



# CODE OF ETHICS AND CONDUCT COMPLAINT APPEAL OF HEARING PANEL DETERMINATION

Riverside Municipal Code Chapter 2.78

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*City of Arts & Innovation*

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City of Riverside  
City Clerk's Office

**1. Person filing appeal:**

Name SELMA KELLY Email ocbeach949@gmail.com  
Address 17633 Mountain View Rd., Desert Hot Springs, CA 92241  
Phone 760-993-1373

**2. Hearing Panel Determination Being Appealed:**

Complainant Civil Rights Violation Complaint - August 24, 2021

Officer Against Whom Complaint Was Filed Council Members Fiorre, Placencia, Cervantes  
and Mayor Lock-Dawson

**3. Date of Hearing:** Oct. 7, 2021

**4. Explain the clear error or abuse of discretion by the hearing panel:**

Please see attached. Thank you.

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

*Selma Kelly*

**Signature**

Nov. 15, 2021

**Date**

**BE ADVISED:** A decision of the hearing panel finding a violation of the Prohibited Conduct section of the Code of Ethics and Conduct shall be automatically appealed to the City Council to be heard within thirty (30) City business days. No new evidence or witnesses may be submitted or considered by the City Council on appeal.

File completed form:

Office of the City Clerk  
City of Riverside  
3900 Main Street  
Riverside, CA 92522  
951-826-5557  
city\_clerk@riversideca.gov

***Selma C. Kelly***

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Tel. 760-993-1373 / Em. ocbeach949@gmail.com

November 12, 2021

Attention: The Board of Ethics  
City of Riverside  
C/o Clerk of the Board  
3900 Main Street, 7<sup>th</sup> Floor  
Riverside, CA 92522

Jerry Yang -- U.S. Attorney  
United States Attorney's Office  
Riverside Branch Office  
3403 Tenth Street, Suite 200  
Riverside, California 92501

Phaedra Norton—City Attorney  
City of Riverside  
C/o: Phil Pitchford  
Public Information Officer  
Email. ppitchford@riversideca.gov

**APPEAL OF:  
CITY OF RIVERSIDE ETHICS BOARD DISMISSAL**

**In the matter against:**

- 1. COUNCILMAN RONALDO FIERRO**
- 2. COUNCILWOMAN CLARRISA CERVANTES**
- 3. MAYOR PRO TEM GABY PLASCENCIA**
- 4. MAYOR PATRICIA LOCK DAWSON**

**SUBJECT: CIVIL RIGHTS VIOLATIONS AGAINST RIVERSIDE COUNTY  
CONSERVATIVE CITIZEN TAX-PAYERS**

**EVENT: THE MATT GAETZ / MARJORY GREEN RALLY**  
**LOCATION: RIVERSIDE CITY CONVENTION CENTER**  
**DATE: JULY 17, 2021**

Good Morning:

I received your decision letter concerning my complaint against City Council Members and the Mayor. This is my Appeal. I'd like to apologize for leaving the pre-hearing early. It was a 2-hour drive home for us. Thanks for considering my complaint. In answer to your decision to deny, here is my reply:

### 1. The Council Member Did Nothing Wrong:

The Board Members believe the City Council did nothing wrong and did not move to shut down the Gaetz/Green Rally.

- If that were true, why was the rally shut down?
- Did someone sprinkle fairy dust to make it go away?
- Someone obviously did something to shut it down!
- Therefore, the Board's conclusion is false.

As outlined in my original complaint, officials are not allowed to bar groups of any kind from a public facility, if the facility was already offered to other groups, in this case, political:

- a) Cohen v. California, 403 U.S. 15 (1971)

**OFFICIALS HAVE NO RIGHT TO "CLEANSE PUBLIC DEBATE."**

- b) Forsyth County, Georgia v. Nationalist Movement, 505 U.S. 123 (1992)

The Supreme Court said it's unconstitutional for county administrators to examine the content of speech and potential, violent reaction.

- c) Concerned Women for America, Inc. v. Lafayette County, 883 F.2d 32 (5th Cir. 1989):

A public facility may not deny access to groups based on "the subject" of their speech.

d) R.A.V. v. St. Paul, 505 U.S. 377, 112 S.Ct. 2538, 120 L.Ed.2d. 305 (1992)

The Supreme Court said the City's special hostility toward certain speech is forbidden by the First Amendment.

The City of Riverside Convention Center was offered to Diane Feinstein and Arnold Schwarzenegger---both political figures. Therefore, the Convention Center should have been available to the Gaetz/Green Rally.

### **3. Your Complaint Form is Inadequate:**

Member Huerta seemed to focus heavily on “the form.” The Board concluded that Council Members didn’t violate any of the options on the form. However, your form did not include this ...

- ☒ City Council members moved to exclude a political group from accessing a public facility paid for by tax-payers.

Hence, I checked the options most closely related.

### **4. Half the Hearing Board Never Showed Up:**

Six hearing members were chosen to appear, but only 3 showed up. If relevant, what was the vote of the other three?

### **5. Council Members Statements Cited in the Press Enterprise:**

The Ethics Board questioned the validity of statements made by City Council Members to the Enterprise Press. I emailed my original complaint to each Council Member on August 24th, but they made no effort to deny the statements to me or the public, suggesting they were cited accurately.

### **6. Actual Complaint Was Totally Ignored:**

During the entire pre-hearing the main reason of my complaint was never raised even once; which is ... the Gaetz/Green Rally was shut down and ... tax-payers

were locked out of the publicly-funded convention center. This makes your decision ludicrous and, in my opinion still open!

## 7. Perceived Violence and Threats:

The following Supreme Court cases determined you are not allowed to ban groups (political or otherwise) based on your 'presumption' that the group may create violence.

a) Whitney v. California, 274 U.S. 357, 375 (1927)

A group cannot be held accountable for what counter-demonstrators will do. Fear of serious injury cannot alone justify suppression of free speech and assembly.

b) Brandenburg v. Ohio, 395 U.S. 444 (1969)

The Court said it is unconstitutional to punish groups accused of advocating violence or law-breaking.

c) National Socialist Party of America v. Village of Skokie, 432 U.S. 43 (1977)

The federal appeals court said civil rights must remain vital for all, even if a group's remarks are rightfully despised.

The Supreme Court allowed the disgusting, threatening speech in the cases above, and yet Gaetz/Green never made any threats of violence or death against any person or group ... and you cannot prove they ever did.

## 8. Violations of Your Own Ethics Code:

As you know, your Ethics Code makes the following claims and representations:

*RC Code of Ethics 2.78.050. Core Values ... City officials have a responsibility to make extraordinary attempts to treat all people in a manner which is just and fair ... They shall strive to value and encourage input from members of the community ... make decisions that are unbiased, fair, and honest ... create a genuine interest in the community's points of view even if they differ from their own ... and on and on.*

Your claims and representations are ludicrous when juxtaposed against the Council's actions taken against HALF the citizen tax-payers on July 17, 2020.

You are not the only ones who live here in Riverside County. 45% are conservative, and you are benefitting year after year from our tax dollars.

I reject the dismissal of my complaint because the Ethics Board failed to address the matter at hand:

If Council Members did nothing wrong why as the rally shut down and who ordered it?

*S. Kelly*

Selma C. Kelly