



TO: Senator Grassley

FROM: O&I Staff

DATE: May 10, 2022

RE: Investigation into Eric Garcetti, Nominated to be Ambassador to the Republic of India

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### **Introduction, Scope, and Methodology**

The purpose of this investigation is to assist Senator Grassley of Iowa in fulfilling his duty to provide advice and consent on the nomination of Eric Garcetti to be ambassador to the Republic of India. We initiated this investigation after whistleblowers approached our office with allegations that Mr. Garcetti, while Mayor of Los Angeles, was aware that his Deputy Chief of Staff, Rick Jacobs, had sexually harassed multiple individuals and made racist and derogatory comments towards others. Whistleblowers allege that Mayor Garcetti stood by and allowed this behavior to go unchecked for years. Whistleblowers further allege that the Senate Foreign Relations Committee had not previously investigated their claims.

The scope of this investigation is limited to determining whether Mayor Garcetti was aware that Mr. Jacobs sexually harassed or made racist comments towards others. To determine this, we asked two distinct questions; first, did Mr. Jacobs sexually harass or make racist comments towards others; second, if the answer to the first question is yes, then was Mayor Garcetti aware of, or should he have been aware of, this conduct. Investigators began with the presumption of innocence for all parties and reached conclusions based on a preponderance of the evidence.

To conduct this investigation, we interviewed 15 witnesses, read 26 depositions taken in the course of a civil suit against Mr. Jacobs, and reviewed an investigative report and a supplemental report commissioned by the City of Los Angeles. Additionally, we reviewed several documents including emails and text messages provided to investigators by witnesses. Unfortunately, Mr. Jacobs and 11 separate individuals currently working for or close to Mayor Garcetti refused to speak with us. Further, investigators requested an interview with Mayor Garcetti on three occasions and he refused to meet. Since this is not a criminal or civil investigation, but an investigation meant to assist in the Senate's constitutionally mandated advice and consent process, we had to reach conclusions based on the evidence that we had before us. If at a later time, these individuals wish to come forward and provide new evidence or testimony we would be willing to revisit our conclusion if the evidence supports it.

## Background

Rick Jacobs has known Eric Garcetti since approximately 2003-2004.<sup>1</sup> Soon after Mr. Garcetti became Mayor of Los Angeles in July 2013, he hired Mr. Jacobs as his Deputy Chief of Staff.<sup>2</sup> Mr. Jacobs remained at City Hall until February 2017 when he left to join the board of the Mayor's Fund, which is a privately funded initiative to support the Mayor's agenda.<sup>3</sup>

In approximately November 2013, LAPD Officer Matthew Garza joined the Mayor's security detail which required close contact with Mayor Garcetti, and by extension, Mr. Jacobs.<sup>4</sup> Officer Garza alleges that he was subjected to constant sexual harassment by Mr. Jacobs which the Mayor often observed, but never intervened. Officer Garza eventually left the detail in 2020 and filed a lawsuit against the City of Los Angeles in July of that same year.<sup>5</sup>

In response to the lawsuit, the City of Los Angeles hired Leslie Ellis of Ellis & Makus LLP to conduct an investigation into the claims of misconduct by Mr. Jacobs (hereinafter known as the Ellis Report).<sup>6</sup> The investigation conducted by Ms. Ellis was focused exclusively on the allegations made by Officer Garza against Mr. Jacobs. Ms. Ellis interviewed Mr. Jacobs and 27 other witnesses and submitted her findings in a confidential report to the City, which cleared Mr. Jacobs of any wrongdoing.<sup>7</sup> By virtue of clearing Mr. Jacobs of any wrongdoing, Mayor Garcetti was also cleared of any misconduct since the allegations against him posited that he was aware of Mr. Jacobs' harassment. Ms. Ellis created an updated report at a later date to include her interview with Mr. Jacobs. Additionally, months later she produced a summary report of her findings. The initial report, updated report, and summary report all reached the same conclusions.<sup>8</sup>

Mayor Garcetti, the State Department, and others in the media have pointed to the Ellis Report as evidence that Mayor Garcetti had no knowledge of Mr. Jacobs' actions. The State Department has not conducted its own investigation and says that it cannot comment on the veracity, or lack thereof, of the accusation.<sup>9</sup> The Senate Foreign Relations Committee did not receive the updated Ellis Report containing the interview with Mr. Jacobs and his numerous admissions before it reported Mayor Garcetti's nomination to the floor.<sup>10</sup> As late as April 11, Mayor Garcetti was quoted by a local Los Angeles news outlet saying, "I think it's crystal clear...Forty people

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<sup>1</sup> Garcetti Dep. 59: 16-17, Feb. 8, 2021.

<sup>2</sup> *Id.* at 62:10-11.

<sup>3</sup> Leslie D. Ellis, City of Los Angeles Confidential Investigation Report, 115 (Apr. 8, 2021); Garcetti Dep. 67:12-15, Feb. 8, 2021.

<sup>4</sup> Garza Dep. 43:14-16, Mar. 18, 2021.

<sup>5</sup> *Id.* at 88:20-23; City News Service, *Former Spokeswoman Says Mayor Should be Charged with Perjury*, SPECTRUM NEWS 1 (Feb. 7, 2022), <https://spectrumnews1.com/ca/la-west/politics/2022/02/07/former-garcetti-spokeswoman-says-mayor-should-be-charged>.

<sup>6</sup> Ellis, *supra* note 3, at 1.

<sup>7</sup> *Id.* at 1-3, 4-7.

<sup>8</sup> *Id.* at 1-3; Leslie D. Ellis, City of Los Angeles Confidential Investigation Summary Report (July. 29, 2021); Leslie D. Ellis, City of Los Angeles Confidential Investigation Report, 1-3 (Feb. 22, 2021); Letter from Douglas Lyon, Los Angeles City Att'y's Office to Gregory Smith, Law Offices of Gregory W. Smith & Diana Wang Wells, Law Offices of Gregory W. Smith (Mar. 23, 2022) (on file with the S. Jud. Comm.).

<sup>9</sup> Christopher Cadelago & Laura Barron-Lopez, *Garcetti on the Ropes as Dems Privately Raise Concerns*, POLITICO (Mar. 29, 2022), <https://www.politico.com/news/2022/03/29/eric-garcetti-confirmation-ambassador-india-00021463>.

<sup>10</sup> Email from Staff, S. Foreign Relations Comm., to Investigative Staff, S. Jud. Comm. (Mar. 24, 2022, 9:39AM EST).

interviewed under oath, who said there's zero corroboration. That speaks for itself."<sup>11</sup> Knowing this was an inaccurate portrayal of the report, Mayor Garcetti's Chief of Communications informed the Los Angeles Times that he "unintentionally blended numbers,"<sup>12</sup> as forty people were not interviewed, witnesses were not under oath, and multiple witnesses did corroborate Officer Garza's allegations.

Additionally, this type of reasoning skips an important step, which is that the report found that Mr. Jacobs committed no wrongdoing, and therefore Mayor Garcetti could not have witnessed or have been aware of any sexual harassment by Mr. Jacobs. By this logic, if the first finding is not supported by the evidence, then neither is the second. Additionally, the report never looked into allegations of sexual harassment made by other senior staff against Mr. Jacobs. More importantly, since the Ellis Report was completed, new evidence against Mr. Jacobs and Mayor Garcetti has surfaced.

### **Ellis Report**

Investigative staff carefully reviewed the Ellis Report and its supplemental materials. The report suffers from three major deficiencies.

First, the Ellis Report did not interview or take into account depositions taken under oath from several former staff members of Mayor Garcetti who corroborated additional allegations that Mr. Jacobs sexually harassed them and others.<sup>13</sup>

Second, the report lacked true independence, since Ms. Ellis was retained by the City of Los Angeles. As a result, the report remained confidential and protected by attorney client privilege until March 2022 when the City of Los Angeles formally waived the privilege.<sup>14</sup> Ms. Ellis also appears to have worked closely with the Mayor's staff in scoping the report and investigation, as evidenced by the fact that Ana Guerrero, who was the Mayor's Chief of Staff at the time, put together the initial list of individuals that Ms. Ellis would interview.<sup>15</sup> Certain individuals, like Officer Garza, were compelled to sit for the interview or risk repercussions.<sup>16</sup> Every witness was informed that they were not under oath, that their statements were not guaranteed confidentiality, and that Ms. Ellis would present their statements to the City of Los Angeles in a private report,

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<sup>11</sup> Dakota Smith & Jennifer Haberkorn, *Garcetti Gave 'Unintentionally Blended Numbers' on Sex Allegations Involving Advisor, Rep Says*, MSN (Apr. 9, 2022), <https://www.msn.com/en-us/news/politics/garcetti-gave-unintentionally-blended-numbers-on-allegations-involving-advisor-rep-says/ar-AAW2s5Z?msclid=f2de23b8c64611eca34d17a2d99ac295>.

<sup>12</sup> Kate Cagle, *Mayor Garcetti Projects Confidence Amid Nomination Stumbles*, SPECTRUM NEWS 1 (May 4, 2022), <https://spectrumnews1.com/ca/la-west/politics/2022/04/11/mayor-garcetti-projects-confidence-amid-nomination-stumbles>.

<sup>13</sup> Ms. Ellis included the deposition of one witness who declined to be interviewed, but did not include the deposition for three other witnesses who most strongly backed Officer Garza and testified to similar complaints of Mr. Jacobs abuse and Mayor Garcetti's knowledge. Each deposition was completed before the final report was complete. In addition, we have spoken to multiple whistleblowers whose claims were not addressed in any way in the Ellis Report.

<sup>14</sup> Letter from Douglas Lyon, Los Angeles City Att'ys Office to Gregory Smith, Law Offices of Gregory W. Smith & Diana Wang Wells, Law Offices of Gregory W. Smith (Mar.18, 2022) (on file with the S. Jud. Comm.).

<sup>15</sup> Guerrero Dep. 96:13-16, Jan. 14, 2021.

<sup>16</sup> Letter from Alma Jimenez, City of Los Angeles Office of the City Clerk, to Matthew Garza, Los Angeles Police Dep't. (Sept. 22, 2020) (on file with the S. Jud. Comm.).

which only the City and the Mayor's office could review.<sup>17</sup> Said another way, if you were to sit for one of these interviews, you would be told that the person interviewing you is an attorney retained by your employer, who is going to ask you if you ever witnessed any wrongdoing by your employer, and then is going to tell that same employer what you said. Even individuals who were not employed by the City would have had reason to hold back, especially since many of them interacted with the Mayor and his staff through their own jobs. Based on this, and on our own experience investigating whistleblower claims and reprisal, it is possible that individuals who spoke to Ms. Ellis may have had a reason to withhold any negative statement about the Mayor and his staff, since witnesses were informed the Mayor and his staff would be the only ones to read the report.

Lastly, the report offers some questionable analysis and conclusions. For example, Officer Garza claimed throughout his deposition that Mr. Jacobs would wrap his arms around him and give him long, tight hugs, grab on to his shoulders, and squeeze his shoulders and biceps.<sup>18</sup> In multiple interviews for the Ellis report, witnesses stated that Jacobs would give big, tight hugs and he would actually lift them off the ground.<sup>19</sup> Witnesses stated that Jacobs was gregarious and often gave assertive hugs and kisses, and one witness opined that Jacobs' hugs were his way of "assert[ing] dominance."<sup>20</sup> Despite numerous individuals detailing what appears to be an assertive, if not aggressive, and domineering manner in which Jacobs hugged them, Ellis concluded that, to the extent Jacobs gave hugs, he did so "appropriately."<sup>21</sup>

Additionally, Officer Garza claimed during his deposition that Mr. Jacobs made inappropriate comments directed at him, such as "you have beautiful blue eyes, you're handsome and strong, and you feel so strong."<sup>22</sup> An additional witness admitted that Mr. Jacobs called him handsome on numerous occasions.<sup>23</sup> In the Ellis Report, Mr. Jacobs conceded that he possibly commented on the strength or physique of Officer Garza and others, at times while grabbing their biceps.<sup>24</sup> However, Ms. Ellis asserts in her initial report that Mr. Jacobs did not make comments regarding appearance or physique, and she retains these findings in her updated report despite the obvious contradiction with Mr. Jacobs' own testimony.<sup>25</sup>

Officer Garza also claimed Mr. Jacobs massaged his shoulders several times, and while Mr. Jacobs massaged his shoulders he would work his arms down onto Officer Garza's triceps and biceps.<sup>26</sup> During an Ellis interview, one witness stated that they vaguely remember Jacobs reaching forward while in a vehicle and placing his hands on the shoulders of whoever sat in front of him.<sup>27</sup> In another interview for the Ellis report, a witness stated that in addition to being hugged, Mr. Jacobs would grab and squeeze their biceps, and would give them a quick massage, and that

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<sup>17</sup> Ellis Summary Report, *supra* note 8, at 2; Ellis, *supra* note 3, at 7.

<sup>18</sup> Garza Dep. 321:22-25, 322:1-2, Mar. 23, 2021; Garza Dep. 788:16-20, May 14, 2021.

<sup>19</sup> Ellis, *supra* note 3, at 52.

<sup>20</sup> *Id.* at 76.

<sup>21</sup> *Id.* at 1.

<sup>22</sup> Garza Dep. 229:10-15, Mar. 18, 2021; Garza Dep. 321:22-25, 322:1-2, Mar. 23, 2021; Garza Dep. 489:8-16, May 7, 2021.

<sup>23</sup> Comisar Dep. 133:1-2, Sept. 10, 2021.

<sup>24</sup> Ellis, *supra* note 3, at 119, 117.

<sup>25</sup> *Id.* at 2.

<sup>26</sup> Garza Dep. 534:25, 535:1-4, May 7, 2021.

<sup>27</sup> Ellis, *supra* note 3, at 52.

these were all unwelcomed behaviors.<sup>28</sup> Mr. Jacobs himself during his interview for the Ellis Report stated that he possibly patted or squeezed Officer Garza's shoulders, particularly while in the Mayor's car.<sup>29</sup> Despite the contradictory witness testimony, including Mr. Jacobs admitting to this physical contact, Ms. Ellis concludes that Officer Garza's allegations of inappropriate massages and shoulder squeezes by Mr. Jacobs are unfounded.<sup>30</sup>

As noted, the Ellis Report appears to have been later updated.<sup>31</sup> The update includes the interview with Mr. Jacobs in which he admits to kissing men and women on the lips as a greeting, squeezing people's shoulders and biceps, and giving big bear hugs. Again, despite these admissions, Ms. Ellis does not change her conclusions. Ms. Ellis also prepared a report summary.

We learned that either the Mayor's office or State Department previously withheld the updated version of the Ellis Report, which included the admissions by Mr. Jacobs, and the report summary, from the Senate Foreign Relations Committee. Mayor Garcetti's office voluntarily provided our office with this supplemental report on March 23 and we then forwarded it to the Foreign Relations Committee.

Subsequently, when referencing the Ellis Report we are referring to the report updated on April 8, 2021, to include Mr. Jacobs' interview.

## Findings

Sexual harassment refers to unwelcome sexual advances or other visual, verbal, or physical conduct of a sexual nature and actions that create an intimidating, hostile, or offensive work environment based on an employee's sex. Under California law, **the offensive conduct need not be motivated by sexual desire**. The definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser, and actions that subject co-workers to a hostile work environment.<sup>32</sup>

Based on information obtained by Committee investigators, it is more probable than not that Mr. Jacobs sexually harassed multiple individuals, and made racist comments towards others. Based on witness testimony, this behavior was pervasive, widespread, and notorious. Several individuals told investigators that Mayor Garcetti was aware of this behavior, and based on the reported frequency and conspicuous nature of the conduct, it is more likely than not that Mayor Garcetti either had personal knowledge of the sexual harassment or should have been aware of it.

We reach these conclusions based on witness testimony, documents, physical evidence, and Mr. Jacobs' own admissions.

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<sup>28</sup> *Id.* at 69.

<sup>29</sup> *Id.* at 117, 123.

<sup>30</sup> *Id.* at 1; Ellis Summary Report, *supra* note 8.

<sup>31</sup> The report was first completed on Feb. 22, 2021. The updates were released on Apr. 8, 2021 and July 29, 2021.

<sup>32</sup> WORKPLACE SEXUAL HARASSMENT, Office of the CA Att'y Gen., <https://oag.ca.gov/workplace-sexual-harassment> (last visited May 6, 2022).

In weighing this evidence, investigators reviewed 18 depositions in which the individuals, all of whom worked for or remained close to the Mayor, claimed they never witnessed any wrongdoing on the part of Mr. Jacobs. Five of those individuals also spoke with investigators. Many of those individuals appear to lack credibility because their statements were contradicted by admissions made by Mr. Jacobs himself, text messages obtained by investigators, or the photographic evidence of him sexually harassing someone in the presence of the Mayor. At least one text message investigators reviewed expressed a desire to avoid reporting or discussing Mr. Jacobs' behavior in order to shield the mayor.

In conducting this investigation we spoke to several whistleblowers who requested confidentiality in order to speak to us. These whistleblowers were fully vetted to ensure they were credible sources and only after determining they were credible, was their testimony included below.

The investigative findings below outline each claim that investigators were able to substantiate. This is not an all-encompassing list of all the allegations received, and we excluded other allegations that we were not able to substantiate.

*Rick Jacobs sexually harassed another individual in Mayor Garcetti's presence and a photo of the incident was widely circulated among staff.*

In June 2017, Mr. Jacobs attended the U.S. Conference of Mayors in Miami Beach, Florida.<sup>33</sup> Sometime during this conference, he posed for a photo alongside Mayor Garcetti and Alec Evans, Partner at Kirra Consulting, along with several other individuals. Mr. Jacobs proceeded to place his hand over Mr. Evans' genitals (see photo below).

*Figure 1*



<sup>33</sup> Garcetti Dep., *supra* note 1, at 77:4-6.

Mr. Evans stated that Mr. Jacobs' hand never touched his body and that he learned of Mr. Jacobs' actions later that evening when someone showed him the photo.<sup>34</sup> Mr. Evans said that he did not consider Mr. Jacobs a friend, and that upon seeing the photo he felt embarrassed.<sup>35</sup>

Mr. Jacobs appears to have made an unwanted and uninvited sexual gesture towards another individual without their knowledge or consent. Since no preexisting friendship existed between Mr. Evans and Mr. Jacobs, we cannot infer that this type of inappropriate behavior was part of an ongoing fraternal relationship in which such a game or joke, though inappropriate, could have added context to the illicit action. Further, Mr. Evans' stated lack of concurrent knowledge of the behavior and embarrassment after the fact illustrates that Mr. Jacobs' actions were not invited or welcome.

Mayor Garcetti claims that he did not witness Mr. Jacobs place his hand over another person's genitals during that picture.<sup>36</sup> Assuming that is true, there are still questions as to why no one from the Mayor's staff saw the incident take place, despite the Mayor always traveling with a sizeable entourage.<sup>37</sup> According to testimony, the photo was widely circulated.<sup>38</sup> The same night as the photo was taken, at least four individuals including Mr. Evans, Gerard Orozco, Vice President of Jacobs Engineering, Joshua Perttula, President of Kirra Consulting, and Heather Repenning, Vice President of the Los Angeles Board of Public Works, stated that they saw the photo, but none reported it to Mayor Garcetti.<sup>39</sup>

Sometime later, Ms. Repenning sent the photo to Naomi Seligman, former Communications Director, who says she shared it with Andre Herndon, Senior Communications Advisor, and Alex Comisar, Deputy Director of Communications, three days later.<sup>40</sup> Ms. Seligman shared the photo with the Mayor's senior staff despite no longer working at City Hall. None of these individuals stated that they informed Mayor Garcetti.<sup>41</sup>

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<sup>34</sup> Ellis, *supra* note 3, at 95.

<sup>35</sup> *Id.* at 94-95.

<sup>36</sup> Garcetti Dep., *supra* note 1, at 74:16-18.

<sup>37</sup> Telephone Interview with Ana Guerrero, Senior Advisor, Office of Mayor Eric Garcetti (Apr. 7, 2022).

<sup>38</sup> Ellis, *supra* note 3, at 95, 98, 100; Seligman Dep. 57:17, Jun. 3, 2021.

<sup>39</sup> Ellis, *supra* note 3, at 85, 95, 96, 98, 100; HEATHER REPENNING, <https://www.linkedin.com/in/heather-repenning-a2275596> (last visited Apr. 26, 2022).

<sup>40</sup> Seligman Dep., *supra* note 38, at 56:1-3, 57:19-20; Herndon Dep. 33:15-21, 13:2-5, July 29, 2021; Comisar Dep., *supra* note 23, at 115: 11; NAOMI SELIGMAN, <https://www.linkedin.com/in/naomiseligman> (last visited Apr. 26, 2022).

<sup>41</sup> Herndon Dep., *supra* note 40, at 35:24-25, 36:1-2.

Figure 2: Text messages between Ms. Repenning and Ms. Seligman on June 11, 2018.

Figure 3: Portion of Mr. Herndon's deposition.

Figure 2

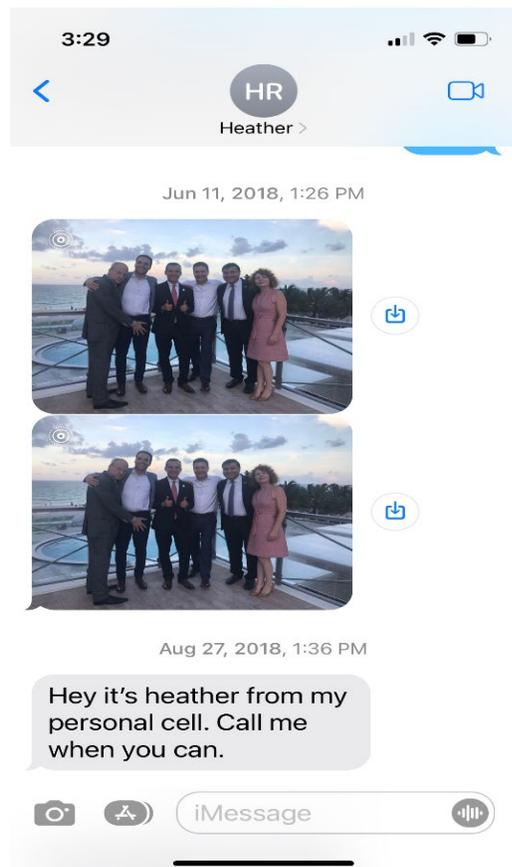


Figure 3

Do you know which photo I'm talking about?

A I do.

Q Have you seen that photo?

A Yes.

Q When is the first time you saw it?

A I could not tell you the date. I would say maybe 2017, but I could not give you a specific date.

Q And who showed it to you?

A Naomi Seligman.

The photo's existence was also widely known in City Hall. For example, Suzi Emmerling, former Communications Director, said she never saw the photo but was told of its existence by Alex Comisar and Andre Herndon.<sup>42</sup> According to the Los Angeles Times, three individuals later shared this photo with the press.<sup>43</sup>

Ana Guerrero, former Chief of Staff to Mayor Garcetti, told investigators that she never saw the photo until the Los Angeles Times notified the Mayor's office.<sup>44</sup> She said that had she seen the

<sup>42</sup> Telephone Interview with Suzi Emmerling, Former Communications Director, Office of Mayor Eric Garcetti (Apr. 26, 2022).

<sup>43</sup> James Rainey, *Garcetti Advisor Made Sexually Provocative Gesture in Photo with Mayor*, LOS ANGELES TIMES (Nov. 20, 2020), <https://www.latimes.com/california/story/2020-11-20/photo-garcetti-aide-jacobs-sexually-provocative-gesture>.

<sup>44</sup> Telephone Interview with Ana Guerrero, *supra* note 37; Telephone Interview with Ana Guerrero, Senior Advisor, Office of Mayor Eric Garcetti (Apr. 28, 2022).

photo she would have taken immediate action, and that it would have been the duty of any employee to report this immediately.<sup>45</sup> This is consistent with other testimony we have received from several individuals who said Ms. Guerrero had on multiple occasions alerted the Mayor of Mr. Jacobs' sexual harassment.<sup>46</sup>

Mr. Herndon, who replaced Ms. Guerrero as Chief of Staff, admitted in his deposition that Ms. Seligman showed him the photo.<sup>47</sup> Investigators found this admission peculiar, being that during the call with Ms. Guerrero, Mr. Herndon was present for her statement. It is unclear to investigators whether Ms. Guerrero was aware that Mr. Herndon had seen the photo in 2018, or if he had notified the Mayor of the photo's existence.

It is difficult for investigators to believe that senior staff would not alert Mayor Garcetti of such a damning photo unless this type of behavior was normalized and known to the Mayor.

*Rick Jacobs likely sexually harassed Matt Garza in the presence of the Mayor.*

Officer Garza served on the Mayor's detail from approximately November 2013 – June 2020.<sup>48</sup> In July 2020, Officer Garza filed a lawsuit against the City of Los Angeles, alleging that Mr. Jacobs sexually harassed him between 2014 and 2019 and that the Mayor was aware and often present to witness Mr. Jacobs' behavior. In particular, Officer Garza's sworn testimony identifies 1) inappropriate touching including hugs, bicep squeezes, and shoulder massages; 2) inappropriate comments about Officer Garza's appearance and physique, Mr. Jacobs' sexual activities, and racist comments; and 3) other sexual advances including inviting Officer Garza up to his hotel room, making eye contact while licking his straw in a suggestive manner, and indicating for Officer Garza to sit on his lap.

Ms. Seligman confirmed the allegations and said she witnessed the type of sexual harassment outlined in Officer Garza's complaint. Ms. Seligman told investigators she witnessed Mr. Jacobs hug multiple officers and pick them up from the ground.<sup>49</sup> She also witnessed the unwanted touching and crude sexual jokes he would make towards Officer Garza and other members of the Mayor's detail.<sup>50</sup> In one incident she describes in her deposition, during a fundraiser at a private residence, Ms. Seligman observed Mr. Jacobs at the food buffet "t[ake] a piece of arugula, look over at the detail, and started putting it in and out of his mouth like he was giving fellatio."<sup>51</sup>

Henry Casas, former Director of the Office of Public Engagement for the City of Los Angeles, testified that he both witnessed and personally experienced the sexual harassment outlined in Officer Garza's complaint.<sup>52</sup> In his sworn testimony, Mr. Casas explained that he often witnessed

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<sup>45</sup> Telephone Interview with Ana Guerrero, *supra* note 44.

<sup>46</sup> Garza Dep. 848:3-8, May 26, 2021; Telephone Interview with Matthew Garza, Police Officer, Los Angeles Police Dep't. (Mar. 8, 2022); Seligman Dep., *supra* note 38, at 23:24-25, 24:1-3.

<sup>47</sup> Herndon Dep., *supra* note 40, at 34:15-22.

<sup>48</sup> Garza Dep. 43:14-16, Mar. 18, 2021; Garza Dep. 88:20-23, Mar. 18, 2021.

<sup>49</sup> Seligman Dep., *supra* note 38, at 37:3-5.

<sup>50</sup> *Id.* at 53:22-25, 54:1-2; Jacobs Dep.165:14-17, Mar. 26, 2021.

<sup>51</sup> Seligman Dep., *supra* note 38, at 53:22-25, 54:1-2.

<sup>52</sup> Casas Dep. 7:17, Dec. 17, 2020.

and experienced Mr. Jacobs inappropriately massage shoulders, give bear hugs, and squeeze individuals' biceps.<sup>53</sup> Additionally, he said he witnessed Mr. Jacobs harass Officer Garza both in front of the executive office and at the Getty House.<sup>54</sup> Mr. Casas observed Officer Garza make faces of disgust when hugged, as if to say, "Here we go again."<sup>55</sup> Mr. Jacobs also commonly made inappropriate comments to the detail and other city employees including, "you feel so strong," "you're so handsome," you have "beautiful eyes," and "I love my LAPD officers."<sup>56</sup>

In the Ellis Report, Mr. Jacobs admits to possibly squeezing Officer Garza and others' shoulders one to three times although he argues it wasn't a massage and that, in some instances, individuals "invited the conduct."<sup>57</sup> He has also admitted to hugging Officer Garza in greeting or farewell, "possibly" grabbing Officer Garza's biceps and saying "You work out," "Your muscles are tight," or "You're so strong," and making comments to the effect of "I love my LAPD officers" or "I like my LAPD officers to be *big* and strong."<sup>58</sup> Mr. Jacobs says he possibly made the comment in the car or when others were around.<sup>59</sup>

Investigators spoke to five individuals who currently work or previously worked for Mayor Garcetti who claimed that they never witnessed Mr. Jacobs act inappropriately around Officer Garza or anyone else.<sup>60</sup> However, investigators found that the testimony of these individuals often conflicted with prior statements they made in depositions or in the Ellis Report, or Mr. Jacobs' own testimony and admissions.

For example, many of these individuals and several others in depositions said they never witnessed Mr. Jacobs massage Officer Garza's shoulders.<sup>61</sup> However, Mr. Jacobs admits to squeezing Officer Garza's shoulders "one to three" times, although he argues it was not a "massage."<sup>62</sup> Investigators are not in a position to determine how many "squeezes" constitutes a "massage" since that question is subjective. However, since one act is clearly a component of the other and the physical contact described is, on its face, too similar to be confused as separate events by a reasonable person, we determined that these unwanted squeezes of the shoulders are the massages that Officer Garza was referencing, and that these admissions contradict the other statements. At any rate, whether it's a "massage" or not, Officer Garza's claims that Mr. Jacobs would massage his shoulders, biceps, and triceps while fawning over his physique was clear sexual harassment to him.<sup>63</sup>

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<sup>53</sup> *Id.* at 11:16-18, 13:7-15, 14:6-9, 19:3-8, 49:23-24.

<sup>54</sup> *Id.* at 25:23-25, 26:1-4, 6-7.

<sup>55</sup> *Id.* at 25:2-8, 15-21.

<sup>56</sup> *Id.* at 12:1-13, 53:22-25.

<sup>57</sup> Ellis Report, *supra* note 3, at 117, 120, 123.

<sup>58</sup> *Id.* at 116-119; emphasis added to *big* to indicate a typo correction in the Ellis Report.

<sup>59</sup> *Id.* at 119.

<sup>60</sup> Telephone Interview with Ana Guerrero, *supra* note 37; Telephone Interview with Poonam Narewatt, Former Executive Officer, Office of Mayor Eric Garcetti (Apr. 7, 2022); [REDACTED]; Telephone Interview with Becca MacLaren, Chief Speechwriter, Office of Mayor Eric Garcetti (Apr. 18, 2022); Telephone Interview with Dennis O'Sullivan, Former Police Officer, Los Angeles Police Department (Apr. 19, 2022).

<sup>61</sup> Narewatt Dep. 31:19-24, Jan. 5, 2021; Lopez Dep. 11:11-13, Aug. 3, 2021; Guerrero Dep., *supra* note 15, at 75: 13-14; Garakian Dep. 15:19-21, Dec. 15, 2020; Herndon Dep., *supra* note 40, at 21:19-21.

<sup>62</sup> Ellis *supra* note 3, at 117; Jacobs Dep., *supra* note 50, at 153:22-25, 154:1-3.

<sup>63</sup> Garza Dep. 631:22-25, 632:1-3, May 7, 2021; Garza Dep. 788:16-21, May 14, 2021.

In another example, Ms. Guerrero, the Mayor's former Chief of Staff and current Senior Advisor, told investigators she never witnessed Mr. Jacobs sexually harass Officer Garza.<sup>64</sup> However, in prior statements, she stated that Mr. Jacobs was gregarious and often gave assertive hugs and kisses.<sup>65</sup> Ms. Guerrero further stated that Mr. Jacobs hugged those in lower positions than him in an assertive manner; she opined that Mr. Jacobs hugged as he did to assert dominance in the relationship.<sup>66</sup> Ms. Guerrero appears to be describing predatory behavior that is consistent with Officer Garza's complaint.

Along the same line, Poonam Narewatt, former Executive Officer to Mayor Garcetti, stated that it would have been nearly impossible for Mr. Jacobs to massage Officer Garza's shoulders while driving because she would always sit behind the driver while Mayor Garcetti sat in the front seat.<sup>67</sup> This contradicts Mr. Jacobs' own testimony in which he stated that he was most likely to squeeze Officer Garza's shoulders while on out of town trips when the Mayor was also seated in the back.<sup>68</sup>

Investigators also spoke to Dennis O'Sullivan, a former LAPD officer on Mayor Garcetti's detail.<sup>69</sup> According to eyewitness accounts by Ms. Seligman and Officer Garza, Officer O'Sullivan was also routinely hugged and even picked up off the ground by Mr. Jacobs.<sup>70</sup> So much so that when Officer Garza decided to file a lawsuit against the City of Los Angeles, he called Officer O'Sullivan and asked him if he wanted to join the lawsuit.<sup>71</sup> Officer O'Sullivan denies that he was ever sexually harassed by Mr. Jacobs or that he ever witnessed Mr. Jacobs inappropriately hug or kiss anyone.<sup>72</sup> Again, this contradicts Mr. Jacobs' own admissions that giving hugs and kisses was common for him.<sup>73</sup> Mr. Jacobs has admitted to squeezing Officer Garza's shoulders and biceps and commenting about his appearance, and it has been well established that he gave big "bear" hugs which Officer O'Sullivan described as "bro hugs."<sup>74</sup> Separately, investigators had concerns with Officer O'Sullivan's credibility because he admitted to calling Gil Garcetti, father of Mayor Eric Garcetti, as soon as Officer Garza told him that he was filing a lawsuit.<sup>75</sup> He told investigators he didn't believe Officer Garza was serious about filing a lawsuit yet he felt the need to call Mayor Garcetti's father to let him know.<sup>76</sup> When asked why he did this, Officer O'Sullivan said that he believed that someone who had such a poor opinion of the Mayor should not be working on his detail.<sup>77</sup> So rather than call his former employer or reach out to the command staff of the LAPD whom he knew very well having recently retired, he called a private citizen, Gil Garcetti. Due to what appears to be an unusually close relationship between Officer O'Sullivan

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<sup>64</sup> Telephone Interview with Ana Guerrero, *supra* note 37.

<sup>65</sup> Ellis *supra* note 3, at 76.

<sup>66</sup> *Id.* at 76.

<sup>67</sup> Narewatt Dep., *supra* note 61, at 7:6-7, 32:1; Telephone Interview with Poonam Narewatt, *supra* note 60.

<sup>68</sup> Ellis *supra* note 3, at 117.

<sup>69</sup> Telephone Interview with Dennis O'Sullivan, Former Police Officer, *supra* note 60.

<sup>70</sup> Interview with Naomi Seligman, Former Communications Director, Office of Mayor Eric Garcetti (Mar. 23, 2022); Seligman Dep., *supra* note 38, at 38:8-22; Garza Dep. 630:25, 631:1-4, May 7, 2021.

<sup>71</sup> Telephone interview with Dennis O'Sullivan, *supra* note 60; O'Sullivan Dep. 36:21-25, Aug. 9, 2021.

<sup>72</sup> Telephone interview with Dennis O'Sullivan, *supra* note 60; O'Sullivan Dep., *supra* note 71, at 62:1-25, 63:1-25, 64:1-12.

<sup>73</sup> Ellis *supra* note 3, at 116-118.

<sup>74</sup> Telephone Interview with Dennis O'Sullivan, *supra* note 60; Ellis *supra* note 3, at 117, 119; Jacobs Dep., *supra* note 50, at 153:22-25, 154:1-3.

<sup>75</sup> Telephone interview with Dennis O'Sullivan, *supra* note 60; O'Sullivan Dep., *supra* note 71, at 37:7-9.

<sup>76</sup> Telephone interview with Dennis O'Sullivan, *supra* note 60.

<sup>77</sup> *Id.*

and the Garcetti family, and that his statements contradict Mr. Jacobs' own admissions, we determined they were not credible.

Despite conflicting witness testimony, Mr. Jacobs' own statements admitting that he would sometimes squeeze Officer Garza's shoulders and biceps and comment about his appearance, as well as Ms. Seligman's and Mr. Casas' depositions confirming Officer Garza's account, and the photo above which depicts Mr. Jacobs placing his hand over another person's genitals, investigators found it is more likely than not that the type of sexual harassment described by Officer Garza occurred.

*Rick Jacobs likely sexually harassed Naomi Seligman.*

Ms. Seligman served as Mayor Garcetti's Communications Director from May 2015 – October 2017.<sup>78</sup> She alleges that Mr. Jacobs sexually harassed her while she was employed at City Hall.<sup>79</sup> She informed investigators that Mayor Garcetti was aware of this conduct and did nothing to stop it. She also testified under oath that Mr. Jacobs routinely sexually harassed her and made three distinct allegations: 1) sexual harassment by Mr. Jacobs in the form of unwanted hugs, kisses, sexual comments, and other physical touch was routine; 2) Mr. Jacobs gave Ms. Seligman a prolonged kiss on the lips without her consent in front of several staff members; and 3) Mr. Jacobs gave Ms. Seligman's husband a prolonged kiss on the lips without his consent.<sup>80</sup>

Mr. Jacobs denies that he sexually harassed anyone, and claims that none of his hugs or comments were inappropriate.<sup>81</sup> Investigators also interviewed Becca MacLaren, Chief Speechwriter, who claims she was present during the time of the alleged kissing incident and insists it never happened.<sup>82</sup> On March 28, Ms. MacLaren sent a letter to Senators Feinstein and Padilla informing them that she was present when Mr. Jacobs allegedly kissed Ms. Seligman on the lips, and categorically denied that the incident ever took place.<sup>83</sup>

Ms. MacLaren said that she was attending a staff meeting with several colleagues in the communications unit, including Ms. Seligman, on the morning after the State of the City speech which occurred on April 14, 2016.<sup>84</sup> She said Mr. Jacobs entered the room and congratulated all of them on a successful speech but at no time did he ever kiss Ms. Seligman on the lips.<sup>85</sup>

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<sup>78</sup> NAOMI SELIGMAN, <https://www.linkedin.com/in/naomiseligman> (last visited Apr. 26, 2022).

<sup>79</sup> Seligman Dep., *supra* note 38, at 47:15-22.

<sup>80</sup> Telephone Interview with Naomi Seligman, Former Communications Director, Office of Mayor Eric Garcetti (Mar. 1, 2022); *Id.* at 40:9-25, 47:15-22, 48:4-8.

<sup>81</sup> Jacobs Dep., *supra* note 50, at 22:3-5.

<sup>82</sup> Telephone Interview with Becca MacLaren, *supra* note 60.

<sup>83</sup> Letter from Becca MacLaren, Chief Speechwriter, Office of Mayor Eric Garcetti, to Sen. Dianne Feinstein, U.S. Senate, & Sen. Alex Padilla, U.S. Senate (Mar. 28, 2022) (on file with the S. Jud. Comm.); Christopher Cadelago, *Garcetti Aide Pushes Back on Allegations in Letter to California's Senators*, POLITICO (Mar. 30, 2022), <https://www.politico.com/news/2022/03/30/garcetti-aide-alegations-letter-feinstein-padilla-00021856>.

<sup>84</sup> Letter from Becca MacLaren, to Sen. Dianne Feinstein & Sen. Alex Padilla, *supra* note 83; Telephone Interview with Becca MacLaren, *supra* note 60.

<sup>85</sup> *Id.*

Investigators asked Ms. MacLaren if she could provide the names of the other individuals in the room who could corroborate her account, but she declined.

Shortly after the alleged kiss occurred, Ms. Seligman called Rebecca Ninburg, who served on the Board of Fire Commissions, to share what occurred.<sup>86</sup> According to Ms. Ninburg's sworn testimony, Ms. Seligman angrily described how Mr. Jacobs grabbed her and kissed her on the lips in front of her staff for an extended period of time.<sup>87</sup> Ms. Seligman also expressed frustration both to Ms. Ninburg and in her deposition that she went to Ms. Guerrero to report the incident, but Ms. Guerrero's response was to roll her eyes and say that is just how Mr. Jacobs is and there is nothing to be done.<sup>88</sup> According to her deposition, Ms. Guerrero received "informal complaints" from Ms. Seligman about Mr. Jacobs, though Ms. Guerrero conceded that Ms. Seligman never stated whether her complaints were formal or informal.<sup>89</sup> Ms. Guerrero said that Ms. Seligman never came to her about the aforementioned incident, and that these informal complaints were not related to sexual harassment.<sup>90</sup>

Investigators determined that Ms. Seligman's account is credible based on a great deal of circumstantial evidence that tends to show this type of behavior was common for Mr. Jacobs, demonstrated in large part by Mr. Jacobs' own admissions, and based on corroborating documents and testimony investigators obtained.

On March 19, investigators also received this previously unseen text exchange from October 23, 2020 (see photos below).<sup>91</sup> The Los Angeles Times has subsequently acquired these messages and published them.<sup>92</sup> The text exchange is between Suzi Emmerling, former Communications Director, and Anna Bahr, former Deputy Press Secretary.<sup>93</sup> The texts, which were sent after they both left City Hall, purport to show Ms. Bahr complaining about Mr. Jacobs' harassment.<sup>94</sup> In the texts, she complains about Mr. **Jacobs kissing her on the lips, squeezing her and even groping her fiancé.**<sup>95</sup> These text messages track with the allegations made by Ms. Seligman in which she claims that Mr. Jacobs kissed her and her husband on the lips.<sup>96</sup> Also important to note in these text exchanges is that Ms. Bahr states that she does not want to come forward with her testimony because she is afraid to "bring down" the Mayor.<sup>97</sup>

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<sup>86</sup> Ninburg Dep. 8:19-23, 15:6-12, Aug. 5, 2021.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*; Seligman Dep., *supra* note 38, at 44:10-21.

<sup>89</sup> Guerrero Dep., *supra* note 15, at 61:13-14, 62:15-18.

<sup>90</sup> *Id.* at 62:7-24.

<sup>91</sup> Richard Winton, James Rainey & Dakota Smith, *Text Messages Claim Misconduct by Garcetti Aide as Mayor's Nomination Faces Challenges*, LOS ANGELES TIMES (Mar. 19, 2022), <https://www.latimes.com/california/story/2022-03-19/former-garcetti-aide-text-messages-rick-jacobs-case>.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> Seligman Dep., *supra* note 38, at 40:9-25.

<sup>97</sup> Winton, *supra* note 91.

Figure 4

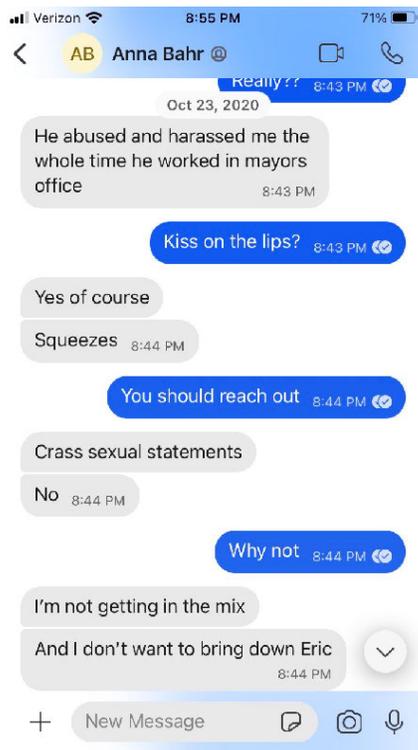


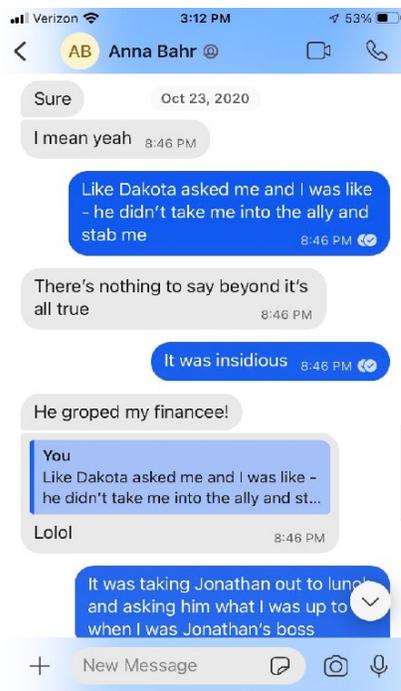
Figure 5



Figure 6



Figure 7



Similarly, the following text messages between Mr. Comisar and Ms. Seligman in January 2019 appear to show Mr. Jacobs hitting on another staff member.<sup>98</sup>

Figure 8



Mr. Jacobs was also accused of unwanted kisses on the lips by reporter Yashar Ali.<sup>99</sup> Mr. Ali wrote in a first person article that Mr. Jacobs would grab his face and kiss him on the lips, then turn to those who witnessed it and say, “He has the softest lips.”<sup>100</sup> He also said that he had “seen Jacobs at fundraisers over the years subjecting others to forcible kissing, grabbing and sexually explicit comments.”<sup>101</sup>

Ms. Guerrero, former Chief of Staff and current Senior Advisor, stated she had heard both men and women say that Mr. Jacobs had kissed them on the mouth at holiday parties.<sup>102</sup>

Although Mr. Jacobs denies that he ever kissed Ms. Seligman or her husband on the lips, he did state that growing up as a gay man, kissing on the mouth was a common way to greet others.<sup>103</sup> He also admitted to kissing Yashar Ali on the lips, but said that it was just a “cutesy little game” they had together.<sup>104</sup> Mr. Ali’s article indicates he did not share Mr. Jacobs’ characterization of this behavior.

Placing all the evidence in perspective, Mr. Jacobs admits to kissing other people on the lips as a greeting, but attempts to excuse it by claiming that as a gay man this was acceptable.<sup>105</sup> Ms. Bahr

<sup>98</sup> Seligman Dep., *supra* note 15, at 68:25, 69:1.

<sup>99</sup> Dakota Smith, *Journalist Yashar Ali Accuses Garcetti Advisor Rick Jacobs of Sexual Misconduct*, LOS ANGELES TIMES (Oct. 19, 2020), <https://www.latimes.com/california/story/2020-10-19/journalist-yashar-ali-alleges-sexual-misconduct-by-garcetti-aide>; Yashar Ali, *Exclusive: Mayor of Los Angeles Repeatedly Witnessed Top Advisor’s Alleged Sexual Misconduct*, YASHAR’S NEWSLETTER (Oct. 19, 2020), [https://yashar.substack.com/p/exclusive-mayor-of-los-angeles-repeatedly?token=eyJ1c2V4X2lkIjoxNjI5NjQ4LCJwb3N0X2lkIjoxMzQ2NjI0MywiXyl6IjMreTArIiwiaWF0IjoxNjI5NjQ4LCJleHAiOjE2MDMxNjA4MDIsImlzcyI6InB1Yi01NzY0Iiwic3ViljoicG9zdC1yZWVjdGlubiJ9\\_rXGTdH1knguAPv0p94PHERbeSagAW9h7zzKjxxVUIXs&s=r](https://yashar.substack.com/p/exclusive-mayor-of-los-angeles-repeatedly?token=eyJ1c2V4X2lkIjoxNjI5NjQ4LCJwb3N0X2lkIjoxMzQ2NjI0MywiXyl6IjMreTArIiwiaWF0IjoxNjI5NjQ4LCJleHAiOjE2MDMxNjA4MDIsImlzcyI6InB1Yi01NzY0Iiwic3ViljoicG9zdC1yZWVjdGlubiJ9_rXGTdH1knguAPv0p94PHERbeSagAW9h7zzKjxxVUIXs&s=r).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Ellis *supra* note 3, at 76.

<sup>103</sup> *Id.* at 118.

<sup>104</sup> *Id.* at 118.

<sup>105</sup> *Id.* at 118.

through text messages complains about unwanted kisses on the lips from Mr. Jacobs and the groping of her fiancé.<sup>106</sup> In a separate text message, Mr. Comisar complains about being “hit on” by Mr. Jacobs.<sup>107</sup> Ms. Guerrero admits that she had heard that Mr. Jacobs would kiss men and women on the lips at parties. There is a picture of Mr. Jacobs placing his hand over another person’s genitals in front of the Mayor, so he is clearly not afraid of behaving in this manner even in front of the Mayor. Lastly, Ms. Ninberg testified that Ms. Seligman called her right after the kiss happened and told her about it. This evidence is consistent with Ms. Seligman’s claims. Based on a totality of the evidence, it is more likely than not that Mr. Jacobs sexually harassed Ms. Seligman through unwanted kissing and other forms of touching.

*Rick Jacobs likely sexually harassed an individual at the U.S. China Summit.*

Investigators spoke to a whistleblower who described an incident they witnessed at the U.S. China Summit, which took place in Los Angeles in September 2015.<sup>108</sup> During the event, this individual witnessed Mr. Jacobs approach the tech table located near the rear of one of the convention rooms and sexually harass an employee who was working on their laptop.<sup>109</sup> On several occasions, Mr. Jacobs came behind this employee, massaged their shoulders, and pressed his groin area against this person’s back.<sup>110</sup> According to testimony, the recipient of Mr. Jacobs’ actions looked visibly uncomfortable.<sup>111</sup> In a conversation a year after the event, several of the Mayor’s senior staff were discussing Mr. Jacobs’ behavior at the Summit.<sup>112</sup> They laughed it off and said, “That’s just Rick.”<sup>113</sup>

Investigators believe this allegation is credible because it fits the pattern of behavior described by several other senior staff members in Mayor Garcetti’s office, and because of its similarity to allegations made by Officer Garza, including allegations of unwanted massages.

*Rick Jacobs made multiple racist comments.*

Mr. Casas, former Director of the Office of Public Engagement for the City of Los Angeles, says he was told by Manny Lopez, who was one of his subordinates, that while at an event with Mayor Garcetti, Mr. Jacobs rolled down the window of the Mayor’s car and yelled to his assistant Jonathan Yang, “China-man, come here.”<sup>114</sup> Mr. Casas alleges that Mayor Garcetti was in the car with Mr. Jacobs when the incident occurred.<sup>115</sup> Mr. Lopez denies that the incident ever occurred and said that during all his interactions with Mr. Jacobs he never heard him utter a single racist

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<sup>106</sup> Winton, *supra* note 91.

<sup>107</sup> Seligman Dep., *supra* note 15, at 69:1.

<sup>108</sup> Telephone Interview with Whistleblower (Mar. 9, 2022).

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Casas Dep., *supra* note 52, at 23:24-25, 24:1-8, 56:21-23, 58:1-8.

<sup>115</sup> *Id.* at 24:13-15.

comment.<sup>116</sup> Mr. Lopez’s statements contradict Mr. Jacobs’ own admissions. During his deposition, Mr. Jacobs **admitted to** calling Jonathan Yang a “china-man.”<sup>117</sup> Mr. Casas affirmed that Mr. Jacobs’ behavior was common knowledge, from senior to lower staff.<sup>118</sup> However, Mr. Casas also feared retaliation if he ever attempted to complain to someone in the Mayor’s office.<sup>119</sup>

Ms. Seligman told investigators that she would oftentimes hear Mr. Jacobs shout from his office “china-boy come here” in reference to Jonathan Yang.<sup>120</sup>

Ms. Emmerling was a former Obama Administration Deputy Chief of Staff for the Department of Transportation before joining the Mayor’s office as Communications Director between 2017 and 2019 following Ms. Seligman’s departure.<sup>121</sup> She told investigators she had heard from other staff members that Mr. Jacobs made racist comments towards minorities in the office, such as 1) racial jokes to her African-American deputy and 2) purposefully calling two Indian employees by the incorrect names and saying “[I] can’t tell you people apart.”<sup>122</sup> Ms. Emmerling said in a deposition that she had countless conversations with colleagues about Mr. Jacobs’ harassment and inappropriateness, but everyone said the same thing: “Rick will always be this powerful. Nothing will ever change. Don’t try to fight it.”<sup>123</sup>

Two non-city employees who were at the U.S. China Summit, told investigators on the condition of anonymity that Mr. Jacobs was “demeaning,” “frightening,” and “made people uncomfortable to say anything.”<sup>124</sup> Everyone had to do whatever he said.<sup>125</sup> It was a power struggle to him, and he was “not a person you wanted to come up against.”<sup>126</sup> Mr. Jacobs frequently called the Mandarin-only speaking visitors “the yellow people,” and it was clear that he “couldn’t wait for [the event] to be over.”<sup>127</sup> Similarly, one of the whistleblowers often heard Mr. Jacobs refer to his assistant, Jonathan Yang, as his “yellow friend.”<sup>128</sup> Mr. Jacobs also commented on peoples’ appearances and made inappropriate innuendos to stir up surprise until eventually everyone became accustomed to it and said, “That’s just Rick.”<sup>129</sup> Both whistleblowers had limited interactions with Mayor Garcetti, but they described him as kind, appreciative, and professional.<sup>130</sup> The interactions they observed between Mayor Garcetti and Mr. Jacobs were rare and in passing.<sup>131</sup>

The Ellis Report does not address these concerns in the interview with Mr. Jacobs. In addition once again, several individuals who spoke to investigators while currently working for Mayor

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<sup>116</sup> Lopez Dep., *supra* note 61, at 16:3-18.

<sup>117</sup> Jacobs Dep., *supra* note 50, at 152: 11-25.

<sup>118</sup> Casas Dep., *supra* note 52, at 16:17-22.

<sup>119</sup> *Id.* at 38:3-9, 70:24-25, 71:1-9.

<sup>120</sup> Interview with Naomi Seligman, *supra* note 70.

<sup>121</sup> Emmerling Dep. 9:4-6, Jun. 3, 2021; Telephone Interview with Suzi Emmerling, Former Communications Director, Office of Mayor Eric Garcetti (Mar. 3, 2022).

<sup>122</sup> Telephone Interview with Suzi Emmerling, *supra* note 121.

<sup>123</sup> Emmerling Dep., *supra* note 121, at 24:12-13, 22-25, 25:1-3, 26:20-25, 29:2-8.

<sup>124</sup> Telephone Interview with Whistleblower (Mar. 24, 2022).

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> Telephone Interview with Whistleblower (Mar. 28, 2022).

<sup>128</sup> Telephone Interview with Whistleblower, *supra* note 124.

<sup>129</sup> *Id.*

<sup>130</sup> Telephone Interview with Whistleblower, *supra* note 124; Telephone Interview with Whistleblower, *supra* note 128.

<sup>131</sup> *Id.*

Garcetti or who appear to have remained loyal to the Mayor denied that they ever heard Mr. Jacobs utter any racist words.<sup>132</sup> However, based on the overwhelming evidence above, **and Mr. Jacobs' own admissions**, we conclude that Mr. Jacobs did routinely utter racist comments with little to no regard for who was present.

*Rick Jacobs' reputation for sexually harassing others was well known both inside and outside of City Hall.*

Ms. Emmerling told investigators that while she never personally witnessed Mr. Jacobs sexually harass anyone, his reputation and propensity to sexually harass others was well known in City Hall. She said it was something that was often talked about and dismissed as impossible to correct because he was too close to Mayor Garcetti.<sup>133</sup>

Ms. Seligman also recounted a story that was also reportedly well known in City Hall regarding the Mayor's then Counsel. According to Ms. Seligman, Julie Ciardullo, Chief Counsel for Mayor Garcetti, once confided in her that she was harassed by Mr. Jacobs in an elevator in the U.S. Senate office buildings.<sup>134</sup> According to Ms. Seligman's recollection of what Ms. Ciardullo said, they entered a **Dirksen** elevator in the Senate Office buildings along with Mr. Jacobs, Mayor Garcetti, and others.<sup>135</sup> While in the elevator, Mr. Jacobs began pressing his body into Ms. Ciardullo while laughing. Mr. Ciardullo was very disturbed by this behavior and repeatedly told Mr. Jacobs to stop but Mr. Jacobs continued to push his body against hers in a sexual manner.<sup>136</sup> Eventually, Mayor Garcetti had to step in to tell Mr. Jacobs to stop.<sup>137</sup>

In a deposition, Ms. Ciardullo described the incident in much less graphic terms although she did not necessarily refute them. She testified that while in a Senate elevator with the Mayor, Mr. Jacobs, and some mayoral staff, cornered in the back, Mr. Jacobs began to invade her personal space with his body, making physical contact.<sup>138</sup> She told him to cut it out but he continued until the Mayor said something to the effect of, "stop" or "cut it out."<sup>139</sup> According to Ms. Seligman, Ms. Ciardullo came to her shortly after the incident upset, saying that Mr. Jacobs used his body to push into her, back and forth.<sup>140</sup> Ms. Emmerling also confirmed that she had heard about this incident while working at City Hall.<sup>141</sup> According to the Ellis Report, Mayor Garcetti does not recall any interactions with Mr. Jacobs in an elevator on that trip, nor does he recall telling Mr. Jacobs to stop or cut something out.<sup>142</sup>

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<sup>132</sup> Lopez Dep., *supra* note 61, at 16:3-7; Herndon Dep., *supra* note 40, at 22:1-2; Narewatt Dep., *supra* note 61, at 39:22-24.

<sup>133</sup> Telephone Interview with Suzi Emmerling, *supra* note 121.

<sup>134</sup> Telephone Interview with Naomi Seligman, *supra* note 80; Seligman Dep., *supra* note 38, at 48:10-16, 49:24-25, 50:1-5.

<sup>135</sup> Telephone Interview with Naomi Seligman, *supra* note 80; Seligman Dep., *supra* note 38, at 49:24-25.

<sup>136</sup> Seligman Dep., *supra* note 38, at 49:22-25, 50:1-7.

<sup>137</sup> *Id.* at 50:4-7.

<sup>138</sup> Ciardullo Dep. 33:14-15, 36:2-6, 9-17, 37:5-7, 12-15, 24-25, 38:1, Jun. 24, 2021; Additionally, in an interview with investigators Ms. Narewatt stated she was not yet promoted to Executive Assistant and therefore did not staff the Mayor for the trip, despite Ms. Ciardullo's assertion that she was present. However, Ms. Narewatt had been promoted shortly before the trip.

<sup>139</sup> *Id.* at 36:18-24.

<sup>140</sup> Telephone Interview with Naomi Seligman, *supra* note 80.

<sup>141</sup> Telephone Interview with Suzi Emmerling, *supra* note 42.

<sup>142</sup> Ellis *supra* note 3, at 110.

We spoke to one whistleblower who stated they witnessed Mr. Jacobs grope and sexually harass multiple people while at a party and within eyeshot of the Mayor.<sup>143</sup> The witness further stated that it was well known that “[Mr.] Jacobs harasses weak women, young men, and gay men.”<sup>144</sup>

We spoke to another whistleblower who did not work in City Hall who also claimed that Mr. Jacobs’ reputation for sexually harassing others was well known.<sup>145</sup>

*People close to the Mayor appeared jubilated when news broke regarding claims of sexual harassment by Mr. Jacobs.*

Based on text messages reviewed by investigators, multiple people with close working relationships with the Mayor appeared to rejoice when news broke of the sexual harassment allegations against Mr. Jacobs. This would be very unnatural behavior if the allegations against Mr. Jacobs were in fact false. The messages also lend additional credibility to the testimony of Ms. Seligman, Officer Garza, and others that Mr. Jacobs’ behavior was well known, but that Mayor Garcetti refused to address it.

*Figure 9:* Mr. Comisar texts Ms. Seligman that it is “finally happening with Rick” in response to an announcement of the Garza lawsuit on July 14, 2020.<sup>146</sup> Though he has since denied it, Ms. Seligman testified that Mr. Comisar had both witnessed and experienced sexual harassment by Mr. Jacobs previously.<sup>147</sup>

*Figure 10:* Robyn Ritter Simon, who contracted with the Getty House Foundation, reacts to Officer Garza’s lawsuit announcement in a text to Ms. Seligman on July 14, 2020.<sup>148</sup> In Ms. Seligman’s sworn deposition, she testified that she and Ms. Simon had previous conversations about how Mr. Jacobs’ use of racist terminology and harassment and bullying of staff would eventually catch up to him.<sup>149</sup>

*Figure 11:* A group chat between Wendy Bruget, board member for the Getty House Foundation, Ms. Simon, and Ms. Seligman responds to an October 20, 2020 Los Angeles Times article on Mr. Jacobs stepping down amid sexual misconduct allegations.<sup>150</sup> Ms. Bruget comments that it is “long overdue.”

*Figures 12-13:* Deidre Lind, President and CEO of The Mayor’s Fund, Ms. Bruget, Ms. Seligman, Ms. Simon, and Ms. Ninburg exchange texts on July 14, 2020, following the Los Angeles Times article announcing the Garza lawsuit in which they celebrate the “reckoning” of Mr. Jacobs.<sup>151</sup>

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<sup>143</sup> Telephone Interview with Whistleblower (Apr. 19, 2022).

<sup>144</sup> *Id.*

<sup>145</sup> Telephone Interview with Whistleblower (Mar. 28, 2022).

<sup>146</sup> Seligman Dep., *supra* note 38, at 59:12-3, 14-15.

<sup>147</sup> *Id.* at 61:3-9.

<sup>148</sup> *Id.* at 12:3-4, 13:24-25, 14:23-25, 15:1-2.

<sup>149</sup> *Id.* at 15:7-12, Jun. 3, 2021.

<sup>150</sup> Dakota Smith, *Garcetti Advisor Rick Jacobs to ‘Take a Leave’ Amid Sexual Misconduct Allegations*, LOS ANGELES TIMES (Oct. 20, 2020), <https://www.latimes.com/california/story/2020-10-20/garcetti-advisor-rick-jacobs-to-take-a-leave-amid-sexual-misconduct-allegations>.

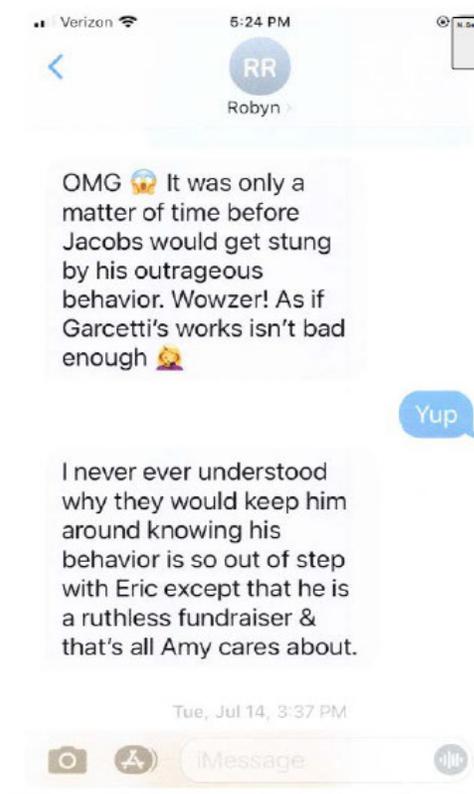
<sup>151</sup> Seligman Dep., *supra* note 38, at 63:19-22, 64:25, 65:13, 66:20-23.

According to Ms. Seligman, Ms. Lind would often complain about how Mr. Jacobs treated her and others.<sup>152</sup> In addition, Ms. Lind expressed frustration that nothing was done to address Mr. Jacobs' outrageous behavior, particularly as he served on the Mayor's Fund with her as treasurer.<sup>153</sup>

Figure 9



Figure 10



<sup>152</sup> *Id.* at 67:13-14.

<sup>153</sup> *Id.* at 67:18-23.

Figure 11

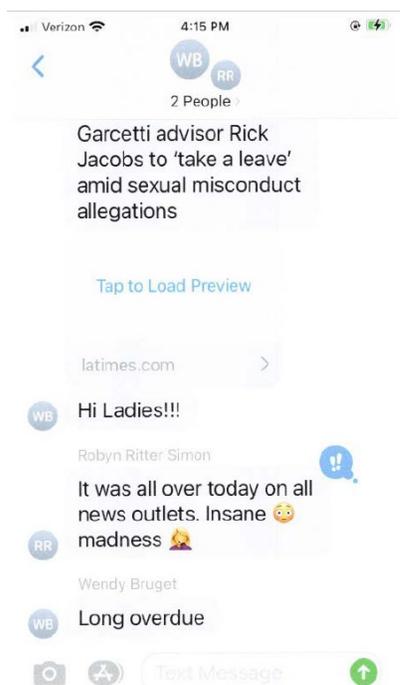


Figure 12

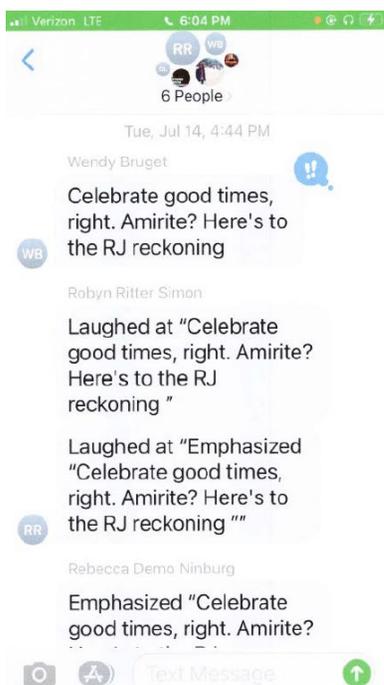
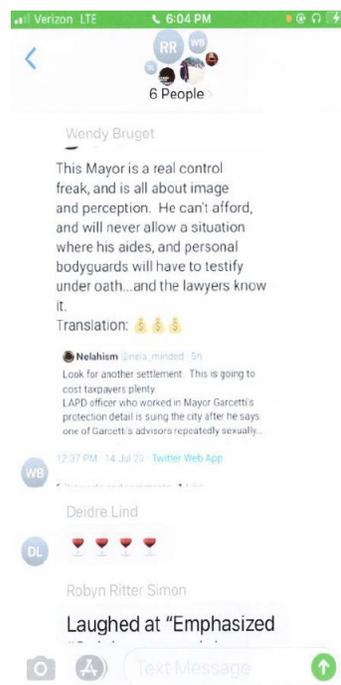


Figure 13



*Mayor Garcetti likely knew or should have known that Rick Jacobs was sexually harassing multiple individuals and making racist comments towards others.*

Based on the evidence reviewed, Mr. Jacobs’ behavior was rampant, widespread, and notorious. Several individuals who did not even work in or for City Hall told investigators that it was well known that Mr. Jacobs would sexually harass men and women alike. By all accounts, Mayor Garcetti was very involved in the day to day operation of the office, so it is difficult to imagine that he would not have known or heard others commenting about Mr. Jacobs’ behavior.

Separately, several whistleblowers have said that Mayor Garcetti had direct knowledge. Officer Garza alleges that the Mayor was not only aware of the issue, but that he also expressed concern for the harm it could cause the office. While driving the Mayor and Ms. Wakeland in 2016, Officer Garza stated that he once overheard a conversation regarding Mr. Jacobs’ behavior.<sup>154</sup> They said it would eventually “bite them in the ass” and that they needed to meet with Ms. Guerrero about it.<sup>155</sup> A few weeks later, Officer Garza escorted Ms. Guerrero, then Chief of Staff, into the main entrance of the Getty House and briefly overheard a conversation between her, the Mayor, and Ms. Wakeland that the purpose of the meeting was to discuss Mr. Jacobs’ behavior.<sup>156</sup> The Mayor, Ms. Wakeland, and Ms. Guerrero deny the incident.<sup>157</sup>

<sup>154</sup> Garza Dep. 848:3-8, May 26, 2021; Telephone Interview with Garza, *supra* note 46.

<sup>155</sup> Telephone Interview with Garza, *supra* note 46.

<sup>156</sup> *Id.*

<sup>157</sup> Ellis *supra* note 3, at 78, 105, 114.

Jeremy Bernard, a former Obama Administration official joined the Mayor's Fund as president and CEO from 2018-2020.<sup>158</sup> Although it is independent from the City of Los Angeles, his office was located inside of City Hall.<sup>159</sup> Additionally, Mr. Bernard knew Mr. Jacobs since the early 2000s and considered him a close friend.<sup>160</sup> In his sworn testimony Mr. Bernard states that shortly after Mr. Jacobs resigned from his official role at City Hall, Mayor Garcetti commented that he could not believe they got through Mr. Jacobs working at City Hall without a lawsuit.<sup>161</sup> Investigators spoke to another individual who requested anonymity, who also claims they heard Mayor Garcetti say this exact phrase on a separate occasion.<sup>162</sup>

Additional witnesses allege that those who reported Mr. Jacobs' behavior, including Ms. Seligman, were informed by Ms. Guerrero that nothing would change.<sup>163</sup> Ms. Emmerling witnessed senior staff investigate "anonymous" reports made to City Hall, with the purpose of identifying the whistleblower.<sup>164</sup> Lastly, Mr. Ali asserts in an email to Mayor Garcetti's staff in 2020 that "Mayor Garcetti has witnessed Rick's sexual misconduct in various forms from sexual harassment to assault (forcible kissing, etc.)... and not done anything in the moment to disapprove or stop it."<sup>165</sup>

In the Ellis Report, Mayor Garcetti described Mr. Jacobs as gay and Jewish, and characterized Jewish people as affectionate and a "hugging kind of people."<sup>166</sup> Mayor Garcetti acknowledged seeing Mr. Jacobs hug with two arms and squeeze, in a typical bear hug style.<sup>167</sup> He also observed Mr. Jacobs kiss both men and women in greeting, both on the cheek and occasionally on the mouth, but classified it as not awkward because Mr. Garcetti never saw anyone pull away.<sup>168</sup>

Additionally, Mayor Garcetti likely witnessed at least one incident in which Mr. Jacobs sexually harassed someone else. During a 2017 trip to Washington, D.C., Mayor Garcetti had to admonish Mr. Jacobs to "cut it out" after he began pushing against Ms. Ciardullo in a packed elevator.<sup>169</sup> Mayor Garcetti claims in his interview for the Ellis report he doesn't recall the incident.<sup>170</sup> That no action was taken against Mr. Jacobs at this point or that Mayor Garcetti claims he cannot even recall the incident suggests that this type of activity was either normalized or condoned by the Mayor, or both.

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<sup>158</sup> Bernard Dep. at 10:2-5, 7-9, Mar. 24, 2021.

<sup>159</sup> *Id.* at 16:16-23.

<sup>160</sup> *Id.* at 12:19, 13:1-2, 10-18.

<sup>161</sup> *Id.* at 29:9-17, 21-27, 30:1-4; Dakota Smith & Richard Winton, *Witness Says Garcetti Expressed Surprise City Hadn't Been Sued Over His Former Aide*, Los Angeles Times (Jun. 9 2021), <https://www.latimes.com/california/story/2021-06-09/depositions-harassment-lawsuit-former-garcetti-aide-rick-jacobs>.

<sup>162</sup> Telephone Interview with Whistleblower, *supra* note 108.

<sup>163</sup> Seligman Dep., *supra* note 38, at 47:6-7.

<sup>164</sup> Emmerling Dep., *supra* note 121, at 53:24-25, 54:1-3, 56:14-17.

<sup>165</sup> Millman Dep. 61:13-20. Apr. 5, 2021.

<sup>166</sup> Ellis *supra* note 3, at 107.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.* at 108.

<sup>169</sup> Ciardullo Dep., *supra* note 138, at 36:20-24; Seligman Dep., *supra* note 38, at 50:4-5.

<sup>170</sup> Ellis *supra* note 3, at 110.

## Conclusion

Two former Communications Directors, a former Director of the Office of Public Engagement, an LAPD Officer, a reporter, and five additional whistleblowers, whose allegations investigators determined are credible, have said that they witnessed, or were aware that Mr. Jacobs would sexually harass or make racist comments towards others. Several also reported that the mayor knew about this behavior and did nothing to stop it.

These reports are supported by, among other things, a picture of Mr. Jacobs sexually harassing another person in front of the Mayor; text messages of Anna Bahr, former Deputy Press Secretary, complaining of unwanted kisses on the lips and Mr. Jacobs groping her fiancé; text messages of Alex Comisar, Director of Communications, complaining about Mr. Jacobs hitting on him; a deposition of Julie Ciardullo, Chief Counsel for Mayor Garcetti, who said that Mr. Jacobs pressed up against her in an elevator until the Mayor told him to “cut it out”; testimony from two separate witnesses about two separate occasions where the Mayor expressed surprise that the City had not been sued because of Mr. Jacobs’ behavior; and text messages from multiple current and former city employees who expressed satisfaction that someone finally did, in fact, sue the City over Mr. Jacobs’ behavior.

Mr. Jacobs himself admitted to the type of comments and physical contact reported by these witnesses. By Mr. Jacobs’ own admissions, kissing people on the lips was a common way for him to greet others, he squeezed Officer Garza’s biceps, squeezed his shoulders, made comments about his appearance, and called his assistant “China-man.”

By all accounts, Mr. Jacobs’ behavior was widely known and talked about. It was pervasive, widespread, and notorious—to the point that Mr. Jacobs sexually harassed someone in front of the Mayor for a picture that would be memorialized for all time. Such overt conduct suggests at best that Mr. Jacobs had no fear of any repercussions. Additionally, the fact that so many senior staff were aware of the picture and did nothing about it further supports that this type of behavior was normalized and, even if known by the Mayor, would incur no consequences.

Lastly, by all accounts, Mayor Garcetti is very involved in the day-to-day operation of his office. The testimony and documents reviewed by investigators, when considered alongside Mr. Jacobs’ own admissions, the mayor’s admission of his awareness of Mr. Jacobs’ habits to kiss and hug others, and the apparent frequency, notoriety, and widespread acknowledgment of Mr. Jacobs’ behavior by so many individuals both inside and outside City Hall who interacted with the Mayor’s office, weigh strongly against the notion that the Mayor had no knowledge of it. It is extremely unlikely that he would not have been aware of Mr. Jacobs’ behavior.

Based on a preponderance of the evidence, we conclude that Mayor Garcetti likely knew or should have known that Rick Jacobs was sexually harassing multiple individuals and making racist comments towards others.