Potential conflict of interest concerning councilmember Lori Acton?

14th KZGN News talking points editorial

Tuesday, January 20, 2015

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In case you haven’t heard about what is going on yet, here is a brief summary. Lori Acton is a current sitting Ridgecrest city councilmember. She has slightly less than two years left on her first term of office. This past summer, the city council reviewed applications from six companies for grants from the city for a new business to start operations here in the city. They ultimately awarded grants totaling over $2 million to four companies. One of the companies was Pertexa, a medical robotics company.

The problem is that councilmember Lori Acton has accepted employment with a temp agency that is supplying labor support to Pertexa. The question is, did she violate the CA elections code by taking this position?

The elections code section 18747 states “Public officials may not make or use their official positions to influence governmental decisions directly related to a prospective employer. A prospective employer is one whom they are, either personally or through an agent, negotiating or have an arrangement with concerning prospective employment.”

The actual sequence of events is what causes concern.

The entire council met with all the grant applicants privately before their selection vote on July 2nd. Yet to be determined was the actual amount of grant to be awarded. We have recently been informed that as early as July 7th, just five days after the selection process, Lori Acton requested an opinion from city attorney Keith Lemieux as to getting a job with one of the selected companies. Then on August 6th, the council actually voted to approve the contracts to award to the companies. Lori took part in that action.

Then shortly after in October, she was employed through Toss to be an employee of Fanestra which provides software services to one of the awarded companies Pertexa.

KZGN hosts Al Huey and Robert Eierman on the Ridgecrest talk show last week did an extensive interview with her about the issue. While they did get some answers to the conflict of interest issue, their questions also raised some new questions. At one point they asked her if she met with these companies before the first meeting. She admitted she did prior to the vote, as all other council members did, but declared she never talked about employment. She was also asked if she would voluntarily disclose her email and telephone records for verification of any potential discussions with Pertexa or Toss. She said she would only disclose those records if she had to, but not voluntarily. This is a red flag. If nothing went on, why not disclose those records?

She was also asked what her job title was. She refused to answer that, saying all the employees were a team. I understand the teamwork concept, but everyone is hired with a job title, showing their area of responsibility.

The key to us knowing if anything illegal happened here, to have full disclosure of the events from June to November last year. Her personal and city council emails and cell phone records including phone calls and text messages will show how many times she communicated with Toss or Pertexa during that time, if any communication occurred. The timing of the request to the city attorney really throws a large red flag out, as well. This doesn’t look good at all.

There have been some comments on Facebook blogs since the Ridgecrest talk show interview. Here are some of the comments from the IWV blog:

Peter wrote, “Sure seems like it is just one more time that a city council member gets a financial perk from their elected position.”

Paul wrote, “The only voice that would mean anything is a recall.”

Mary wrote, “She should have recused herself from any action on this issue.”

Then, Peter writes, “She votes July 2nd, then asks the city attorney for an opinion on July 7th. Something stinks.”

And then in the KZGN news blog, Ethan wrote, “It’s unfortunate that the councilwoman’s apparent arrogance doesn’t afford her the ability to recognize how badly this is perceived.”

And now a local paper has asked for her to resign her position. I’ve heard from others that a grand jury should look into this situation. Now, let’s say she did nothing illegal. Well, how about the perception? When I worked on the base, I managed large contracts. There were always opportunities to get into conflict situations.

My boss always told me, even if it’s not illegal, the right thing might still be, don’t do it, because it will be perceived as illegal. He also told me to make sure my actions would never lead to a headline in the paper that would embarrass me, the navy, or my mother. Those were good words of advice that I followed. An elected person should do the same. I personally think it is too soon to ask for her resignation or doing a recall. There are still some unanswered questions.

1. Will she disclose her council and personal emails and phone records, including text messages, voluntarily so that the public can see if there was any contact between Lori and Pertexa/Toss/Fanestra prior to her being hired?
2. When was she contacted by Toss for employment with this company, and what is her job title?

We have heard nothing from Toss or Pertexa about this potential conflict. This is key to sorting out whether there was wrongdoing or not. We need to hear from Toss and Pertexa. For them to provide employment information, she would have to give her permission.

In conclusion, Lori said in the interview that she’s been looking for a job for two years. I know finding a job in Ridgecrest isn’t easy unless you’re a college graduate and get on the base. However, she should have realized how bad this would look. Lori should give public permission to Toss and Pertexa to entertain and answer all questions from the public on this topic. Lori should release her council and personal emails and cell phone records including text messages. We should also know what her job title is. Again, I feel there are still some unanswered questions that need answering. It is too soon to ask for her to resign. We don’t know if anything illegal happened. We do know that it sure looks suspicious.

Lori has the power to clear this all up, or let it be her legacy as a councilmember that she used her office to get a job.

Tell me what you think about this editorial or any other topic you’d like me to discuss! Whether you agree with me or not, I’d like to read your comments. I encourage your email comments. I may read some email comments on my next editorial. Please email them to [info@kzgn.net](mailto:INFO@KZGN.NET).

This has been a KZGN talking points editorial seen right here on KZGN TV. Join me Thursday for my next editorial. I’m Tom Wiknich, and that’s what I think!