



*Bonnie M. Dumanis*

# On the Record



San Diego County District Attorney

May 2005

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**San Diego District Attorney Office**  
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### *DA Dumanis Files Charges In City Pension Board Case - Conflict Of Interest Alleged*

After an 11 month investigation, District Attorney Bonnie M. Dumanis announced felony charges against five former members and one current San Diego City Employee Retirement System Board member for conflict of interest. "Rather than go through a secret grand jury process, we have decided to present our evidence in an open preliminary hearing. This will ensure the details of this investigation will be made public," said DA Dumanis.

#### THE DEFENDANTS

Ronald L. Saathoff  
John A. Torres  
Sharon K. Wilkinson  
Cathy Lexin  
Mary Vattimo  
Terri A. Webster

Saathoff, Torres, Wilkinson, Vattimo and Webster all face three felony counts each. Lexin faces two felony counts. The six defendants, have each been charged with violation of Government Code 1090, which states in part that, "... city officers or employees shall not be financially interested in any contract made by them in their



DA Dumanis at news conference

official capacity or by any body or board of which they are members."

"The legislature created Government Code Section 1090 to ensure good government," DA Dumanis said. "It requires that people in fiduciary positions may not serve two masters at the same time -- when they act to the detriment of one or the other and it results in their financial benefit."

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## DA FILES CHARGES — CON'T

### THE ALLEGATIONS

On July 11, 2002 The SDCERS Board of Trustees voted to approve and accept an amended City of San Diego proposal which deferred a percentage of City of San Diego employer contributions and avoided the City's obligation to make a balloon payment to SDCERS as negotiated under the terms of a prior City agreement. The amended proposal included a negotiated enhanced retirement benefits agreement between the City of San Diego and three of the City of San Diego Employee bargaining unions.

### THE UNIONS

These unions included the San Diego Fire Fighter's Local 145; Municipal Employees Association; and American Federation of State, County and Municipal Employees Local 127.

Each of the trustees named in this criminal action voted in favor of this proposal and personally benefited as a result of their involvement with the amended proposal .



### PENSION INCREASES

After the vote, Saathoff's monthly pension increased by \$2,530.23 to \$9,703.66; Torres' monthly pension increased by \$386.52 to \$4,016.81; Wilkinson's monthly pension increased by \$477.60 to \$5,096.26. Assuming that the other three defendants retire at age 55, Lexin's monthly pension would increase by \$537.45 to \$5,636.06; Vattimo's monthly pension would increase by \$703.70 to \$7,108.21; and Webster's monthly pension would increase by \$1,073.67 to \$10,862.41. All of the defendants are scheduled to be back in court in mid June.

After an 11 month investigation — the media turn out in full force to listen to the DA announce charges against former and current City Pension Board members.



### DA Dumanis Meets with Media To Explain Death Penalty Process

DA Bonnie M. Dumanis, Assistant District Attorney Jesse Rodriguez, Chief Deputy Mark Pettine and Deputy DAs Jeff Dusek and Garland Peed gave reporters a behind the scenes presentation on the complex process that ultimately determines whether a defendant will face the death penalty, during May's "Media Brown Bag Luncheon." When a potential death case comes in it is vetted before the "Major Case Review Committee." This committee, comprised of the ADA and office's most experienced prosecutors, listens to the facts of the case. They recommend either for Life In Prison Without Parole or for Death. That recommendation goes to the DA for consideration. The ADA and the DA also meet with defense attorneys to find out if there are extenuating circumstances, i.e. mental issues, that should be taken into consideration. The DA may also meet with the victim's family to determine their view. Once all these steps are taken, the DA will make a decision and then usually wait a week. "It's important to sit with my decision for a while to make sure it is the right one," said DA Dumanis. Finally, the DA will call the prosecutor assigned to the case and tell him/her of her decision. If she decides death, the long legal battle begins.

**C.A.T.C.H. SHUTS DOWN PIRACY NETWORK**

The DA's multi-agency Computer and Technology Crimes High-Tech Response Team (CATCH) was involved in the bust of a cutting edge web site in May that allowed illegal downloading of copyrighted material. It was the first criminal enforcement targeting individuals involved in peer-to-peer networks using the latest file-sharing technology known as BitTorrent. FBI and ICE agents served 10 arrest warrants May 25 across the United States against leading members of a technologically sophisticated network known as Elite Torrents. At the time of the bust, it had attracted more than 133,000 members. In the four months leading up to the arrests, the site allegedly facilitated the illegal distribution of more than 17,800 titles which were downloaded 2.1 million times. The content selection of movies and software available on the Elite Torrents network was virtually unlimited. It often included illegal copies of copyrighted works before they were available in retail stores or in movie theaters. The latest "Star Wars" film was made available for downloading six hours before it opened in theaters and was downloaded 10,000 times in the first 24 hours. The investigation began after the Motion Picture Association of America contacted the DA's CATCH Team in an effort to crack down on movie piracy.

**DA LAUNCHES NEW MEDICAL AND LEGAL INSURANCE FRAUD TASK FORCE**

San Diego is once again on the cutting edge of crime fighting. This time, the DA's office is taking aim at insurance fraud and tax evasion by medical and legal professionals. District Attorney Bonnie M. Dumanis has created a unique task force to attack the problem. It's the first task force of its kind in California. The main objective of the Medical and Legal Insurance Fraud Task Force is to investigate and prosecute professionals engaged in auto insurance fraud, workers' compensation fraud and/or tax evasion.

These types of sophisticated crimes require a more specialized focus to capture these criminals. Investigators are already working their first case. The inter-agency motivation, skill and cooperation in this program will make it a model for other jurisdictions throughout the state.

"Tax fraud takes money out of the pockets of honest taxpayers," State Controller and Franchise Tax Board Chair Steve Westly said. "We're looking forward to continuing our partnership with the San Diego District Attorney's Office and stopping tax cheats in their tracks."

**"There is a lot more fraud of this type than the public may be aware," said DA Dumanis**



**To report Insurance Fraud**

**1- 800-315-7672**

# DA CASE FILES

*In the past couple of months, we have had some very good results in the courtroom. The following is a snapshot of some of our cases.*

**Roger Talamantez**, 61, pleaded guilty to a misdemeanor in connection with underreporting stock he owned in a company doing business with the San Diego Data Processing Corporation while he was the director. He was immediately sentenced to three years probation and fined \$5,000. Talamantez is also prohibited from holding an elected or public office for four years.

**Bruce Quick**, 44, was sentenced to one year in jail after pleading guilty to manufacturing methamphetamine, identity theft and burglary while he was a member of the Escondido planning commission. He was also put on three years probation.

**Marko McRoy**, 33, was sentenced to 19 years in state prison after pleading guilty to two counts of rape with a foreign object of a sleeping victim, five counts of residential burglary, two counts of assault to commit rape and other felonies. The defendant would find his victims randomly in North Park, Normal Heights and City Heights while he was on his way home from bars in the late night and early morning hours during the hot summer months of 2004.

**Carlos Valverde Romero**, 59, was a National City home-based minister who used the fear of the devil to force women in his congregation to have sex with him. He pleaded guilty to a felony charge of violating the liberty of a person through the use of fear, intimidation or deceit and sentenced to five years probation and 200 hours of community service. Romero was also prevented by the judge from working again as a religious leader.

**Patrick Dodenhoff**, 36, who exposed himself to eight women including a Scripps Ranch High School student, was sentenced to five years in state prison. He was convicted at trial of assault and indecent exposure. His victims were shoppers at various stores in Carmel Mountain Ranch, La Jolla and the North County.

**Andrew English**, 26, was a California Highway Patrol officer when he filed a false insurance claim reporting his \$10,000 personal motorcycle was stolen. He was sentenced to three years probation and 15 days of public work service after pleading guilty. English, who was kicked off the CHP force upon his arrest, will not be allowed to seek another job in law enforcement.

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