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Nutting removed from office, given probation

By [Cole Mayer](#)
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A judge ruled Friday morning that the District 2 El Dorado County Board of Supervisors seat would be declared vacant and the former supervisor would serve three years probation.



RAY NUTTING

Judge Timothy Buckley began the judgment and sentencing hearing of Supervisor Raymond Nutting by saying there was an issue in the court. The Attorney General and District Attorney's offices had not decided on whether to reopen a case against a felony Nutting was accused of but a jury was hung on. Without a determination, the misdemeanor charges Nutting was convicted of, relating to loans received by employees or contractors of the county while being a county official, could not have their sentences rendered.

Deputy district attorney James Clinchard told Buckley that, although the People retain the right to refile, the charge would be dismissed.

A motion for a new trial was then addressed. Despite questions of misconduct in speaking with the jury on the defense's part after the trial, and what defense attorney David Weiner believed to be improper jury instructions, the motion was dismissed. He told Weiner that the attorney was arguing semantics over "bail" and "loan" that, "for all intents and purposes, it was in fact a loan."

He then addressed the "elephant in the room" of whether to remove Nutting from office, as the Board of Supervisors had decided to defer to Buckley's judgment.

Co-prosecutor Peter Williams of the state Attorney General's Office said that the week prior to the hearing, in San Diego, an office was vacated by a judge over misdemeanors of accepting illegal gifts. Nutting was sentenced to three years summary court probation and 30 days in jail or alternative sentencing. The judge later said community service would be acceptable at a rate of six hours per day of sentencing — 180 hours total. Fines totaled \$570.

As for Nutting's seat on the Board, Buckley was concerned that he might show favoritism to those who gave him money to bail out of jail, "preventing the exercise of absolute loyalty" to the county alone. "What he did was misconduct in office," Buckley continued. "I will be sending a letter to the Board of Supervisors that there will be a vacancy." After a pause, he said, "I don't enjoy doing these things." While he wanted to say more, he said, he would stop himself and only comment that, "Discretion is the better part of actions." After, the courtroom, which had a full audience, members of the audience could be heard saying, "So much for justice," and "Where are their brains?"

Linda Colombo, a resident within Nutting's district, said she "can't believe it turned out this way. To the average person, Joe Public, didn't know they had to go to jail" instead of giving the money to Nutting. If, instead of giving the money to Nutting or his wife, Jennifer, they had given money straight to the jail, "None of this would have happened." Although she said the judge was a "good guy, who has to follow the law," the sentence "doesn't make sense. Now the DA has a system to go after anyone." Later, she said that, as Nutting had been removed despite having been voted in, "The district's been ripped off." Dan Dellinger, who worked on Nutting's campaign, concurred. "Any DA can go after a member of the Board of Supervisors, do the same thing and get them removed," he said. "The DA wanted him out." The trial itself was meant to "destroy" and "crush your opponent" — Nutting, in this case. "The whole time, (DA Vern Pierson) wanted to get Ray off. Now they can bring charges, force a mistake ... and pick their cronies. What supervisor would want to vote to cut their budget?"

The political consultant said Nutting's trial was similar to his own recent civil trial, in that it was a political vendetta by the DA's Office.

Weiner believed he was still under a gag order not to talk about the case, but conceded he agreed with the sentence of no jail time. For alternative sentencing, Nutting would do community service — a "no brainer" as the now-former supervisor already volunteers time towards the community. Nutting and his wife rushed out of the courtroom without comment. "It's tough on him," Weiner said, calling Nutting an "emotional wreck." The removal from office would be a large change to his life, Weiner said. Nutting intends to appeal the removal.

Frank DeMarco, an attorney who gives ethics classes with the American Bar Association, said that the board could operate with only four members. A supervisor being taken off by a judge "doesn't happen hardly ever," he said, but will result in a special election to fill the seat. Due to the county's charter, an appointment cannot be made. He said that, due to the unique circumstances of the case, "there wasn't much guidance for the judge to go on."

Williams said the AG and DA's offices were both "pleased" with the sentence. Ironically, he said, Nutting had been offered a plea deal of the six misdemeanors convictions and removal from office, dropping the felonies entirely, but he had not taken the offer nor given a counter-offer. "That was all we were looking for," he said of the misdemeanors. Instead, "there was a trial at great expense. And ultimately, we were back to where we started with the original offer."

The Attorney General's Office "puts an extreme premium on political ethics," Williams said. "We hold public officials to higher standards." A misdemeanor for a public official, he said, means a lot more than a misdemeanor conviction for the average citizen. "Now he has a record while being a public official." The appeal will be handled by the AG's Office, he said, though not by him personally as they have an entire division devoted to appeals by DA's offices. He will, however, take part in discussions on whether to reopen the case on the dismissed felony.