

# El Dorado County judge tied to firm grand jury probed

By Kathryn Reed

When the El Dorado County Grand Jury report comes out in the next week an item about the Pioneer Fire Protection District will seem a bit vague to those not in the know. This is because the consulting firm in question has not been named.



The firm in question is Dan Dellinger Consulting.

The Pioneer Fire Protection District hired the consultants after Dellinger listed Superior Court Judge Steven Bailey as a reference.

It appears Bailey did not want the general public to know about his dealings with Dellinger and did what he could to ensure the ties would not come to light.

Last summer the grand jury started looking into the small rural fire district's hiring of Dan Dellinger Consulting, which is run by Dan Dellinger and Cris Alarcon.

(Alarcon was arrested Feb. 6, 2012, by El Dorado County sheriff's deputies on suspicion of using a false license plate and using a false vehicle registration. In March, Alarcon was arraigned on 14 charges. He has pleaded not guilty to the charges and is scheduled to be back in court in July.)

The original contract between Pioneer fire and the consulting firm was modified in August 2011 because the original contract

appeared to contain services for illegal campaign activity in violation of California Government Code Sections 8314 and 54964.

The grand jury prepared a draft report on the entire matter and submitted it for review to Bailey. Bailey is the presiding judge of the grand jury and has been for a few years.

He never recused himself from this matter despite having ties to Dellinger. Bailey was not available for comment. But Bailey also has ties to others in the county. Bailey is the brother-in-law of county Supervisor Ron Briggs and son-in-law of former state Sen. John Briggs. The elder Briggs is famous for the 1978 proposition called the Briggs Initiative that had it passed, would have meant all employees in California's education system who are gay or lesbian and their supporters would have been fired.

It's not just Bailey to whom this consulting firm is tied to. Dan Dellinger Consulting in the past has managed the political campaigns of Sheriff John D'Agostini and county Supervisor Ray Nutting. The consulting firm is currently providing advice to Superior Court Judge Warren Stracener for his November election bid. Former Gov. Arnold Schwarzenegger appointed Stracener to the bench.

Dellinger is also in the same camp as Rico Oller, who represented Lake Tahoe in the California Assembly and Senate, and who is trying to be this area's assemblyman again. Years ago, Dellinger and Oller were involved in a questionable incident involving the killing of a bear.

What gets convoluted is how it came to pass that Dan Dellinger Consulting is not mentioned by name in the report. When it came time to decide which of the two versions of the grand jury report involving Dellinger was to be the final one that would be printed Bailey was out of the office.

El Dorado County Superior Court Judge Suzanne Kingsbury told

*Lake Tahoe News* she was given the reports one day and told to make a decision that day. She does not know what the urgency was. But it was Bailey who asked her to read the reports. Both work in the courthouse in South Lake Tahoe.

“All I did was read two different versions and selected the one that was better written,” Kingsbury told *Lake Tahoe News* on June 24. “I didn’t edit anything. I read two different versions, pure and simple. One had attachments with extraneous writing. I didn’t know where that came from.”

Without supporting documentation to the handwritten items, Kingsbury said it was not publishable on those grounds. The naming of people was not a concern to her.

But who wrote on the documents is not known, but presumably it was Bailey who marred the documents because grand jury foreman Ted Long told *Lake Tahoe News* the originals went to Bailey and they came back “edited to pieces.”

Kingsbury said she made no edits.

For a number of months the grand jury had been debating whether to include Dellinger’s name in the report. Libel and slander were reasons for concern, though Long said that can be the case with any investigation.

Long sent an email to *Lake Tahoe News* and others (that *LTN* has not edited), that says, “After review Kingsbury invoking penal code section 929 was concerned about potential libel/slander actions, choice to remove the attachments and the specific mention of Dillinger Consulting.”

That code deals with the slander-libel issues.

But Kingsbury is adamant her decision “didn’t involve section 929.”

Also on June 24, Long spoke with *Lake Tahoe News*, stating that Kingsbury invoked 929 as her reason. However, he admitted that

Kingsbury neither told him this in writing nor verbally, but that he surmised there could be no other reason for picking the report she picked. He was not aware the version with Dellinger's name had handwritten notes on it because it didn't when it left the grand jury office.