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COUNTY OF CONTRA COSTA
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
GUS S. KRAMER, ASSESSOR,
Defendant.

Case No. 05-191106-4

GRAND JURY ACCUSATION

The 2018-2019 Contra Costa Grand Jury (hereinafter, "Grand Jury") has inquired into certain actions of Gus Kramer, Assessor for Contra Costa County (hereinafter, "Mr. Kramer"), as authorized by Penal Code section 919(c).

INTRODUCTION

At all times during the period of time covered by this Accusation and through the present, Mr. Kramer was and is the Assessor of Contra Costa County. As such, Mr. Kramer was and is a county public officer subject to removal from office pursuant to a grand jury accusation for "willful or corrupt misconduct" in office. (Gov. Code, § 3060 et seq.)

"[T]he 'misconduct in office' condemned in section 3060 is broad enough to include 'any willful malfeasance, misfeasance, or nonfeasance in office' whether or not attended by 'criminal intention.'" (*People v. Hawes* (1982) 129 Cal.App.3d 930, 939.) A violation of section 3060 is

1 thus not a crime, but rather has as its consequence “the removal of the incumbent from office and
2 the judgement can go to no further extent.” (*Ibid.*) Government Code section 3074 provides for a
3 six-year statute of limitations.

4 ACCUSATION

5 The Grand Jury accuses Mr. Kramer of willful or corrupt misconduct in office, in that,
6 during 2013 through 2019, within the County of Contra Costa, State of California, Mr. Kramer
7 knowingly engaged in conduct that created a hostile work environment for employees within his
8 office and under his supervision, as alleged herein. All dates relevant to this Accusation are
9 approximate and all date ranges are both approximate and inclusive.

10 1. Mr. Kramer created a hostile work environment in violation of the Fair Housing
11 and Employment Act and Government Code section 12940(j) by engaging in the following
12 conduct directed toward Witness-1, a female Associate Appraiser in the Assessor’s Office:

13 a) Beginning in 2014, Mr. Kramer would visit Witness-1’s office cubicle almost daily,
14 for 15-20 minutes at a time, and would tell her stories about his conquests with
15 women. (Transcript of Witness-1 interview, p. 4/14-26.)

16 b) In 2014, Mr. Kramer called Witness-1 out of a meeting to meet him in the lobby of the
17 County Building at 651 Pine Street, at which time he pointed to a single rose sitting on
18 a table in the lobby and said, “I brought that for you”. He repeated the statement three
19 times, and then told her that he was “smitten” by her. (Transcript of Witness-1
20 interview, p. 6/1-28.)

21 c) In 2014, Witness-1 sent a text message to Mr. Kramer asking why he had canceled the
22 office staff picnic, which had been scheduled for the following day. Because the
23 scheduled picnic happened to coincide with Witness-1’s birthday, her text message
24 asked why had cancelled her birthday party. Mr. Kramer replied “Because, I wanted
25 you all to myself. Ha, Ha.” (Transcript of Witness-1 interview, p. 9/9-24; Exhibit B;
26 Screen shot of text message dated, June 17, 2014.)

27 d) In 2014, Mr. Kramer sent a series of text messages to Witness-1 while he was on
28 vacation at a lake. In this exchange of texts messages, Mr. Kramer told Witness-1 his

1 vacation would be much better if he had her at the lake with him. (Transcript of
2 Witness-1 interview, p. 9/25-10/18; Exhibit C; Screen shot of text message dated,
3 August 2, 2014.)

4 e) In 2014, Mr. Kramer sent a text to Witness-1 late in the evening asking if she was
5 alone. When Witness-1 responded that she was with her husband, he replied that he
6 would talk with her another time. (Transcript of Witness-1 interview, p. 5/21-24.)

7 f) In 2015, Mr. Kramer visited Witness-1's office cubicle several times each week to talk
8 about personal matters such as his parents and his experiences with women. During at
9 least one of these cubicle visits, Mr. Kramer told Witness-1 about his father's virility.
10 (Transcript of Witness-1 interview, p. 11/8-19.)

11 g) In 2015, on at least two occasions, Mr. Kramer told Witness-1 a story about how he
12 had given his niece a vibrator as a Christmas present, and how he was greatly amused
13 when the niece opened this present in front of her entire family. On other occasions,
14 Mr. Kramer had told Witness-1 that she reminded him of his niece very much.
15 (Transcript of Witness-1 interview, pp. 11/20-12/2; Exhibit A.)

16 h) In 2018, Witness-1 crossed paths with Mr. Kramer in the office parking lot and was
17 unable to avoid him, at which time he came toward her with a big grin on his face and
18 chuckled, rather than make any effort to avoid her. Witness-1 considered Mr.
19 Kramer's conduct to be hostile and offensive, to the extent that she was in shock and
20 shaking as a result. (Transcript of Witness-1 interview, pp. 20/27-28-21/1-26; Exhibit
21 D)

22 Mr. Kramer is at the top of the management hierarchy in the Assessor's office and directly or
23 /indirectly supervises Witness-1's work and working environment. Witness-1 was subjected to
24 these unwanted sexual comments and storytelling because she is a woman. The harassing conduct
25 of Mr. Kramer directed at Witness-1 was pervasive. Witness-1 considered her work environment
26 to be hostile or abusive to such an extent that she feared for her job, was on stress medication, and
27 sought professional counseling. A reasonable person in Witness-1's circumstances would have
28

1 considered the work environment to be hostile or abusive. Mr. Kramer initiated the harassing
2 conduct toward Witness-1 and Witness-1 was harmed as a result of Mr. Kramer's conduct.

3 2. Beginning in 2013-, Mr. Kramer created a hostile work environment in violation
4 of the Fair Housing and Employment Act and Gov. Code, 12940(j) by engaging in the following
5 conduct directed toward or in the presence of Witness-2, a female Associate Appraiser in the
6 Assessor's Office:

7 a) In 2013, Mr. Kramer approached Witness-2 on the first floor of the Assessor's Office
8 to tell her a story about his dinner with a woman with whom he co-owned property.
9 Mr. Kramer told Witness-2 he thought this woman was "coming on" to him during
10 their dinner, and described the woman was "wearing a white blouse with no bra."

11 (Transcript of Witness-2 interview, pp. 57/27 - 58/10)

12 b) In 2014, while Witness-2 was working in her office cubicle, she overheard Mr.
13 Kramer telling a story to Witness-1 about how he had given a vibrator to a female
14 relative of his as a Christmas gift, and how, to his great amusement, this relative had
15 opened the gift in front of children. (Transcript of Witness-2 interview, pp. 58/21 -
16 59/5.)

17 c) In 2015, Witness-2 entered an office elevator in which only Mr. Kramer was present.
18 After the doors closed, Mr. Kramer told Witness-2 that he had been having
19 "inappropriate" thoughts about her. (Transcript of Witness-2 interview, p.62/1-11)

20 Mr. Kramer is at the top of the management hierarchy in the Assessor's office and directly or
21 indirectly supervises Witness-2's work and working environment. Witness-2 was subjected to
22 these unwanted sexual comments and storytelling because she is a woman. The harassing conduct
23 of Mr. Kramer directed at Witness-2 was pervasive. Witness-2 considered her work environment
24 to be hostile or abusive to such an extent that she feared for her job and broke down in tears while
25 relating her fears to a Principal Assessor in the Assessor's Office. A reasonable person in
26 Witness-2's circumstances would have considered the work environment to be hostile or abusive.
27 Mr. Kramer initiated the harassing conduct toward or in the presence of Witness-2 and Witness-2
28 was harmed as a result of Mr. Kramer's conduct.

1 3. Beginning in 2014, Mr. Kramer created a hostile work environment in violation of
2 the Fair Housing and Employment Act and Gov. Code 12940(j) by engaging in the following
3 conduct directed toward Witness-3, a female Senior Clerk in the Assessor's Office:

- 4 a) In 2014, Mr. Kramer stopped Witness-3 in a hallway on the first floor of the
5 Assessor's Office to tell her that he had seen a picture of her in a wedding dress and
6 that she looked "really hot." (Transcript of Witness-3 interview, pp. 37/27-28- 38/1-4.)
7 b) Periodically since 2014, Mr. Kramer would approach Witness-3 while she was
8 working relief on the fourth floor of the Assessor's Office and say to her, "I've heard
9 you've been bad. Are you being good?" (Transcript of Witness-3 interview, p. 38/21-
10 27.)

11 Mr. Kramer is at the top of the management hierarchy in the Assessor's office and directly or
12 indirectly supervises Witness-3's work and working environment. Witness-3 was subjected to this
13 unwanted harassing conduct because she is a woman. The harassing conduct by Mr. Kramer was
14 pervasive. Witness-3 considered her work environment to be hostile or abusive to such an extent
15 that she requested anonymity for fear of losing her job, and asked Sandra Williams, the Lead
16 Clerk in the Assessor's Office, not to require her to work on the Fourth floor. A reasonable person
17 in Witness-3's circumstances would have considered the work environment to be hostile or
18 abusive. Mr. Kramer initiated the harassing conduct toward Witness-3 and Witness-3 was harmed
19 as a result of Mr. Kramer's conduct.

20 4. Mr. Kramer created a hostile work environment in violation of the Fair Housing
21 and Employment Act and Gov. Code 12940(j) by engaging in the following conduct directed
22 toward Witness-4, a male Assistant Assessor in the Assessor's Office:

- 23 a) On three separate occasions in 2018, Mr. Kramer entered Witness-4's office for the
24 sole purpose of telling Witness-4 a graphic story about a couple having anal sex. Mr.
25 Kramer would then laugh and walk out of Witness-4's office. (Transcript of Witness-
26 4 interview, p. 235/16-22.)
27 b) On three separate occasions in 2018, Mr. Kramer entered Witness-4's office for the
28 sole purpose of telling Witness-4 about the "physical attributes" of various women Mr.

1 Kramer had met at business meetings and how he would like to “bend her over the
2 couch.” Mr. Kramer would then laugh and walk out of Witness-4’s office. (Transcript
3 of Witness-4 interview, p. 235/23 - 236/4.)

4 c) In 2018, Mr. Kramer entered Witness-4’s office for the sole purpose of calling
5 Witness-4 “a fucking beaner.” (Transcript of Witness-4 interview, p. 237/20-21.)

6 d) In 2018, following the (state) Democratic Convention, Mr. Kramer approached
7 Witness-4 and said to him, “White males would never vote for a fucking Mexican”
8 (Transcript of Witness-4 interview, p. 237/11-17.)

9 e) Witness 4 reasonably inferred that Mr. Kramer’s use of the term “fucking beaner” and
10 “fucking Mexican” when speaking to Witness-4 were intended to be derogatory of
11 Witness-4 based on his ethnicity.

12 Mr. Kramer is at the top of the management hierarchy in the Assessor’s office and directly or
13 indirectly supervises Witness-4’s work and working environment. The harassing conduct by Mr.
14 Kramer directed toward Witness-4 was pervasive. Witness-4 considered his work environment as
15 hostile or abusive to such an extent that he reasonably believed his safety from retaliation and
16 abuse were not guaranteed. As a result of Mr. Kramer’s conduct, Witness-4 needed medical help
17 and was referred to a mental health professional. A reasonable person in Witness-4’s
18 circumstances would have considered the work environment to be hostile or abusive. Mr. Kramer
19 initiated the harassing conduct toward Witness-4 and Witness-4 was harmed as a result of Mr.
20 Kramer’s conduct.

21 The Grand Jury asserts that these actions of Mr. Kramer comprise willful or corrupt
22 misconduct in office, pursuant to Government Code section 3060. At least 12 members of the
23 Grand Jury have concurred this Accusation of “willful or corrupt misconduct in office” should be
24 presented against Mr. Kramer.

25 It is the Grand Jury’s intent that if any element of these charges is found legally deficient
26 for any reason, the remaining elements should be considered fully operative, and sufficient to
27 bring the charges described herein.

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Dated: April 16, 2019

A TRUE BILL,



Richard S. Nakano,

FOREPERSON

2018-2019 CONTRA COSTA GRAND JURY