



# CODE OF ETHICS AND CONDUCT COMPLAINT

## QUEJA DEL CÓDIGO DE ÉTICA Y DE CONDUCTA

Riverside Municipal Code Chapter 2.78  
Código Municipal de Riverside Capítulo 2.78

A Public Document  
Un Documento Público

- Check box if this is an amendment to a complaint filed within the last 30 days.**  
Marque la casilla si se trata de una enmienda a una queja presentada en los últimos 30 días.

**1. Person filing complaint / 1. Persona que presenta la queja**

**Name: / Nombre:** \_\_\_\_\_

**Address: / Correo electrónico:** \_\_\_\_\_ **Phone: / Teléfono:** \_\_\_\_\_

**2. Official who committed alleged violation / 2. El Oficial (Funcionario) que cometió presunta violación**

**Name: / Nombre:** \_\_\_\_\_

**Position: / Puesto:** \_\_\_\_\_

**3. Date(s) of alleged violation:**  
3. Fecha(s) de presunta violación:

**4. Date you became aware of alleged violation:**  
4. Fecha en que se entero de la presunta violación:

**Complaints shall be filed with the City Clerk within one (1) year from the date of the alleged violation.**  
Las quejas deben presentarse ante la Secretaria Municipal dentro de un (1) año a partir de la fecha de la presunta violación.

**5. Specific Prohibited Conduct Section 2.78.060 of Code of Ethics and Conduct allegedly violated:**

5. Sección específica de conducta prohibida bajo 2.78.060 del Código de Ética y Conducta presuntamente violada:

- |   |   |
|---|---|
| <p><input type="checkbox"/> <b>A. Use of Official Title or Position for Personal Gain Prohibited</b><br/>El uso del título o puesto oficial para beneficio personal es prohibido</p> <p><input type="checkbox"/> <b>B. Use or Divulgence of Confidential or Privileged Information Prohibited</b><br/>El uso o la divulgación de información confidencial o privilegiada es prohibido</p> <p><input type="checkbox"/> <b>C. Use of City Resources for Non-City Purposes Prohibited</b><br/>El uso de recursos de la ciudad para fines ajenos a la ciudad es prohibido</p> <p><input type="checkbox"/> <b>D. Advocacy of Private Interests of Third Parties in Certain Circumstances Prohibited</b><br/>La defensa de los intereses privados de terceros en determinadas circunstancias es prohibido</p> <p><input type="checkbox"/> <b>E. Endorsements for Compensation Prohibited</b><br/>Endosos por compensación es prohibido</p> <p><input type="checkbox"/> <b>F. Violation of Government Code Sections 87100 et seq., Prohibited (Conflict of Interest)</b><br/>Violación de las Secciones 87100 et seq., del Código de Gobierno, es prohibido (Conflicto de Intereses)</p> <p><input type="checkbox"/> <b>G. Certain Political Activity Prohibited (Coercion of City employees to participate in election activities)</b><br/>Ciertas actividades políticas son prohibidas (sugestionar empleados de la ciudad para participar en actividades electorales)</p> | <p><input type="checkbox"/> <b>H. Display of Campaign Materials in or on City Vehicles Prohibited</b><br/>La exhibición de materiales de campaña en vehículos de la ciudad o sobre ellos es prohibido</p> <p><input type="checkbox"/> <b>I. Knowingly Assisting Another Public Official in Violating This Code of Ethics and Conduct Prohibited</b><br/>Ayudar deliberadamente a otro funcionario público a violar este Código de Ética y Conducta es prohibido</p> <p><input type="checkbox"/> <b>J. Negotiation for Employment With Any Party Having a Matter Pending Before City Prohibited</b><br/>Negociación de empleo con cualquier parte que tenga un asunto pendiente ante la ciudad es prohibido</p> <p><input type="checkbox"/> <b>K. Ex Parte Contact in Quasi-Judicial Matters Prohibited</b><br/>Contacto ex parte en asuntos cuasi-judiciales es prohibido</p> <p><input type="checkbox"/> <b>L. Attempts to Coerce Official Duties Prohibited</b><br/>Intentos de coaccionar los deberes oficiales es prohibido</p> <p><input type="checkbox"/> <b>M. Violations of Federal, State, or Local Law Prohibited</b><br/>Se prohíben las infracciones de las leyes federales, estatales, o locales</p> |
|---|---|

**6. For alleged violations of RMC Section 2.78.070(M), the specific section(s) of the Charter of the City of Riverside or the Riverside Municipal Code, or the policy of the City of Riverside, including when the policy of the City of Riverside was established, that is alleged to have been violated must be identified below.**  
6. Para supuestas infracciones de la Sección 2.78.070(M) de RMC, la(s) sección(es) específica(s) de la Carta Orgánica de la Ciudad de Riverside o el Código Municipal de Riverside, o la política de la Ciudad de Riverside, incluso cuando el se estableció la política de la Ciudad de Riverside, que se alega que fue violada deben ser identificadas aquí.

**7. Description of the specific facts of the alleged violation (may submit as attached separate sheet):**  
7. Descripción de los hechos específicos de la presunta violación (puede someter como hoja separada):

**8. Names, addresses, telephone numbers, and email addresses, if known, of each person the complainant intends to call as a witness at the hearing (may identify additional witnesses on a separate sheet):**

8. Nombres, direcciones, números de teléfono y direcciones de correo electrónico, si se conocen, de cada persona a la que el demandante intenta llamar como testigo en la audiencia (puede identificar testigos adicionales en una hoja separada):

The Code of Ethics and Conduct Complaints are based on FPPC investigation: COM-09112023-02609 and Riverside County Superior Court Case: BAM2301504 as well as the July 2, 2023 letter by Riverside Resident Duffy Atkinson regarding the 1st amendment violation of censorship.

These matters are predominantly based upon information already publicly available but here is the contact info for Duffy Atkinson regarding the 1st amendment violation:

Duffy Atkinson

[REDACTED]

In addition (or in substitute of Mr. Atkinson if he is not available), any members of the public that can be a witness to the deletion of constituent content by Ms. Cervantes and/or her staff.

Ms. Cervantes and her staff should testify under oath on whose direction these deletions occurred to suppress the 1st amendment rights of her constituents.

**9. Attach copies of any and all documents, photographs, recordings, or other tangible materials to be introduced and considered at the hearing.**

9. Adjunte copias de todos y cada uno de los documentos, fotografías, grabaciones y otros materiales que existen y que se presentarán y considerarán en la audiencia.

**Witnesses, documents, photographs, recordings or other tangible materials, other than those submitted with the complaint or official's reply, shall not be introduced at the hearing or considered by the hearing panel, except upon a finding by the hearing panel that the discovery of the evidence came to the awareness of the proponent after the filing of the complaint or reply and that the proponent disclosed such information to the City Clerk as soon as practicable after becoming aware of its existence.**

Testigos, documentos, fotografías, grabaciones y otros materiales que existen, que no sean los presentados con la queja o la respuesta del funcionario, no serán presentados en la audiencia o considerados por el panel de audiencia, excepto cuando el panel de audiencia determine que el descubrimiento de la la evidencia llegó a conocimiento del proponente después de la presentación de la queja o respuesta y que el proponente divulgó dicha información a la Secretaria Municipal tan pronto como sea posible después de tener conocimiento de su existencia.

**10. Signed under penalty of perjury of the laws of the State of California:**

10. Firmado bajo pena de perjurio de las leyes del Estado de California:

**Date / Fecha**

**PLEASE NOTE:**  
TENGA EN CUENTA:

**The burden of proof is on the complainant and the complainant must prove the violation by a preponderance of the evidence.**

La carga de la prueba descansa sobre la persona que presenta la queja y la persona que presenta la queja debe probar la violación por preponderancia de las pruebas.

**Failure to complete all sections of this form may result in the filing being deemed incomplete and the complainant will be so notified. Incomplete filings will not be processed.**

El no completar todas las secciones de este formulario puede resultar en que la presentación se considere incompleta y se notificará a la persona que presenta la queja. No se procesarán las presentaciones incompletas.

**File completed form and attachments:**

Presentar formulario completo y anexos:

**Office of the City Clerk**

**City of Riverside**

3900 Main Street

Riverside, CA 92522

(951) 826-5557

City\_Clerk@RiversideCA.gov

# Duffy E. Atkinson



July 2, 2023

To: [ccervantes@riversideca.gov](mailto:ccervantes@riversideca.gov)

CC: Riverside City Council  
[eedwards@riversideca.gov](mailto:eedwards@riversideca.gov)  
[rfierro@riversideca.gov](mailto:rfierro@riversideca.gov)  
[gplascencia@riversideca.gov](mailto:gplascencia@riversideca.gov)  
[cconder@riversideca.gov](mailto:cconder@riversideca.gov)  
[jperry@riversideca.gov](mailto:jperry@riversideca.gov)  
[shemenway@riversideca.gov](mailto:shemenway@riversideca.gov)

Clerk, City of Riverside  
[City\\_Clerk@riversideca.gov](mailto:City_Clerk@riversideca.gov)

Mayor, City of Riverside  
[2mayor@riversideca.gov](mailto:2mayor@riversideca.gov)

**Via Email**

Re: Deletion of Posts and Public Comment on Your City Councilmember Social Media

Councilmember Cervantes:

Multiple recent court cases have established that elected representatives violate the 1<sup>st</sup> Amendment when they either block individuals and/or delete posts and other content that express critical opinions on sites such as Facebook, Instagram and Twitter.

According to the ACLU of Southern California, official social media pages for elected representatives and government organizations, when they allow the public to make comments on the page, are public forums. **Censoring individuals from these pages through blocking accounts or deleting comments can be an unconstitutional restriction on their right to free speech under the First Amendment.**

This applies to official social media pages operated by an individual, or offices of elected representatives, or government boards, organizations, agencies, commissions, associations, or any other officially constituted group of a public entity where matters of public policy or governing are discussed.

After reviewing your City Council Facebook page (<https://www.facebook.com/CouncilmemberClarissaCervantes>), it is clear that you or your staff have deliberately “scrubbed” the page of ALL prior content, with the exception of the post from 2021 that uploads your current page picture.

You are hereby notified to cease and desist from deleting ANY constituent content and/or communications from all of your City Council-affiliated social media as it is a violation not only of prescribed ethical standards, it is also against the law.

Thank you for your prompt attention to this matter.

Regards,

*Duffy Atkinson*

**Duffy Atkinson**