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County Seeks Restitution from Former Employee Sentenced for Crimes

The County of Orange formally asked a judge Friday to order former employee Carlos Bustamante to pay restitution as part of his sentencing for multiple crimes committed while he was an employee.

Bustamante, a former executive manager for OC Public Works, was sentenced to 360 days in a city jail and five years' probation, and will be required to register as a sex offender. He pleaded guilty in December to felony counts of stalking, attempted sexual battery by restraint and grand theft by false pretense, as well as misdemeanor counts of false imprisonment, assault and attempted sexual battery.

Board Chairwoman Lisa Bartlett said the County is a victim of Bustamante's actions as well as the employees victimized by him. "We want him to be held accountable for his crimes," said Chairwoman Bartlett, Fifth District. "The County does not and will not tolerate acts of harassment or aggression against its employees by anyone. We are committed to a safe and healthy workplace."

The County's restitution request was for \$8,498.32—an amount Supervising Deputy County Counsel James Harman called insufficient to compensate the County and its employees from the harm done by Bustamante. However, it is all that the County can ask the court to order be repaid under the law. The amount includes \$3,000.32 that Bustamante admitted he stole in improper reimbursements and \$5,498 for the non-law-enforcement costs of investigating that fraudulent activity.

"Quantifying these damages is difficult," Harman said in a statement read in court. "When public officials abuse and act outside of their authority, everyone suffers."

The final restitution payment will be considered as part of Bustamante's probation. A copy of the court statement is attached.

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Statement by Supervising Deputy County Counsel James Harman:

Thank you for the opportunity for the County of Orange, as a victim of the defendant's crimes, to exercise its constitutional and statutory rights in this hearing. This hearing is about abuse. Abuse of opportunities. Abuse of power. And making the County whole for that abuse.

As an executive in county government, the defendant was given extraordinary opportunities to lead and grow. Instead of utilizing those opportunities for the public good, he exploited them for his personal benefit. The defendant's abuse of power through his felonious conduct brought substantial harm to the County, its dedicated employees, and the public they serve. This court now has the opportunity to partially compensate the County for the financial damage defendant wrought. An order of restitution to the County will affirm the principle that when high-ranking public officials abuse their power, they will be held accountable for their actions. The court's order will also provide an opportunity for the defendant to confront, in concrete terms, the serious harm he inflicted on the County family.

The County placed its trust in defendant. He was a standout: born and raised in Santa Ana, a Mater Dei graduate, a member of the Santa Ana College Hall of Fame, a decorated Air Force veteran, a former law enforcement official, and a Santa Ana city councilman—all by the time he was about 40 years old. He rose through the ranks of County government gaining positions of increased responsibility. He was given executive authority wherein he was trusted to act in accordance with County policy. He was to act with decency towards others and to be above reproach with the public's money. The County gave this young executive the chance to enroll in the Kennedy School of Government at Harvard University with the County paying 75% of the tuition. All the defendant would have to do for this professional growth opportunity was pay the remaining tuition. This was an unusual arrangement, but given his background and his prospects for future leadership in County government, the County believed this to be a worthy investment.

It is no comfort that the defendant is now the local poster child for abuse of power. The damage from his toxic deeds remains. County employees have a heightened distrust of management. Managers have to work harder to gain their staff's confidence. The County is forced to defend claims based on the defendant's unlawful and unauthorized conduct. The good and honest people working for the County of Orange get tarred by their association with the defendant. When public officials abuse and act outside of their authority, everyone suffers.

Quantifying these damages is difficult. What is the dollar value of increased public cynicism, reduced employee morale, and muffled opportunities for promising managers? How much time and public money will the County be required to dedicate to the fallout from the defendant's behavior? We can't answer these questions, but we can readily ascertain the direct financial cost to the County of the defendant's theft of public funds. As established in the declaration of Alan Markham, the County's non-law enforcement costs for investigating the defendant's fraud as an employee was about \$5,498. When added to the amount the defendant admits he stole from the County, the total amount of direct costs incurred by the County for the defendant's grand theft is \$8,498.32. While not sufficient to constitute full and meaningful restitution for the harm defendant caused the County, it is the amount the County is entitled to under the law. We respectfully ask the court to issue a restitution order payable to the County of Orange for \$8,498.32.