

Mr. David Huff
General Counsel
Capistrano Unified School District
33122 Valle Road
San Juan Capistrano, California 92675

Dear Mr. Huff,

As you know, local blogger and activist Dawn Urbanek recently filed a complaint against me with the California Fair Political Practices Commission ("FPPC"). The complaint included several allegations related to my official duties as a member of the Capistrano Unified School District Board of Trustees. It goes without saying that her allegations are patently false. Nonetheless, I'm tasked with the job of defending myself in any administrative action brought by the FPPC in hopes of clearing my name and avoiding any potential administrative liability. To this end, I am writing to respectfully request that the District provide me with legal counsel to defend myself in the aforementioned administrative action.

California law provides that a public entity, including a school district, may provide legal counsel to defend their employee or officer in an administrative proceeding. To qualify for such counsel the following elements must be met:

- 1) The proceeding in question must be based on an act or omission within the scope of the employee or officers duties;
- 2) The employee or official must have acted, or failed to act, in good faith, without actual malice and in the interests of the public entity; and
- 3) The entity must determine that such defense would be in the best interests of the entity.

I believe that it is clear based on the circumstances that the above elements are satisfied. The basis of Ms. Urbanek's complaint is that I violated California ethics laws by participating in a governmental decision in which I had a reasonably foreseeable financial interest. While her allegations are completely false, the actions underlying her complaint are intrinsically related to my official duties as a member of the Board. Further, my actions as a Board member have always been, and continue to be, in good faith and without actual malice. And lastly, it is unquestionably in the District's best interests to provide for my defense and demonstrate that Ms. Urbanek's claims concerning its official actions are false.

Enclosed is a retainer agreement for the law firm of Olson, Hage! & Fishburn LLP. This firm has a stellar reputation in the legal community and a great deal of experience litigating matters related to conflicts of interest before the FPPC. Given their reputation and experience with conflicts of interest, I feel that they would be the ideal firm to handle my defense.

Please let me know if you have any questions regarding the complaint or my request. I greatly appreciate your support during this trying time.

All the best,

Lynn Hatton-Hodson