5
ICMA Rules (Provided by ██████████)	6
Aleshire & Wynder, LLP Memorandum – “Activities Concerning Election Activities” - September 30, 2014 (Provided by ██████████)	7
Overview City Council Memorandum – January 3, 2017	8

January 3, 2017

TO: Honorable Mayor Moyer and Members of the  
City Council

FROM: JEFFREY B. LOVE  
Attorney at Law  
Jeffrey B. Love and Associates

SUBJECT: **Summary of the Michael Rock Investigation - *CONFIDENTIAL***

This fact finder investigated the claim by [REDACTED] that City Manager Michael Rock engaged in the following conduct:

*"That the City Manager improperly solicited or otherwise attempted to persuade someone to enter the November 8, 2016, election as a candidate against [REDACTED]. The investigation should address whether, if the City Manager did solicit someone to enter the election, the City Manager used disparaging or inappropriate comment about [REDACTED] in an effort to solicit a candidate. The investigation should also ascertain whether the City Manager improperly solicited or otherwise attempted to persuade someone to run against any other current Councilmember on the November 8, 2016 ballot."*

The facts developed in this investigation, based on the greater weight of the credible evidence, proved the following:

1. Michael Rock (Mr. Rock) and [REDACTED] ([REDACTED]) met with [REDACTED] ([REDACTED]) on August 29<sup>th</sup> to discuss [REDACTED] running as a write in candidate against [REDACTED]. This meeting was held after work hours at [REDACTED] business and was prompted and arranged by [REDACTED]. [REDACTED] had previously met with other community members who solicited him to run for City Council against [REDACTED].
2. Mr. Rock claimed that he attended the meeting at [REDACTED] prompting to provide information to [REDACTED] concerning filing, time commitments, etc. Mr. Rock said that he provided similar information to at least two others considering running in the City Council election.
3. According to [REDACTED], Mr. Rock, during the meeting with [REDACTED] said that [REDACTED] can be negative and disrespectful towards City Staff and the City Manager. During the meeting, Mr. Rock did not actively try to solicit [REDACTED] to run. Mr. Rock indicated to [REDACTED] that funding for a campaign

could be provided by Morongo Indian reservation and a local builders' association.

4. Weeks before the meeting with [REDACTED], Mr. Rock had gone to the Police Department and asked [REDACTED] to help to find a candidate to run against [REDACTED] and any such candidate's run for office would be funded by the Morongo Indian Reservation and a local builders' association. [REDACTED] did not search for such a candidate and heard later from Mr. Rock that he had found such a candidate, [REDACTED]
5. In 2016, Mr. Rock remarked, during a City organized community meeting that [REDACTED] and [REDACTED] were "anti-growth." There was no credible evidence to say these remarks were aimed at soliciting someone to run against either [REDACTED] or [REDACTED]
6. There was no credible evidence to show that Mr. Rock attempted to solicit any person to run against any other candidate besides Mr. Rock's comments to [REDACTED] concerning assisting to find a person willing to run against [REDACTED]

I will be in attendance at your January 4, 2016, closed session to discuss in more detail my factual findings and related conclusions. I am also willing, at the Council's request, to prepare a more detailed report that summarizes my interviews and provides a more thorough analysis of my factual findings.

February 22, 2017

TO: Honorable Mayor Moyer and Members of the  
City Council

FROM: JEFFREY B. LOVE  
Attorney at Law  
Jeffrey B. Love and Associates, A.P.C.

SUBJECT: ADMINISTRATIVE INVESTIGATION – **Michael Rock Investigation -  
CONFIDENTIAL**

**I. EXECUTIVE SUMMARY:**

This matter related to an administrative investigation regarding a complaint by City of Banning (City) [REDACTED] ([REDACTED]) against City Manager, Michael Rock (Mr. Rock). The complaint concerned the allegation that Mr. Rock had inappropriately attempted to persuade [REDACTED] ([REDACTED]) to enter the November 8, 2016, election as a candidate against [REDACTED]. [REDACTED] also claimed that Mr. Rock used disparaging or inappropriate comment about [REDACTED] in an effort to solicit [REDACTED] to run in the election against [REDACTED].

The facts in this matter show that Mr. Rock and [REDACTED] of the Banning Chamber of Commerce, [REDACTED] ([REDACTED]) met with [REDACTED] on August 29, 2016<sup>1</sup> to discuss [REDACTED] running as a write-in candidate against Councilmember [REDACTED]. This meeting was held after work hours at [REDACTED] business and was prompted and arranged by [REDACTED]. [REDACTED] had previously met with other community members who solicited him to run for City Council against [REDACTED].

Mr. Rock claimed that he attended the meeting at [REDACTED] prompting to provide information to [REDACTED] concerning filing, time commitments, etc. Mr. Rock said that he provided similar information to at least two others considering running in the City Council election. According to [REDACTED], Mr. Rock, during the meeting with [REDACTED] said that [REDACTED] can be negative and disrespectful towards city staff members and towards the City Manager. During the meeting, Mr. Rock did not actively try to solicit [REDACTED] to run. Mr. Rock indicated to [REDACTED] that funding for a campaign could be provided by Morongo Indian Tribe and a local builders' association.

---

<sup>1</sup> [REDACTED] initially seemed to conclude that this meeting took place on August 31, 2016 but the evidence tended to show that the likely date was August 29, 2016.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

The facts in this matter further show that weeks before the meeting with [REDACTED] Mr. Rock had gone to the Banning Police Department and asked [REDACTED] ([REDACTED]) to help to find a candidate to run against [REDACTED] and indicated that any such candidate's run for office would be funded by the Morongo Indian Tribe and a local builders' association. [REDACTED] did not search for such a candidate and heard later from Mr. Rock that he had found a candidate, [REDACTED]

Additionally, the fact finder learned that in 2016, Mr. Rock remarked, during a City organized community meeting, that [REDACTED] and former [REDACTED] ([REDACTED]) were "anti-growth." However, there was no credible evidence to say these remarks were aimed at soliciting someone to run against either [REDACTED] or then [REDACTED]

The investigation failed to show that Mr. Rock attempted to solicit any person to run against any other candidate beside Mr. Rock's comments to [REDACTED] concerning assisting to find a person willing to run against [REDACTED] in the 2<sup>nd</sup> District.

The greater weight of the credible evidence developed in this fact-finding investigation showed that Mr. Rock did not participate directly in solicitation efforts, during the meeting with [REDACTED] and [REDACTED] to enlist [REDACTED] to run as a write-in candidate but his attendance at the meeting, his negative comments about [REDACTED] coupled with his comment to [REDACTED] enlisting his assistance in finding a candidate to run against [REDACTED] in the 2016 election could have had the appearances of Mr. Rock having the intention to encourage [REDACTED] to run for office and potentially unseat [REDACTED]

Moreover, there was credible evidence to further show that Mr. Rock made disparaging remarks, albeit, which may have been true, concerning his opinion of [REDACTED] temperament and his treatment of Mr. Rock and City staff members. These remarks were seen by [REDACTED] as an effort to encourage his entering the election and run against [REDACTED]. The allegation that Mr. Rock engaged in solicitation of a candidate to run against [REDACTED] by virtue of his solicitation and comments to [REDACTED] is sustained.

However, the allegation that Mr. Rock made disparaging remarks about [REDACTED] to [REDACTED] that were intentionally made for the purposes of soliciting [REDACTED] to run against [REDACTED] is not sustained. [REDACTED] may have reasonably concluded that Mr. Rock's negative comments about [REDACTED] were part of [REDACTED] direct solicitation efforts, however there is insufficient credible evidence to show that these negative

comments were made with the specific intent by Mr. Rock to induce or solicit [REDACTED]  
[REDACTED] to run against [REDACTED]

## **II. SCOPE OF THE INVESTIGATION:**

The preliminary scope of the investigation was to ascertain whether the City Manager improperly solicited and/or otherwise attempted to persuade someone to enter the November 8, 2016, election as a candidate against [REDACTED]. The investigation should address whether, if the City Manager did solicit someone to enter the election, did the City Manager use disparaging or inappropriate commentary about [REDACTED] in an effort to solicit a candidate. The investigation was to also ascertain whether the City Manager improperly solicited and/or otherwise attempted to persuade someone to run against any other current Councilmember on the November 8, 2016 ballot.

## **III. METHODOLOGY:**

This investigation involved the review of documents, as well as conducting interviews of City employees and civilian witnesses. Once factual evidence was developed, the various statements of the witnesses were compared and contrasted with one another as well as other evidence and determinations of credibility were established. Once credibility was established along with a factual framework of the alleged events, conclusions were formed based on the greater weight of the credible evidence. For the purpose of findings, direct and circumstantial evidence may be given equal weight.

## **IV. SOURCE OF THE COMPLAINT:**

- A. [REDACTED]  
Banning City Councilmember  
2nd District

## **V. ACCUSED/FOCUS EMPLOYEE:**

- A. **Michael Rock**  
City Manager  
City of Banning

## **VI. RULES:**

This matter concerned fact finding only.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

**VII: WITNESSES:**

- A. [REDACTED]
- B. [REDACTED]  
City of Banning
- C. [REDACTED]  
Banning Chamber of Commerce
- D. [REDACTED]  
Former City Councilmember  
City of Banning
- E. [REDACTED]
- F. **Michael Rock**  
City Manager  
City of Banning

**VIII: CREDIBILITY OF THE WITNESSES:**

The analysis of the credibility of the witnesses is an important aspect of a fact-finding investigation. As an accepted rule of evidence, a fact finder can disregard the statements of a witness who has been found to have provided false or unreliable information during their testimony in a matter. Those witnesses' statements can be disregarded in their entirety and not believed unless there is compelling evidence to conclude that individual statements otherwise are true.<sup>2</sup> Concerning the witnesses' statements, this fact finder considered:

- (a) The witness' demeanor while providing a statement and the manner in which he/she provided the statement.
- (b) The character of the witness' statement.

---

<sup>2</sup> See *California Civil Jury Instruction* Section 5003.



City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

(c) The extent of the witness' capacity to perceive, to recollect, or to communicate any matter about which he gave a statement.

(d) The extent of the witness' opportunity to perceive any matter about which he gave a statement.

(e) The witness' character for honesty or veracity or their opposites.

(f) The existence or nonexistence of a bias, interest, or other motive.

(g) A statement previously made by the witness that is consistent with his statement during the fact-finding investigation.

(h) A statement made by the witness that is inconsistent with any part of his statement during the fact-finding investigation.

(i) The existence or nonexistence of any fact given in the statement by the witness.

(j) The witness' attitude toward the fact-finding investigation in which he gave a statement or toward the giving of a statement.

*Discussion*

**A. Witness** [REDACTED]

[REDACTED] appeared to be a credible witness in this matter. [REDACTED] statement to this fact finder tended to be corroborated by other credible witnesses such as [REDACTED]. There was no credible evidence developed in this fact-finding investigation that cast doubt or otherwise indicated that [REDACTED] had either exaggerated or had provided otherwise patently untrue details to this fact finder.

**B. Witness** [REDACTED]

[REDACTED] appeared to be a credible witness in this matter. [REDACTED] recalled conversations with [REDACTED] with whom he is familiar. [REDACTED] also recalled that Mr. Rock had solicited him to help find a suitable candidate to run against [REDACTED]. There was no credible evidence or information to say that [REDACTED] had made any statements to this fact finder that were untrue or exaggerated.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

**C. Witness** [REDACTED]

[REDACTED] credibility in this fact-finding investigation was largely credible. [REDACTED] was credible concerning the fact that he hosted a meeting for the purposes of encouraging [REDACTED] to run for City Council as a write-in candidate in order to hopefully unseat [REDACTED]. [REDACTED] was quite open that he felt that [REDACTED] needed to be removed from office and had been a negative component on the Banning City Council. However, [REDACTED] claimed that Mr. Rock made no disparaging remarks about [REDACTED] during the meeting and was there merely to provide information as to procedural guidelines or to generally answer [REDACTED] questions, should he have any. The facts, though, tend to demonstrate that Mr. Rock's participation was more active than [REDACTED] indicated.

[REDACTED] recalled that Mr. Rock had made negative references concerning [REDACTED] temperament and his poor treatment of Mr. Rock and other city staff members. Other credible witnesses, such as [REDACTED] intended to corroborate the notion that [REDACTED] could be somewhat abrasive and difficult with staff members.

Additionally, Mr. Rock, weeks prior to the meeting with [REDACTED] and [REDACTED] had asked [REDACTED] to assist him in attempting to locate a suitable candidate to run against [REDACTED]. This activity by Mr. Rock tends to demonstrate a degree of animus and discontent with [REDACTED] that would tend to support [REDACTED] recollection that Mr. Rock was somewhat negative and derogatory towards [REDACTED] during the August 31, 2016 meeting with [REDACTED] and [REDACTED].

**D. Witness** [REDACTED]

[REDACTED] is a former City Councilmember with the City of Banning. It was generally understood that [REDACTED] was more closely aligned with [REDACTED] and that the two were somewhat in a minority amongst the City Council. [REDACTED] appeared to be a credible witness and provided this fact finder the name of additional witness, [REDACTED] ([REDACTED]), who [REDACTED] indicated had heard Mr. Rock make negative comments concerning both [REDACTED] as well as former Council-member, [REDACTED]. An interview with [REDACTED] tended to corroborate [REDACTED] statement to this fact finder.

City of Banning  
Administrative Investigation – Michael Rock Matter  
**CONFIDENTIAL**

**E. Witness [REDACTED]**

[REDACTED] appeared to be a credible witness in this matter. [REDACTED] name had been provided to this fact finder by former Councilmember [REDACTED] as someone who had told [REDACTED] that he had attended a city sponsored community meeting wherein Mr. Rock had provided somewhat derogatory comments concerning [REDACTED] and former Councilmember [REDACTED]

[REDACTED] told this fact finder that he had attended a city sponsored and scheduled community meeting, and that during this meeting, Mr. Rock addressed the audience and had negatively characterized [REDACTED] and [REDACTED] as being "anti-growth." [REDACTED] told this fact finder that Mr. Rock's comments were made in a derogatory and negative fashion. As such, [REDACTED] statements to this fact finder appeared credible.

**F. Witness Michael Rock**

Mr. Rock appeared credible in some portions of his statements to the fact finder and lacking credibility in others portions of his statement. Mr. Rock acknowledged meeting with [REDACTED] at [REDACTED] behest on August 29, 2016. Mr. Rock acknowledged that [REDACTED] was attempting to persuade [REDACTED] to run as a write-in candidate for [REDACTED] district. [REDACTED] hope was to unseat [REDACTED] Mr. Rock indicated that he made no negative comments about [REDACTED] during this meeting with [REDACTED] however, [REDACTED] recollection of events differs.

Importantly, Mr. Rock denied that he had spoken with [REDACTED] and had asked [REDACTED] to attempt to find a suitable candidate to run against [REDACTED] in the November 2016 election. [REDACTED] who was seen as a credible witness in this matter, distinctly recalled that Mr. Rock had made such a solicitation.

**IX. INVESTIGATION:**

**A. Summary of Interview with [REDACTED]**

On November 21, 2016, this fact finder received a return phone call from [REDACTED] ([REDACTED]) a witness in this matter. [REDACTED] was contacted in order to speak with him concerning a meeting that had occurred between him, [REDACTED] and Mr. Rock.

[REDACTED] indicated that he is a local resident of Banning and had recently graduated from college. [REDACTED] said that he is on the Citizen Review Committee

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

for the Banning City Council and has an interest in involving himself in local politics and aspires to someday becoming a city manager.

██████████ indicated that in approximately April, he received contact from a community member ██████████ who asked him to meet with him to talk about potentially running for a City Council position. ██████████ said that he agreed to meet with ██████████ and the two met at a local Starbucks.

██████████ said that ██████████ indicated that he and other individuals were interested in ██████████ running for City Council, and specifically running against existing City ██████████

██████████ said that ██████████ was unflattering concerning ██████████ and indicated that he and two other community members wanted to unseat him, as ██████████ seemed to not support their particular agenda for the City. ██████████ said that he asked ██████████ who the other two individuals were, and ██████████ explained that he was referring to ██████████ (██████████) and ██████████ (██████████).

██████████ said that ██████████ immediately arranged a meeting to take place at that time at a Carl's Jr., where ██████████ drove, following ██████████ to that location where ██████████ and ██████████ were already present.

██████████ said that ██████████ and ██████████ both parroted the same information that ██████████ had told him, in that, they desired ██████████ to run for Council in his district against ██████████. Both individuals, like ██████████ indicated that they did not like ██████████, feeling that he was abrasive and rude to other council members and was standing in the way of certain initiatives that the individuals wanted to see the city implement. ██████████ said that he left the meeting and advised the individuals that he would contact them if he was interested in running for this council seat against ██████████

██████████ said that the meeting seemed odd and he questioned as to why the individuals would be reaching out to him specifically in their attempt to unseat ██████████. ██████████ decided not to participate in this election and did not contact the individuals back.

██████████ said that a couple of weeks later, he received a phone call from ██████████ who called on ██████████ personal cell phone. ██████████ said that he was rather surprised that ██████████ would have his personal cell phone number. ██████████ said that he had not spoken to ██████████ for a number of years since the time that ██████████ was the cross country coach when ██████████ was in high school.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

██████████ said that ██████████ requested to have a meeting with ██████████ concerning ██████████ running as a write-in candidate against ██████████. ██████████ said that ██████████ told him that he wanted to meet with him and that the City Manager, Mr. Rock, would also be present.

██████████ said that he felt that it was somewhat odd that the City Manager would be present at such a meeting. ██████████ said that he agreed to meet, and the three individuals met at ██████████ printing company location at approximately 6:00 p.m. on August 29, 2016.

██████████ said that during the meeting, ██████████ was more verbose and outgoing concerning his dislike for ██████████. ██████████ said that ██████████ indicated that ██████████ was difficult to work with and was essentially a loose cannon who was interfering with progress at the city. ██████████ said that the direction of the meeting was ██████████ and Mr. Rock's request that ██████████ run as a write-in candidate for City Council in District 2 in order to specifically oppose ██████████ in order to defeat him and remove him from the City Council.

██████████ said that Mr. Rock was more measured in his criticisms of ██████████, but indicated that ██████████ in Mr. Rock's opinion, was somewhat rude and derogatory towards other City Council members, to the City Manager and the City Manager's staff. ██████████ indicated that Mr. Rock seemed to believe that ██████████ was a bit of a "loose cannon" in that he was seemingly disruptive of the City's progress towards implementing certain initiatives that ██████████ was opposed to.

██████████ said that during the meeting, Mr. Rock provided him his City business card, as well as his personal cell phone number. ██████████ said that ██████████ and Mr. Rock had made it clear at the initiation of the meeting that the discussions in the meeting were secret and should not be discussed outside the confines of the meeting. ██████████ said that Mr. Rock told him that if he would like to run as a write-in candidate, ██████████ would need to first make an official request for a meeting with Mr. Rock and that Mr. Rock would assist him in providing information along with the City Clerk as to how to apply for and run as a write-in candidate.

██████████ said he found the entire meeting to be somewhat odd. First, ██████████ thought that the idea that the meeting was somehow supposed to be secret tended to indicate that it probably was likely inappropriate, especially concerning the City Manager's involvement in such a political discussion. Secondly, ██████████ also found it odd that the City Manager wanted him to make an official request for a meeting, as if this would give the City Manager some form of plausible deniability

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

that he had attempted to lobby ██████ to run as a write-in candidate to oppose ██████ in his District. ██████ expressed his concern that the City Manager would involve himself in this sort of political activity.

██████ said that the next day, he received a text message from ██████ asking if he was going to attend a meeting later that evening. ██████ said that there had been some discussion about him attending a Planning Commission Meeting when he met with ██████ and Mr. Rock the day prior. ██████ said he did not respond to that text message and the following day received an additional text message asking him if he was "okay." ██████ said that he likewise did not respond to that text message and had no interest in involving himself any further in ██████ and Mr. Rock's plan for him to run as a write-in candidate.

██████ said the following day, he received a rather terse e-mail from ██████ who indicated that he had heard some disturbing news from someone and in expressing that, he felt that ██████ had somehow breached his confidence concerning the aforementioned meeting with ██████ and Mr. Rock. ██████ said it was apparent that someone he had spoken to about the meeting had spoken with ██████ or someone who eventually had spoken to ██████ made ██████ aware that ██████ had disclosed the nature and content of the meeting that ██████ had had with ██████ and Mr. Rock.

██████ said that he found ██████ text message to him somewhat inappropriate and threatening.<sup>3</sup>

██████ said it is evident that ██████ was upset with him concerning this issue, and further noted that approximately two weeks prior to his interview with his fact finder, ██████ had appeared at a School Board meeting attempting to apply as a committee member. ██████ said that ██████ who is also a committee member on the School Board stood up during comments and indicated that he could not support ██████ indicating that there had been some sort of ethical lapse which ██████ would not explain. ██████ said that the effect of ██████ comment left those hearing the remarks likely wondering what the nature of this alleged ethical breach was. ██████ said that he was going to disclose the nature of the meeting with ██████ and Mr. Rock and the purpose of the meeting, but decided not to do so at that time.

██████ also indicated that he had applied to be a committee member on the Parks and Recreations Commission and that the decision concerning that selection process was postponed until after January. ██████ said that he believes that potentially, this decision may have also been a form of political retaliation, much like

---

<sup>3</sup> See attached text message provided by ██████ to ██████

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

the School Board comments made by [REDACTED] [REDACTED] said that he is unaware as to whether Mr. Rock had a hand in either of those issues.

In summary, [REDACTED] said that he attended these two meetings in an attempt to see what the individuals hosting the meeting had to say. [REDACTED] said that he was interested in being involved in politics, however became concerned that the individuals involved in both the meetings merely wanted to use him in order to attempt to unseat [REDACTED] who [REDACTED] and Mr. Rock seemed to dislike. [REDACTED] said in both cases, the individuals who met with him indicated that because he was "Hispanic and educated" that he should run for office. [REDACTED] said that during the second meeting with [REDACTED] and Mr. Rock, [REDACTED] indicated that he could not make the initial meeting that he had with [REDACTED] and the other two individuals. [REDACTED] said it was clear that [REDACTED] and Mr. Rock knew about this previous meeting and that the second meeting was an attempt to gain [REDACTED] cooperation in running against [REDACTED]

[REDACTED] said that he had serious concerns regarding Mr. Rock's involvement in the second meeting which concerned the [REDACTED] election issue. [REDACTED] said that it seemed strange and unethical that the City Manager would be directly involved in attempting to recruit someone to run against a sitting Councilmember in an upcoming election. [REDACTED] said that during that meeting, Mr. Rock and [REDACTED] indicated that the Morongo Indian Tribe would help fund [REDACTED] election efforts should he choose to run as a write-in candidate. [REDACTED] also recalled that during the first meeting with [REDACTED], [REDACTED] and [REDACTED], the individuals indicated that they would assist [REDACTED] in crafting his campaign, telling him what he needed to say or write as part of his campaign message.

[REDACTED] said that [REDACTED] offered to avail [REDACTED] of [REDACTED] printing services at his company if [REDACTED] would run as a write-in candidate in order to unseat [REDACTED] in District 2.

**B. Summary of Interview with [REDACTED]**

On November 14, 2016, this fact finder conducted a non-recorded telephone interview of [REDACTED] ([REDACTED]). [REDACTED] was identified as a potential witness in this matter by City [REDACTED]

[REDACTED] said that he is familiar with Michael Rock, the City Manager and reports directly to him. [REDACTED] said that he was the acting City Manager for a period of time, and actually hired Mr. Rock.

[REDACTED] said that he is unaware of any disparaging or negative comments that Mr. Rock has made about [REDACTED] but has heard from

City of Banning  
Administrative Investigation – Michael Rock Matter  
**CONFIDENTIAL**

community members that Mr. Rock had made some types of disparaging remarks. [REDACTED] said that he could not recall which community members had mentioned this to him, as he has spoken with many community members over a long period of time.

[REDACTED] said that when Mr. Rock was hired, [REDACTED] seemed excited and friendly towards Mr. Rock. [REDACTED] said that at some point the two's relationship went sour and that [REDACTED] seemed extremely displeased with Mr. Rock. [REDACTED] said he believes that it might relate to certain director-level staff being ill-prepared at council meetings for which [REDACTED] was upset. [REDACTED] said that [REDACTED] expects staff members to be well briefed and prepared concerning staff reports and other council action items. [REDACTED] said that this has not always been the case, and [REDACTED] has expressed his displeasure with this sort of behavior.

[REDACTED] said that [REDACTED] can be a rather difficult individual to deal with, and that he is "rough around the edges" concerning his tone and comments towards staff members and other councilmembers.

[REDACTED] indicated that a young man from the community who had been previously involved in the Banning Police Athletic League had contacted him after he graduated from college, indicating his desire to perhaps be involved in local politics. This individual, [REDACTED] ([REDACTED]) has had a cordial relationship with [REDACTED] and that [REDACTED] encouraged [REDACTED] to pursue his interest in politics. [REDACTED] said that [REDACTED] expressed that he would like to be involved in the lower committees for the City, such as the building or parks committee.

[REDACTED] indicated that [REDACTED] told him that he had received a call from a local pastor, [REDACTED] (Pastor [REDACTED]), indicating that they wanted to speak with [REDACTED] concerning supporting him for elected office. [REDACTED] indicated that he advised [REDACTED] to be cautious concerning political issues, but wished him luck concerning this meeting.

[REDACTED] said that later, he received a call from [REDACTED] indicating that he had met with Pastor [REDACTED], [REDACTED], and a former City Councilmember, [REDACTED] ([REDACTED]). [REDACTED] told [REDACTED] that he was rather concerned about the tone of the meeting and some derogatory comments that the three individuals had made about [REDACTED]. [REDACTED] told [REDACTED] that it seems they wanted [REDACTED] to run for City Council against [REDACTED] and unseat him.

[REDACTED] said that not long after that, Mr. Rock came over to the Police Department and spoke with him in the [REDACTED] office. [REDACTED] said that Mr. Rock



City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

had asked [REDACTED] if he was aware of, or could find any individuals in the City that would want to run for City Council and who could oppose [REDACTED]. [REDACTED] indicated that he would search for such a candidate but, in reality never did, as he did not want to be involved in a political controversy between the City Manager and councilmembers.

[REDACTED] said that soon after this conversation with Mr. Rock, he received another call from [REDACTED] who told him that he had been contacted by [REDACTED] the [REDACTED] of the Banning Chamber of Commerce, and was going to meet with [REDACTED] and Mr. Rock concerning running for City council. [REDACTED] noted that when Mr. Rock came to the Police Department and asked if he knew of anyone that would be willing to run for City Council, Mr. Rock remarked that the Morongo Indian Tribe and a local building association would financially back any such candidate.

[REDACTED] said that when [REDACTED] called him back after his meeting with [REDACTED] and Mr. Rock, [REDACTED] said that he felt uncomfortable concerning the meeting and that the two had made disparaging and negative remarks about [REDACTED] and sought to have [REDACTED] run against [REDACTED] in order to unseat him from political office. [REDACTED] said that [REDACTED] was uncomfortable with the whole situation and decided not to pursue this offer.

[REDACTED] said that he believes that this conversation and incident may have occurred before the redistricting of the City council when the election was an open election. [REDACTED] said that [REDACTED] may not live in the same District as [REDACTED] and may therefore eventually not have been able to run against him as a write-in candidate or otherwise.

[REDACTED] said that it appears to him that there is a great deal of animosity between Mr. Rock and [REDACTED]. [REDACTED] remarked that he wished the two would merely speak to one another and settle their differences, as opposed to filing complaints or engaging in political actions against one another.

**C. Summary of Interview with [REDACTED]**

On December 1, 2016, this fact finder conducted a phone interview of [REDACTED] ([REDACTED]), the [REDACTED] of the Banning Chamber of Commerce. [REDACTED] was called as a potential witness in this matter.

[REDACTED] indicated that in approximately August 2016, a group of community members, including [REDACTED] and [REDACTED] met with [REDACTED] as [REDACTED] had expressed an interest in being involved in politics in the City of Banning. [REDACTED] said that this meeting was said to have lasted approximately two hours, after which [REDACTED] told the group that he would reply

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

back to them concerning any steps going forward. [REDACTED] heard that [REDACTED] never responded to the group's request for him to run for office.

[REDACTED] said that when he learned who the group had met with, he realized that [REDACTED] had been on the cross-country team in high school and that [REDACTED] had been his coach. [REDACTED] said that he contacted [REDACTED] as he had had a personal relationship with him during [REDACTED]'s high school years as his coach on the cross-country team. [REDACTED] said that he was able to reach [REDACTED] by phone and asked if he would be willing to meet with him concerning the same issues for which [REDACTED] met with the aforementioned community members. [REDACTED] was clear that the meeting was to attempt to persuade [REDACTED] in running as a candidate against [REDACTED]

[REDACTED] said that [REDACTED] agreed to meet with him and the two set a date in order to meet at [REDACTED] business. [REDACTED] said that he followed up with [REDACTED] a few days later to verify the meeting, and additionally informed [REDACTED] that Mr. Rock would be attending the meeting to answer any questions that [REDACTED] may have concerning the policy procedures and other issues concerning running for City Council. [REDACTED] said that he had called Mr. Rock and asked him to attend the meeting which was held away from City Hall at [REDACTED] business office, and after City Hall business hours. [REDACTED] said that Mr. Rock's attendance was merely to answer any questions that [REDACTED] may have concerning running for office or serving as a City Council member.

[REDACTED] said that the three met on August 31, 2016, at his business and they talked generally about [REDACTED] interest in City politics and his goals. [REDACTED] said that [REDACTED] indicated that he was interested in completing his higher education, specifically his master's degree, and thereafter someday becoming a city manager. [REDACTED] said that he and Mr. Rock both encouraged [REDACTED] concerning his aspirational goals in life and Mr. Rock further offered that he would be happy to meet with [REDACTED] and discuss the roles and responsibilities of becoming and serving as a city manager.

[REDACTED] said that Mr. Rock also explained the process for running for City Council, time commitments and what would be necessary to run as a write-in candidate. [REDACTED] pointed out that at the time of the meeting on August 31, 2016, the time to run for City Council on the ballot had passed and any new candidate, such as [REDACTED], who chose to run for City Council, would have to do so as a write-in candidate. Part of the discussion by Mr. Rock and [REDACTED] was that Mr. Rock explained time commitments concerning filing his interest in running and the number of signatures that would be required from the District [REDACTED] was running in to show that voters in that District had a genuine interest in him as a candidate.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

██████████ said that he spoke with ██████████ concerning his view of the existing City Council and how they were continually divided. ██████████ told ██████████ that he and others were looking for candidates who could unify the City Council and work for the best interest of the City. ██████████ talked to ██████████ concerning conflicts with ██████████ and Former Councilmember, ██████████. ██████████ recalled that ██████████ had told him that he too had heard about problems concerning these City Council candidates and others and felt that he could work as a positive influence should he be elected to City Council.

██████████ said that he invited ██████████ to attend the Planning Commission meeting on Wednesday of that same week and further discuss the project that the Planning Commission was to be discussed during the meeting, indicating it would be a good opportunity for ██████████ to see the process of a Planning Commission. ██████████ said that observing this process would help him better understand the decorum and parliamentary procedures of a City Council meeting.

██████████ said he did not hear back from ██████████ and later had heard rumors that ██████████ had met with ██████████ who was now bragging that he had “put one over” on ██████████. ██████████ said that he believes that Councilmember ██████████ was aware that ██████████ was going to meet with ██████████ and Mr. Rock and that was only going to attend the meeting to derive negative information and report back directly to ██████████. ██████████ said he concludes that ██████████ had no interest in running for City Council, and only attended the meeting at ██████████ behest, and based on ██████████ interests in deriving derogatory information about ██████████, generally, and Mr. Rock, specifically.

██████████ said that Mr. Rock did not make any derogatory comments about ██████████ or others, nor did he make any comments about how ██████████ might finance his write-in candidacy efforts. ██████████ described Mr. Rock’s participation in the meeting as passive, merely listening and there only to answer procedural questions should ██████████ have any. ██████████ pointed out that Mr. Rock has met with other potential City Council candidates to discuss their interest in running for City Council office.

In summary, ██████████ said that Mr. Rock did not make any disparaging comments about ██████████ or any other City Councilmembers, nor did he attempt to encourage ██████████ to run as a write-in candidate for City Council. Furthermore, ██████████ reiterated that Mr. Rock did not mention any financing options should ██████████ decide to run as a write-in candidate.

**D. Summary of Interview with [REDACTED]**

On December 8, 2016, this fact finder conducted a telephone interview of [REDACTED] ([REDACTED]), now a former Councilmember for the City of Banning. [REDACTED] name had been provided to this fact finder by [REDACTED] concerning [REDACTED] knowledge of Mr. Rock having made derogatory comments about [REDACTED]

[REDACTED] told this fact finder that he had heard from a friend that Mr. Rock had made some derogatory comments about [REDACTED] and [REDACTED]. [REDACTED] said that those comments related to Mr. Rock derogatively describing [REDACTED] and [REDACTED] as “anti-growth.”

[REDACTED] told this fact finder that a community member, [REDACTED] ([REDACTED]) had told him about the derogatory information that Mr. Rock had stated during a periodic meeting, which are scheduled and arranged with voters and the public in Banning. [REDACTED] said that these meetings are scheduled by the City and are meant to inform the public about various ongoing issues in the City of Banning.

**E. Summary of Interview with [REDACTED]**

On December 8, 2016, this fact finder conducted a phone interview of [REDACTED] ([REDACTED]), a resident of the City of Banning. [REDACTED] was contacted as a potential witness in this matter.

[REDACTED] said that he attended a meeting sometime during the Summer of 2016 that was sponsored by the City as an information exchange and attended by the City Manager, Mr. Rock. [REDACTED] said he attended this meeting and during the course of the meeting, Mr. Rock spoke about [REDACTED] and then Councilmember [REDACTED]. [REDACTED] said he was shocked to hear Mr. Rock make a derogatory comment about the two and referred to them as “anti-growth.”

[REDACTED] said that the comment as stated in the context of the discussion was entirely negative and demonstrated a critical approach by Mr. Rock. [REDACTED] was further shocked that Mr. Rock would make this comment publicly at a meeting that was attended by several community members. [REDACTED] said it was clear that Mr. Rock did not like [REDACTED] and then Councilmember, [REDACTED] position on development and negatively characterized them as “anti-growth.”

[REDACTED] said that he warned his friend, Former Councilmember, [REDACTED] at the time that Mr. Rock had made negative comments about him and that Former Councilmember, [REDACTED] should be cautious concerning Mr. Rock and his intentions.

**F. Summary of Interview with Michael Rock**

On November 29, 2016, this fact finder conducted an audio-recorded telephone interview of City of Banning City Manager, Michael Rock (Mr. Rock). Mr. Rock was the subject of this investigation and prior to the interview was advised to the nature of the complaint.

Mr. Rock said he has worked as the City Manager since November 12, 2015. Mr. Rock said he recalled a meeting at [REDACTED] offices after the workday on or about August 29, 2016. Mr. Rock said that [REDACTED], who is the [REDACTED] of the Chamber of Commerce for the City of Banning, requested that he attend an informal meeting with him and another individual identified as [REDACTED]. Mr. Rock said that the purpose of his attendance at this meeting was to discuss the election process.

Mr. Rock said that at the time of this meeting, the official candidacy filing period had already lapsed concerning the November 2016 City Council-wide election. Mr. Rock said he was not certain when the last date to file to run for City Council was, however [REDACTED], was told that should he decide to run for City Council, would have had to do so as a write-in candidate. Mr. Rock said that the purpose of his attendance at this meeting was to answer any questions [REDACTED] may have concerning the procedures and rules concerning running as a write-in candidate for City Council.

Mr. Rock said that [REDACTED] place of business is approximately one block from City Hall and that the three met there at around 6:00 p.m. Mr. Rock said that the reason that the meeting was held at [REDACTED] office was because [REDACTED] was working late on some printing projects and indicated it would be much more convenient if the meeting was held at his place of business. Mr. Rock said that the meeting could just have easily been held at City Hall, however at the time of the meeting City Hall had already closed.

Mr. Rock said that his discussion with [REDACTED] related to the procedures and deadlines associated with running as a write-in candidate for the November 2016 election. Mr. Rock recalled that he advised [REDACTED] that he would need to obtain signatures from the District in which he resides and would have to turn in those signatures to the City Clerk by October 25, 2016 in order to run as a write-in candidate.

[REDACTED] said that he does not recall specifically if [REDACTED] told [REDACTED] that the meeting should be considered confidential and the discussions should not be repeated outside of the meeting. Concerning advising [REDACTED] that

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

the meeting should be considered confidential, Mr. Rock indicated that he and [REDACTED] "may have" said that to [REDACTED]

Mr. Rock said that Councilmember [REDACTED] name did, in fact, come up during the meeting due to the fact that [REDACTED] lives in District 2 which is Councilmember [REDACTED] District. Mr. Rock pointed out that this was the first election where each candidate ran in their respective Districts, as opposed to city-wide. Mr. Rock said that Councilmember [REDACTED] name came up concerning advising [REDACTED] who he, in fact, would be running against should he run as a write-in candidate.

Mr. Rock said that this election caused a degree of confusion for various candidates, due to the fact that many had no idea that the election was to run based on districting, as opposed to city-wide. Mr. Rock said for this reason, he had met with other potential candidates either by phone or in his office to explain the various processes associated with a district style election.

Mr. Rock said he was unaware that [REDACTED] had spoken to [REDACTED] to arrange a meeting until [REDACTED] called Mr. Rock and advised him that he had scheduled a meeting with [REDACTED] and requested Mr. Rock attend, to answer any of [REDACTED] procedural questions. Mr. Rock said that prior to the meeting, he had never made any contact with [REDACTED] directly. Mr. Rock noted that he had never spoken to [REDACTED] and that all contact was undertaken by [REDACTED] who simply asked Mr. Rock to attend the meeting after arrangements had been made with [REDACTED]

Mr. Rock said he had no idea whether or not [REDACTED] was going to run as a write-in candidate and it appeared that he was somewhat indecisive as to whether he would proceed.

Mr. Rock indicated that he heard "through the grapevine" that [REDACTED] had met with a few individuals in the community who had spoken to him about running in the election. Mr. Rock indicated that this discussion occurred several weeks before the August 29, 2016 meeting, and Mr. Rock did not attend that meeting, and was not certain of all the discussions that had gone on.

Mr. Rock said that [REDACTED] had spoken to him about [REDACTED] a couple of weeks prior to their meeting at [REDACTED] office. Mr. Rock said that [REDACTED] had mentioned to him that there had been a meeting with other community members and [REDACTED], but was uncertain as to what was discussed other than the notion that [REDACTED] might want to run for a City Council position.

Mr. Rock said that at the time, [REDACTED] earlier had met with the community members he could have run as a candidate on the ballot. At the point of their

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

meeting in [REDACTED] office, [REDACTED] would have had to receive 20 verified signatures in his District and submit that material to the City Clerk by the deadline. Mr. Rock said that he explained this information to [REDACTED] at the meeting in [REDACTED] office.

When Mr. Rock was asked if any derogatory comments were made by him or [REDACTED] concerning Councilmember [REDACTED] Mr. Rock indicated that he did "very little of the talking" and that most of the discussion was undertaken by [REDACTED]. Mr. Rock reiterated that his role was to simply provide deadlines and procedural details for those individuals who wanted to run as a write-in candidate at the District election.

Mr. Rock said that he believed that [REDACTED] wanted to run somebody against Councilmember [REDACTED], due to the fact that Councilmember [REDACTED] was running unopposed. Mr. Rock said that [REDACTED] had known [REDACTED] nearly his entire life and had coached him on the cross-country team in high school. Mr. Rock indicated that the two had a very personal relationship.

Mr. Rock said that he recalled that [REDACTED] indicated that Councilmember [REDACTED] has been a rather difficult councilmember, and that he has been somewhat difficult and critical to staff members at the City. Mr. Rock denied that he made any comments concerning Councilmember [REDACTED] and only remarked that he thought [REDACTED] would make a good candidate. Mr. Rock noted that he was "very careful" about what he had said, due to the fact that he is the City Manager, and that he works for all five councilmembers, and that he has a "professional duty and responsibility to all of them".

Mr. Rock said he does not believe that [REDACTED] recorded the discussion without their knowledge. Mr. Rock indicated that there was some discussion concerning how [REDACTED], should he decide to run as a write-in candidate, may fund his election. Mr. Rock said that he did not say anything about that, however [REDACTED] indicated that there might be financing sources available, including the Morongo Indian Tribe and possibly some of the developers in the City. Mr. Rock reiterated that he did not say anything about the financing aspects of [REDACTED] election bid should he decide to run as a write-in candidate for the November 2016 election.

Mr. Rock was asked whether or not he had either spoken to or solicited his [REDACTED] concerning enlisting [REDACTED] to perhaps find someone or suggest somebody in District 2 that could run against Councilmember [REDACTED] in the November 2016 election. Mr. Rock said that he had no such conversation with [REDACTED] however recalled an instance where [REDACTED] had mentioned to him that [REDACTED] was "really interested" in running for City Council. Mr. Rock said he was not aware of who [REDACTED] was at that point, and that [REDACTED] explained

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

about [REDACTED] and his involvement in the community and where he lived. Mr. Rock said that that is when he learned that [REDACTED] lived in District 2, which is the same District that Councilmember [REDACTED] represents. Mr. Rock said that there was no discussion between him and [REDACTED] concerning any potential candidate running in District 2 that might receive some sort of financial support from the Morongo Indian Tribe. Mr. Rock said that he could not specifically recall where this conversation took place but it may have taken place in his office City Hall with [REDACTED]

In summary, Mr. Rock acknowledged that he met with [REDACTED] and [REDACTED] on or about August 29, 2016, in the early evening hours at [REDACTED] business. Mr. Rock said that there were discussions concerning [REDACTED] running for City Council as a write-in candidate, and Mr. Rock's purpose for being at this meeting was merely to provide technical and procedural details to assist [REDACTED] should he choose to run for office. Mr. Rock indicated that he was not attempting to encourage [REDACTED] to run for office, however, did acknowledge telling him that he felt he would be a good candidate for City Council. Mr. Rock indicated that [REDACTED] made some rather derogatory comments about Councilmember [REDACTED] concerning his treatment of staff and his somewhat difficult nature on the City Council. Mr. Rock said that he did not engage or make comments concerning Councilmember [REDACTED]

Mr. Rock said that he did not solicit or attempt to solicit [REDACTED] to provide a name, nor to attempt to develop some candidate to run against Councilmember [REDACTED] in District 2.

Mr. Rock said that there had been some text message exchange between [REDACTED] and [REDACTED] after [REDACTED] had not heard from him and had apparently heard some rumors that [REDACTED] had perhaps spoken to others concerning the meeting. Mr. Rock reiterated the fact that, in addition to [REDACTED], he had met with other potential council candidates, and felt that his position as City Manager required him to meet with potential candidates in order to explain the procedures required to run, as well as the general responsibilities of being a City Council member.

Mr. Rock said that he told [REDACTED] during the meeting at [REDACTED] office that if [REDACTED] decided that he wanted to run for City Council as a write-in candidate, he would be willing to have a formal meeting with [REDACTED] at the City Hall offices and provide further details concerning the procedural requirements for [REDACTED] to run for City Council as a write-in candidate. Mr. Rock said that he could not recall if he gave [REDACTED] his business card but that he had "probably" given him his cell phone number in order to expedite contact and the setting of any meeting should [REDACTED] desire.



Mr. Rock indicated that his only knowledge of ██████ concerned ██████ participation in a leadership academy that the City hosts and had completed a few months prior to the meeting at ██████ office. Mr. Rock said that ██████ graduated from that leadership academy and seemed to know Mr. Rock and Mr. Rock indicated that he knew ██████ merely as a student in that course work. Mr. Rock reiterated that the August 29, 2016 meeting was the only time that he had actually met with ██████

**X. FINDINGS:**

- A. Did the City Manager improperly solicit or otherwise attempt to persuade someone to enter the November 8, 2016, election as a candidate against Councilmember ██████**

Short Answer: YES

- B. Did the City Manager solicit someone to enter the election, and/or use disparaging or inappropriate commentary about Councilmember ██████ in an effort to solicit a candidate.**

Short Answer: NO<sup>4</sup>

*Discussion<sup>5</sup>*

The facts in this matter demonstrate that a member of the community, ██████ had expressed some interest to be involved in local politics. Weeks prior to August 29, 2016, a number of community members met with ██████ with an aim at encouraging him to run in the upcoming November 2016 election. The November 2016 election was different than previous elections that were held city-wide. The November 2016 election was a District election, where each candidate represented a particular District in the City of Banning. The facts demonstrate that Councilmember ██████ represented District 2, and ██████ lived in that District, which would allow him to run against Councilmember ██████ directly for that

---

<sup>4</sup> The fact finder concludes that was insufficient evidence to say that Mr. Rock's negative comments about Councilmember ██████ uttered to ██████ at the August 29<sup>th</sup> meeting were specifically intended as "an effort to solicit a candidate." Mr. Rock's attendance at the meeting and these comments did have the effect of creating an appearance, in the mind of ██████ that the negative comments about Councilmember ██████ coupled with positive remarks about ██████ suitability as a City Council candidate were part of ██████ overarching solicitation efforts.

<sup>5</sup> For the purposes of continuity, both Allegations A and B are discussed together.

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

council seat. The purpose of the meeting with the community members was to enlist [REDACTED] to run specifically against Councilmember [REDACTED]

The facts demonstrate that [REDACTED] was a bit uneasy concerning his meeting with the community members. [REDACTED] expressed his concern to [REDACTED], with whom he had had a long-term relationship through the Banning Police Athletic League. [REDACTED] had grown up in the City of Banning, and had attended college and was observed as being a professional local young man with great potential. [REDACTED] indicated he was somewhat concerned that the members who met with him weeks prior to his meeting with Mr. Rock and [REDACTED] on August 29, 2016, were making disparaging remarks about Councilmember [REDACTED] and specifically wanted to use [REDACTED] to unseat Councilmember [REDACTED]. [REDACTED] indicated that these community members told [REDACTED] that they would assist him in financing, and would additionally provide him talking points and otherwise guide him through the process. [REDACTED] indicated to this fact finder and, at the time, to [REDACTED] that he was uncomfortable with this proposition and decided not to pursue it.

The facts demonstrate that approximately two to three weeks later, [REDACTED] received a phone call from [REDACTED] who had been his cross-country coach when he was in high school at the City of Banning. [REDACTED] said that [REDACTED] proposed that the two meet at his office for the purpose of discussing the idea that [REDACTED] could run as a write-in candidate for District 2 in the November 2016 Banning City election. At the time, the date for running on the ballot had passed and, if [REDACTED] decided to run, he would need to run as a write-in candidate only.

[REDACTED] recalled that [REDACTED] called him back to confirm a meeting on or about August 29, 2016 at [REDACTED] business, and told him at the time that Mr. Rock, the City Manager, would also be present to answer any potential questions that [REDACTED] may have concerning the procedures and other issues concerning running for or serving as a City Council member.

According to [REDACTED] Mr. Rock, during the meeting with [REDACTED] said that Councilmember [REDACTED] can be somewhat negative and disrespectful towards City staff and to the City Manager. [REDACTED] acknowledged that [REDACTED] did most of the speaking during the meeting, however indicated that Mr. Rock had also made some negative comments concerning Councilmember [REDACTED]. During the meeting, Mr. Rock did not actively try to solicit [REDACTED] to run for office, however Mr. Rock indicated to [REDACTED] that funding for a campaign, should he decide to run, could be provided by the Morongo Indian Tribe and a local builders'/developers' association. [REDACTED] recalls that Mr. Rock indicated to him that he felt that [REDACTED] would be a good City Council candidate.

This investigation also showed that weeks prior to the August 29, 2016 meeting with [REDACTED] attended by [REDACTED] and Mr. Rock, Mr. Rock had spoken

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

to [REDACTED] in [REDACTED] office at the Banning Police Department. During this meeting, [REDACTED] recalled that Mr. Rock had asked [REDACTED] if he was aware of or could potentially locate a suitable candidate living in District 2 that could run against Councilmember [REDACTED]. [REDACTED] indicated that he did not respond to Mr. Rock's inquiry and had no intention of attempting to find such a candidate since he did not want to be involved in any sort of political infighting. Mr. Rock denied such a conversation with [REDACTED] however [REDACTED] was quite certain of the conversation, and that his memory of it was fresh and clear.

Here, there is insufficient credible evidence to demonstrate that Mr. Rock had directly solicited and/or attempted to persuade [REDACTED] to enter the November 8, 2016 election as a candidate against Councilmember [REDACTED]. The facts demonstrate that during the August 29, 2016 meeting, although [REDACTED] took the lead in attempting to persuade, or otherwise directly solicit [REDACTED] to enter the election as a write-in candidate, Mr. Rock provided some negative information concerning Councilmember [REDACTED] and provided positive reinforcement to [REDACTED] that Mr. Rock believed [REDACTED] would be a good City Council candidate.

Even though Mr. Rock did not directly ask [REDACTED] to run as a write-in candidate, his negative comments about Councilmember [REDACTED] coupled with his positive affirmation of [REDACTED] suitability as a City Council candidate, tended to demonstrate an appearance that he tacitly supported [REDACTED] active solicitation to [REDACTED] to run as a write-in candidate in the November 2016 election. These facts, coupled with Mr. Rock's previous request of [REDACTED] to attempt to find an individual or whether he knew of an individual to run specifically against Councilmember [REDACTED] in the November 2016 election tended to demonstrate a desire and/or potential motivation to assist in securing [REDACTED] for such a candidacy.

The facts in this matter further demonstrate that during a City-sponsored public information meeting during the Summer of 2016, [REDACTED] attended a meeting where Mr. Rock had made somewhat derogatory references to then Councilmember [REDACTED] and Councilmember [REDACTED] as being "anti-growth."

Based on the totality of the credible evidence, it appeared that Mr. Rock attended the meeting with [REDACTED] on August 29, 2016, and gave the appearance of tending to support [REDACTED] overt solicitation of [REDACTED] to run in the election against Councilmember [REDACTED]. The facts tend to demonstrate that Mr. Rock was not fond of Councilmember [REDACTED] and that Councilmember [REDACTED] had indeed been somewhat abrasive to Mr. Rock, as well as other staff members. This rocky relationship, as described by [REDACTED] could well have provided some motivation for Mr. Rock to assist in [REDACTED] efforts to solicit [REDACTED] to run for City Council.

Although Mr. Rock did not directly and overtly participate in [REDACTED] solicitation of [REDACTED] to run for City Council against Councilmember [REDACTED] during the August 29<sup>th</sup> meeting, his presence and participation in the meeting, his negative comments about Councilmember [REDACTED] and his positive affirmation of [REDACTED] as a suitable candidate, taken as a whole, gave [REDACTED] the impression that Mr. Rock was acting in unison with [REDACTED] direct solicitation efforts, even though Mr. Rock's negative remarks may have been nothing more than expressions of his frustrations with Councilmember [REDACTED] and the political environment, generally.

Indeed, to show that Mr. Rock used his negative commentary in an "effort to solicit a candidate" the evidence would have to demonstrate specific intent on behalf of Mr. Rock. Although there is some circumstantial evidence that may support such intent, that circumstantial evidence, in the opinion of this fact finder, is less than the greater weight of the credible evidence developed and falls short of the burden of proof necessary to sustain this allegation.

### **1. Summary of Findings**

The greater weight of the credible evidence supports the allegation that Mr. Rock "improperly solicit[ed] or otherwise attempt[ed] to persuade someone to enter the November 8, 2016, election as a candidate against Councilmember [REDACTED] when he asked [REDACTED] to help locate or secure such a potential candidate. Allegation A is, therefore, sustained.

There was insufficient credible evidence to say that Mr. Rock "use[d] disparaging or inappropriate commentary about Councilmember [REDACTED] in an effort to solicit a candidate." Although Mr. Rock used negative commentary about Councilmember [REDACTED] during the August 29<sup>th</sup> meeting with [REDACTED] and [REDACTED] there is insufficient evidence that he intentionally uttered these negative comments in order to "solicit" [REDACTED] Allegation B is, therefore, not sustained.

### **C. Did the City Manager improperly solicit or otherwise attempt to persuade someone to run against any other current Councilmember on the November 8, 2016 ballot.**

Short Answer: **NO**

### *Discussion*

There was no credible evidence developed in this fact-finding investigation to show that Mr. Rock had improperly solicited or otherwise attempted to persuade anyone to run against any of the other current councilmembers on the November 8, 2016 elections ballot. The facts demonstrate that the only communication that

City of Banning  
Administrative Investigation – *Michael Rock Matter*  
**CONFIDENTIAL**

could be viewed as an intentional solicitation or otherwise an attempt to persuade someone to run against a current councilmember running in the November 8, 2016 ballot was Mr. Rock's communication with [REDACTED] wherein he asked [REDACTED] if [REDACTED] knew of or could identify any persons living in District 2 that would be suitable candidates to run against Councilmember [REDACTED] in the November 2016 election. This allegation is therefore, not sustained.

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Yeah, Michael, Jeff Love calling back, um, I've activated the recorder on this phone so we're, hopefully it's working, the recorder is on right now so, well, just you know, and let me just, by way of prepping the tape, today's it's November 29, 2016. It's about 4:30 in the afternoon. My name is Jeff Love, L-O-V-E. I'm an attorney. I've been hired to conduct a neutral fact finding investigation for the City of the Banning and I have on the phone with me Michael Rock, he's the city manager there. Michael, you realize we're recording this, correct?

Michael Rock: Yes.

Jeff Love: yeah, we spoke just a bit ago where I explained kinda the nature of the investigation, the scope of the investigation and so forth, um, in any event, do you have any quest, you, you, you, said you didn't have any questions, but do you have any other questions before we begin?

Michael Rock: No, that's okay.

Jeff Love: Okay. Now, how long you been with the city there?

Michael Rock: Um, since November 12, 2015.

Jeff Love: Okay, and, um, there was recently apparently a meeting that, uh, that took place around the 29<sup>th</sup> of August, uh, where you and another fellow by the last name of [REDACTED] uh, may have been present with an individual by the name of [REDACTED] and that's [REDACTED] for the, for the, transcribed transcription, um, tell me about how that meeting came about and just kind of, tell me what, what, was happening there.

Michael Rock: Yes, [REDACTED] whose the [REDACTED] of the Chamber of Commerce for the City of Banning –

Jeff Love: Right.

Michael Rock: – requested, he requested that I, um, attend a, an informal meeting with him and, uh, [REDACTED] –

Jeff Love: Mm hmm.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – to discuss the election process.

Jeff Love: Okay.

Michael Rock: In Banning, now it should be pointed out that at, at that time, by the time that, that, [REDACTED] made that request, the, uh, official filing period had already ended.

Jeff Love: When did that end? When did the filing period end?

Michael Rock: Uh, oh, I'd have to go back and look. I, um –

Jeff Love: I can, I can, research it and figure it out but suffice to say when –

Michael Rock: yeah.

Jeff Love: – when [REDACTED] set up this meeting, anybody who ran would have to be a, a, write in candidate, I'm assuming?

Michael Rock: That's correct. That was the only option left at that point.

Jeff Love: Okay.

Michael Rock: Um, we met at [REDACTED] uh, place of business just a block from City Hall –

Jeff Love: Okay.

Michael Rock: – um, only because [REDACTED] was working late and was jammed up in his schedule and, and, he wanted, uh, me to meet him at his place of business which again is just a block from my office so I just walked down there.

Jeff Love: Okay.

Michael Rock: Um, and that's why we met there, there was no other reason for that. We could have easily met here, he just, um, he wanted to meet there

## **Transcript of Interview with Michael Rock – November 29, 2016**

because it was later in the evening and City Hall was already closed at that point anyway.

Jeff Love: Okay.

Michael Rock: Um, the meeting – [REDACTED] had asked me to simply be there in case there were any questions about the write in process for a candidate and what the deadlines were.

Jeff Love: Okay. And –

Michael Rock: And that's –

Jeff Love: – okay, go ahead, I'm sorry.

Michael Rock: Well, that's exactly what we talked about –

Jeff Love: Okay.

Michael Rock: Um, we talked about the deadlines and what [REDACTED] would have to do if he wanted to qualify as a write candidate, which you can do, but you have to get your signatures, you have to turn 'em into the clerk by October 25<sup>th</sup> and you have to do, you know, you have to, you have to get your verified signatures and, and, have all that done by the 25<sup>th</sup> of October in order to be a write in candidate.

Jeff Love: Right.

Michael Rock: So we discussed that process with [REDACTED]

Jeff Love: Okay. Did, um –

Michael Rock: And that –

Jeff Love: – I, I'm sorry, did, did, did, did you or [REDACTED] tell [REDACTED] that the meeting should be held confidential and not discussed outside of the meeting? That, that, you recall anything like that being said?



## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: Um, yeah, we, well I'm trying to remember, we may have said something like, you know, this is just an informal meeting between the three of us to give you information about the process, um, whether you run or not is obviously up to you. I don't recall if we said it was confidential or not, we may have, but, um –

Jeff Love: Okay.

Michael Rock: – yeah.

Jeff Love: Okay. Did, um, did, uh, was there any, uh, any talk about, um, uh, uh, [REDACTED] the councilmember during that meeting, did his name come up in any way?

Michael Rock: Well yes, because [REDACTED] lives in District 2 and because we went to district elections, he needed to be aware of, of, where he was running and what the new re, restrictions on district elections and who, who, he would be running against.

Jeff Love: When did you guys go to district, uh, elections?

Michael Rock: Just now, I mean –

Jeff Love: Okay.

Michael Rock: – this, this was, this was our first one.

Jeff Love: Okay, okay.

Michael Rock: Yeah, yeah, which is another whole story about how that come about but it came about very quickly and so that was –

Jeff Love: Right \*\*\*\*

Michael Rock: – part of the confusion. Um, it was very confusing for the candidates 'cause they had no idea when they were deciding whether to run or not, a lot of them didn't even know we had districts –

Jeff Love: Right.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – so.

Jeff Love: Right. Yeah, I know \*\*\*\* –

Michael Rock: That was part of the reason –

Jeff Love: – about that, hm.

Michael Rock: Well, and that was, exactly, and that's the reason we had the meeting with [REDACTED] is he needed to understand that we had district elections and that's a whole different process now.

Jeff Love: Okay, and when did you become aware that [REDACTED] was gonna, had either reached out to, uh, uh, [REDACTED] or, uh, when did you become aware of that? Was it before he was gonna reach out to him and contact him or was it afterwards?

Michael Rock: No, I didn't know anything about it. I never made any contact with [REDACTED] directly.

Jeff Love: Okay.

Michael Rock: In fact I never talked to him. That was all done by [REDACTED] and [REDACTED] simply asked me to, to, come to the meeting to provide information about the, um, the write in candidate process and the election process and the deadlines. That was my only reason for being at the meeting

–

Jeff Love: Okay.

Michael Rock: – I had no idea whether this young man was gonna run or not, frankly at that point. I mean, he was still deciding.

Jeff Love: When, when, you went to the meeting, had you heard anything at all about, uh, [REDACTED] being, um, perhaps, had met with some other community folks, uh, uh, about kinda same thing about running, uh, in his district?

## **Transcript of Interview with Michael Rock – November 29, 2016**

Michael Rock: I had heard through the grapevine that he had met with a couple of people –

Jeff Love: Okay.

Michael Rock: – uh, several weeks before but I was not at that meeting.

Jeff Love: Okay, okay. And, um, did, um, had you and [REDACTED] talked about that at all, about the idea that, hey, uh, you know, these other folks were trying to kinda get him to run, was there any kind of discussion about that or was it just hey, I'm gonna meet with this guy and, uh, why don't you be there and you can answer his questions from the you know, government, uh, requirements, uh, sense?

Michael Rock: Um, I, I, had talked very briefly with [REDACTED] about [REDACTED] I think a couple weeks before that. I mean, he had, he had, just mentioned to me that there was a meeting with some other folks –

Jeff Love: Mm. Okay.

Michael Rock: – um, but that was, that was, I wasn't at that meeting and I don't know what they talked about –

Jeff Love: Okay.

Michael Rock: – and, um, and he did not file for, uh, uh, for office then or, or, later for that matter, he never actually filed.

Jeff Love: During the prior meeting that he had with the, uh, community members, um, if you know, was that at a time where he could have run on the ticket as opposed to a write in candidate?

Michael Rock: Yes, he could have. Yes, had he, had he, filed in time, and well, he would have had to get his signatures right, 20, 20 verified signatures and all that. Yes, but there was time, not a lot, it was, it was, getting very close –

Jeff Love: Okay.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – to the deadline, but yeah, he could've conceivably he could've done it and been an actual candidate.

Jeff Love: Okay, now, um, during, going back to the meeting where you there with [REDACTED] or anything did, did, either you or [REDACTED] make any disparaging, derogatory or negative comments, and they might all be true, you know, uh, about [REDACTED]

Michael Rock: I, I, did very little of the talking –

Jeff Love: Okay

Michael Rock: – most of the talking was done, was done, by [REDACTED]

Jeff Love: Okay.

Michael Rock: Um, my role was to simply provide, uh, deadlines for write in candidates and the district election process. I did mention that, that, he would have to run in District 2 –

Jeff Love: mm hmm.

Michael Rock: – which means that he would have to run against [REDACTED] that we had gone to district elections and that's what he, you know, if he wants to, to, run, that's what he would have to do. Um, yeah.

Jeff Love: What, what, what, what was [REDACTED] purpose in, in, meeting with, uh, uh, [REDACTED] if you know? I mean, was it to get somebody to run against [REDACTED], to unseat him, um, uh, was that, uh, discussed as, as a, possible motive for meeting and trying to, uh, and I'm not saying your encouraging [REDACTED] but maybe, uh, [REDACTED] was, I mean, was that the case at all?

Michael Rock: Uh, um, well I think he wanted someone to run against [REDACTED] yes, because at that point [REDACTED] was unopposed. So, yes, I believe he wanted someone to run against [REDACTED] and someone to run in District 2. Now, he's known [REDACTED] almost his whole life, or [REDACTED]

Jeff Love: Yeah, I understand he was his cross country coach or something.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – yeah, I mean, they have a very –

Jeff Love: \*\*\*\*

Michael Rock: – right, I mean that's a very personal relationship –

Jeff Love: okay.

Michael Rock: – so that had a lot to do with it. It's somebody that [REDACTED] knew, somebody that he had respect for, that he thought, that he knows is interested in, in, politics and all that and so I think that was, that was, a big part of it, too.

Jeff Love: What, was there any discussion in that meeting on the 29<sup>th</sup> amongst the three of you about you know, you should run, you know, [REDACTED] [REDACTED] is difficult to work with, you know, anything like that at all. I mean, was there any focus on [REDACTED] as being hey, you know, we gotta get somebody else in there that'll you know, work with the community or work with the council members or treat staff better, anything like that at all that you recall?

Michael Rock: Yes, yes. That was all discussed, by, by, [REDACTED]

Jeff Love: Okay, okay. And what role, if any, did you have in that conversation. I mean, and I'm not suggesting you, you, you, were, you know, chiming in it, I mean, did, did you have any opinions? Did you express any opinions concerning [REDACTED] and, uh, and the reasons why [REDACTED] should perhaps run as a write in candidate?

Michael Rock: The only thing I said was that I thought [REDACTED] would make a good candidate. That's what I said.

Jeff Love: Okay.

Michael Rock: And I was very careful about what I said, uh, because I am a city manager and I work for all, all, five council members and –

Jeff Love: Right.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – obviously I have a professional duty and responsibility to them.

Jeff Love: Okay. Right, right. Okay. Did, um, was the meeting at all recorded, to your knowledge?

Michael Rock: It was not recorded by myself or, or, by [REDACTED]

Jeff Love: okay. All right.

Michael Rock: And I do not believe, I don't think [REDACTED] recorded it –

Jeff Love: – and I'm not suggesting he did, but I, you know, nowadays with, you know, smart phones and everything –

Michael Rock: Mm hmm.

Jeff Love: – I just have to ask the question. Okay –

Michael Rock: Sure, I did not. I did not.

Jeff Love: – was there any discussion in that meeting, uh, concerning financing, how, how, [REDACTED], [REDACTED] um, how a campaign if he was to choose to run as a write in candidate, how it would be funded. Was there any talk about that?

Michael Rock: Yes.

Jeff Love: And, and, what was –

Michael Rock: I did, yeah –

Jeff Love: – go ahead.

Michael Rock: I did not say anything about that at all –

Jeff Love: mm hmm

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: – but [REDACTED] said that there would be financing available and he specifically stated by whom.

Jeff Love: Did he, uh, indicate –

Michael Rock: So, yeah –

Jeff Love: – who did he indicate the financing source would be?

Michael Rock: He said that there would probably, and again probably and maybe, there would be support from, um, Morongo –

Jeff Love: Him.

Michael Rock: – which is our, uh, uh –

Jeff Love: Your, your, tribe out there.

Michael Rock: – our tribe out here.

Jeff Love: Right.

Michael Rock: And, and, possibly from some developers, um, and, uh, oh yeah, I think that was the gist of it. Those would be the, the, typical type of, uh, donors, for, a, a, city council campaign.

Jeff Love: Did you at all voice any comments about the financing aspect of it, anything like that, or were you just kind of listening to what was [REDACTED] was saying?

Michael Rock: I didn't say anything about that at all.

Jeff Love: Okay, all right. Did [REDACTED] also, uh, indicate that he would assist with printing – I guess, I, I, understand he has a printing company and that's, uh, did he offer to do some printing and so forth for, uh, [REDACTED], [REDACTED], in, in the event he ran – was that also a discussion point, if you remember?

Michael Rock: You know, I don't believe that came up. If it did, I don't remember –

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Okay.

Michael Rock: – because, I don't, I don't think so.

Jeff Love: Okay, okay. Now, um, let me look here, did, did, you ever talk to, uh, your police [REDACTED] uh, [REDACTED] did you ever talk to him at all about, um, finding, uh, uh, enlisting him to perhaps find somebody or suggest somebody that could run in [REDACTED] district? Was there any discussion like that that you remember?

Michael Rock: I, I, spoke to [REDACTED] our police [REDACTED] uh, I had one conversation with him where he came to me and he said, oh did you know [REDACTED] was really interested in running for city council and I said who's that? And then we kind of, he, he, told me who it was and what was his involvement in the community was, that was, that was, the only thing we ever discussed and I just said, well where does he live, what district is in and that's when we came to realize he was in District 2, which is the same district as [REDACTED] is in.

Jeff Love: Okay, when you, when you, spoke with [REDACTED] did, was there any discussion about, about, uh, [REDACTED] um, having his campaign funded at all, uh, in the same kind of vein as the discussion that, um, uh, [REDACTED] had you know, Morongo, uh, Indians Casino might cover the cost and that source, was there any discussion like that between you and, and, [REDACTED]

Michael Rock: No.

Jeff Love: Okay.

Michael Rock: No. We, we, would have no reason to discuss that anyway –

Jeff Love: And the –

Michael Rock: – but no.

Jeff Love: And this conversation, where did it take place? Was it your office or the [REDACTED] office?



## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: Uh, prob, uh, oh gosh, probably in my office.

Jeff Love: Okay.

Michael Rock: Yeah. I don't, I don't, probably.

Jeff Love: Okay. But you don't recall ever going to the [REDACTED] and saying hey, if you know somebody out there, uh, that can run in the second district against [REDACTED] let me know, there was, there, that conversation that, a conversation of that nature never took place?

Michael Rock: No, not, no, not, no, I mean, the only thing that, um, the, the, one thing that of course kept popping up is people asking me did anybody file –

Jeff Love: \*\*\*\* yeah \*\*\*\*

Michael Rock: – in that district. People were very anxious to know who filed, and I said well, [REDACTED] the city clerk, is tracking that and she sends out an email every week in terms of who's filed and who hasn't filed.

Jeff Love: Okay.

Michael Rock: Um, so part of the discussions were well, I wonder if anybody's gonna even file in some of these districts, um, of course [REDACTED] filed on the very first day that it was possible to file and that's fine, so we knew he was, uh, running.

Jeff Love: Right.

Michael Rock: Um, but that, the only discussions I ever had with [REDACTED] is, you know, is anybody running for these different districts and, uh, the clerk kept us, uh, you know, informed about who had filed and who had taken out papers but not returned them, because if you don't return the papers, you don't really, it's not official –

Jeff Love: Yeah.

Michael Rock: – it's not in a filing so those, we had those discussions –

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Okay.

Michael Rock: – but, um, beyond that, not really, no.

Jeff Love: Did any of those discussions involve the district that [REDACTED] runs in? I'm just, I just want to be certain that, was, was, there any sort of discussion between you and the [REDACTED] concerning you know, trying to find somebody, uh, in order to run in [REDACTED] district at all?

Michael Rock: No, I mean, I had, I had, only been here, um, 6 months when that process started. I didn't, I personally don't know that, didn't know that many people –

Jeff Love: Mm hmm, okay. Okay.

Michael Rock: – in the community anyway at that point –

Jeff Love: All right, okay.

Michael Rock: – yeah.

Jeff Love: Now, um, was there any discussion between you and, and, [REDACTED] or others, uh, concerning the idea of attempting to find someone to run against [REDACTED]? Anything like –

Michael Rock: Well, [REDACTED] –

Jeff Love: – that you can recall?

Michael Rock: Well [REDACTED] asked me that question, and I told him look I can't, I told him more than once, I cannot, I cannot, help you in that regard.

Jeff Love: Yeah. Okay.

Michael Rock: If you, if you, want to get together with whoever you want to get together with in the community, that's fine, but I am not taking part in that.

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Right, right. Okay, okay. Fair enough. Um, now, what, if anything, do you know about a text message exchange between [REDACTED] and [REDACTED] uh, [REDACTED] that happened after that meeting on August 29 that you three had at the print shop there. Are you aware of any kind of text exchange that occurred between, uh, [REDACTED] and, and, [REDACTED]

Michael Rock: Yes.

Jeff Love: What –

Michael Rock: Yes.

Jeff Love: – if anything, did you hear about that?

Michael Rock: Well, I heard that, that, [REDACTED] was extremely disappointed in [REDACTED] and that was the gist of it.

Jeff Love: What, what, was it that, that, [REDACTED] was upset about?

Michael Rock: Well, we met with [REDACTED] at something like 6:00 that evening and, uh, apparently, now I don't know this for sure, but apparently he left that meeting and went directly to [REDACTED] house –

Jeff Love: Hm.

Michael Rock: – and, ex, expressed to him exactly what had just transpired.

Jeff Love: Did, did, [REDACTED] uh, or, I \*\*\*\* to ask you, how did you learn about that? Did [REDACTED] tell you?

Michael Rock: Yes.

Jeff Love: Do you know how [REDACTED] found out about that?

Michael Rock: No, I don't actually.

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Okay, okay. And did you ever see the text exchange, uh, did you ever see those text messages or, or, anything, uh, or did [REDACTED] read them to you or tell you what they said at all?

Michael Rock: yes, he sent me the text message.

Jeff Love: Okay. And, um, okay. And did he send it to you when he had, um, after, after, the exchange had occurred, he sent it to you?

Michael Rock: Um –

Jeff Love: I mean obviously it wasn't before it occurred, uh, but I mean, was it in real time, were you being copied on it, or, and I don't think you can be blind copied obviously on a text message, but, um, did he just send you the exchange after it, uh, after it had occurred.

Michael Rock: Uh, I think it was afterwards, yeah.

Jeff Love: Okay, okay. Do you still have those?

Michael Rock: Uh, no. The, it, it, would've already been deleted –

Jeff Love: Okay.

Michael Rock: – automatically by the, uh, by, uh, the iPhone.

Jeff Love: Okay.

Michael Rock: yeah.

Jeff Love: Okay, um, okay. I don't know that I have any other questions, um, at this point. Um, let me just look here in my notes. Is there anything else about this matter that I haven't asked you about that you think would be important for me to know about at all?

Michael Rock: Well, I just wanna say that I, I, met with a number of potential candidates for city council. Um, they specifically called me and said, Michael, I'm thinking about running for city council, I'd like to meet with you to learn about the city operations and the city budget and so forth and so on.

## Transcript of Interview with Michael Rock – November 29, 2016

And I met with, uh, [REDACTED], who ultimately did not file but was interested; I met with another gentleman named [REDACTED] who was interested but ultimately did not file; and, I met with [REDACTED], who was very interested and also did not file. I met with all three of them. I went, and I actually, when [REDACTED] and I met with [REDACTED] we talked a lot about the city operations, city services, the budget, the basic operations, how, you know, what services we provide and what we do and, and, that was the reason [REDACTED] wanted me there.

Jeff Love: Just to kinda give the, the, background on city operations and so forth.

Michael Rock: Which I did for every single candidate that requested that.

Jeff Love: Okay, and that would, I would assume, would be your usual and customary thing that a city manager would do, um, to meet with any candidate, or potential candidate that wants to run –

Michael Rock: Right.

Jeff Love: – to ask questions or whatever. Do you normally require somebody like that to set a formal meeting with you or anything like that?

Michael Rock: Yes. I, I, usually set up a meeting, um, just because of my, my, impacted schedule, so yes, I ask them to make sure that it gets on my calendar and that I set aside the time, 'cause they usually need at least an hour, sometimes a lot more.

Jeff Love: Okay, okay. Did, um, did you tell, uh, [REDACTED], uh, in the meeting you had with him on the 29<sup>th</sup> and [REDACTED], did you tell [REDACTED] that if he wants to run, that he has to likewise set a formal meeting with you and, and, and, come in to City Hall and so forth, if, if, if, he wanted to go forward, was that offer made to him \*\*\*\*.

Michael Rock: Absolutely.

Jeff Love: Okay.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: Absolutely. I was very, in fact, I mentioned it several times. I said, you know, if you file, and you go through this, please set up a meeting so we can go over the budget in more detail and talk about the city operations some more.

Jeff Love: Okay, okay.

Michael Rock: Yeah, absolutely.

Jeff Love: Did you provide, uh, uh, [REDACTED] any of your contact information at all?

Michael Rock: You know, I can't remember. I probably gave him my cell phone number –

Jeff Love: Okay.

Michael Rock: – but I don't know, that's a really good question. I can't recall if I did or not. I gave, I know I gave him my business card.

Jeff Love: Okay.

Michael Rock: I know that.

Jeff Love: Okay.

Michael Rock: yeah. And he went through the, um, uh, leadership academy that they city, um, put on just a few months before that –

Jeff Love: Right \*\*\*\*.

Michael Rock: – and he graduated, he graduated from that so he knew me, I knew him from that as a student in the, in the, uh, leadership academy, uh, course. Um, but I had no other contact with him other than the meeting with [REDACTED]

Jeff Love: Okay.

## Transcript of Interview with Michael Rock – November 29, 2016

Michael Rock: That was the only, the only, time I ever, uh, actually met with him.

Jeff Love: Okay. Okay, um, I don't think I have, uh, any other questions. Let me just check one thing here, make sure I cover everything, um, uh, so, um, just to be clear, um, you didn't seek out [REDACTED] um, [REDACTED] somehow contacted him and asked you to merely attend the meeting to be there to explain city issues and policies and perhaps election rules and that sort of stuff.

Michael Rock: yes, that's correct. I did not reach out to [REDACTED] at all.

Jeff Love: [REDACTED] may have made some unkind comments or, I won't say unkind, but maybe some negative comments about [REDACTED] in the meeting, but you did not make any of those such, any such comments.

Michael Rock: I was very careful about that –

Jeff Love: Okay, okay.

Michael Rock: –and no. Yes.

Jeff Love: Now, um, did and, and, your contact with [REDACTED] was limited to just general discussions about who may be running generally for offices and you never went to him and asked perhaps for some input, or some candidates that could run against [REDACTED], in particular. Nothing like that happened?

Michael Rock: No.

Jeff Love: Okay, okay. And, um, did you attempt to, uh, persuade anyone to run against any of the current council members on the November 8 ballot, and by persuading them, you know, encouraging them, or hey, you should run, why don't you consider it, was there anything like that that occurred at all that you, that you, can imagine or recall?

Michael Rock: No, I only reacted to people who called me and said I'm interested in running, and I'd like to talk to you and then of course I, I, would sit down and talk to 'em –

## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: okay.

Michael Rock: – and so there were three candidates I did that with – I didn't actively go out and find people and say hey, are you running for city council, you know you really should. I did not do that at all.

Jeff Love: Okay, okay.

Michael Rock: Um, yeah –

Jeff Love: \*\*\*\*

Michael Rock: – there were plenty of other people doing that anyway.

Jeff Love: Right, yeah, well, there's, there's no, there's no, uh, there's no, uh, uh, shortage of that I'm sure.

Michael Rock: No.

Jeff Love: What, what, I mean, has [REDACTED] and your relationship somehow soured? I mean, can, do you have any opinions on that, um, concerning why he might dislike you or accuse you of something like this?

Michael Rock: Are we still on recording?

Jeff Love: Yes, yes, would you prefer not to –

Michael Rock: Oh.

Jeff Love: – make comment on that now?

Michael Rock: No, I don't wanna talk about that now.

Jeff Love: Okay, okay. All right, fair enough.

Michael Rock: Yeah.



## Transcript of Interview with Michael Rock – November 29, 2016

Jeff Love: Fair enough, I won't, I won't, I won't, probe that, that's opinion anyway, so, you, okay. I don't think I have any other questions. Um, is there anything else that you would like to add?

Michael Rock: Um, no, I don't, I don't think so, um, you know, I, I, I, think that, I, just to be clear, I've been a city manager for 9 years and I've, I've, talked to lots of potential candidates, I've given them as much time as they needed to talk about the city and –

Jeff Love: Right.

Michael Rock: – you know, what's going on and whether, you know, what's going on with the election process and how that works and, uh, I give everybody as much time as they need, whoever that potential candidate may be –

Jeff Love: Mm hmm.

Michael Rock: – and [REDACTED] was handled no differently than, than, [REDACTED] or [REDACTED] or any other person that wanted to run for office.

Jeff Love: Did, um –

Michael Rock: So, you know.

Jeff Love: – you know, and so the meeting being at [REDACTED] place was due to the, the, logistical issue. He was busy, City Hall is closed and then, and –

Michael Rock: Right.

Jeff Love: – and, it, it, just made sense to meet there. The other candidates that approached, did they come during business hours and meet you in your office?

Michael Rock: [REDACTED] did, yes. I met with him in my conference room here at City Hall and [REDACTED] I spoke to over the phone.

Jeff Love: Okay, okay. All right.